CHAPTER 30 – ZONING REGULATIONS

PART 1. INTERPRETATION AND APPLICATION

30.1.1 Interpretation and Application:

30.1.1.1 The regulations and requirements herein set forth have been made in accordance with a Comprehensive Plan, with reasonable consideration, among other things, to the prevailing land uses, growth characteristics, and the character of the respective districts and their peculiar suitability for particular uses and to encourage the most appropriate use of land throughout the County.

30.1.1.2 In interpreting and applying the provisions of this Chapter, they shall be held to the minimum requirements for the promotion of the public health, safety, morals, and general welfare to the community. It is not intended by this Chapter to interfere with, abrogate, or annul any lawful easements, covenants, or other agreements between parties; provided, however, that, where this Chapter imposes a greater restriction upon the use of buildings or premises than are imposed or required by other resolutions, rules, regulations, or by lawful easements, covenants or agreements, the provisions of this Chapter shall control.

30.1.1.3 Among other purposes, the provisions herein are intended to provide adequate light, air, privacy, and access to property, to avoid undue concentration of population by regulating and limiting the height and bulk of buildings, the size of open spaces surrounding buildings, storage and materials of personal property, or any commercial activity, to establish building lines, to divide the area of the County into districts restricting and regulating therein the construction, reconstruction, alteration, and use of buildings, structures, and land for residential, commercial, manufacturing, agriculture, educational, cultural, recreational, and other specified uses, and to limit congestion in the public streets by providing off-street parking of motor vehicles, and to define the powers and duties of the Planning and Zoning Commission, the Board of Adjustment, and the administrative officers appointed pursuant to Chapter 65-2274, Special Acts 1965, Florida Legislature.

PART 2. ESTABLISHMENT OF DISTRICTS

30.2.1 Establishment of Districts (Abbreviations).

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
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
PD	Planned Development District
UC	University Community District
PLI	Public Lands and Institutions
RP	Residential Professional District

OP	Office District
CN	Restricted Neighborhood Commercial District
C-1	Retail Commercial District
C-2	General Commercial District
C-3	Heavy Commercial and Very Light Industrial District
CS	Convenience Commercial District
MM	Missing Middle District
MUCD	Mixed Use Corridor District
M-1A	Very Light Industrial District
M-1	Industrial District
M-2	M-2 Heavy Industrial Zoning District

30.2.2 Groupings and definition of groupings.

30.2.2.1 Where the phrases "all residential districts," "residential districts," "zoned residentially," or "residentially zoned," or similar phrases, 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
PD	Planned Development District

RP	Residential Professional District
MM	Missing Middle District

* The phrases shall also be construed to apply to the RC-1 (Country Homes), A-1 (Agriculture), A-3, A-5, and A-10 (Rural) Districts on issues related to administrative setback variances approved by the Planning Manager under Section 3.5 and truck parking in residential districts pursuant to Section 9.4 on property which is primarily residential, and has not been assigned an Agricultural Tax Classification under section 193.461, Florida Statutes.

(a) Where the phrases "Commercial District," "zoned commercially," "commercially zoned," "commercial zoning," or similar phrases, 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	General Commercial District
CS	Convenience Commercial District
MUCD	Mixed-Use Corridor District
PD	Planned Development

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

C-3	Heavy Commercial and Very Light Industrial District
M-1A	Very Light Industrial District
M-1	Industrial District
M-2	M-2 Heavy Industrial Zoning District

30.2.3 Districts shown on maps.

30.2.3.1 The boundaries of the various districts are shown upon an official zoning atlas of sectional maps and a chart explaining the symbols which appear on said sectional maps. The official zoning atlas is hereby made a part of this Chapter and all maps, references, and other information shown therein shall be as much a part of this Chapter as if all matter and information set forth by said maps were fully described herein.

30.2.4 Official Zoning Atlas.

30.2.4.1 Boundaries. The boundaries of each district shall be shown on the Official Zoning Atlas and the district symbol, as set out in Section 30.2.1, of this Code, shall be used to designate each district.

30.2.4.2 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 matter portrayed on the Official Zoning Atlas, such 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. No amendment to these Zoning Regulations which involves matter portrayed in 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.

30.2.4.3 Unauthorized changes prohibited. No changes of any nature shall be made in the Official Zoning Atlas except in conformity with the procedures set out in these Zoning Regulations. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of these Zoning Regulations and punishable as provided by Section 1.4 of this Code.

30.2.4.4 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 or 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.

30.2.4.5 Correction of errors. Whenever the Planning Manager or his designee, discover that, through a bona fide draftsman or scriveners 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.

30.2.4.6 Retention of earlier zoning maps or atlases. All zoning maps, 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 a public record and as a 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 copy retained permanently in a place separate from the original atlas.

30.2.4.7 Replacement of Official Zoning Atlas. If the official zoning atlas, 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, which shall supersede the prior Official Zoning Atlas. The new Official Zoning Atlas may correct drafting or other errors or omissions in the prior Official Zoning Atlas.

30.2.5 Interpretation of district boundaries.

Except as otherwise specifically provided, a district symbol or name shown within district boundaries on the official zoning atlas indicates that district regulations pertaining to the district extend throughout the whole area surrounded by the boundary line. Where uncertainty exists as to the boundaries of any district shown on said maps, the following rules shall apply:

30.2.5.1 Where boundaries are indicated as approximately following street and alley lines, land lot lines, military district lines or lot lines, such line shall be construed to be such boundaries.

30.2.5.2 In unsubdivided property or tracts, where a district boundary divides a lot, the location of such boundaries, unless same are indicated by dimensions, shall be determined by use of the scale appearing on such maps.

30.2.5.3 Where a public road, street, or alley is officially vacated or abandoned, the regulations applicable to the property to which it is reverted shall apply to such vacated or abandoned road, street, or alley.

30.2.5.4 Where boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets or to the central lines of alley lines of alleys or the centerlines or right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning maps. If no distance is given, such dimension shall be determined from the supplementary maps.

30.2.6 Application of zoning classification regulations.

The land development regulations herein set out within each zoning classification shall be minimum or maximum limitations, as the case may be, and shall apply uniformly to each class or kind of structure, use, or land or water. Except as hereinafter provided:

30.2.6.1 Zoning affects use or occupancy. No building, structure, land, or water shall hereafter be used or occupied, and no building, structure, or part thereof, shall hereafter be erected, constructed, reconstructed, located, moved, or structurally altered except in conformity with the regulations herein specified for the zoning classification assigned to the real property; provided, however, that existing agricultural uses may continue when property is rezoned to a zoning classification that does not allow agricultural uses as permitted uses; provided, further, however, that the property must have been classified for ad valorem tax assessment purposes pursuant to Section 193.461, Florida Statutes, or its successor provision, as agricultural lands at the time of the rezoning.

30.2.6.2 Zoning affects height of structures, population density, lot coverage, yards, and open spaces. No building or structure shall hereafter be erected or altered in any manner contrary to the provisions of these land development regulations such as by way of example:

(a) To exceed height, bulk, or floor area;
(b) To provide a greater number of dwelling units;
(c) To provide less lot area per dwelling unit or to occupy a smaller lot;
(d) occupy a greater percentage of lot area;
(e) To provide narrower or smaller yards, courts, or other open spaces; or
(f) Lesser separation between buildings or structures or portions of building or structures.

30.2.6.3 Multiple use of required open space prohibited. No part of a required yard or other required open space, required off-street parking, or off-street loading space, provided in connection with one (1) building, structure, or use shall be included as meeting the requirements for any other building, structure, or use, except where specific provision is made in these land development regulations.

30.2.6.4 Reduction of lot area prohibited. No lot or yard existing on September 8, 1980 shall thereafter be reduced in size, dimension, or area below the minimum requirements set out herein, except by reason of a portion being acquired for public use, in any manner,

including dedication, condemnation, purchase, and the like. Lots or yards created after September 8, 1980 shall meet at least the minimum requirements established herein.

30.2.6.5 Every building or structure hereafter erected shall be located on a lot as defined herein; and, in no case, shall there be more than one (1) main building and its accessory buildings on one (1) lot, except as hereinafter provided. When an unrecorded lot or parcel of land is used, the owner thereof shall furnish the Planning Division with a statement of unity of title, allocating to such uses a specific area of land, the unity of which shall not be subject to further subdivision and shall furnish proof of legal access thereto. Uses, area, and yard requirements for such unrecorded lots shall be the same as for lots of record located in the same zoning classification.

PART 3. ADMINISTRATION

30.3.1 Planning and Zoning Commission.

30.3.1.1 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.

30.3.1.2 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.

30.3.1.3 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.

30.3.1.4 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.

30.3.1.5 Special exceptions.

(a) The Planning and Zoning Commission shall hold a public hearing or hearing to consider a proposed special exception and submit in writing its recommendations on the proposed action and if the special exception should be denied or granted with appropriate conditions and safeguards to the Board of County Commissioners for official action. After review of an application and a public hearing thereon, with due public notice, the Board of County Commissioner may allow uses for which a special exception is required; provided, however, that said Board must first make a determination that the use requested:

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

(2) Does not have an unduly adverse effect on existing traffic patterns, movements and volumes; and

(3) Is consistent with the County's comprehensive plan; and

(4) Will not adversely affect the public interest; and

(5) Meets any special exception criteria described in Additional Use Standards; and

(6) Meets the following additional requirements if located in the applicable zone:

a. If located in A-10, A-5, A-3, or A-1:

i. Is consistent with the general zoning plan of the rural zoning classifications; and

ii. Is not highly intensive in nature; and

iii. Is compatible with the concept of low-density rural land use; and

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

b. If located in OP:

i. Is consistent with the general zoning category and plan of the OP Office District.

i. Is compatible with the concept of low intensity of land usage and site coverage.

iii. Has access (where applicable) to urban services, such as, sewer water, police, fire, and related services.

iv. Will not create, by reason of its characteristics, a requirement for the granting of a variance as a prerequisite to the granting of said special exception, especially (by way of illustration and not limitation) variances relating to setbacks, lot size, building height, lot coverage, access, or parking and loading.

c. If located in RP:

i. Is not detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area; and

ii. Is not incompatible with the concept of low intensity of land usage and site coverage; and

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

(b) Conditions on special exceptions. In granting any special exception, the Planning and Zoning Commission may recommend and the Board of County Commissioners may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards when made a part of the terms under which the special exception is granted, shall be deemed a violation of this Chapter. The Planning and Zoning Commission may recommend and the Board of County Commissioners may prescribe a reasonable time limit within which the action for which the special exception is required shall be begun or completed, or both.

(c) Application for special exception. An applicant for a special exception shall file with the Planning & Development Division a written application accompanied by payment of the appropriate fees, and a conceptual plan. The conceptual plan should 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.

30.3.2 Planning Manager.

30.3.2.1 A Planning and Development Division Manager, herein after referred to as the Planning Manager, shall be designated by the County Manager as the administrative official to direct the activities of the planning office or its successor, to furnish information and assistance to the Planning and Zoning Commission, to the Board of County Commissioners, and to enforce the provisions of the zoning regulations.

30.3.2.2 It is the intent of these land development regulations that questions of interpretation and enforcement shall first be presented to the Planning Manager that such questions shall be presented to the Board of Adjustment only on appeal.

30.3.2.3 The Planning Manager shall have the power to grant an application for a setback variance in residential zoning classifications when the variance requested is equal to or less than ten (10) percent of the required setback requirement; provided, however, that only one (1) variance on a property may be granted under this procedure. If the Planning Manager denies an application for a variance, such denial may be appealed to the Board of Adjustment in accordance with the provisions of Section 30.3.3.

30.3.3 Board of Adjustment.

30.3.3.1 Appointment. The Board of Seminole County Commissioners shall appoint a Board of Adjustment which shall have not less than five (5) nor more than ten (10) members. Said members shall be appointed for four-year terms and not more than a minority of the terms of such members shall expire in any one (1) year. In addition, the Board of Commissioners may appoint not more than two (2) alternate members, designating them as such. Such alternate members may act in the temporary absence or disability of any regular member or may act when a regular member is otherwise disqualified in a particular case that may be presented to the Board. No member or alternate member of the Board of Adjustment shall be a paid or elected official or employee of the governing body involved.

30.3.3.2 Powers and duties. The Board of Adjustment shall have the following powers and duties:

(a) Appeals from Planning Manager. To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Planning Manager under the provisions of this Code. In exercising its powers, the Board of Adjustment may, upon appeal and in conformity with provisions of this Code, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination made by Planning Manager, and make such order, requirement, decision or determination as ought to be made and, to that end, shall have all powers of the Planning Manager. A majority vote of all members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Planning Manager or to decide in favor of the applicant on any matter upon which the Board is required to pass under this Code.

(b) Variances. To grant variances that are not contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of Chapter 30

will result in unnecessary and undue hardship. In order to grant a variance, the Board of Adjustment must first determine:

(1) That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the same zoning classification; and

(2) That the special conditions and circumstances do not result from the actions of the applicant; and

(3) That granting the variance requested will not confer on the applicant any special privilege that is denied by Chapter 30 to other lands, buildings, or structures in the same zoning classification; and

(4) That literal interpretation of the provisions of Chapter 30 would deprive the applicant of rights commonly enjoyed by other properties in the same zoning classification and would work unnecessary and undue hardship on the applicant; and

(5) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building, or structure; and

(6) That the grant of the variance will be in harmony with the general intent and purpose of Chapter 30, will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

(c) Conditions on variances. In granting any variance, the Board of Adjustment may prescribe appropriate conditions and safeguards. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Chapter. The Board of Adjustment may prescribe a reasonable time limit within which the action for which the variance is required shall be begun or completed, or both.

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

30.3.3.3 Appeal to the Board of Adjustment from decision of the Planning Manager. Appeals to the Board of Adjustment may be taken by any person aggrieved or by any officer, Board, or bureau of the County affected by any decision of the Planning Manager under this Code. Such appeal shall be taken within thirty (30) days after such decision is made by filing with the Planning Manager a notice of appeal specifying the grounds thereof. The appeal shall be in such form which provides a notice of the decision appealed and a discussion of the alleged error in the decision. The Planning Manager shall, upon notification of the filing of the appeal, forthwith, transmit to the Board of Adjustment all the documents, plans, papers, or other materials constituting the record upon which the action appealed from was taken.

30.3.3.4 Notice Required on Hearing of Appeal. The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide same within a reasonable time. Upon the hearing any party may appear in person or by agent or by attorney. For procedural purposes, an application for a special exception and an appeal of a decision of the Planning Manager shall be presented by the Planning Manager before the applicant or appellant makes a presentation.

30.3.3.5 Appeals from Board of Adjustment Decision. Any person, or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment, may, within fifteen (15) days after the filing of any decision in the office of the Planning Division, but not thereafter, apply to the Board of County Commissioners for relief. The appeal before the Board of County Commissioners shall be de novo. The applicant for the special exception shall make the initial presentation to the Board after County staff has advised the Board of the procedural history of the case.

30.3.3.6 An appeal to the Board of County Commissioners shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of County Commissioners, after the notice of appeal shall have been filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to lives or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of County Commissioners or by a court of record on application, on notice to the officer or Board from which the appeal is taken, and on due cause shown. The Board of County Commissioners shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the rendering of a decision, any party may appeal. Decisions shall be rendered by filing a copy of the order of the Board with the Clerk to the Board. Upon approval of a special exception or variance by the Board or the Board making a ruling relative to the appeal of a decision made by the Planning Manager, any development orders or permits may be issued consistent with the Board's decision unless stayed or enjoined by a court of competent jurisdiction.

30.3.4 Public Notice Procedure.

30.3.4.1 Public Notice Procedure for Amendments to the Future Land Use Map, Zoning Map, Non-Residential Variances and Special Exceptions. Public notification shall be consistent with the requirements for advertisement and notice of an amendment to a comprehensive plan found in Sections 163.3181 and 125.66, Florida Statutes.

(a) Placards:

(1) In addition to the applicable procedures established by State law, a placard must be posted by the applicant/petitioner/appellant in accordance with the following procedures:

a. The Planning and Development Division shall prepare placards and provide direction to applicants for posting;

b. Placards shall be a minimum of 24"x 36" in size. A minimum of two (2) placards shall be required per property or project. At the discretion of the Planning Manager the number of placards on a property or project may be increased.

c. Placards shall be clearly visible from a public or private street, way, or place, preferably a collector or arterial road whenever possible; Placards shall be posted at least fifteen (15) days prior to a scheduled public hearing;

d. Placards shall state the time and place of the hearing and the nature of the matter to be discussed;

e. Affidavit of proof of the required publication and placards posting shall be presented to staff prior to the public hearing by the applicant/petitioner/appellant and shall be made a part of the record of the proceeding; and

f. Failure to post the placards shall not be cause for continuation or rescheduling of a public hearing.

30.3.4.2 Mailed Notices.

(a) The County will provide notice by U.S. Mail, at least fifteen (15) days prior to the scheduled public hearing, to all known owners of surrounding properties according to the Notification Buffer Table in paragraph (B) below.

(b) The County shall use the latest ad valorem tax records in the Seminole County Property Appraiser's Office in compiling a list of property owners. Only one (1) notice per property owner will be sent, which will state the planned hearing date. It shall be the obligation of the property owner to be aware of continuances and hearing date changes. Future public hearing dates, if any, will be announced at the advertised public hearing.

Notification Buffer Table:

Urban Minimum Notice Standards		
Project Acres	Minimum Buffer Radius*	Minimum Number of Parcels Notified
0—5	500'	N/A
5±10	1,000'	15
10+	1,500'	25
Rural Area Boundary Minimum Notice Standards		
Project Acres	Minimum Buffer Radius*	Minimum Number of Parcels Notified
0—5	1,500'	15
5±10	2,500'	25
10+	5,000'	30
*If standard is not met, notice distance is increased in one hundred foot (100') intervals until reached.		

(c) When a parcel is located within five hundred (500) feet of an adjacent county, non-Seminole County property owners within five hundred (500) feet of the County line shall be included in the mailed notification.

(d) The notice area may be increased at the discretion of the Division Manager.

(e) Notice of public hearings shall contain, at a minimum, the following information:

(1) The date, time and location of the public hearing;

(2) A description of the location of the property for which a plan amendment, development order or other action is pending, including, but not limited to, one of the following: a map; a street address; a subdivision lot and block designation; or the tax map (parcel identification number) designation of the Seminole County Property Appraiser; and

(3) The substance or nature of the matter under consideration.

(f) In all cases the County shall make good faith effort to comply with the purpose and intent of these notice requirements. However, actions by boards or commissions shall not be invalidated solely because a property owner does not receive notice of the pending action.

(g) Mailed notices are not provided where the application is for a proposed future land use amendment encompassing in excess of five (5) percent of the total land area of the County.

(h) If an application is withdrawn by letter or other formal notice prior to the announced hearing, or is continued to a date certain before the hearing is legally convened, no new public notice is required, unless directed by the applicable board or commission. If an application is continued beyond sixty (60) days from the hearing date, the County shall publish a new advertisement, provide notice to property owners, and post a placard on the property, as provided for in this Section. If the County continues an application, but not to a date certain, the new notice shall be provided in accordance with this Section.

30.3.4.3 Substantial compliance. Substantial compliance with these notice requirements in this subsection (a) is deemed to be sufficient. Minor irregularities in the carrying out of these notice provisions will not be cause for continuation or rescheduling of the public hearing.

(a) Public Notice Procedure for a Residential Variance.

(1) Placard:

a. If a public hearing is required, a placard must be posted by the applicant/petitioner/appellant in accordance with the following procedures:

i. The Planning and Development Division shall prepare placards and provide direction to applicants for posting.

ii. At the discretion of the Planning Manager the size and number of placards on a property or project may be increased.

iii. Placards shall be clearly visible from a public or private street, way, or place, preferably a collector or arterial road whenever possible.

iv. Posting of the placard shall be at least fifteen (15) days prior to a scheduled public hearing.

v. The placard shall state the time and place and of the hearing, and the nature of the matter to be discussed.

vi. Affidavit proof of the required publication and placard posting shall be presented to staff prior to the public hearing by the applicant/petitioner/appellant and shall be made a part of the record of the proceeding.

vii. Failure to post a placard shall not be cause for continuation or rescheduling of a public hearing.

(b) Mailed Notices:

(1) The County will provide Notice by U.S. Mail, at least fifteen (15) days prior to the scheduled public hearing, to all known adjacent property owners. Additional properties may be given notice at the discretion of the Planning Manager.

(2) The County shall use the latest ad valorem tax records in the Seminole County Property Appraiser's Office in compiling a list of property owners. Only one (1) notice per property owner will be sent, which notice shall state the planned hearing date. It shall be the obligation of the property owner to be aware of continuances and hearing date changes. Future public hearing dates, if any, will be announced at the advertised public hearing.

(3) Notice of public hearings shall contain, at a minimum, the following information:

a. The date, time and location of the public hearing.

b. A description of the location of the property for which a variance is pending, including, but not limited to, one of the following: a map, a street address, a subdivision lot and block designation or the tax map (parcel identification number) designation of the Seminole County Property Appraiser.

c. The substance or nature of the matter under consideration.

d. In all cases, the County shall make good faith effort to comply with the purpose and intent of these notice requirements. However, actions by boards or commissions shall not be invalidated solely because a property owner does not receive notice of the pending action.

e. If an application is withdrawn by letter or other formal notice prior to the announced hearing, or is continued to a date certain before the hearing is legally convened, no new public notice is required, unless directed by the board or commission. If an application is continued beyond sixty (60) days from the hearing date, the County shall publish a new advertisement, provide notice to property owners, and post a placard on the property, as provided for in this Section. If the County continues an application, but not to a date certain, the new notice shall be provided in accordance with this Section.

30.3.4.4 Substantial compliance. Substantial compliance with these notice requirements in this subsection (30.3.4.3) is deemed to be sufficient. Minor irregularities in the carrying out

of these notice provisions will not be cause for continuation or rescheduling of the public hearing.

30.3.5 Community Meeting Procedure.

30.3.5.1 Applicability. A Community Meeting is required for amendments to Future Land Use Map, Zoning Map, Non-Residential Variances and Special Exceptions. The following requirements apply in addition to any other notice provisions required elsewhere in this Code. The Division Manager may waive the required Community Meeting, based upon the needs of the abutting communities or the County, as a result of generally accepted land use planning practices and principles.

30.3.5.2 Purposes of a Community Meeting.

(a) Encourage applicants and community members to engage in collaborative dialogue to allow for informed decision making to maximize, public participation in the planning and land use processes of the County. It is not intended to produce consensus on applications.

(b) Further implement the public participation provisions of the Comprehensive Plan.

(c) Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and mitigate any real or perceived impacts their application may have on the community.

(d) Ensure that citizens and property owners are provided with adequate opportunity to learn about applications that may affect them and to work with the applicants to resolve concerns at an early state of the process.

(e) Facilitate ongoing communication between the applicant, interested citizens and potential affected property owners, County staff and elected officials throughout the application review process.

30.3.5.3 Community Meeting Requirements.

(a) The applicant is responsible for conducting the Community Meeting, informing neighboring property owners of the proposed application and answering questions relevant to the proposed application.

(b) One Community Meeting shall be held at least twenty (20) days prior to the scheduled public hearing or public meeting. At a minimum the Community Meeting shall include the following information:

(1) Preliminary demonstrative concept plans;

(2) Development schedules; and/or

(3) Specifications of the proposed development project such as land uses, size and height of buildings, intensity and density, new roads, and other primary features.

(c) A Community Meeting will be held in a location accessible to the public near the subject property, and shall be held in a facility that is ADA compliant. The

applicant will inform County staff, in advance of the meeting, of the time, date and location of the meeting.

(d) The meeting will be scheduled between 6:00 p.m. and 8:00 p.m. on a weekday, or between 9:00 a.m. and 5:00 p.m. on a weekend with the approval of the Division Manager.

(e) The applicant shall be required to schedule an additional Community Meeting if the applicant's initial proposed plans have substantially and materially changed from the previous Community Meeting or the Board of County Commissioners determines that an additional meeting is required before making a final decision on any related application.

(f) The applicant is responsible to provide notification by U.S. Mail to all known owners of property according to the requirement listed in the Notification Buffer Table in Section 30.3.4.2(b). The applicant shall use the latest ad valorem tax records in the Seminole County Property Appraiser's Office in compiling a list of property owners. Only one (1) notice per property owner will be sent, which notice shall specify the Community Meeting day. Notice will be sent prior to the Community Meeting date to facilitate attendance: fifteen (15) days is recommended.

(g) Notice of the Community Meeting shall contain, at a minimum, the following information:

(1) The date, time and location of the Community Meeting;

(2) A description of the location of the property for which action is pending, including, but not limited to, one of the following: a map, a street address, a subdivision lot and block designation or the tax map (parcel identification number) designation of the County Property Appraiser; and

(3) The substance or nature of the matter under consideration.

(h) Record of Community Meeting.

(1) The applicant is to supply minutes of the Community Meeting which, at a minimum, must contain:

a. A sign in sheet of attendees (attendees cannot be forced to sign in).

b. An estimate of persons in attendance.

c. A summary of the general subject matter presented by applicant.

d. A list of speakers and a summary of their comments.

(2) A copy of the notice of the Community Meeting and the minutes are to be presented by the applicant to staff prior to the public hearing.

30.3.6 Time limit. Except as otherwise provided in this Land Development Code, 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 and Development Division 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.

30.3.7 Successive applications for rezoning and special exceptions. Unless specifically permitted otherwise by these regulations or by the Board of County Commissioners, no application for rezoning or special exception shall be considered by the Planning and Zoning Commission within twelve (12) months from the time the property described in such application has been decisively acted upon by the Planning and Zoning Commission, as a result of a previous application. However, this time limitation shall not apply to rezoning applications wherein a classification other than that originally denied shall be sought.

30.3.8 Assignment of duties. 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.

30.3.9 Interpretation of Code. 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.

30.3.10 Nonconforming Uses.

30.3.10.1 In General.

(a) A nonconforming building may be maintained and repairs and alterations may be made, except that, in a building which is nonconforming as to use regulations, no structural alterations shall be made except those required by law. Repairs such as plumbing or the changing of partitions or other interior alterations are permitted.

(b) Buildings or structures or uses of land which are nonconforming shall not be extended or enlarged.

(c) When a nonconforming use of land has been discontinued for 180 days or longer, its future use shall revert to the uses permitted in the district in which said land is located.

(d) A nonconforming building or structure, which is hereafter damaged or destroyed to the extent of fifty (50) percent or more of its value by flood, fire, explosion, earthquake, war, riot, or force majeure shall not be reconstructed or restored for the same use except in compliance with all applicable provisions of the Code.

30.3.10.2 Nonconforming mobile homes in Agricultural Zones.

(a) The following shall be exempt from the minimum lot requirements of this article:

(1) Any mobile home or recreational vehicle park within the A-10, A-5 or A-3 Rural District which had received zoning approval prior to September 11, 1991 for the rental of mobile home spaces shall be allowed to continue; provided, however, that such mobile home park shall not be extended or enlarged beyond the limits of the originally approved master plan for development.

(2) Construction on existing, legally created, lots or parcels of record platted or recorded prior to September 11, 1991, which were legally buildable as of that date.

(b) Any mobile home park within the A-1 Agriculture District which has been legally established as a special exception under heretofore existing A-1 Zoning Classification for the rental of mobile home spaces shall be allowed to continue; however, said mobile home park shall not be extended or enlarged beyond the limits of the originally approved master plan of development.

30.3.10.3 Nonconforming mobile homes and/or manufactured homes in A-1.

(a) All mobile or manufactured homes existing in the A-1 District prior to October 25, 2011, except for those authorized under Section 6.4.4, are hereby declared to be a nonconforming use in accordance with Section 30.3.10. Any time limits enacted by the Board of Adjustment as a condition of special exception approval shall be null and void unless specifically related to protecting the health, safety, and welfare of the occupancy.

(b) Notwithstanding their nonconforming status, these mobile or manufactured homes shall fully comply with all applicable provisions of Chapter 40 of the Seminole County Code.

(c) Existing mobile or manufactured homes may be replaced with a manufactured home of not greater than two (2) times the original floor area without a special exception if the home has remained vacant for less than 180 days. If the home has been vacant for 180 days or more, replacement of such home shall require a special exception. Larger units and other alterations exceeding the provisions of Section 3.10 shall also require a special exception.

(d) This Section shall not affect any mobile or manufactured home approved for temporary occupancy under Section 30.6.4.4.

30.3.10.4 Non-conforming lots.

Where lots of record no longer meet current requirements due to surveying or other errors, if both the current records of the Seminole County Property Appraiser and the original plat for the property indicate the area of the lot is a given size, then review of the proposed development shall occur as if the lot were actually the size shown in both the appraiser's records and on the original plat.

30.3.11 Administrative waiver of lot size and lot width zoning requirements.

30.3.11.1 The Development Services Director may administratively approve a waiver to the minimum lot size zoning requirements for a lot or parcel of property located within the A-1, A-3, A-5, A-10, or RC-1 zoning classifications (except for lots or parcels located within the Wekiva Protection Area.) Said waiver may not exceed three (3) percent of the total size of a conforming lot as required by the Land Development Code.

30.3.11.2 The Development Services Director may administratively approve a waiver to the minimum lot width zoning requirements for a lot or parcel of property located within the A-1, A-3, A-5, A-10, or RC-1 zoning classifications (except for lots or parcels located within the Wekiva Protection Area.) Said waiver may not exceed three (3) percent of the size of a conforming lot width as required by the Land Development Code.

30.3.12 Requirements for an administrative waiver.

30.3.12.1 The Development Services Director may only grant a waiver to lot size and/or lot width if the following conditions are satisfied:

(a) The property subject to the waiver request is a lot of record on [date ordinance passes].

(b) Submission to the Development Services Director of a certified land survey which verifies that the lot, parcel, or tract of land is currently of a size of at least:

(1) Ninety-seven (97) percent of the minimum required lot size required by the Land Development Code for a requested lot size waiver; and

(2) Ninety-seven (97) percent of the minimum required lot width required by the Land Development Code, as measured at the building line, for a requested lot width waiver.

(c) The Development Services Director determines that the waiver will not have an adverse effect on said neighborhood.

(d) The request is consistent with all applicable provisions of the Seminole County Vision 2020 Plan.

(e) The parcel, lot or tract of property is not associated with a proposed, anticipated, or active subdivision or lot split.

(f) Submission of documentation to the Development Services Director demonstrating that neither the current nor former owner(s) of the property knowingly or intentionally rendered the property non-conforming by their own actions. The sufficiency of this documentation shall be adjudged by the Development Services Director subject to the appeal procedures described in this Section. The Director shall not delegate this authority. Types of evidence which may be considered by the Director include the following:

(1) Evidence that the present or previous owner created a stock pond or other artificially created flood-prone area on the property which reduced the lot size below the minimum required; or

(2) A document verifying that a lot split creating the lot, parcel or tract of land was approved or that the subject lot is a buildable parcel. Such

documentation must be signed by a Seminole County official and the contents verified. Examples of such documentation include:

a. A letter, or

b. A map or survey, or

c. A lot split application or buildability form; or

d. A survey drafted by a certified surveyor, relied upon by the owner of the property at the time of their purchase of the property, which contained erroneous information regarding the subject lot size or related information; or

e. A tax bill relied upon by the owner of the property at the time of their purchase of the property which contained erroneous information indicating that the lot or parcel constituted a conforming lot; or

f. A deed relied upon by the owner of the property at the time of their purchase of the property which contained erroneous information which led the owner to believe that the property constituted a conforming lot; or

g. Evidence that at one time the subject lot conformed to then-existing minimum Land Development Code requirements but that through dedication of a public right-of-way, the lot or parcel was rendered non-conforming.

(3) Documentation of a similar form, nature and content to that described above. The Development Services Director shall have the discretion to determine whether submitted documentation satisfies the requirements of this subsection.

(g) Administrative waivers to lot size and/or width shall not be approved for any lot, parcel, or tract of land within the Wekiva River Protection Area.

(h) If an administrative waiver to lot size and/or lot width is approved, the Development Services Director shall issue an Administrative Order pursuant to Chapter 20 of this Code which shall be duly recorded.

(i) An applicant may appeal a decision rendered by the Development Services Director pursuant to Sections 30.3.11 and 30.3.12 of this Code by submitting a written request for an appeal to Seminole County Board of Adjustment within thirty (30) days of issuance of the Development Services Director's decision.

30.3.13 Rezoning to more restrictive included district. The Board of County Commissioners may, when acting upon any rezoning application, rezone the property to any district whose uses are included within the requested district or to any district whose uses are a combination of the uses permitted in the current district and the requested district.

PART 4. ZONING DISTRICT STANDARDS

30.4.1 General Requirements.

(a) No building, structure, land, or water shall be used or occupied and no building, structure or part thereof shall be erected, constructed, reconstructed, located, moved, or structurally altered except in conformity with the standards for the Zoning District in which it is located and any other applicable regulations of this Code including but not limited to:

(1) Part 7. Development Standards

(2) Part 11. Parking and Loading Regulations

(3) Part 14. Landscaping, Screening, Buffering

(b) Except as otherwise provided, uses are permitted in accordance with Part 5. Permitted Uses by Zoning District

(c) The following Zoning Districts are subject to Performance Standards Part 16:

(1) All Commercial Zones

(2) All Industrial Zones

30.4.2 A-10, A-5, And A-3 Rural Zoning District/Rural Subdivision Standards.

30.4.2.1 Zone Description:

The lands included in the A-10, A-5 and A-3 Rural Districts are generally located in the rural areas of the County where urban services are minimal or nonexistent. While these lands may be currently in agricultural use, when developed, they are devoted to rural residential living. Depending upon the land use designation assigned to a parcel by the 1991 Seminole County Comprehensive Plan, the minimum lot size shall be either three (3) acres, five (5) acres or ten (10) acres unless otherwise permitted in the provisions of this Part relating to clustering. The properties that are assigned these zoning classifications are the respective properties assigned the Rural 10, Rural 5 and Rural 3 land use designations and these zoning classification assignments are accomplished consistent with and in order to implement the provisions of the Seminole County Comprehensive Plan.

30.4.2.2 Subdivision Standards:

Subdivision within the A-10, A-5 and A-3 Rural Districts shall only occur in accordance with the Rural Subdivision Standards in Section 35.72.

30.4.2.3 Optional cluster provisions.

(a) The purpose of these optional cluster provisions is to preserve open space along roadway corridors, preserve open space in rural residential areas, preserve natural amenity areas, enhance the rural character of the area and ensure that development along the roadway corridors improves or protects the visual character of the corridor. Developers or property owners may elect to cluster development in the A-10, A-5 and A-3 zoning Districts provided that the area not devoted to development shall be preserved through a perpetual open space easement. Cluster developments should be located on the property so as to

minimize incompatibility with neighboring lower density developments where homes are not clustered. The approval for clustering shall be granted during the platting process and must meet the following conditions:

(b) An application to plat the property shall include a specific development plan for the entire site which includes both the specific locations of lots on-site and that identifies all remaining open space not platted as a lot that is to be included in the open space easement. A development order will be recorded with the final plat specifying that this open space easement shall be perpetually restricted to open space and may be utilized for active agricultural use including, but not limited to, citrus or other fruit or vegetable crops, grazing and pasturing of animals and, in some cases, silviculture.

(c) All platted lots must contain, at a minimum, one (1) net acre of buildable land and have a minimum width at the building line of 100 feet.

(d) In the A-3 zoning District, the overall net density of the project, including the land contained in the open space easement, shall not exceed one (1) dwelling unit per three (3) net buildable acres.

(e) In the A-5 zoning District, the overall net density of the project, including the land contained in the open space easement, shall not exceed one (1) dwelling unit per five (5) net buildable acres.

(f) In the A-10 zoning District, the overall net density of the project of one (1) dwelling unit per ten (10) net buildable acres may be increased up to one (1) dwelling unit per five (5) net buildable acres by utilizing the clustering provisions provided herein. The density bonus may be awarded based on the amount of buildable land preserved as open space. Each project would be authorized a total of two (2) dwelling units for each eight (8) buildable acres of land that would be preserved under an open space agreement.

(g) All remaining open space shall be preserved in perpetuity through the use of an open space easement. The easement shall be in such form as is deemed acceptable by the County Attorney and shall be recorded for the entire property which is subject to development including both the residential lots and the remaining open space. Such perpetually restricted open space may be in active agricultural use including, but not limited to, citrus or other fruit crops, grazing and pasturing of animals and silviculture, but only as set forth in the open space easement.

30.4.3 A-1 Agriculture.

30.4.3.1 Zone Description:

The lands included within the A-1 Agricultural District are often characterized as being located in areas of the County where urban services are minimal or nonexistent. The A-1 classification is also present in the majority of future land use designations established under the Seminole County Comprehensive Plan. These lands may have access to a full range of urban services and are potentially appropriate for reclassification to greater development densities and intensities, as determined by the Comprehensive Plan.

Properties developed under the A-1 classification are devoted to a wide range of residential and non-residential development types, including agricultural uses and detached single-family dwellings.

30.4.4 RC-1 Country Homes District.

30.4.4.1 Zone Description:

This District comprises certain land, water, and structures having a light density of development; it is single-family residential in character and has open space where similar development is expected to occur. Sites are so planned that the greatest utilization of the land may be made for country living without many of the undesirable features of a purely agriculture district.

30.4.5 R-1, R-1B, AND R-1BB Single-Family Dwelling Districts.

30.4.5.1 Zone Description:

These Districts are composed of certain lands, water, and structures having a low and medium density of development and predominantly single-family in character. Due to the higher-than-average concentration of persons and vehicles, these Districts are situated where they are well serviced by public and commercial services and have convenient access to thoroughfares or collector streets.

30.4.6 R-1AAAA, R-1AAA, R-1AA and R-1A Single-Family Dwelling District.

30.4.6.1 Zone Description:

These Districts comprise certain lands, water, and structures having a low density of development; they are single-family residential in character and have additional open space where it is desirable and likely that such similar development will occur and continue. Uses are limited primarily to single-family dwellings and such nonresidential uses as are intended to provide service to the immediate and adjacent areas.

30.4.7 R-2 One and Two-Family Dwelling District.

30.4.7.1 Zone Description:

This District is composed of certain limited areas where it is desirable, because of an established trend, to recognize a more intensive form of residential use than in the single-family districts. Provision is made for the erection of duplex dwelling structures but no multiple-dwelling structures.

30.4.8 R-3 and R-3A Multiple-Family Dwelling Districts.

30.4.8.1 Zone Description:

These Districts are composed of certain medium- to high-density residential areas, plus open areas, where it is likely and desirable to extend such type of development. Due to the higher-than-average concentration of persons and vehicles, these districts are situated where they are well serviced by public and commercial services and have convenient access to thoroughfares or collector streets.

30.4.8.2 Density regulations.

(a) Maximum density shall be set at time of zoning; however, in no case, shall the density exceed:

(1) A maximum of thirteen (13) dwelling units per net buildable acre in the R-3 Multi-Family Dwelling District; or

(2) A maximum of ten (10) dwelling units per net buildable acre in the R-3A Multi-Family Dwelling District.

30.4.8.3 R3, R3-A - General Provisions and Exceptions.

(a) 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 shall be submitted along with application for rezoning. Any change in development plans must be resubmitted to the Planning and Zoning Commission for recommendation and the Board of County Commissioners for approval prior to issuance of any site plan approval.

(b) Accessory uses may be located at the edge of the complex to serve residents provided that they are clearly subordinate and ancillary to the primary use.

(c) Personal services uses, designed primarily for the occupants of the complex, such as, day care centers, beauty and barber shops, and health clubs, may be approved for the complex at time of zoning approval. However, such uses shall be limited to complexes of one hundred (100) or more units and shall not be permitted until fifty (50) percent or more of the dwelling units are completed. Any uses other than those approved at the time of zoning approval, must be approved by the Planning and Development Division Manager.

(d) Recreation and open space comprising no less than twenty-five (25) percent of the gross acreage, exclusive of the perimeter buffer, shall be set aside for usable recreation and open space.

(e) Within condominium projects, deed covenants shall be required to insure the maintenance and upkeep of areas and facilities retained in common ownership in order to provide a safe, healthful, and attractive living environment and to prevent the occurrence of blight and deterioration of the individual units within the complex.

(f) Prior to the issuance of building permits, a complete site plan of the project shall be submitted to the Planning and Development Division for approval. Detailed site plan shall indicate: location of buildings, parking spaces, driveways, streets, service areas, walkways, recreation facilities, open areas, and landscaping.

(g) Site and stormwater management plans shall be approved by the County Engineer prior to the issuance of any building permits.

(h) If covered storage for vehicles is provided, garage doors may not face a public right-of-way.

30.4.9 R-4 Multiple-Family Dwelling District.

30.4.9.1 Zone Description:

This District is composed of certain high-density residential areas where it is desirable to permit other specific uses, including multiple-story apartments and certain uses which are quasi-residential in character.

30.4.9.2 Building site area regulations.

The maximum lot coverage for dwelling structures shall be determined in accordance with the following schedule:

Building Height	Maximum Lot Coverage
20 feet or less	30%
20.1 feet to 30 feet	28%
30.1 feet to 40 feet	26%
40.1 feet to 50 feet	24%
50.1 feet to 60 feet	22%

30.4.9.3 General provisions and exceptions.

(a) Development plans shall be submitted along with application for rezoning. Any change in development plans must be resubmitted to the Planning and Zoning Commission for recommendation and to the Board of County Commissioners for approval, prior to issuance of any site plan approval

(b) Site and stormwater management plans shall be approved by the County Engineer prior to the issuance of any building permit.

(c) If covered and enclosed storage for vehicles is provided, garage doors may not be visible from a public right-of-way.

30.4.10 RM-1 Single-Family Mobile Home Residential District.

30.4.10.1 Zone Description:

This District is composed of certain areas where it is proposed that mobile homeowners may purchase lots and establish mobile home permanent residences on those lots. Such districts shall be subdivided in accordance with all the amenities of any residential district.

30.4.10.2 General provision and exceptions.

(a) Each parcel assigned the RM-1 zoning classification shall not be less than ten (10) acres in size.

(b) A twenty-five (25) foot landscaped buffer strip shall be required and maintained between adjacent properties and the RM-1 Single-Family Mobile Home Residential District and shall be planted with trees and shrubs so as to attain a solid landscape screen at least six (6) feet high within eighteen (18) months after planting. The buffer area shall be considered to be in addition to the required lot area and shall be platted and utilized as greenbelt areas (easements) being part of any adjacent lots.

(c) A setback of fifty (50) feet shall be provided from lot lines and any street right-of-way which borders the RM-1 Mobile Homes District. Except for access drives or streets, the required setback shall be landscaped with the twenty-five (25) feet nearest to the individual lots intermittently planted with trees and shrubs in order to accomplish an effective barrier against road noise.

(d) Any mobile home must be on a substantial foundation and firmly anchored in accordance with the Seminole County Mobile Home Tie-Down Regulations. All such units shall have permanent skirting around the bottom in such manner as to prevent the accumulation of junk or debris from collecting under the mobile or modular home. Wheels shall be removed from all mobile homes.

(e) This zoning District may remain in place where designated on the official zoning map; however, no additional properties are to be assigned this zoning district.

(f) Mobile home/manufactured housing siting standards, see Section 30.9.2.

30.4.11 RM-2 Single-Family Mobile Home Park District.

30.4.11.1 Zone Description:

This District is composed of certain areas where it is proposed that mobile home sites shall be offered for rent for residential purposes only.

30.4.11.2 General provisions and exceptions.

(a) At time of rezoning application, a development plan will be submitted showing the area and dimensions of the tract of land, the location of any structures, location of roads and stormwater management structures, and location of sewer and water plants.

(b) Each mobile home park assigned the RM-2 zoning classification shall be not less than ten (10) acres in size.

(c) A landscaped buffer strip, at least twenty-five (25) feet in depth, shall be required and maintained between adjacent properties and the RM-2 District and shall be planted with trees and shrubs so as to attain a solid landscape screen at least six (6) feet high within eighteen (18) months after planting. Such buffer strip shall be considered to be in addition to the required mobile residence space and shall remain clear of structures. In addition, no part of the buffer area shall be considered as providing part of a required recreation area.

(d) Each mobile home park shall have ten (10) percent of the total area set aside for park purposes. Such area may have swimming pool, recreational building, and recreational structures thereon. Restroom facilities for men and women shall be provided as required by the State Department of Health.

(e) Each mobile home park shall provide an area and building housing laundry facilities available to the occupants of the park.

(f) A mobile home park shall be subject to single ownership and no lots or trailer spaces may be sold individually.

(g) Each mobile home park shall have fire hydrants no further than one thousand (1,000) feet apart.

(h) Management shall be responsible for a minimum of twice-a-week garbage and trash collection. Covered containers shall be provided for such materials.

(i) Streets in mobile home parks shall be adequately lighted with street lights at all intersections and not further than three hundred (300) feet apart.

(j) No individual laundry facilities shall be permitted outside main laundry building, except where located in a mobile home or in a minimum-size eight (8) feet by ten (10) feet utility building situated at the rear of a mobile home site.

(k) Mobile home/manufactured housing siting standards: Section 30.9.2.

(l) No conventional housing permitted.

(m) Underground utilities shall be provided in all mobile home parks.

(n) A setback of fifty (50) feet shall be provided between individual mobile residence spaces and any street right-of-way which borders the RM-2 District. Except for access drives or streets, the entire fifty (50) feet shall be landscaped, with the twenty-five (25) feet nearest to the individual spaces intermittently planted with trees and shrubs, in order to accomplish an effective barrier against road noise.

(o) Prior to issuance of any permits, complete plans, prepared by an engineer registered in the State of Florida, shall be submitted showing exact details of the mobile home park construction, including roadway construction details. All roads within such zone shall be a minimum of forty (40) feet in width with twenty-four (24) feet of paved surface required for collector streets and twenty (20) feet of paved surface required for local streets.

(p) This zoning District may remain in place where designated on the official zoning map; however, no additional properties are to be assigned this zoning District.

(q) Stormwater management aspects of all RM-2 Mobile Home Park Districts shall be approved by the County Engineer. An architect or engineer registered in the State of Florida shall design all buildings within the park area.

30.4.12 RM-3 Travel Trailer Park and Campsites.

30.4.12.1 Zone Description:

This District is composed of certain areas where travel trailers and tent campsites are permitted for short periods of time. These areas are generally in less densely populated locations and should have natural or man-made recreational facilities in the vicinity.

30.4.12.2 General provisions and exceptions.

(a) At the time of application for rezoning, a preliminary plan of development shall be submitted. After rezoning, no construction may commence until final development plans have been submitted and approved by the Planning and Zoning Commission and appropriate building permits issued.

(b) Access roads entering a travel trailer park shall, at the minimum, match the surface of the public road providing access to the park. If the public road is paved, the access road of a travel trailer park shall be paved for a distance of one hundred (100) feet into the park from all entrances and exits, and shall be at least twenty-

four (24) feet in width. Travel trailer park roads which are not paved shall be hard-surfaced, well-drained, and all-weather stabilized (e.g., shell, marl, etc.). All road curves shall have a minimum turning radius of fifty (50) feet. All cul-de-sac shall have a maximum length of five hundred (500) feet and terminate in a turning circle having a minimum radius of fifty (50) feet.

(c) Each travel trailer site shall have parking pads of marl, shell, paving, or other stabilized material.

(d) All requirements of the State Department of Health regarding sanitary standards are applicable pursuant to Chapter 513, Florida Statutes (2001), as this statute may be amended from time to time.

(e) Travel trailer parking areas and campsites shall be maintained free of litter, rubbish, and other materials. Fires shall be made only in stoves, incinerators, and other equipment intended for such purposes. Firefighting and protection equipment shall be provided at appropriate locations within the park. All equipment shall be maintained in good operating condition and its location shall be adequately marked.

(f) In all travel trailer and camping parks, there shall be at least one (1) recreation area which shall be easily accessible from all travel trailer and camping sites. The size of such recreation areas shall be not less than twenty-five (25) percent, including buffer area, of the gross site land area.

(g) In all travel trailer and camping parks, there shall be at least one (1) recreation area, which shall be not less than twenty-five (25) percent, including buffer area, of the gross site land area.

(h) This zoning District may remain in place where designated on the official zoning map; however, no additional properties are to be assigned this zoning District.

30.4.12.3 Site area regulations.

(a) Each dependent travel trailer or tent camping site shall be not less than an average width of thirty (30) feet and fifteen hundred (1,500) square feet of area.

(b) Each independent travel trailer site shall be not less than an average width of forty (40) feet and twenty-four hundred (2,400) square feet.

30.4.12.4 Fencing.

The entire park, except for access and egress shall be enclosed with a fence or wall six (6) feet in height or by existing vegetation or screen planting adequate to conceal the park from view.

30.4.13 RP Residential Professional District.

30.4.13.1 Zone Description:

The intent of the RP Residential Professional District is to provide a district where existing residential dwelling structures can be utilized for office use and not adversely affect adjacent property owners or traffic patterns. The District is generally found along collector roads, or arterial roads and transitional areas identified in the future land use element of the comprehensive plan. It is further intended that this District be utilized for the conversion of existing structures. The development of vacant property for office

use shall, at the minimum, comply with the lot size and setback requirements contained in the OP Office District.

Restrictions and Conditions.

The Board of County Commissioners may place such restrictions and conditions on property being assigned the RP zoning classification as said Board shall, in its sound discretion, deem necessary to protect the character of the area or neighborhood, the public investments in streets and roads or other public facilities, and the public health, safety, and welfare. Restrictions or conditions imposed during approval may include, but not be limited to:

(a) Operating hours.

(b) Control of outdoor lighting.

(c) Buffer and landscaping requirements shall comply with Part 14 unless otherwise approved. In any case where the required buffer width exceeds a setback requirement noted in this Section, the greater standard shall apply.

30.4.13.2 Changes to approved special exception use.

Any substantial change to the approved site plan or any substantial change of use shall be reviewed by the Planning and Zoning Commission and approved by the Board of County Commissioners.

30.4.13.3 Application for rezoning and site plan approval.

(a) For properties exceeding one (1) acre, at the time application is made for rezoning, a detailed site plan shall be submitted covering the total property to be rezoned. The site plan shall be drawn to scale (not smaller than one (1) inch to fifty (50) feet) and shall indicate:

(1) Proposed use of property.

(2) Exact location of all buildings.

(3) Areas to be designated for off-street parking.

(4) All means of ingress and egress.

(5) All proposed screens, buffers, and landscaping.

(6) Areas to be designated to stormwater management.

(b) The Board of County Commissioners shall not rezone to RP, or approve any special use, for any lot or parcel that does not have adequate area to provide the necessary parking requirements for the use intended.

30.4.13.4 Off-street parking requirements.

The off-street parking and landscaping requirements shall be determined by the Board of County Commissioners at the time of approval. Determination shall be based on the anticipated traffic generation of the use requested and the landscaping required to preserve and protect the residential character of the area.

30.4.13.5 Lapse of approval.

The approval of a special use and the associated site plan shall expire if a building permit or occupational license is not obtained within one (1) year of approval.

30.4.14 OP Office District.

30.4.14.1 Zone Description:

The intent of the OP Office District is to promote orderly and logical development of land for offices and service activities, to discourage integration of noncomplementary land uses that may interfere with the proper function of the District, and to assure adequate design in order to maintain the integrity of existing or future nearby residential areas. The ultimate site must provide a low intensity of land usage and site coverage to enable the lot to retain a well-landscaped image so as to readily blend with nearby residential areas; buildings are low profile. It is intended that a minimum number of points of ingress and egress be utilized in order to reduce the traffic impact on adjacent streets and thus enhance traffic movement. The District is most generally located on arterial or collector roadways.

30.4.15 CN Restricted Neighborhood Commercial District.

30.4.15.1 Zone Description:

This District is designated to serve those areas in Seminole County that are predominantly residential in character, but which require some neighborhood service establishments and shops. Such commercial uses permitted in this District shall be highly restrictive and designed to serve primarily the residents of the immediate neighborhood.

30.4.15.2 Special restrictions.

(a) All parking areas used by the public shall be graded, filled, and/or compacted to support the weight of vehicles using the site, as determined by the County Engineer. All drives and required ADA Accessible (handicapped) spaces shall be paved with asphalt or concrete.

(b) Buffering and landscaping shall comply with Part 14. In any case where the required buffer width exceeds a setback requirement noted in this Section, the greater standard shall apply.

(c) Lighting may be used for illuminating the parking area, advertising signs, or any portion of the property as long as the direct light is not visible to drivers on the highways and no red or green illumination will be permitted within one hundred (100) feet of any street intersection.

(d) No advertising sign shall be higher than fourteen (14) feet at its highest point above grade and there shall be a nine (9) foot clearance to the bottom of the sign. No advertising sign shall be wider than eight (8) feet. Any variance shall be approved by the Board of Adjustment.

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

(f) No business operating upon property assigned the CN zoning classification shall operate other than between the hours of 7:00 a.m. and 11:00 p.m.

30.4.16 CS Convenience Commercial District.

30.4.16.1 Zone Description:

This District is designated to serve those areas in Seminole County that are predominantly residential in character but also provide opportunities for convenience or grocery stores. The uses in this District shall be highly restrictive and designed to serve primarily the residents of the immediate neighborhood.

30.4.16.2 Special restrictions.

(a) All parking areas used by the public shall be graded, filled, and/or compacted to support the weight of vehicles using the site, as determined by the County Engineer. All required drives and ADA Accessible (handicapped) spaces shall be paved with asphalt or concrete.

(b) Buffering and landscaping shall comply with Part 14. In any case where the required buffer width exceeds a setback requirement noted in this Section, the greater standard shall apply.

(c) Lighting may be used for illuminating the parking area, advertising signs, or any portion of the property as long as the direct light is not visible to drivers on the highways and no red or green illumination will be permitted within one hundred (100) feet of any street intersection.

(d) No advertising sign shall be higher than fourteen (14) feet at its highest point above grade and there shall be a nine (9) foot clearance to the bottom of the sign. No advertising sign shall be wider than eight (8) feet. Any variance shall be approved by the Board of Adjustment.

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

(f) No business located on property assigned the CS zoning classification shall operate other than between the hours of 7:00 a.m. and 11:00 p.m.

(g) All trash receptacles shall be screened from off-premise view.

30.4.17 C-1 Retail Commercial District.

30.4.17.1 Zone Description:

This District is composed of lands and structures used primarily to provide for the retailing of commodities and furnishing selected services. It is intended to permit and encourage a full range of essential commercial uses, while at the same time, protecting nearby residential properties from any possible adverse effects of commercial activity. Multifamily units such as condominiums, apartments, townhouses and above-store "flat" housing units are permitted to provide housing in close proximity to employment centers. The provision of multifamily uses is limited to twenty (20) percent of the total net buildable area of any development site and forty-nine (49) percent of total floor area to preserve the commercial character of the District and to maintain adequate commercial uses to serve surrounding residential districts.

30.4.17.2 Building site area requirements.

Adequate space will be provided for off-street parking (segregated for commercial and residential uses), loading, and landscaping requirements. The floor area of permitted

residential uses shall be incidental to commercial uses and shall not exceed fifty (50) percent of the commercial floor area. Residential floor areas will not be counted toward the floor area ratio calculation for the commercial use.

30.4.18 C-2 General Commercial District.

30.4.18.1 Zone Description:

This District is composed of lands and structures used primarily to provide services, supplies, and accommodations to the motorist. It is comprised of businesses that do not necessarily seek independent locations generally along major thoroughfares. Multifamily units such as condominiums, apartments, townhouses, and above-store "flat" housing units are permitted to provide housing in close proximity to employment centers. The provision of multifamily is limited to twenty (20) percent of the net buildable area of any development site and forty-nine (49) percent of total floor area to preserve the commercial character of the District and to maintain adequate commercial uses to serve surrounding residential districts.

30.4.18.2 Building site area requirements.

Adequate space will be required for off-street parking (segregated for commercial and residential uses), loading, and landscaping requirements. The floor area of permitted residential uses will be incidental to commercial uses and shall not exceed fifty (50) percent of the commercial floor area, and residential floor areas will not be counted toward the floor area ratio calculation for the commercial use.

30.4.19 C-3 Heavy Commercial and Very Light Industrial District.

30.4.19.1 Zone Description:

This district is composed of those lands and structures, which, by their use and location, are especially adapted to the business of wholesale distribution, storage and light manufacturing. These are large space users and bear little relationship to the County's residential areas. Such lands are conveniently located to principal thoroughfares and railroads.

30.4.20 M-1A Very Light Industrial District.

30.4.20.1 Zone Description:

This District is composed of lands so situated as to provide an area for very light, clean, industrial development. The purpose of this District is to encourage and develop industry of an exceptionally clean, non-objectionable type and to protect it from encroachment of smoke, fumes, vibration, or odors of any objectionable nature. The M-1A zoning District includes those industrial uses that include fabrication, manufacturing, assembly or processing of materials that are in refined form and that do not in their transformation create smoke, gas, odor, dust, noise, vibration of earth, soot, or lighting.

30.4.21 M-1 Industrial District.

30.4.21.1 Zone Description:

This District is composed of lands so situated as to be well adapted to industrial development, but where proximity to residential or commercial districts makes it desirable to limit the manner and extent of industrial operations. The purpose of this

District is to permit the normal operation of the majority of industrial uses under such conditions of operations as will protect abutting residential and commercial uses and adjacent industrial uses.

30.4.21.2 Enclosed buildings and outside storage.

All uses shall be maintained within an enclosed permanent building and any outside storage shall be in an area screened from view from adjacent property.

30.4.22 M-2 Heavy Industrial Zoning District.

30.4.22.1 Zone Description:

This District is composed of those lands and structures which have secondary impacts or by their use and location, are especially adapted to the business of wholesale distribution, storage, light manufacturing, sexually oriented and adult uses. These users should bear little relationship to the County's residential areas.

30.4.22.2 Appeals.

Denials of development permits relating to the permitted uses set forth in the Sec. 30.5.2 Permit Use Table in this zoning classification may be appealed to the circuit court in and for Seminole County.

30.4.23 Special Zones.

30.4.23.1 The following special zoning districts are accompanied by detailed standards which may include alternative subdivision and other standards. They are subject to the standards provided in Part 8. Special Zoning Districts.

(a) MUCD Mixed-Use Corridor District

(b) MM Missing Middle District

(c) R-AH Affordable Housing Dwelling District/Subdivision Standards/Administration

(d) PD Planned Development

(e) PLI Public Lands and Institutions

PART 5. PERMITTED USES BY ZONING DISTRICT

30.5.1 General Requirements.

30.5.1.1 Table 5.2 specifies uses that are permitted, permitted on a limited basis, permitted by special exception, or prohibited in each zoning district. Numbers in parentheses refer to footnotes following the tables.

Uses may be subject to additional standards or restrictions based on the applicable zoning district or as described in:

(a) Part 6. Additional Use Standards

(b) Part 9. Supplemental Regulations

30.5.1.2 Interpretation of Permitted Uses Table.

(a) Where permitted, uses are subject to all the provisions, conditions, and standards of this Code.

(b) Unlisted Similar Use. If a use is not listed but is similar in nature and impact to a permitted use within a zoning district, the Planning Manager may interpret the use as permitted. The Planning Manager may refer to the North American Industry Classification System (NAICS) for a use interpretation. The unlisted use is subject to any additional standards applicable to the similar permitted use.

(c) Unlisted Dissimilar Use. If a use is not listed and cannot be interpreted as similar in nature and impact to a permitted use, the use may only be permitted if submitted to the Planning and Zoning Commission for recommendation and approved by the Board of County Commissioners.

(d) Where any cell is blank, the use is prohibited.

(e) Where a use or structure is described as accessory, this means the nature of the use is customarily incidental and subordinate to a primary use on the same lot or parcel. The accessory use may only be operated in conjunction with the primary use. The primary use or structure must be established first.

(f) P - Permitted Uses:

Indicates the specific use is permitted in the specific zoning district.

(g) L - Limited Uses:

Certain uses may be allowed when meeting specified conditions, and after review by the Planning Manager, subject to the terms and conditions contained herein. The Planning Manager may impose additional conditions and limitations in furtherance of the public health, safety, and welfare.

(H) S - Special Exception:

The Board of County Commissioners may permit uses designated as Special Exception within a given zoning district upon making the findings of fact required by Section 30.3.3.1.5 of this Code; providing, however, such uses may be subjected to or limited by conditions of the Board.

30.5.2 Permitted Use Table & Footnotes.

See enclosed table.

TABLE 5.2

Seminole County Land Development Code (Permitted Uses)	A-10, A-5, A-3	A-1	RC-1	R-1AAAA, R-1AAA, R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3A	R-3	R-4	R-AH	MM	RM-1	RM-2	RM-3		RP	OP	CN	CS	C-1	C-2	C-3	MUCD		M-1A	M-1	M-2
Residential and Lodging Uses																														
Assisted living facility		S	S[4]	S[4]	S[4]	S[4]	S[4]	S[4]	S[4]	S	S	S		S	S[4]	S[4]				S			P[13]	P[13]		S				
Bed and breakfast	S	S																						P	P	P				
Boarding house/ Dormitories										S	S	S														S				
Campground / RV Park																	P													
Community residential home (1-6 unrelated persons)	L	L	L	L	L	L	L	L	L		L		L	L	L	L	L													
Community residential home (7-14 unrelated persons)	S[4]	S[4]	S[4]	S[4]	S[4]	S[4]	S[4]	S[4]	S[4]	L	L	L	L	L						P						L				
Dwelling, multiple-family										P	P	P	L	L									P[13]	P[13]		P				
Dwelling, two-family or duplex									P	P	P		P	L																
Dwelling, single-family	P	P	P	P	P	P	P	P	P				P	L	P				P											
Dwelling unit, accessory	P	P	P	P	P	P	P	P																						
Guest cottage	P	P	P	S	S	S	S	S	S																					
Dwelling unit, accessory for employee																	L			S			S	S	S	P		P	S	
Farmworker housing	S	S																												
Hotels & motels (exc. Bed & breakfast)																P								P	P				P	P
Home Occupation	P	P	P			P	P	P	P																					
Home Office	P	P		P	P	P	P	P	P				P																	
Live-Work Unit														L												P				
Mobile homes	L	L													P	P	P													
Transient parking of recreational vehicles, campers, etc.	L	L															P													

Seminole County Land Development Code (Permitted Uses)	A-10, A-5, A-3	A-1	RC-1	R-1AAAA, R-1AAA, R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3A	R-3	R-4	R-AH	MM	RM-1	RM-2	RM-3		RP	OP	CN	CS	C-1	C-2	C-3	MUCD		M-1A	M-1	M-2
Public and Civic Uses																															
Cemetery or mausoleum	S	S																													
Child-care facilities																															
Family Day Care Home	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									P				
Day Care Center		S				S	S	S	S				S	S	S					P			P	P	P	P			P	P
Civic Assembly																															
Neighborhood	S	L	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		L	P	S	S	P	P	P	P		L	P	P
Community	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S	P	S	S	L	L	P	P		L	L	L
Regional																							S	S	L					
Fire Stations																				P	P	P	P	P	P					
Libraries																					P	P	P	P	P					
Medical facilities																														
Hospital		S										S								S[17]			S	S	S	S				P
Clinic, Medical or Dental																			S	P	P	P	P	P	P	P		P		P
Retail Pharmacy																							P	P	P	P		L	P	P
Pain management clinic																									P				P	P
Residential facility, nursing home or rehabilitation center												S								S[17]			S	S	S	S				P
Recreational Facilities, Private		P[7]		S[10]	S[10]	S[10]	S[10]	S[10]	S[10]	S[10]	S[10]	S[10]			S[10]	S[10]	S[10]		S[10]					P	P	P		S	S	
Community Buildings, accessory			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P									P				
Schools																														
Free-standing Kindergarten and/or VPK program		S				S	S	S	S				S	S	S					P						P				
Elementary school, Public or private	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P			P	P	P	P	P	S	P		S		
Middle school, Public or private		S	S	S	S	S	S	S	S	S	S	S		S	S	S	S			P	P	P	P	P	S	P		S		
High school, Public or private		S	S	S	S	S	S	S	S	S	S	S		S	S	S	S			P	P	P	P	P	S	S		S		
Vocational, business and professional (non-industrial)																				S[16]						S		P	P	P
Industrial Trade Schools																									P					P
College or university		S																								S				

Seminole County Land Development Code (Permitted Uses)	A-10, A-5, A-3	A-1	RC-1	R-1AAAA, R-1AAA, R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3A	R-3	R-4	R-AH	MM	RM-1	RM-2	RM-3		RP	OP	CN	CS	C-1	C-2	C-3	MUCD		M-1A	M-1	M-2
Commercial Uses																														
Automobile sales & service																														
Car wash																								P	P				P	P
Automobile, mobile home, and RV sales (excludes repair)																								P	P				P	P
Automobile service & repair																			-		-				P				P	P
Mechanical garages, bus, cab and truck repair, and storage																								S	P				P	P
Paint & body shop																								S	P				P	P
Bank																			-	S[17]	-	-	P	P	P	P				
Convenience store																	L[24]		-			P	P	P	P	P				
Self-service gasoline pumps as an accessory use																			-		-	S	S	S	S					P
Dry cleaning (pick-up and drop-off only)																							P[14]	P[14]	P	P				
Food and Beverage																			-											
Alcoholic beverage establishment																							S	S		S				
Delicatessen / Café																			-		P	P	P	P	P	P		P	P	P
Ice cream / Coffee / Tea shop																			-		P	P	P	P	P	P		P		
Restaurant, drive-through																			-		-	-		S						
Restaurant, standard																			-		-	-	P	P	P	P		P	P	P
Funeral home																			-	S[17]	-	-	P[29]	P[29]	P[29]	P[29]		P[29]	P[29]	P[29]
Indoor recreation																							P	P	P	P				
Museum																							P	P	P	P				
Studios, Physical Fitness (includes dance, martial arts)																					P	P	P	P	P	P		P	P	P
Indoor assembly and entertainment																														
Theaters and Cinemas																							P	P	P	P			P	P
Commercial Kennels	S	S																						P	P				P	P
Laundry, self-service																					-	P	P	P	P	P				
Office uses												P							S	P	P	P	P	P	P	P		P	P	P
Outdoor advertising signs (Billboards)																			-		-	-		L	L	-				
Outdoor entertainment and assembly																			-		-	-				-				
Theater, drive-in																								S		-				
Stadiums, racetracks, and speedways		S[8]																								-				
Outdoor recreation and amusement uses, intensive		P[7]															L[25]							P	P	P				
Outdoor recreation uses, extensive	S[5]	S[5]															L[25]													
Outdoor storage of merchandise and/or materials																								P[22]	P[22]			P[22]	P[22]	P[22]

Seminole County Land Development Code (Permitted Uses)	A-10, A-5, A-3	A-1	RC-1	R-1AAAA, R-1AAA, R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3A	R-3	R-4	R-AH	MM	RM-1	RM-2	RM-3		RP	OP	CN	CS	C-1	C-2	C-3	MUCD		M-1A	M-1	M-2
Commercial Uses																													
Personal Services																					P	P	P	P	P	P				
Retail Sales/Services																														
Light Retail																					P	P	P	P	P	P		L[27]		
General Retail																							P	P	P	P		L	P	P
Grocery store																						P	P	P	P	P				
Agricultural Supplies																									P				P	P
Building and plumbing supplies																								P	P					
Flea market																									S					
Furniture warehouse with retail sales																								P	P				P	P
Marine sales and service																								P	P				P	P
Printing and book binding shops																								P	P	P		P	P	P
Retail, rural																														
Produce stand	P[3]	P[3]																												
Temporary sale of agricultural products																					S[12]	S[12]	S[12]	S[12]	S[12]					
Sexually oriented businesses																														P
Studios, Radio/television (excluding towers)																							P	P	P	P		P	P	P
Studios, Artist (includes music, photographic)																					P	P	P	P	P	P		P		
Veterinary Clinic[1]		S																					P	P	P	P			P	P

Seminole County Land Development Code (Permitted Uses)	A-10, A-5, A-3	A-1	RC-1	R-1AAAA, R-1AAA, R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3A	R-3	R-4	R-AH	MM	RM-1	RM-2	RM-3		RP	OP	CN	CS	C-1	C-2	C-3	MUCD		M-1A	M-1	M-2
Industrial Uses																														
Automobile wrecking lots																													S	S
Bottling and distribution plants																									P			P	P	P
Cabinetry and woodworking shops																												P	P	P
Data processing services																												P	P	P
Incineration of organic materials		S																												P
Junk and Recycling Yards																													S	S
Laundry and dry cleaning plants																									P			P[18]	P[18]	P
Lithography and publishing plants																									P				P	P
Machine shops																												P[26]	P[26]	P[26]
Machinery sales and storage																									P				P	P
Manufacturing, Light																												P	P	P
Manufacturing, Heavy																													S	S
Soap																													S	S
Feed Mill																													S	S
Fertilizer																													S	S
Concrete block plants and redi-mis concrete plants																													S	S
Animal Processing																													S	S
Water-based and/or epoxy-based coatings, adhesives, sealants and paints																													P	P
Sawmill		S																												
Storage																														
Contractors' equipment storage yards																									P					P
Self-Storage Facility																									P				P	P
Testing of materials, equipment and products																												P	P	P
Trade shops (including upholstery, metal)																									P				P	P
Warehouse and Distribution																									P			P[19]	P[19]	P
Cold storage and frozen foodlockers																									P			P	P	P
Lumber Storage and Distribution																								S	P				P	P
Wholesale storage of flammable liquids or gases																													S[23]	S[23]
Wholesale meat and produce distribution																									P				P	P

Seminole County Land Development Code (Permitted Uses)	A-10, A-5, A-3	A-1	RC-1	R-1AAAA, R-1AAA, R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3A	R-3	R-4	R-AH	MM	RM-1	RM-2	RM-3		RP	OP	CN	CS	C-1	C-2	C-3	MUCD		M-1A	M-1	M-2
Infrastructure and Transportation																														
Airplane landing field or heliport		S																										S	S	S
Communications tower, camouflage design	S	S	S	S	S	S	S	S	S	S	S	S			S		S		S	S	S	S	P	P	P			P	S	P
Communications tower, general	S	S	S	S	S	S	S	S	S	S	S	S			S		S		S	S	S	S	S	S	L[15]			L[15]	L[15]	L[15]
Landfill, Sanitary		S																											S	S
Parking garages or lots, primary use																				P				P	P	P[28]			P	P
Sewage treatment and related facilities, public		S															P[11]													
Sewage and/or water treatment plant, subdivision				S	S	S	S	S	S						S					S										
Solid waste transfer, storage and recovery station																													S	S
Solar Energy Systems (ES)																														
Roof-Mounted Solar	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P
Building-Integrated Solar	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P
Ground-Mounted Solar, Accessory	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	P	P	P	P	P		P	P	P
Ground-Mounted Solar, Medium	P	P																		S			S	S	S			P	P	P
Ground-Mounted Solar, Large	P	P																										S	S	S
Temporary asphalt plants for public road construction		S																												
Truck Terminal																												P	P	P
Utility and service structures, public	S	S	S	S	S	S	S	S	S								P			S			S	S	S	S		P[20]	P	P
Water treatment plant		S															P[11]													

Seminole County Land Development Code (Permitted Uses)	A-10, A-5, A-3	A-1	RC-1	R-1AAAA, R-1AAA, R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3A	R-3	R-4	R-AH	MM	RM-1	RM-2	RM-3		RP	OP	CN	CS	C-1	C-2	C-3	MUCD		M-1A	M-1	M-2
Agricultural and Other Uses																														
Agriculture uses generally	P[2]	P[2]																												
Commercial Pig Farm		S																												
Poultry and livestock production (except pigs)	P[2]	P[2]																												
Fishing hatcheries or fish pools	P	P																												
Equestrian Facilities																														
Keeping of horses for use of occupant	P	P	S																											
Riding stables limited to 10 lessons and/or customers per day	P	S[9]																												
Riding stables exceeding 10 lessons and/or customers per day	S																													
Nurseries, Greenhouses, and Silviculture																														
Landscape contractor accessory to wholesale nursery or tree farm	P	S																												
Greenhouses – Wholesale Only	P[10]	P[10]																							P				P	P
Plant nursery – Wholesale Only	P[10]	P[10]																					P	P	P				P	P
Plant nursery – Retail																							P	P	P				P	P
Plant nursery – on-site produce Only	L	L																												
Tree Farm	P	P																												

P – Permitted

L – Limited Uses

S – Special Exceptions

Footnotes:

1. No overnight boarding except for animals being treated on the premises
2. Agricultural operations and attendant structures; greenhouses (not involved with retail sales to the general public); including, but not limited to, poultry production, apiculture, dairy farms, plant nurseries, dairies, silviculture (including fish hatcheries and bait 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. Barns, sheds, silos, granaries, and related agricultural structures.
3. 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 (25) feet to a property line.
4. Community residential homes having seven (7) to fourteen (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 Florida Statutes as amended from time to time.
5. When making use of the land with nominal impacts to natural resources as determined by the Planning Manager.
6. Plant nurseries and greenhouses not involved with retail sales to the general public.
7. Neighborhood recreation areas, when approved as part of a subdivision plat.
8. 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.
9. Riding stables, provided that no structure housing animals is located nearer than one hundred (100) feet from a property line.
10. 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 Planning Manager.
11. Where no other such facilities are available. Must be located within the park and not closer than two hundred (200) feet from any property line. All such facilities shall conform to State and County water and sewer plant regulations and shall be enclosed with a six (6) foot chain-link fence and shielded by screen planting.
12. 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.
13. Density and design criteria must conform to the standards for properties assigned the R-3 zoning classification.

14. Dry cleaners utilizing a Perman R308 dry cleaning machine or machine, found to be similar in nature by the Planning Manager, which provide dry cleaning services to only those customers bringing clothing and other materials to the site for service; provided, however, that this provision shall not apply to dry cleaning businesses with pick-up service or satellite facilities or to a dry cleaning plant.
15. Communication towers when monopole in design if the tower is under one hundred forty (140) feet in height. Communication towers when monopole in design if the tower is over one hundred forty (140) feet in height may be permitted by Special Exception.
16. 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.
17. Location on a roadway having a right-of-way width of not less than eighty (80) feet shall be required.
18. Only nonflammable solvents shall be used. (Class IV National Fire Protective Association Code.)
19. Provided no storage is done outside an enclosed structure
20. Provided, however, no sewer plant shall be located closer than two hundred (200) feet to the perimeter of the district nor shall any other utility plant, station, or distribution office be located closer than one hundred (100) feet to the perimeter of the district.
21. Reserved.
22. Outside storage of parts, supplies or materials shall be permitted only in an enclosed or fenced area.
23. Wholesale storage of gasoline, liquefied 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.
24. A service store, with living quarters, if desired, to provide groceries, bottle gas, a snack bar, and supplies for occupants of the park.
25. Recreational facilities, such as, golf courses, swimming pools, tennis courts, marinas, etc. Petroleum products may be sold in marina areas only for marina use.
26. Using only electrically fired forges
27. Retail sales if ancillary to a use permitted by this section. For purposes of this subsection, “ancillary” shall mean supplementary, or secondary, not of primary importance.
28. Subject to landscaping and screening requirements of the MUCD district.
29. No cremation

30.5.3 Use Consolidation

(a) Detailed use categories have been consolidates as described in the Use Consolidation Table.

(b) See enclosed table.

Use Consolidation

Indoor recreation
Bowling Alley
Museum
Historical and cultural exhibits
Dance and music studios
Indoor Private Assembly and Entertainment
Arenas
Theaters
Cinemas
Banquet halls
Office uses
Architects
Attorneys
Engineering
Finance offices (accounting, auditing, bookkeeping)
Insurance
Medical and dental
Office showroom
Real estate
Telephone business offices and exchanges
Retail sales and services, light
Book, stationery, and newsstands
Candy Stores
Florist and gift shops
Hobby and craft shops
Interior decorating and draperies
Jewelry stores
Locksmiths
Luggage shops
Pharmacies
Sporting goods
Tobacco shops
Toy stores
Wearing apparel shoes
Personal Services

Barber and beauty shops
Shoe repair
Tailoring shops
Watch and clock repair
Retail sales / service uses (general)
Appliance stores
Bakeries
Pet stores
Employment agencies
Furniture stores
Hardware stores
Quick print shops
Light industrial uses (exc. Water treatment plant)
Bottling and distribuition plants
Cold storage and frozen foodlockers
Data processing services
Laundry and dry cleaning
Machine shops
Assembling of metal, plastic or cardboard containers
Testing of materials, equipment and products
Cabinetry and woodworking shops
Manufacturing, Light
Garments
Photographic equipment and supplies
Bakery products
Boats
Ceramics, pottery (using electrically fired kilns)
Chemical products and processing
Dairy products
Electrical machinery and equipment
Furniture
Glass and glass products (using electrically fired kilns)
Pharmaceutical products
Shoes and leather goods (exp leather processing)
Brooms and brushes
Candy and confectionaries
Cosmetics and toiletries (exp soap)
Candles
Jewelry
Optical equipment
Perfume

Precison insturments and machinery
Plastic products (exp pyroxylin)
Silverware
Spices and spice packing
Stationary
Toys
Electronic equipment and assembling
Assembling of metal, plastic or cardboard containers
Outdoor recreation uses, extensive
Country Club
Golf Course
Golf Driving Range
Gun club
Fishing club or camp
Marina
Outdoor recreation uses, intensive
Swimming pools
Sports courts (e.g. Tennis, Basketball, Pickleball, Volleyball, Handball)

PART 6. ADDITIONAL USE STANDARDS

30.6.1 Accessory Buildings and Uses.

30.6.1.1 Accessory uses in office and multiple-family residential uses.

(a) Accessory uses, when permitted, are intended to complement any permitted uses.

(b) Accessory uses shall include, but not be limited to: Drafting service or quick reproduction service, cafeteria and/or coffee shop, nurse's station, snack bar, or sales of non-prescription health and pharmaceutical products apothecary.

(c) Location. Accessory uses shall be included as tenants within a principal office building and shall not be permitted to occupy separate buildings.

(d) Floor area permitted. Accessory uses shall not occupy more than twenty (20) percent of the floor area of any building.

(e) Other restrictions. No display of advertising signs or merchandise which is visible from outside the building or an individual outside entrance shall be permitted for any accessory use.

(e) Accessory uses as described above are permitted in the following zones:

(1) OP Office District

(2) R-3A, R-3, and R-4 Multiple-Family Dwelling Districts

(f) The determination of whether a use is accessory shall be made by the Development Services Director based on the intended use, size, and transportation impacts.

30.6.1.2. Accessory buildings and uses in residential areas.

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

(b) In no event shall an accessory building, boatdock, or structure be established prior to the principal use to which it is accessory.

(c) In any residential area, no livestock or fowl, other than backyard chickens in compliance with Section 30.6.19, 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.

(d) In the case of double frontage lots and where there is a conforming six (6) foot 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. Specific to RC-1: Any structure used to stable horses shall maintain a minimum setback of fifty (50) feet from property lines and a minimum setback of one hundred (100) feet from any residential structure on an adjacent lot or parcel.

(e) Accessory buildings shall not exceed the principal building in terms of mass, size, and height unless located in the A-1 zoning District and used for agricultural

purposes such as a livestock barn or stable. Each detached accessory structure or building shall not exceed fifty (50) percent of the living area of the principal building. This provision does not apply to accessory structures within the A-3, A-5, and A-10 zoning Districts. A screened pool structure height may exceed the height of the principal structure, but no taller than permitted by the applicable zoning district.

(f) An accessory building or structure greater than 200 square feet and twelve (12) feet in height shall comply with the following architectural standards unless located in the A-1, A-3, A-5, and A-10 zoning districts and used for agricultural purposes such as a livestock barn or stable: the exterior and roof (if any) shall be comprised of materials commonly used throughout Seminole County in single family residential construction, such as stucco, brick, vinyl, aluminum or wood for the siding or walls and shingles, tiles or corrugated metal for the roof. Accessory Dwelling Units must conform with Section 30.6.1.3 of this Part.

30.6.1.3 Accessory Dwelling Units.

(a) Accessory Dwelling Units Generally.

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

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

(3) An existing home may be utilized as an ADU upon construction of an additional unit at least two hundred eighty-five (285) percent of the size of the original unit. Except as authorized under Section 5.19(b), an existing structure to be converted to an ADU may be no larger than 1,000 square feet.

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

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

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

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

(8) Impact Fees.

a. If used for affordable rental purposes, impact fees for an ADU shall be waived or reduced as dictated by the adopted Impact Fee Rates/Schedule. An application for a building permit to construct an affordable rental must include an affidavit from the applicant which attests that the unit will be rented at an affordable rate to an extremely-low-income, very-low-income, low-income, or moderate-income person or persons. Seminole County will require deed restrictions or other agreements as necessary to ensure that the ADU is used for affordable housing purposes.

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

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

(1) ADUs in A-3, A-5, and A-10 shall be permitted by right subject to the following requirements:

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

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

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

ii. The moving hitch, wheels, 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.

c. If located in a detached structure, the accessory dwelling unit shall maintain the same front setback as the main structure and not project beyond the established building line unless set back a minimum of one hundred (100) feet from the front property line.

(c) Accessory Dwelling Units in Other Districts.

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

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

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

b. Building elevations shall be provided for review prior to issuance of permits.

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

Zoning District	Maximum Impervious Coverage*
RC-1, A-1	30%
R-1BB	65%
R-1B	60%
R-1	50%
R-1A	40%
R-1AA	40%
R-1AAA	40%
R-1AAAA	30%
PD	**

*The per-lot impervious coverage provided for by the approved Master Stormwater Management System Design (excludes Planned Developments).
**The per-lot impervious coverage provided for by the approved Master Stormwater Management System Design for the Planned Development.

30.6.1.4 Accessory buildings in agricultural zones.

(a) Buildings or structures which are not intended to be used for the housing or shelter of livestock or fowl and which are accessory to the residential use shall maintain the same front and side yards as the main structure and shall maintain rear yards of a minimum of ten (10) feet. Accessory buildings or structures shall not project beyond the established building line unless set back a minimum of one hundred (100) feet from the front property line.

(b) Buildings or structures which are intended for use or used for the housing or shelter of livestock or with the operation of an agricultural use or commercial kennels shall observe a minimum setback of fifty (50) feet from any property line and be spaced a minimum of one hundred (100) feet from any residence on an adjacent lot or parcel.

30.6.1.5 Accessory uses in RM-1 Zoning District.

Mobile home lots may include such accessory 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. 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.

30.6.1.6 Accessory uses in RM-2 Zoning District.

Mobile home sites may incorporate screened porches, cabanas, and carports with utility areas attached to the mobile home.

30.6.2 Accessory Housing for Employees.

30.6.2.1 Applicable to the RM-3 Zoning District.

One (1) house or mobile home is permitted as office and housing for the operator of the park. Additional houses or mobile homes may be permitted for night watchman or security guards on approval of the Planning and Zoning.

30.6.2.2 Applicable to the OP Zoning District.

A single family dwelling unit may be permitted in connection with a permitted use provided said use is occupied only by the owner or operator of the business. When permitted, the residence shall be either above the office or attached to the rear; no detached residence shall be permitted, and no residence shall occupy ground-floor frontage.

30.6.2.3 Applicable to Commercial Zoning Districts.

The Board of County Commissioners may authorize living quarters, in conjunction with a commercial use, to be occupied by the owner or operator of the business or an employee.

30.6.2.4 Applicable to the M-1A Zoning District.

Living quarters for guards, custodians, and caretakers are permitted when such facilities are accessory uses to the primary use of the premises.

30.6.2.5 Applicable to the M-1 Zoning District.

The Board of County Commissioners may authorize the parking and location of a mobile home or house trailer to provide quarters for a watchman or security guard after study of the area and review of the conditions pertaining to the need.

30.6.3 Additional Use Standards specific to Agricultural Zones.

30.6.3.1 Uses by general permit in agricultural zones.

(a) Pursuant to the procedures set forth in this Section, the Planning Manager or the Board of County Commissioners may permit light commercial and light industrial uses upon parcels assigned the A-1, A-3, A-5, and A-10 zoning classifications.

(b) Applications proposing a light commercial or light industrial use upon parcels assigned the A-1, A-3, A-5, or A-10 zoning classifications shall be submitted to the Planning Manager. Such proposed uses may be approved only after the proposed use is determined to be appropriate based upon findings of fact that the use requested:

(1) Is consistent with the rural or agricultural uses in the vicinity of the parcel.

(2) Is not detrimental to the character of the area or neighborhood or inconsistent with the trends of development in the area or neighborhood based upon the historic uses of the properties.

(3) Is not highly intensive in nature.

(4) Is compatible with the concept of maintaining the integrity of the rural or agricultural characteristics of the area.

(5) Does not have an unduly adverse impact on existing traffic patterns, movements, or intensity.

(6) Has direct access onto a collector or arterial roadway.

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

(8) Is consistent with the Seminole County Comprehensive Plan.

(c) Upon a determination that a proposed use is appropriate for the subject property, the Planning Manager shall cause a "Notice of Intent to Grant a General Use Permit" to be published in a newspaper of general circulation. The Notice shall, at a minimum, state the address of the property and the proposed light commercial or light industrial use. The Notice shall further state that any person objecting to the granting of the permit must file a notice of objection with the Planning Division within thirty (30) days of the publication.

(d) Upon a determination that a proposed use is not appropriate for the subject property, the applicant may appeal said decision to the Board of County

Commissioners by filing a notice of appeal with the Planning Division within thirty (30) days of the rendering of the decision. The Planning Division shall schedule the appeal before the Board. The Board may approve the permit request, deny the permit request or approve the permit request subject to such restrictions and conditions deemed necessary to protect the character of the area or neighborhood and the public health, safety, and welfare.

(e) If the Planning Division receives no objections, then the Planning Manager shall grant the permit to allow the proposed light commercial or light industrial use. In granting any light commercial or light industrial use, such restrictions and conditions may be placed on the approval as shall be deemed necessary to protect the character of the area or neighborhood and the public health, safety and welfare. A proposed master plan of development shall be submitted at the time of application, and approval shall be based upon and limited to the extent of said master plan.

(f) If the Planning Division receives an objection to granting the permit, then the Planning Manager shall schedule a public hearing before the Board to consider the permit. The Board may approve the permit request, deny the permit request or approve the permit request subject to such restrictions and conditions deemed necessary to protect the character of the area or neighborhood and the public health, safety, and welfare.

(g) In the absence of the Planning Manager, the Development Services Director may issue permits pursuant to this Section.

30.6.3.2 Special Exceptions – A-1 Zoning District.

(a) A manufactured home may be permitted as a Special Exception without a specific time limit on a lot or parcel of record subject to the following requirements:

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

(2) It shall bear a seal certifying that it is built in compliance with the federal Manufactured Home Construction and Safety Standard Act.

(3) It shall be subject to all applicable regulations of the zoning classification (i.e., setbacks, land uses).

(4) 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.

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

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

(7) 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.

30.6.4 Temporary Uses.

30.6.4.1 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.

30.6.4.2 Permits for site-specific special events, outdoor sales of merchandise, and temporary package storage permits, and mobile food vendors.

(a) Mobile food vendors.

(1) Purpose and Intent. These regulations are intended to establish requirements for the sale of prepared foods on a temporary basis from motorized vehicles, trailers, carts and other movable devices, within specified commercial zoning districts unless otherwise preempted by Section 509.102, Florida Statutes. No formal permit or approval shall be issued by Seminole County for a particular property or mobile food vendor, but all required documentation, including licenses and owner authorization, shall be in the vendor's possession at all times while in operation, and shall be provided to any County official upon request. Mobile food vendors not in compliance with Sec. 30.6.4.2 shall be prohibited unless approved as part of a Special Event Permit under Sec. 30.6.4.2.

(2) Exemptions. Specifically excluded from these regulations are the following:

a. Produce stands in agricultural zoning districts.

b. Ice cream trucks and similar vehicles operating on public streets.

c. Food sales on active construction sites not accessible to the public.

d. Sales of non-food items in any district.

(3) General Requirements. All mobile food vendors shall meet the following requirements:

a. Mobile food vendors shall be permitted in C-1, C-2, C-3, and M-1 Districts, but may also be allowed in the Planned Development (PD) District where an approved master development plan permits general retail commercial uses, and where mobile food vendors are not specifically prohibited through a development order.

b. Mobile food vendors shall not operate on vacant lots or within one hundred (100) feet of any structure containing a residence. Operation of an individual vendor at any location shall be limited to three (3) consecutive days and a total of twelve (12) days in any calendar month.

c. Except as provided herein, mobile food vendors shall not occupy any of the following:

i. Site entrances, exits, and driveway aisles.

ii. More than ten (10) percent of parking spaces required under Section 30.11.3.

iii. Buffers required under Part 14, Chapter 30.

iv. Open space areas required under Part 14, Chapter 30.

v. Stormwater retention areas, drainage easements, and related facilities.

However, the Development Services Director may reduce or eliminate the above restrictions where it is demonstrated that the food vendor activity does not significantly impair the functioning of the development site with respect to the applicable provisions of this Code. In doing so, the Director may establish conditions as necessary to meet the purpose and intent of these provisions. Any such waiver shall be valid for a ninety (90) day period, but may be extended at the Director's discretion. Waivers shall be made in writing, and shall include specific location, effective date, and expiration date.

d. Tents and/or canopies exceeding one hundred (100) square feet, and electrical wiring outside of vehicles shall be prohibited.

e. Outdoor amplification of sound shall be prohibited.

f. Business activity shall be prohibited during the hours of 11:00 p.m. to 7:00 a.m.

g. Overnight parking of mobile food vendor vehicles shall be prohibited.

h. Signage is limited to information painted on or otherwise affixed to mobile food vendor vehicles; and no freestanding signs shall be permitted.

i. All mobile food vendors shall obtain the required license(s) from the State of Florida and a business tax receipt (BTR) from Seminole County.

j. All mobile food vendors shall obtain a notarized letter from the property owner authorizing the mobile vendor activity. This letter shall note specific calendar days when the individual vendor may operate on the property, and confirm access to on-site restrooms for patrons of the vendor. Where on-site restroom access is not available, mobile food vendors shall operate only under a Special Event Permit in accordance with Sec. 30.6.4.2.

(4) Additional Requirements. All mobile food vendors utilizing electricity for any purpose, and/or gas or open flames for cooking, shall meet the following requirements:

a. Each vendor shall obtain an annual fire inspection from the Seminole County Fire Prevention Bureau.

b. Vendors shall maintain current inspections for NFPA 96 hoods and fire extinguishers.

c. Cooking equipment shall comply with NFPA 96.

d. Class K Fire extinguishers shall be provided for the protection of cooking appliances that use combustible cooking media.

e. A minimum of one portable fire extinguisher with a rating of not less than 2-A: 10-B: C shall be provided.

f. Electrical equipment and installations shall comply with NFPA 70, National Electrical Code.

g. Externally mounted generators, when in use, shall be isolated from the public by either physical guards, fencing, or enclosures.

30.6.4.3 Temporary sales office in new subdivisions – Temporary sales offices may be placed in new subdivisions, upon approval of the Planning Manager or such other person designated by the County Manager, subject to the following conditions:

(a) The structure must comply with the Southern Building Code, meet the minimum setback requirements of the zoning district, and the parking area be landscaped in accordance with the landscaping regulations.

(b) The office may not be utilized to conduct sales of any product or service other than lots and/or dwellings within the specific subdivision.

(c) Approval may be granted for a period not to exceed six (6) months. Renewals may be approved and the Planning Manager or such other person designated by the County Manager and shall require a bond be posted to guarantee removal.

30.6.4.4 Temporary Uses in Agricultural Zones.

(a) It is the intent of this Section that listed herein may be allowed in the A-1, A-3, A-5, and A-10 Zoning Districts subject to the Limited Use process described in Section 30.5.1.2.

(1) Temporary occupancy of a mobile home or recreational vehicle while a permanent dwelling is under construction subject to the following criteria:

a. An appropriate building permit, as required by the County, shall be secured prior to placement and occupancy of a mobile home or recreational vehicle.

b. The residence shall be actively under construction and inspection during the period a mobile home or recreational vehicle is on the property.

c. Permit to place and/or occupy a mobile home or recreational vehicle is limited to a one (1) year period; however, said permit may be renewed by the Development Services Director for one (1) additional period of up to one (1) year.

d. Prior to the final inspection of the residence, the property owner shall furnish the Planning and Development Division with acceptable evidence as to the date and method that the mobile home will be removed; and, provided further, that said mobile home shall be removed within thirty (30) days after final inspection of the residence.

(2) Temporary occupancy of a mobile home or recreational vehicle may be permitted on the same lot with a single-family residence for housing a chronically ill relative or a practical nurse subject to the following:

a. That a hardship is substantiated by documentary evidence, such as, medical records, doctor's recommendations, or related medical documents.

b. That permits normally be limited to a maximum two (2) year period unless the Development Services Director, or the Board of County Commissioners on appeal, determines that the medical hardship results from a chronic illness that may continue to exist for an undetermined period of time. In such cases approval may be granted for a period in excess of two (2) years; provided, however, that the mobile home shall only be occupied by the chronically ill relative for which the approval was granted or the practical nurse who provides medical care for the chronically ill relative.

(3) Temporary occupancy of a mobile home or recreational vehicle may be approved for housing a night watchman for a nonresidential use in the A-1 Agriculture District subject to the following criteria:

a. Where it can be substantiated by documentary evidence that chronic vandalism occurs.

b. That such use is immediately necessary.

c. That the permit be limited to a one (1) year period; however, when substantiated, the Development Services Director may approve one (1) additional period of up to one (1) year.

(4) Temporary occupancy of a mobile home or recreational vehicle may be approved for a member or members of the family subject to the following:

a. A mobile home or recreational vehicle shall be placed on the same lot or parcel as the family residence.

b. The necessity or hardship shall be substantiated by documentary evidence.

c. That permits be limited to a one (1) year period which may be renewed by the Development Services Director for successive one (1) year periods after review of the necessity or hardship.

30.6.5 Automobile service stations.

30.6.5.1 Clearances required. Gasoline pumps shall be located not less than fifteen (15) feet from any street right-of-way line and not less than ten (10) feet from any other property

line. No gasoline pump shall be located within twenty-five (25) feet of any property which is residentially zoned.

30.6.5.2 Protective wall required. There shall be a wall or closed fence of good quality which shall effectively screen out headlights and noise from adjacent uses. Such walls or fences shall be maintained on rear and inside property lines. Such walls or fences shall be a minimum of six (6) feet in height. No fence or wall higher than three (3) feet six (6) inches may be located closer than ten (10) feet from any road right-of-way.

30.6.6 Alcoholic beverage establishments.

30.6.6.1 Approvals on state alcoholic beverage licenses.

(a) 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 planning office which form shall, at a minimum, describe the uses which will occur on the property.

(b) 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.

30.6.6.2 Performance standards.

(a) Definitions. For the purpose of this Section, the following definitions shall apply:

(1) 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 Planning Manager.

(2) 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.

(b) Special exception required. Any establishment selling alcoholic beverages, where the sale of alcoholic beverages is not incidental to other products offered for sale, either for on-premise or off-premise consumption, must apply for and be granted a special exception by the Board of County Commissioners before selling alcoholic beverages. The Board of County Commissioners may also 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. Said special exception may only be granted in those zoning classifications that allow alcoholic beverage establishments as a conditional use.

(c) Landscaping and buffer requirements. On property where an on-premise consumption alcoholic beverage establishment is the sole use of the development site, the opacity of all required buffers under Section 30.14.7 shall be increased by 0.2. However, this requirement shall not apply to on-premise alcoholic beverage establishments that are part of a planned shopping center unless the Board of County Commissioners finds that off-site impacts require such additional buffering.

(d) Separation requirements. Any establishment selling alcoholic beverages for consumption on-premise shall maintain the following separation from all churches, schools, and property assigned a residential zoning classification or land use designation, or like establishments:

(1) Houses of Worship. No closer than one thousand (1,000) feet measured along the shortest possible line lying entirely within public rights-of-way, such measurement being between the nearest entrance to the alcoholic beverage establishment and the nearest point on the plot occupied by the house of worship.

(2) Schools public, private, and parochial. No closer than one thousand (1,000) feet air-line measurement from lot line of the alcoholic beverages establishment to the nearest lot line of the school.

(3) 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:

a. 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.

b. 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.

(4) 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. For 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.

30.6.7 Communication Antennas/Towers.

30.6.7.1 Legislative purpose and intent.

(a) The County has, on numerous occasions and with increasing frequency, received requests to approve sites for communication towers. Land development regulations have not adequately identified specific procedures to address recurring issues relating to the approval of locations for communication towers. The inadequacy of such regulation, in light of the growing influx of requests, may have resulted in the placement of towers in less than optimal locations with

less than optimal conditions placed upon such uses. The Board of County Commissioners finds and determines that the placement of communication towers in less than optimal locations or with inadequate consideration being given to sound land use planning and principles may cause a detriment to the citizens of the County and surrounding communities. Therefore, it is the intent of Sections 30.6.7.1 through 30.6.7.9 to address the recurrent issues pertaining to the approval of communication towers upon parcels located in the County.

(b) Among the chief purposes of Sections 30.6.7.1 through 30.6.7.9 are the following goals, objectives, and policies:

(1) To accommodate the growing need for communication towers;

(2) To encourage and direct the location of communication towers in the County to the most appropriate locations considering sound planning and land use practices, to ensure compatibility between communication towers and abutting land uses, to provide for adequate setback requirements between communication towers and abutting and proximate land uses, to provide for adequate separation requirements between communication towers, to provide for the needs of the communication industry, to provide for the needs of the public, to provide for the protection of private property rights, to provide for developments in technology, impacts, and to provide for the requirements of federal, state and local law;

(3) To protect residential areas and land uses from the potential adverse impacts of communication towers when placed at inappropriate locations or permitted without adequate controls and regulation consistent with the provisions of law;

(4) To minimize the adverse visual impacts resulting from communication towers through sound and practical design, siting, landscape screening, and innovative camouflaging techniques all in accordance with generally acceptable engineering and planning principles and the public health, safety, and welfare;

(5) To avoid potential damage to adjacent properties through sound engineering and planning and the prudent and careful approval of communication tower sites and structures;

(6) To promote and encourage shared use of existing and new communication tower sites and towers as a primary option rather than construction of additional single-use towers;

(7) To evaluate current trends and projected areas of advancement relative to communication towers, the telecommunications industry, and related matters on an ongoing basis;

(8) To provide the County with the information pertaining to enhanced and new uses of communication towers and the systems to which they relate.

(c) The Board of County Commissioners hereby finds and determines that the provisions of this Code are consistent with the provisions of the Seminole County Comprehensive Plan, the Strategic Regional Policy Plan, the State Comprehensive Plan, as well as the provisions of state and federal law.

(d) The Board of County Commissioners recognizes the fact that technological developments in the area of telecommunications occur at a pace that is difficult to keep pace with and that it is essential to the public interest for local governments to continually develop land development regulations that protect the public health, safety, and welfare of the citizens of the County. As technologies such as cable microcell integrator transceiver technology and other similar technologies develop, it is the intent of the County to encourage the use of such technology to the extent practicable and lawful, with full consideration being given to the protection of the property rights of the public in public right-of-way.

(e) Nothing in Sections 30.6.7.1 through 30.6.7.9 shall be construed to grant any person or entity a permit, license, entitlement, or right of any type whatsoever to use the right-of-way, property, or property rights of the County.

30.6.7.2 Applicability/administration.

(a) All new communication towers in unincorporated Seminole County shall be subject to the land development regulations set forth in this Part, all other applicable land development regulations set forth in this Code, and all federal and state laws relating thereto.

(b) For purposes of measurement, communication tower setbacks, and separation distances, as outlined in Section 30.6.7.3, shall be calculated and applied to facilities located anywhere in Seminole County, irrespective of municipal and County jurisdictional boundaries.

(c) All new communication antennas which are not attached to communication towers shall comply with Section 30.6.7.6.

(d) All communication towers existing prior to the effective date of Sections 30.6.7.1 through 30.6.7.9 shall be permitted to continue to be used as they presently exist. Routine maintenance (including replacement with a new tower, or tower of less impact, of like construction; provided, however, that any such tower shall be the same or less height of the tower as it existed on the effective date of this Part) shall be permitted on such existing communication towers; provided, however, that replacement of the communication tower shall require the entire site be brought into compliance with Section 30.6.7.4. New construction, other than routine maintenance of an existing communication tower, shall comply with any adopted land development regulations, applicable building codes and related codes.

(e) A communication tower that has received County approval in the form of either a special exception or building permit, but has not yet been constructed, shall be considered an existing tower if such approval is valid, current, and not expired.

(f) AM array consisting of one (1) or more tower units and supporting a ground system that functions as one (1) AM broadcasting antenna shall be considered one (1) communication tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of a communication tower included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

(g) The determination as to whether placement of a communication tower on property assigned the PD zoning classification shall be based on the identified zoning or use for that tract within the development.

(h) Determinations of compliance with the provisions of Sections 30.6.7.1 through 30.6.7.9 or with regard to any matter relating to communication towers shall be made by the Planning Manager subject to the appeal processes and procedures as set forth at Sections 30.3.2 and 30.3.3.

(i) To ensure that the least intrusive methods for communication service are implemented, the Planning Manager may require detailed written reports from applicants explaining and detailing, among other things, the reasons that collocation, camouflaging, alternative site, or a less intrusive tower or antenna was not proposed.

30.6.7.3 Performance standards.

(a) Setbacks.

(1) Communication tower setbacks shall be measured from the outer extremity of the base of the communication tower to the property line of the parcel on which it is located.

(2) Communication towers shall be located on parcels that comply with the minimum setback and lot size requirements of the zoning classification assigned to the property on which they are located.

(3) For towers located on properties assigned to the PD zoning classification, the setback requirements for the parcel outlined in the PD approval shall apply.

(4) In cases where there are non-conforming residential uses on the property that is not assigned a residential zoning classification, a reduction of fifty (50) percent of the side or rear yard setback distance opposite the non-conforming residential use shall be permitted by the Planning Manager unless the side or rear yard proposed for reduction is assigned a residential land use designation or zoning classification.

(b) Minimum Separation From Off-Site Uses/Designated Areas.

(1) Communication tower separation shall be measured from the outer extremity of the base of the tower to the closest property line of the off-site use as specified in Table 1 below.

(2) Separation requirements for communication towers shall comply with the minimum standards established in Table 1 below unless otherwise provided.

(3) Reduced separation distances may be reduced by the Planning Manager when written consent as set forth in a recordable instrument is obtained from all property owners within the applicable separation distance.

(4) Separation distances may be decreased or increased by the Board of Adjustment in accordance with the procedural requirements for variances as set forth in this Code and the substantive determinations as set forth in

Table 1 below, when considering whether to approve a special exception, if competent substantial evidence is presented demonstrating unique planning considerations and compatibility impacts.

TABLE 1 MINIMUM SEPARATION FROM OTHER USES	
Off-site Use	Separation Distance
Property assigned a single-family (includes modular homes and mobile homes used for living purposes), duplex, or multi-family residential zoning classification or future land use designation or with an existing residential use.	Two hundred (200) feet or three hundred (300) percent height of tower, whichever is greater, except when a variance is granted based upon findings that the aesthetic impacts of the tower are enhanced, that compatibility with abutting property owners are maintained, and the approval of the tower would be consistent with and further the provisions of Section 30.6.7.1. The standard relative to variances as otherwise set forth in this Code may be considered in determining whether to approve a variance hereunder, but shall not be determinative as to whether the variance may be granted.
Property assigned a non-residential zoning classification or future land use designation or property with an existing non-residential use.	None. Only district setbacks apply.

(c) Separation Distances Between Communication Towers.

(1) Separation distances between communication towers shall be measured between the communication tower proposed for approval and those towers that are permitted or existing.

(2) The separation distances shall be measured by drawing or following a straight line between the GPS coordinate of the center of the existing or permitted communication tower and the proposed GPS coordinate of the center of the proposed communication tower as depicted on a site plan of the proposed tower.

(3) The separation distances, listed in linear feet, shall be as set forth in Table 2 below:

TABLE 2 SEPARATION DISTANCES BETWEEN COMMUNICATION TOWERS					
DESCRIPTION	EXISTING TOWERS				
	LATTICE	GUYED	MONOPOLE 75 FT. IN HEIGHT OR GREATER	MONOPOLE LESS THAN 75 FT. IN HEIGHT	CAMOUFLAGE
LATTICE	5,000	5,000	1,500	750	0
GUYED	5,000	5,000	1,500	750	0
MONOPOLE 75 FT. IN HEIGHT OR GREATER	1,500	1,500	1,500	750	0
MONOPOLE LESS THAN 75 FT. IN HEIGHT	750	750	750	750	0
CAMOUFLAGE	0	0	0	0	0

(4) A variance from the minimum separation distances between communication towers as set forth in Table 2 may be granted when two (2) or more communication tower owners or operators agree to collocate their communication antennas on the same communication tower and upon findings being made that the aesthetic impacts of the tower are enhanced, that compatibility with abutting property owners is maintained, and the approval of the tower would be consistent with and further the provisions of Section 30.6.7.1. The standard relative to variances as otherwise set forth in this Code may be considered in determining whether to approve a variance hereunder, but shall not be determinative as to whether the variance may be granted.

(d) Measurement of Height. Measurement of communication tower height shall include antenna, base pad, and any and all other appurtenances and shall be measured from the finished grade of the parcel on which the communication tower is located.

30.6.7.4 Design criteria.

(a) Illumination. Communication towers shall not be artificially lighted except to assure human safety or as required by the Federal Aviation Administration (FAA). At time of construction of a communication tower in cases where there is property assigned a residential future land use designation, a residential zoning classification or has a valid residential use located within a distance from the tower which is equal to or less than three hundred (300) percent of the height of the communication tower, dual mode lighting shall be requested by the applicant from the FAA.

(b) Finished Color. Communication towers not requiring FAA painting/marking shall have either a galvanized finish, shall be painted a non-contrasting gray finish, or shall be painted in a finish to enhance camouflaging as determined by the Planning Manager.

(c) Fencing. A chain link fence or a wall not less than eight (8) feet in height from finished grade shall be installed by the applicant around each communication tower. Barbed wire or another fencing method to prevent pedestrian access to the tower, as approved by the Planning Manager, shall be installed along the top of the fence or wall, but shall not be included when calculating the height of the fence or wall. Access to the tower through the fence or wall shall be through a gate which shall be locked at all times that the person or entity in charge of the communication tower or site is not occupying the communication tower site.

(d) Landscaping.

(1) The visual impacts of each communication tower shall be mitigated through landscaping or other screening materials at the base of the communication tower and ancillary structures in order to maintain visual aesthetics for those who must view the site on a regular basis including, but not limited to, proximate residents and the traveling public.

(2) The following landscaping and buffering requirements shall apply to each communication tower around the perimeter of the tower and accessory structures; provided, however, that these standards may be determined by the Planning Manager, based upon the intent of this Section and sound and generally acceptable planning principles, to be unnecessary for those sides of the property on which a proposed tower will be located that are near to lands that are not likely to be developed or that are not likely to be adversely impacted by the communication tower or when the property on which the communication tower will be located is not in public view.

(3) Landscaping shall be installed on the outside of fences.

(4) The use of existing vegetation shall be preserved to the maximum extent practicable and may be used as a substitute of or in supplement to meeting landscaping requirements.

(5) A row of canopy trees a minimum of eight (8) feet tall, two and one-half (2½) inches in caliper, and a maximum of ten (10) feet apart shall be planted around the perimeter of the fence or at locations which enhance greater screening from other uses as determined by the Planning Manager.

(6) A continuous hedge at least twenty-four (24) inches high at planting of sufficient health and quality able to attain a height of at least thirty-six (36) inches within twelve (12) months shall be planted in front of the tree line.

(7) All landscaping shall be of the evergreen variety, being a minimum quality of Florida #1.

(8) All landscaping shall be xeriscape tolerant or irrigated and properly maintained to ensure good health and viability.

(e) Structural Design.

(1) Communication towers shall be constructed in accordance with the most current edition of the EIA/TIA 222-E Standards, as published by the Electronic Industries Association, any and all Seminole County construction/building codes, all applicable land development regulations, and federal and state law.

(2) Any improvements and/or additions to a communication tower, such as, by way of example only, antenna or satellite dishes, must be submitted for approval to the County and shall require submission of plans sealed and verified by a professional engineer licensed in the State of Florida which provides substantial competent evidence of compliance with the then current EIA/TIA Standard. Said site plan shall be submitted to and subject to the approval of the Seminole County Building Official or his or her designee.

(f) No commercial signage or advertising shall be permitted on a communication tower unless otherwise required by law or the signage pertains only to the posting of the property relative to trespassing.

30.6.7.5 Abandonment.

(a) In the event the communication tower is found by the Planning Manager to be abandoned, the owner/operator of the communication tower or the owner of the property on which the communication tower is located shall have one hundred eighty (180) days from the date of the Planning Manager's finding of abandonment within which to:

(1) Reactivate the use of the communication tower or transfer the tower to another owner/operator who must make actual use of the tower as previously permitted within ninety (90) days of the transfer, or

(2) Dismantle and remove the communication tower.

(b) Determination of the date of abandonment shall be made by the Planning Manager, who shall have the power to request documentation and affidavits from the communication tower owner/operator regarding the issue of communication tower usage. The communication tower owner/operator shall provide all requested information within five (5) working days of a request being made.

(c) With regard to towers that received special exception and/or variance approval, one hundred eighty (180) days after dismantling or the expiration of the three hundred and sixty (360) day period as set forth in this Section, the special exception and/or variance for the tower shall automatically expire.

(d) Each owner/operator of a communication tower shall post a surety bond, or other instrument or guarantee of a form acceptable to the County Attorney, with the Planning Manager in favor of the County in an amount found by the Planning Manager to be reasonably necessary to remove the communication tower in the event of abandonment. The Planning Manager is hereby granted authority to establish this amount based on policy guidelines adopted by the Board of County Commissioners. The contents of such bond shall include or the bond shall be accompanied by a contingent right of entry which runs with the land to authorize entry upon the property in the event that it is necessary to remove the abandoned tower.

30.6.7.6 Communication antennas.

(a) Any communication antenna which is not attached to a communication tower shall be a permitted ancillary use to any commercial, industrial, professional, institutional, multi-family or utility structure provided that:

(1) The communication antenna does not exceed more than twenty (20) feet above the highest point of the structure; and

(2) The communication antenna complies with all applicable FCC and FAA regulations; and

(3) The communication antenna complies with all applicable building codes and laws, rules and regulations.

30.6.7.7 Collocation of communication tower antennas.

(a) General policy relating to collocation. To minimize adverse visual impacts associated with the proliferation and clustering of communication towers, collocation 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 collocate onto existing communication towers if they satisfy the requirements of this Section and no special exception is required.

(b) Procedure for administrative granting of special exceptions. If co-location 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 Planning Manager, after consultation with the applicant, shall determine in conjunction with the Development Services 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 collocation of ancillary facilities, including equipment rooms, is appropriate for a parcel, the 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 Planning Division within fifteen (15) days of the publication.

(3) Upon a determination that collocation 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 a notice of appeal with the Planning Division within fifteen (15) days of the rendering of the decision. The Planning Division shall schedule the appeal before the Board. The Board may approve or deny the co-location.

(4) If the Planning Division receives no objections to the Notice, in his or her sole discretion, then the Planning Manager shall allow the co-location of

Communication Tower ancillary structures (including equipment rooms) as proposed.

(5) The Development Services 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 that 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 Planning Manager based upon the intent of Sections 30.6.7.1 through 30.6.7.9 and sound and generally acceptable planning practices and principles, as the existing communication tower.

(d) Height. An existing communication tower may be modified or rebuilt to a taller height, not to exceed twenty (20) feet over the tower's existing height, to accommodate the collocation of an additional communication antenna. Such a height increase may only occur one (1) 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 Table 1, Section 30.6.7.3(b). The communication tower's pre-modification height shall be used to calculate such distance separations.

(e) Site location. A communication tower that is being rebuilt to accommodate the collocation of an additional communication antenna may be moved on the site to an area located within fifty (50) feet of its existing location and may also be relocated, with the approval of the Planning Manager based upon sound planning and land use principles and upon a finding that such approval would be consistent with and further the intent of this Code, in the same manner on 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 collocation, only one (1) tower may remain on the site. A communication tower relocated on a site shall continue to be measured from the original tower location for purposes of calculating separation distances between communication towers. A communication tower that has been relocated on a site and which intrudes into the separation distances required with regard to property described in Table 1, Section 30.6.7.3(b), 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 a 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 or intends to install a communication tower in the County shall file with the Planning Division a master plan indicating the site of all existing communication towers, any 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 affect 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 collocation of communication towers between persons and entities involved in that industry.

30.6.7.8 Certification of compliance with FCC NIER Standards.

Prior to receiving final inspection by the County the applicant shall provide certification to the FCC, with copy to the current planning office, verifying that the communications facility complies with all current FCC regulations for NIER.

30.6.7.9 Nonconforming uses.

Bona fide nonconforming communications towers or antennas that are damaged or destroyed may be rebuilt without being required to comply with applicable separation requirements. The type, height, and location of a replacement communication tower shall be of the same type and intensity or of a type and intensity of less impact as the communication tower that was damaged or destroyed. Building permits to rebuild a communication tower shall comply with all building codes and must be obtained within one hundred eighty (180) days from the date the facility is damaged or destroyed. If no permit is obtained or if a permit that was issued expires, the communication tower shall be deemed abandoned in accordance with Section 30.6.7.5.

30.6.7.10 Camouflage towers; where permitted.

The Planning Manager may permit camouflage communication towers on any parcels which is not assigned a residential zoning classification provided that the Planning Manager makes the findings set forth in the definition of the term “camouflage communication tower.”

30.6.8 Mobile homes.

(a) These siting standards shall apply when this Code otherwise permits the placement of mobile homes. The provisions of this Code shall not be construed to be in conflict with State law and to the extent of any conflict, state law shall prevail.

(b) Access:

(1) All mobile and manufactured homes must have safe and convenient vehicular access from a local or collector street as identified in the Traffic Circulation Element of the Seminole County Comprehensive Plan. Such access shall be designed to minimize traffic congestion and hazards.

(2) Driveways shall be designed and constructed to provide safe and convenient vehicular access to each mobile home subject to the following:

a. All units shall have access to the street system.

b. Each unit shall have a single-width driveway at least ten (10) feet wide. The driveway shall be a minimum of twenty (20) feet in length if a full-depth carport is utilized. If a full carport is not utilized the driveway shall have a minimum length of thirty (30) feet.

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

(1) All common open space, parking lot islands and all land not otherwise developed shall be landscaped in a manner that enhances the appearance of the development, as determined by the Planning Manager based upon standards generally set forth in this Code relating to developments with similar impacts.

(2) The perimeter landscape buffer shall be as specified in the applicable Part (17, 18, or 19) of this Code. 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 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.

(d) Construction standards:

(1) Mobile or manufactured home stand foundation requirements/tie-downs and anchors/perimeter enclosure requirements:

a. The mobile or manufactured home stand shall be installed and anchored in accordance with the current adopted Building Code and State law. Any additions to the mobile or manufactured home must also be anchored in accordance with applicable federal and state law.

b. All mobile or manufactured homes in special flood hazard areas shall comply with all other applicable provisions of this Code including, but not limited to, provisions relating to wetlands and flood prone areas.

c. When mobile or manufactured homes are installed above grade, opaque skirting or screening shall be used surrounding such mobile or manufactured homes.

d. Crawl space access openings shall be provided. Such openings shall be located so that any utility connections located under the home are accessible.

e. Crawl space areas shall be ventilated by openings in the perimeter enclosure. Openings shall be arranged to provide cross ventilation and shall be covered with corrosion resistant mesh-like material of not less than one-quarter (¼) inch or more than one-half (½) inch in any dimension. If combustion air for one (1) or more heat producing appliance(s) is taken from within the under-floor spaces, ventilation shall be adequate to secure proper appliance operation.

f. A minimum clearance of eighteen (18) inches shall be maintained beneath the lowest member of the floor support framing system, unless otherwise specified in the manufacturer's installation instructions.

30.6.9 Sexually oriented businesses/adult entertainment establishments.

30.6.9.1 Separation requirements and miscellaneous provisions.

(a) Adult entertainment establishments and sexually oriented businesses shall be subject to the following separation requirements, which shall be applied at the time that the property is assigned the M-2 zoning classification and which separation requirements shall not be implemented as non-adult use development encroaches into the area of separation:

(1) No closer than one thousand (1,000) feet to any church, convent, monastery, synagogue, or similar place of worship; and

(2) No closer than one thousand (1,000) feet to any public, private, or parochial school, which term shall include, but not be limited to, daycare centers, pre-schools, schools having any grades kindergarten through twelfth grade, and institutions of higher learning, library, park, playground or other recreational facility, whether commercial or nonprofit; and

(3) One thousand (1,000) feet from any property assigned a residential zoning classification or land use designation; and

(4) One thousand (1,000) feet from an alcoholic beverage establishment; provided, however, that this separation requirement shall not apply to adult entertainment establishments that are also alcoholic beverage establishments.

(b) Such distances shall be measured from lot line to lot line at their nearest points.

(c) Other than identification signs permitted in the Land Development Code, advertisements, displays, or other promotional materials at sexually oriented businesses and adult entertainment establishments shall not be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways or from other areas open to the public, whether publicly or privately owned when depicting or displaying specified anatomical areas or specified sexual activities, and such displays shall be considered as signs.

(d) All building openings, entries, windows, etc., at sexually oriented businesses and adult entertainment establishments shall be located, covered or screened in such a manner so as to prevent a view into the interior from any public or semipublic area; and for new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from areas open to the public whether publicly or privately owned.

(e) Sexually oriented businesses and adult entertainment establishments shall be closed for business between the hours of 2:00 a.m. and 9:00 a.m. each day.

(f) Nothing herein shall be construed to unreasonably regulate or prohibit constitutionally protected expression or speech, but it is the intent of this provision to effectuate reasonable time, place and manner regulations relative to land uses that involve locations at which adult entertainment and the provision of services from sexually oriented businesses are provided.

(g) The Planning Manager, or such other County employee designated by the County Manager, shall evaluate and determine the presence of all nonconforming uses

with regard to this zoning classification within thirty (30) days after the effective date of this Ordinance and notify the owner of the property of such status.

30.6.9.2 Design standards – Adult entertainment establishments and sexually oriented businesses.

(a) Each adult entertainment establishment and sexually oriented business licensed to operate in Seminole County upon property assigned the M-2 zoning classification shall comply with the following design standards in addition to any and all other applicable provisions of this Code, the Seminole County Code and other applicable codes and ordinances:

(1) An enclosure shall screen all roof-mounted mechanical equipment or ductwork. The line of sight from a driver's or pedestrian's eye view shall be considered in determining the height and location of such screens.

(2) All exteriors shall be composed of a stucco finish, brick or natural wood siding. Metals, plastics, plywood and mirrored surfaces and trim are prohibited.

(3) Roofs shall be configured such that flat roof systems include a parapet wall along the building perimeter of sufficient height to screen rooftop equipment (air conditioning compressors, vents, etc.). Traditional roof systems shall be composed of asphalt shingles, architectural shingles or manufactured clay tile. Rolled asphalt, cement shingles and metal roofing are prohibited.

(4) The "earth tones" palette (hereinafter the "designated palette" which is attached to this Ordinance as Exhibit "A" and incorporated herein fully as a part of this Ordinance by this reference thereto) of traditional, muted colors shall be used. Pastels or bright colors are prohibited. Awnings or other facade treatments shall be of colors within the designated palette and shall be complementary to the exterior building color. Buildings shall be one (1) color with a second complementary color for exterior trim and architectural details. Vents, louvers, flashing, tanks, vent stacks, and doors shall be of a color consistent with the designated palette and the color scheme of the building. After consultation with the Development Review Committee, such color requirements shall be determined by the Planning Manager. The minimum building setback from each right-of-way shall be ninety (90) feet.

(5) Building facades shall consist of heavy canvas awnings of one (1) color selected from the designated palette with one (1) additional color from the designated palette for the stripe or edge. The facade shall be either flat or curved and attached to the building with rust-resistant framing. Awnings may include signage if permitted under the total allowable square footage for the site. The architectural detail of materials shall be similar to those allowed for the building. Facade details shall be of a permanent material, of a single color, and shall be an integral part of the building. Trim or molding bands shall follow simple, straight building lines such as the roof edge. Murals, silhouette painting, animal statuary or ornamentation, flat facade decorations on building faces or extending above building roof, mirrored surfaces or otherwise reflective details and stripes are prohibited.

(6) Maximum building height is thirty-five (35) feet.

(7) Building entries shall occur at the rear or back of the building rather than in front whenever practicable, as determined by the Planning Manager based upon generally accepted land use principles and the configuration of the particular parcel.

(8) All parking facilities shall be paved with asphalt or concrete or curbed with concrete curbing and be internally drained.

(9) Parking shall be restricted to side and rear areas whenever practicable, as determined by the Planning Manager based upon generally accepted land use principles and the configuration of the particular parcel. Adequate maneuvering space shall be provided to ensure that vehicles are not forced back into public streets or rights-of-way.

(10) Access points from the adjacent right of way into the parcel shall be spaced no closer than one (1) driveway per three hundred (300) feet for access from an arterial road, or one (1) driveway per one hundred (100) feet for access from other rights-of-way. No parcel may have more than three (3) driveways providing access to a single right-of-way.

(11) To the extent possible, in accordance with the provisions of this Code, cross-access easements shall be secured between adjacent properties where these spacing guidelines are unable to otherwise be met.

(12) All driveways into on-site parking areas shall have a minimum throat depth of twenty-five (25) feet between the first parking space and the right-of-way to allow minimum arrival stacking distance for cars entering the site.

(13) Buried electric, cable, and telephone lines shall be used, whenever practicable, as determined by the Planning Manager based upon generally accepted land use principles and the configuration of the particular parcel.

(14) Screening, by planting or architectural screen, shall be installed for all above-ground electric transformers, meters, backflow preventers, or other apparatus, and said screening shall be consistent with the architectural and other requirements of this Code.

(15) Elevated tanks or drain fields are prohibited.

(16) A service area shall be provided for each building that is within the rear area of the site, but shall be separated from any rear customer and employee entrances by a wall or fence.

(17) Open space for each parcel shall be a minimum of twenty-five (25) percent of the site. Open space areas shall be devoid of buildings, parking and any other impervious surface areas.

(18) All outside storage buildings shall conform to the same standards applied to the site's primary building.

(19) All walls, fences or screens, whether temporary or permanent, shall be consistent with the architectural and other requirements of this Code.

(20) Antennae, communication towers or discs, storage tanks, cooling towers, and garbage/trash receptacles shall be screened from adjacent properties, streets, walkways, and parking areas which screening shall be consistent with the architectural and other requirements of this Code.

(21) Chain link fencing is not permitted except when used as a temporary security measure for construction.

(22) Fence or wall height shall, at a minimum, equal the height of the item being screened. Fence or wall colors shall conform to the designated palette.

(23) Where grade-level retention and storage is not feasible, below-grade exfiltration trenches are required.

(24) Sidewalks from individual buildings shall be linked to the public sidewalks in a logical and direct manner.

(25) All entrances shall be open to the connecting or adjacent parking area or sidewalk.

(26) Recessed ramps at curbs are required.

(27) Trash receptacles and dumpsters shall not be placed in the front of any building. Trash and garbage facilities shall be screened so as not to be visible from any street, driving lane, or right-of-way.

(28) At a minimum, landscape plants shall meet the following standards at installation:

Groundcover: 1 gallon; Florida Fancy.

Shrubs: Three-gallon; sixteen (16) inches by twenty (20) inches; Florida Fancy.

Palms: Ten (10) feet overall height; six (6) feet clear trunk height; field grown.

Trees: Min. fourteen (14) feet in height, three-inch caliper; container grown.

(29) When a driveway intersects a public right-of-way, landscaping shall be used to define the intersection; provided, however, that all landscaping within a fifteen (15) feet site triangle area shall provide unobstructed cross-visibility at a vertical level between two (2) feet and six (6) feet. The site triangles shall consist of those areas on both sides of a driveway formed by the intersection of each side of t”e ac’essway and the public street right-of-way pavement line, with two (2) sides of each triangle being fifteen (15) feet in length from the point of intersection and the third side being a line connecting the ends of the two (2) other sides.

(30) Trees shall be located so as not to create a traffic hazard and shall have limbs and foliage maintained and trimmed in such a manner that cross-visibility is not impaired.

(31) Landscaping, except grass, groundcover, and low shrubs, shall be located a minimum of three (3) feet from the edge of any driveway pavement.

(32) Landscaping shall be installed to ensure maximum visual and climatic relief from broad expanses of pavement and to channelize and define logical areas for pedestrian and vehicular circulation.

(33) Parking areas shall include islands at the ends of paired parking bays and at the ends of single rows of parking. These islands shall be at least eight (8) feet wide, excluding curbing.

(34) Asphalt or concrete paving shall be placed no closer than four (4) feet from the exterior wall of a site's primary building except at entrances or emergency exits.

(35) Islands at the ends of parking bays shall be landscaped in the same fashion as medians with a least one (1) approved shade tree per island. The other landscaping shall consist of ground cover and shrubs.

(36) A landscape island or minimum of one hundred eighty (180) square feet shall be provided for every ten (10) continuous parking spaces. The island shall be landscaped with at least one (1) approved shade tree per island. The other landscaping shall consist of groundcover and shrubs. Landscape treatment of islands shall be configured so as not to restrict or block necessary vision of traffic or pedestrians. Landscaping in all parking areas shall be incorporated into the landscaping and development plan for each parcel and shall present an attractive appearance when viewed from the on-site circulation areas and the structure it surrounds.

(37) Dead-end parking lots shall be discouraged, but allowed if no alternative exists and a turn-around area is provided.

(38) Entry drives into parking areas shall be landscaped and shall incorporate the design of landscaping in adjoining buffer areas. The design shall incorporate approved trees and shrubs to visually emphasize the driveway and provide an attractive appearance from the street. If a divided entry or median is approved, the median shall be designed in a similar manner.

(39) Landscape treatment of entry areas shall not incorporate hedging or berms in such a manner as to interfere with or obstruct the view of vehicular or pedestrian traffic.

(40) Each primary building shall maintain a planting area of at least four (4) feet in width around all perimeter edges, with the exception of the areas directly in front of doors and expanded entryways.

(41) Each planting area shall be one hundred (100) percent planted with shrubs, groundcover and, where space allows, small trees, to provide visual and physical relief between pavement and the building facade. Sod shall not be used as plant material for foundation planting.

(42) Landscaping shall be installed between the vehicular use areas and the contiguous properties as follows:

a. A hedge or other durable and cold-hardy landscape screen at least forty-two (42) inches in overall height above grade.

b. At least two (2) canopy trees and three (3) understory trees shall be planted for every one hundred (100) linear feet, or fraction thereof, along the side and rear lines of the parcel.

c. All impervious areas not planted with trees or shrubs and those areas not remaining in naturally preserved conditions shall be sodded.

(43) Unless preserved in an indigenous natural vegetative state, all unpaved areas shall be one hundred (100) percent landscaped and irrigated. Landscape treatment shall be appropriate to building and site design.

(44) All open areas not developed with parking, roadways, paths or otherwise planted shall be sodded with St. Augustine grass and irrigated. Retention pond bottoms may be seeded with Argentine Bahia grass rather than sodded.

(45) All sites shall include an underground irrigation system that provides one hundred (100) percent coverage to all planted and sodded areas. All sprinkler heads shall be of the pop-up type. When available, the irrigation source shall be reuse water.

(46) In order to provide signage for adult entertainment establishments and sexually oriented businesses in an appropriate manner, only monument signs, building signs, and pole signs no taller than twenty (20) feet overall shall be approvable. Each business shall be allowed one (1) ground mounted monument sign or one (1) pole sign.

(47) Roof mounted signs of any kind; audible signs; flags, banners and flagpoles; trailer signs, portable signs and temporary signs (other than temporary construction signs and temporary directional signs); and the parking of trucks, vans, campers or any other vehicle or movable objects having sides which identify the business with signs, insignias or logos are prohibited.

(48) Signage materials shall be of durable and lasting materials. Wood signs are prohibited.

(49) All signage shall be maintained to conform to the standards of this Code. The replacement of burned out lighting sources and replacement of missing letters, numerals or other elements of the sign, shall be accomplished within fifteen (15) days of the particular deficiency occurring.

(50) No sign shall be located so as to interfere with the visibility of approaching pedestrian or vehicular traffic.

(51) The sign for each business shall contain the words "an adult business establishment" as a method of identifying the business as an adult entertainment establishment or sexually oriented business and signage shall be consistent with the provisions of this Code.

(52) Maximum content areas for signs shall conform to this Code, i.e., two (2) square feet of sign area per one (1) linear foot of building frontage.

(53) No sign shall contain any flashing lights, photographs, silhouettes, drawings or pictorial representations of any type or manner.

(54) Other than allowable signs as defined herein, advertisements, displays, or other promotional materials for any establishment or sexually oriented business shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place.

(55) No sign shall include the words "nude," "nudity," "naked," "topless," "go-go" or "dancers," or words including any and all slang substitutes or materials depicting, describing or relating to any of the listed specified anatomical areas or any of the listed specified sexual activities.

(56) One (1) monument sign is permitted to be located at the main entrance to a parcel which shall be a maximum height above grade of five (5) feet and may be externally lighted. All external lighting sources shall be hidden from view. Light sources shall not cause glare or other hazardous conditions to vehicular traffic.

(57) Each building shall be permitted one (1) building-mounted identification sign which shall be compatible with the building architecture. The scale of the building shall determine the letter height and sign length. Sign dimensions shall be a maximum of four (4) feet by eight (8) feet, or ten (10) percent of front facade area, whichever is less. Individual letters mounted directly on the building face shall not exceed area requirements in total area mass. Building identification signs may be internally illuminated.

(58) Pole signs shall be a maximum of twenty (20) feet height set at a minimum of five (5) feet from the right-of-way, and the sign face shall be set back a minimum of five (5) feet from the right-of-way. The overall area of sign shall not exceed forty-eight (48) square feet, with a maximum width of eight (8) feet. The base of the pole shall be generally located away from vehicular use areas except when this is not possible, the sign base shall be protected with a combined structure/landscape feature, of sufficient height to be visible from a motor vehicle traveling on the abutting right-of-way.

(59) Placement of lighting for area lighting, landscape illumination, or parking lot or pedestrian walkway illumination shall not be placed or installed in such a way as to create hazards to vehicular or pedestrian traffic. Lighting locations shall not create a glare or offensive character for adjacent properties. Flashing lights are prohibited.

(60) Lighting level criteria shall be consistent with the requirements of this Code for developments within commercial zoning classifications. General area lighting, including lighting of parking areas, shall be by use of high pressure sodium vapor lamps. Pedestrian and lighting shall be high pressure sodium or similar lighting.

(61) All lighting fixtures shall be installed consistent with the architectural style and colors of the building. Bare bulbs on buildings, roofs or signs are prohibited.

(62) Each entryway to the establishment shall have the following words printed in one (1) inch letters at the height of five (5) feet;

"DO NOT ENTER IF SEXUALLY ORIENTED ENTERTAINMENT OFFENDS YOU."

(b) Each adult entertainment establishment and sexually oriented business licensed to operate in Seminole County upon property assigned the M-2 zoning classification shall continually maintain the improvements on the site to conform with the design standards set forth in subsection 30.6.9.2(a).

(c) Each adult entertainment establishment licensed to operate in Seminole County on the effective date of this Ordinance, although subject to the amortization provisions of Ordinance Number 97-28, may continue to operate at the site to which the license pertains in a grandfathered status if, within ninety (90) days of the effective date of this Ordinance, said establishment applies to and receives a certification from the Development Services Director that the following design standards have been attained; provided, however, that any redevelopment of the parcel shall be subject to the provisions of subsection 30.6.9.2(a):

(1) As to adult performance establishments of three thousand (3,000) square feet or more the following design standards shall apply and be subject to certification in accordance with the provisions of this Ordinance:

a. Murals, silhouette painting, animal statuary, or ornamentation, flat facade decorations on building faces or extending above the building roof, mirrored surfaces or otherwise reflective details and stripes are prohibited.

b. Construction of a finished block screen wall for dumpsters shall occur in accordance with the provisions of this Code.

c. Driveway access from United States Highway 17-92 shall be adjusted and defined by a continuous curb and by removing all asphalt along western edge of the sidewalk between any pole sign and the curb cut and by replacing the asphalt with groundcover, shrubs, and small accent trees.

d. The asphalt across front of building between sidewalk and building face shall be removed.

e. Shade trees or small accent trees shall be planted in the rear parking lot to comply with the provisions of this Code requiring landscaped breaks to account for at least ten (10) percent of the total parking area.

f. Groundcover, shrubs, and small accent trees shall be planted at the building front and at the south side of the building.

g. All landscaping shall be subject to the approval of the Planning Manager, which approval shall not be unreasonably withheld; provided, however, that such plantings shall require nominal maintenance and irrigation and shall be aesthetically enhancing and consistent with sound and high quality generally acceptable planning techniques and principles.

h. A landscape planter of sufficient height to be visible from a motor vehicle traveling on the abutting right-of-way shall be installed around any existing pole sign, and groundcover and/or shrubs requiring nominal irrigation and maintenance shall be planted in the

planter. Landscape treatment of islands shall be configured to not restrict or block the necessary vision of traffic or pedestrians. Landscaping in all parking areas shall be incorporated into the landscaping and development plan for the parcel and shall present an attractive appearance when viewed from the on-site circulation areas and the structure it surrounds.

i. The words "A Gentlemen's Club," or "A Men's Club," or "An Adult Entertainment Establishment" shall be the sole and exclusive identifier of the business type on any new or existing signs otherwise consistent with the sign regulations of this Code; provided, however, that the name "Circus, Circus" shall be an acceptable alternative business identifier.

j. Small entrance directional signs at the driveways of the two (2) secondary roads shall be installed.

k. All paint colors used on the site shall comply with the designated palette.

l. At a minimum, landscape plants shall meet the following standards at installation:

Groundcover: One-gallon; Florida Fancy.

Shrubs: Three-gallon; sixteen (16) inches by twenty (20) inches; Florida Fancy.

Palms: Ten (10) feet overall height; six (6) feet clear trunk height; field grown.

Trees: Min. fourteen (14) feet height, three (3) inches caliper; container grown.

m. No sign shall contain any flashing lights, photographs, silhouettes, drawings, or pictorial representations of any type or manner.

n. Other than allowable signs as defined herein, advertisements, displays or other promotional materials for the establishment shall not be shown or exhibited so as to be visible to the public from any street, sidewalk or other public place.

o. No sign shall include the words "nude," "nudity," "naked," "topless," "go-go" or "dancers," or words including any and all slang substitutes or materials depicting, describing, or relating to any of the listed specified anatomical areas or any of the listed specified sexual activities.

p. Each entryway to the establishment shall have the following words printed in one-inch letters at the height of five (5) feet:

"DO NOT ENTER IF SEXUALLY ORIENTED ENTERTAINMENT OFFENDS YOU."

q. An enclosure shall screen all roof-mounted mechanical equipment or ductwork. The line of sight from a driver's or pedestrian's eye view

shall be considered in determining the height and location of such screens.

r. Roofs shall be configured such that flat roof systems include a parapet wall along the building perimeter of sufficient height to screen rooftop equipment (air conditioning compressors, vents, etc.).

s. Awnings or other facade treatments shall be of colors within the designated palette and shall be complementary to the exterior building color.

t. Screening, by planting or architectural screen, shall be installed for all above-ground electric transformers, meters, backflow preventers, or other apparatus, and said screening shall be consistent with the architectural and other requirements of this Code.

u. Fence or wall height shall, at a minimum, equal the height of the item being screened. Fence or wall colors shall conform to the designated palette.

v. Trash receptacles and dumpsters shall not be placed in the front of any building. Trash and garbage facilities shall be screened so as not to be visible from any street, driving lane, or right of way.

w. Trees shall be located so as not to create a traffic hazard and shall have limbs and foliage trimmed in such a manner that cross-visibility is not impaired.

x. All sites shall include an underground irrigation system that provides one hundred (100) percent coverage to all planted and sodded areas. All sprinkler heads shall be pop-up type. When available, the irrigation source shall be reuse water.

y. Roof mounted signs of any kind; audible signs; flags, banners, and flagpoles; trailer signs, portable signs, and temporary signs (other than temporary construction signs and temporary directional signs); and the parking of trucks, vans, campers, or any other vehicle or movable objects having sides which identify the business with signs, insignias or logos are prohibited.

z. All signage shall be maintained to conform to the standards of this Code. The replacement of burned-out lighting sources and replacement of missing letters, numerals, or other elements of the sign shall be accomplished within fifteen (15) days of the particular deficiency.

aa. Maximum content areas for signs shall conform to this Code, i.e., two (2) square feet of sign area per one (1) linear foot of building frontage.

bb. All lighting fixtures shall be installed consistent with the architectural style and colors of the building. Bare bulbs on buildings, roofs or signs are prohibited.

cc. Placement of lighting for area lighting, landscape illumination or parking lot or pedestrian walkway illumination shall not be placed or installed in such a way as to create hazards to vehicular or pedestrian traffic. Lighting locations shall not create a glare or offensive character for adjacent properties. Flashing lights are prohibited.

(d) Lighting level criteria shall be consistent with the requirements of this Code for developments assigned commercial zoning classifications. General area lighting, including lighting of parking areas, shall be by use of high pressure sodium vapor lamps. Pedestrian and lighting shall be high pressure sodium or similar lighting.

(2) As to adult performance establishments of less than three thousand (3,000) square feet, the following design standards shall apply and be subject to certification in accordance with the provisions of this Ordinance:

a. The exterior paint color shall be changed to one (1) primary color and one (1) secondary color for trim and other details which colors shall be consistent with the designated palette.

b. All vents shall be repaired. Vents, louvers, flashing, tanks, vent stacks, and doors shall be a color consistent with the color scheme of the building derived from the designated palette. The Planning Manager shall determine such color requirements after consultation with the Development Review Committee.

c. All signs located in or on the building advertising the sale of alcoholic beverages that are viewable from outside the premises shall be removed.

d. Wood or finished block screen walls shall be constructed for each dumpster which walls shall be a minimum height of six (6) feet.

e. Parking shall be limited to one (1) space for each four (4) lawfully existing customer seats in the building and shall not exceed a maximum of fifteen (15) spaces. On-site traffic will flow one (1) way only in a counterclockwise direction around the building. A driving lane with a minimum width of twenty feet (20') shall be constructed along the north side of the building, designated for "No Parking" and identified as a fire lane with pavement striping.

f. All asphalt on the premises shall be repaired and resealed.

g. Removal of a minimum forty (40) feet length by five (5) feet width band of asphalt in front of building running parallel to United States Highway 17-92 and replacement of said paving with landscaping to include at a minimum: four (4) understory trees (1.5 inches caliper, eight (8) feet to ten (10) feet height, four (4) feet to five (5) feet spread) and a combination of small shrubs and groundcover which presents a complete coverage at the time of planting. Removal of minimum twenty (20) feet by five (5) feet width band of asphalt beginning at the eastern edge of the sidewalk at the entrance to the building and extending to connect with the above landscape buffer and replace with landscaping to include at a minimum: one (1) canopy tree (two-inch caliper, eight (8) feet to ten (10) feet in height,

four (4) feet to five (5) feet spread) and a combination of small shrubs and groundcover to achieve a complete coverage at the time of planting. Landscape modifications/enhancements shall be accomplished which shall be subject to the approval of the Planning Manager which approval shall not be unreasonably withheld; provided, however, that such plantings shall be aesthetically enhancing and consistent with sound and high quality and generally acceptable planning techniques and principles.

h. The words "a Men's Club," or "a Gentlemen's' Club" or "an Adult Entertainment Establishment" shall be the sole and exclusive identifier of the business type on any new or existing signs otherwise consistent with the sign regulations of this Code; provided, however, that the name "risky business" shall be an acceptable business identifier.

i. Additional parking area lighting, landscape lighting and architectural lighting on the building shall be installed to enhance site and landscape illumination and to provide additional architectural interest in the building. Outdoor lighting shall be limited to and composed of decorative poles twenty (20) feet height with cut-off fixtures.

j. At a minimum, landscape plants shall meet the following standards at installation:

Groundcover: One-gallon; Florida Fancy.

Shrubs: Three-gallon; sixteen (16) inches by twenty (20) inches; Florida Fancy.

Palms: Ten (10) feet overall height; six (6) feet clear trunk height; field grown.

Trees: Min. fourteen (14) feet height, three-inch caliper; container grown.

k. No sign shall contain any flashing lights, photographs, silhouettes, drawings or pictorial representations of any type or manner.

l. Other than allowable signs as defined herein, advertisements, displays or other promotional materials for any establishment or sexually oriented business shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place.

m. No sign shall include the words "nude," "nudity," "naked," "topless," "go-go" or "dancers," or any and all words including slang substitutes or materials depicting, describing or relating to any of the listed specified anatomical areas or any of the listed specified sexual activities.

n. Each entryway to the establishment shall have the following words printed in one-inch letters at the height of five (5) feet:

"DO NOT ENTER IF SEXUALLY ORIENTED ENTERTAINMENT OFFENDS YOU."

o. An enclosure shall screen all roof-mounted mechanical equipment or ductwork. The line of sight from a driver's or pedestrian's eye view shall be considered in determining the height and location of such screens.

p. Roofs shall be configured such that flat roof systems include a parapet wall along the building perimeter of sufficient height to screen rooftop equipment (air conditioning compressors, vents, etc.).

q. Parking shall be restricted to side and read areas when practicable, as determined by the Planning Manager based upon generally accepted land use principles and the configuration of the particular parcel. Adequate maneuvering space shall be provided to ensure that vehicles are not forced back into public streets or rights-of-way.

R. Screening, by planting or architectural screen, shall be installed for all above-ground electric transformers, meters, backflow preventers, or other apparatus, and said screening shall be consistent with the architectural and other requirements of this Code.

s. Fence or wall height shall, at a minimum, equal the height of the item being screened. Fence or wall colors shall conform to the designated palette.

t. Trash receptacles and dumpsters shall not be placed in the front of any building. Trash and garbage facilities shall be screened so as not to be visible from any street, driving lane, or right-of-way.

u. Trees shall be located so as not to create a traffic hazard and shall have limbs and foliage trimmed in such a manner that cross-visibility is not impaired.

v. All sites shall include an underground irrigation system that provides one hundred (100) percent coverage to all planted and sodded areas. All sprinkler heads shall be pop-up type. When available, the irrigation source shall be reuse water.

w. Roof mounted signs of any kind; audible signs; flags, banners, and flagpoles; trailer signs, portable signs, and temporary signs (other than temporary construction signs and temporary directional signs); and the parking of trucks, vans, campers or any other vehicle, or movable objects having sides which identify the business with signs, insignias or logos are prohibited.

x. All signage shall be maintained to conform to the standards of this Code. The replacement of burned-out lighting sources and replacement of missing letters, numerals, or other elements of the sign shall be accomplished within fifteen (15) days of the particular deficiency.

y. Maximum content areas for signs shall conform to this Code, i.e., two (2) square feet of sign area per one (1) linear foot of building frontage.

z. All lighting fixtures shall be installed consistent with the architectural style and colors of the building. Bare bulbs on buildings, roofs or signs are prohibited.

(3) As to adult bookstores/video stores which are operating as stand-alone structures, the following design standards shall apply and be subject to certification in accordance with the provisions of this Ordinance:

a. The exterior paint color of the building shall be changed to one (1) primary color, and one (1) secondary color for trim and other details which colors shall be consistent with the designated palette.

b. All parking directly in front of building entrance (minimum of two (2) spaces) shall be removed.

c. Curbing at each driveway cut from United States Highway 17-92 shall be constructed to define driveway cuts.

d. Railing, which is four (4) feet high, shall be constructed at the front sidewalk along the right of way to provide a safety barrier for customers exiting in the direction of United States Highway 17-92.

e. Shade trees or small accent trees shall be planted in the rear parking lot to comply with provisions of this Code requiring landscaping to account for at least ten (10) percent of the total parking area, which landscaping shall be subject to the approval of the Planning Manager which approval shall not be unreasonably withheld; provided, however, that such plantings shall be aesthetically enhancing and consistent with sound and high-quality planning techniques and principles.

f. Landscape planting along United States Highway 17-92 shall be accomplished to include groundcover, canopy trees, and shrubs all of which require nominal landscaping and irrigation. A minimum of one (1) canopy tree shall be planted for every twenty-five (25) feet of landscape area.

g. The landscape planter along the front of the buildings shall be refurbished. Landscaping for remaining areas shall be accomplished, which shall be subject to the approval of the Planning Manager which approval shall not be unreasonably withheld; however, such plantings shall be aesthetically enhancing and consistent with sound and high quality planning techniques and principles.

h. The words “an adult business establishment” shall be used as the sole and exclusive identifier of the business type on any new or existing signs otherwise consistent with the sign regulations of this Code; provided, however, the name “exotic emporium” shall be an acceptable business identifier.

i. No interior signs shall be utilized that can be viewed from outside of the building.

j. Additional enhanced parking area lighting, landscape lighting and architectural lighting on the building to enhance the site and

landscape illumination shall be provided. Outdoor lighting shall be limited to and composed of decorative poles twenty (20) feet in height with cut-off fixtures.

k. An enclosure shall screen all roof-mounted mechanical equipment or ductwork. The line of sight from a driver's or pedestrian's eye view shall be considered in determining the height and location of such screens.

l. Roofs shall be configured such that flat roof systems include a parapet wall along the building perimeter of sufficient height to screen rooftop equipment (air conditioning compressors, vents, etc.).

m. Screening, by planting or architectural screen, shall be installed for all above-ground electric transformers, meters, backflow preventers, or other apparatus, and said screening shall be consistent with the architectural and other requirements of this Code.

n. Fence or wall height shall, at a minimum, equal the height of the item being screened. Fence or wall colors shall conform to the designated palette for building color selection and shall be consistent with the building colors.

o. Trash receptacles and dumpsters shall not be placed in the front of any building. Trash and garbage facilities shall be screened so as not to be visible from any street, driving lane, or right of way.

p. At a minimum, landscape plants shall meet the following standards at installation:

Groundcover: One-gallon; Florida Fancy.

Shrubs: Three-gallon; sixteen (16) inches by twenty (20) inches; Florida Fancy.

Palms: Ten (10) feet overall height; six-foot clear trunk height; field grown.

Trees: Min. fourteen (14) foot height, three-inch caliper; container grown.

q. Trees shall be located so as not to create a traffic hazard and shall have limbs and foliage trimmed in such a manner that cross-visibility is not impaired.

r. All sites shall include an underground irrigation system that provides one hundred (100) percent coverage to all planted or sodded areas. All sprinkler heads shall be pop-up type. When available, the irrigation source shall be reuse water.

s. Roof-mounted signs of any kind; audible signs; flags, banners and flagpoles; trailer signs, portable signs, and temporary signs (other than temporary construction signs and temporary directional signs); and the parking of trucks, vans, campers, or any other vehicle or

movable objects having sides that identify the business with signs, insignias, or logos is prohibited.

T. All signage shall be maintained to conform to the standards of this Code. The replacement of burned out lighting sources and replacement of missing letters, numerals, or other elements of the sign shall be accomplished within fifteen (15) days of the particular deficiency.

u. Maximum content areas for signs shall conform to this Code, i.e., two (2) square feet of sign area per one (1) linear foot of building frontage.

v. No sign shall contain any flashing lights, photographs, silhouettes, drawings. Or pictorial representations of any type or manner.

w. Other than allowable signs as defined herein, advertisements, displays, or other promotional materials for any and all establishments or sexually oriented businesses shall not be shown or exhibited so as to be visible to the public from any street, sidewalk, or other public place.

x. No sign shall include the words “nude,” “nudity,” “naked,” “topless,” “go-go” or “dancers,” or words including slang substitutes or materials depicting, describing, or relating to any of the listed specified anatomical areas or any of the listed specified sexual activities.

y. All lighting fixtures shall be installed consistent with the architectural style and colors of the building. Bare bulbs on buildings, roofs, or signs are prohibited.

z. Each entryway to the establishment shall have the following words printed in one inch (1”) letters at the height of five (5) feet:

“DO NOT ENTER IF SEXUALLY ORIENTED ENTERTAINMENT OFFENDS YOU.”

(4) As to adult bookstores/adult video stores which are located in a shopping center, the following design standards shall apply and be subject to certification

a. Exterior paint color shall be changed to one (1) primary color and one (1) secondary color for trim and other details, which colors shall be consistent with the designated palette.

b. All asphalt shall be repaired and resealed.

c. Asphalt abutting the state right-of-way along United States Highway 17-92, a minimum of five (5) feet in length running the length of the property exclusive of entrance and access driveways shall be removed for the purpose of installing Groundcover, shrubs, and small accent trees all of which require nominal irrigation and maintenance shall be planted along United States Highway 17-92. A minimum of one (1) canopy tree shall be planted for every twenty-five (25) feet of landscape area.

D. A landscape planter of sufficient height to be visible from a motor vehicle traveling on the abutting right of way around any existing pole signs shall be installed, and groundcover and/or shrubs which require nominal irrigation and maintenance shall be planted.

e. Shade trees or small accent trees shall be planted in the rear parking lot to comply with the provisions of this Code requiring landscaped breaks and to account for at least ten (10) percent of the total parking area, which landscaping shall be subject to the approval of the Planning Manager which approval shall not be unreasonably withheld; provided, however, that such plantings shall be aesthetically enhancing and consistent with sound and high quality planning techniques and principles.

f. The words "an adult entertainment business" shall be used as the sole and exclusive identifier of the type of business on any new or existing signs consistent with the sign regulations of this Code; provided, however, that the words "Bob's Video" or "Excitement Video" shall be acceptable business identifiers.

g. All vehicular signage from parking areas shall be removed.

h. All roof signs shall be removed.

i. Additional enhanced parking area lighting, landscape lighting, and architectural lighting on the building shall be provided to enhance site and landscape illumination and to provide additional architectural interest to the building. Outdoor lighting shall be limited to and composed of decorative poles twenty (20) feet in height with cut-off fixtures.

j. At a minimum, landscape plants shall meet the following standards at installation:

Groundcover: One-gallon; Florida Fancy.

Shrubs: Three-gallon; sixteen (16) inches by twenty (20) inches; Florida Fancy.

Palms: Ten-foot overall height; six-foot clear trunk height; field grown.

Trees: Min. fourteen-foot height, three-inch caliper; container grown.

k. No sign shall contain any flashing lights, photographs, silhouettes, drawings, or pictorial representations of any type or manner.

l. Other than allowable signs as defined herein, advertisements, displays, or other promotional materials for any establishment or sexually oriented business shall not be shown or exhibited to be visible to the public from any street, sidewalk, or other public place.

m. No sign shall include the words "nude," "nudity," "naked," "topless," "go-go," or "dancers," or any and all words, including slang

substitutes or materials depicting, describing, or relating to any of the listed specified anatomical areas or any of the listed specified sexual activities.

n. Each entryway to the establishment shall have the following words printed in one-inch letters at a height of five (5) feet:

"DO NOT ENTER IF SEXUALLY ORIENTED ENTERTAINMENT OFFENDS YOU."

o. An enclosure shall screen all roof-mounted mechanical equipment or ductwork. The line of sight from a driver's or pedestrian's eye view shall be considered in determining the height and location of such screens.

p. Roofs shall be configured such that flat roof systems include a parapet wall along the building perimeter of sufficient height to screen rooftop equipment (air conditioning compressors, vents, etc.).

q. Screening, by planting or architectural screen, shall be installed for all above-ground electric transformers, meters, backflow preventers, or other apparatus, and said screening shall be consistent with the architectural and other requirements of this Code.

r. All walls, fences, or screens, whether temporary or permanent, shall be consistent with the architectural and other requirements of this Code.

s. Fence or wall height shall, at a minimum, equal the height of the item being screened. Fence or wall colors shall conform to the designated palette for building color selection and shall be consistent with the building colors.

t. Trash receptacles and dumpsters shall not be placed in the front of any building. Trash and garbage facilities shall be screened so as not to be visible from any street, driving lane or right-of-way.

u. Trees shall be located so as not to create a traffic hazard and shall have limbs and foliage trimmed in such a manner that cross-visibility is not impaired.

v. The site shall include an underground irrigation system that provides one hundred (100) percent coverage to all planted or sodded areas. All sprinkler heads shall be pop-up type. When available, the irrigation source shall be reuse water.

w. Roof-mounted signs of any kind; audible signs; flags, banners, and flagpoles; trailer signs, portable signs, and temporary signs (other than temporary construction signs and temporary directional signs); and the parking of trucks, vans, campers, or any other vehicle or movable objects having sides which identify the business with signs, insignias or logos are prohibited.

x. All signage shall be maintained to conform to the standards of this Code. The replacement of burned-out lighting sources and replacement of missing letters, numerals, or other elements of the

sign shall be accomplished within fifteen (15) days of the particular deficiency.

y. Maximum content areas for signs shall conform to this Code, i.e., two (2) square feet of sign area per one (1) linear foot of building frontage.

z. Other than allowable signs as defined herein, advertisements, displays, or other promotional materials for any establishment or sexually oriented business shall not be shown or exhibited to be visible to the public from any street, sidewalk, or other public place.

aa. All lighting fixtures shall be installed consistent with the architectural style and colors of the building. Bare bulbs on buildings, roofs, or signs are prohibited.

bb. The base of each pole sign shall be generally located away from vehicular use areas except when this is not possible, the sign base shall be protected with a combined structure/landscape feature of sufficient height to be visible from a motor vehicle traveling on the abutting right-of-way.

cc. Placement of lighting for area lighting, landscape illumination, or parking lot or pedestrian walkway illumination shall not be placed or installed in such a way as to create hazards to vehicular or pedestrian traffic. Lighting locations shall not create a glare or offensive character for adjacent properties. Flashing lights are prohibited.

dd. Lighting level criteria shall be consistent with the requirements of this Code for developments on property assigned a commercial zoning classification. General area lighting, including lighting of parking areas, shall be by use of high pressure sodium vapor lamps. Pedestrian and lighting shall be high pressure sodium or similar lighting.

(5) Notwithstanding the provisions of this Section relative to a ninety-day certification eligibility period set forth in subsection (c) of this Section, if a parcel is determined to be subject to an eminent action which is reasonably likely to commence within one (1) year of the final date to submit an application for certification, based upon evidence submitted by the prospective condemning authority, and the prospective actions of the condemning authority are found by the Development Services Director to be reasonably likely to substantially and adversely impact the improvements to be accomplished upon the property which is eligible for certification and approve the application with conditions set forth therein which conditions extend the date of the mandatory accomplishment of the improvements; provided, however, that no extensions to the date set forth in the certification action by the Development Services Director may be given and, if the improvements are not accomplished within the time period established by the Development Services Director as conditions authorized by this subsection, the property shall no longer be eligible for certification.

(e) Each adult entertainment establishment certified in accordance with the provisions of subsection 30.6.9.2(c) shall continually maintain the improvements made on the site to conform with the appropriate design standards set forth in this Ordinance.

(f) All decisions of the Planning Manager shall be appealable as set forth in this Code. Decisions of the Development Services Director shall be appealable as set forth in Chapter 20 relating to development orders.

30.6.9.2. Conflicting zonings.

(a) An adult entertainment establishment with a validly issued license or sexually oriented business lawfully operating on June 26, 1997, that is in violation of sections 43 and 44 of Ordinance Number 97-28, as amended by this Ordinance, shall be deemed and constitute a conflicting zoning. The business or establishment constituting a conflicting zoning will be permitted to continue to operate at the current location, but shall cease operation by September 30, 1999, unless sooner terminated for any reason or voluntarily discontinued for a period of thirty (30) days or more.

(b) Such conflicting zonings shall not be increased, enlarged, extended, or altered except that the use on the property may be changed to a non-conflicting zoning.

(c) An adult entertainment establishment or sexually oriented business lawfully operating as of June 26, 1997 is not rendered a conflicting zoning by the location, subsequent to the grant or renewal of an adult entertainment establishment license or sexually oriented business license, by a use for which separation requirements apply as set forth in Section 44 [30.6.9.1] of Ordinance Number 97-28 as amended by this Ordinance. This provision applies only to the renewal of a valid license and does not apply when an application for a license is submitted after a license has expired or been revoked.

30.6.9.3 Seminole County/City of Sanford Joint Planning Interlocal Agreement Relating to Adult or Sexually Oriented Uses.

(a) Adoption of interlocal agreement as land development regulations.

(1) The interlocal agreement entitled “Seminole County/City of Sanford Joint Planning Interlocal Agreement Relating to Adult or Sexually Oriented Uses” and dated March 23, 1998 is hereby adopted as land development regulations applicable within the unincorporated areas of Seminole County.

(2) The terms, provisions, conditions and procedures set forth in the interlocal agreement referred to in section (a)(1) shall be administered in accordance with the terms, provisions, conditions and procedures of the Land Development Code of Seminole County.

(b) Interlocal agreement.

SEMINOLE COUNTY/CITY OF SANFORD
JOINT PLANNING INTERLOCAL AGREEMENT
RELATING TO ADULT OR SEXUALLY ORIENTED USES

THIS JOINT PLANNING INTERLOCAL AGREEMENT is made and entered into this _______ day of _______, 1998, by and between SEMINOLE COUNTY, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida 32771, hereinafter referred to as the "COUNTY", and the CITY OF SANFORD, a Florida municipal corporation whose address is Post Office Box 1788, Sanford, Florida 32772-1788, hereinafter referred to as the "CITY".

WITNESSETH:

WHEREAS, it is beneficial to the public for local governments to work together in a spirit of harmony, collaboration and cooperation and the CITY and the COUNTY have worked together in the past as evidenced by numerous interlocal agreements such as, for example, the Joint Planning Interlocal Agreement of November 21, 1991 which shall remain in effect subsequent to the effective date of this Agreement; provided, however, that the terms of this Agreement shall prevail as to adult and sexually oriented land uses; and

WHEREAS, the provisions of the Local Government Comprehensive Planning and Land Development Regulation Act (Part II, Chapter 163, Florida Statutes), the Rules of the Florida Department of Community Affairs (in particular Rule 9J-5.015, Florida Administrative Code) and other applicable law provide for intergovernmental coordination in the comprehensive planning process; and

WHEREAS, the provisions of this Agreement are consistent with the State Comprehensive Plan (Chapter 187, Florida Statutes); the Strategic Regional Policy Plan adopted by the East Central Florida Regional Planning Council and the land development regulations, comprehensive plans and charters of the CITY and the COUNTY; and

WHEREAS, it is desirable, to the maximum extent practicable and conditioned upon a land use and legal analysis by both the COUNTY and the municipalities located within the jurisdictional limits of the COUNTY, for the land areas of Seminole County, both within incorporated municipalities and in the unincorporated areas of the COUNTY, to have essentially uniform regulation of establishments which provide what is commonly referred to as "adult entertainment" and businesses which are sexually oriented in nature; and

WHEREAS, Seminole County Ordinance Number 97-28, as amended by Seminole County Ordinance Numbers 98-3 and 98-13 as well as City of Sanford Ordinance Numbers 3185, 3195 and 3232, detail the general types of establishments and businesses which are considered "adult entertainment establishments" and "sexually oriented businesses" (also referred to as "adult and sexually oriented uses" herein) although the definitions of those terms are not necessarily identical or static and may evolve from time-to-time; and

WHEREAS, the governing bodies of both the CITY and the COUNTY believe that adult and sexually oriented uses are, by and large, inconsistent with contemporary community standards as derived from the expressions of numerous citizens and citizens' groups relative to the presence of adult uses and sexually oriented businesses in a community and, moreover, does not positively impact the sound economic growth of the COUNTY; and

WHEREAS, the identification of multi-jurisdictional parcels at which adult or sexually oriented uses could be located with regard to the CITY's and the COUNTY's constitutional obligations to provide adequate alternative avenues or channels of communication or expression would be in the best interests of the citizens of Seminole County; and

WHEREAS, the legislative findings set forth in Seminole County Ordinance Number 97-28, as amended by Seminole County Ordinance Numbers 98-2 and 98-13 as well as City of Sanford Ordinance Number 3185, are hereby adopted as if set forth fully herein; and

WHEREAS, the provisions of Section 163.3171(3), Florida Statutes, provide for the joint exercise of land use planning and regulatory powers under the Local Government Comprehensive Planning and Land Development Regulation Act and the parties to this Agreement desire to cooperate relative to land use and regulatory jurisdiction over adult entertainment establishments and sexually oriented businesses; and

WHEREAS, it is the intent of the parties that developers of adult uses be treated equally with other developers in terms of site plan and other approvals that may be considered when an application is made for such a use on land which is assigned the appropriate zoning classification and it is, moreover, the intent of the parties to insure that all State laws relative to concurrency requirements are adhered to relative to the provision of adequate facilities and infrastructure and it is, moreover, hereby found and determined by the parties that the Joint Sites have accessible water and sewer service or can be served by wells and septic systems, have a roadway system that can serve development subject to standard land development regulations to which all other development activities are subject, have adequate solid waste services available, have fire and public safety services reasonably available, and otherwise have the adequate capability to be served with all necessary public facilities requisite for a development to be approved and to move forward and through the development processes; and

WHEREAS, Section 163.01, Florida Statutes, authorizes the exercise by agreement between two (2) or more public agencies of any power common to them and each of the parties hereto have the power and authority to regulate adult entertainment establishments and sexually oriented businesses; and

WHEREAS, this Agreement is authorized by the provisions of Chapters 125, 163 and 166, Florida Statutes, and other applicable law,

NOW, THEREFORE, in consideration of the premises, mutual covenants, and agreements and promises contained herein. And other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged by the parties, the parties do hereby covenant and agree as follows:

SECTION 1. RECITALS. The foregoing recitals are true and correct and form a material part of this Agreement upon which the parties have relied.

SECTION 2. PURPOSE/INTENT/JOINT PLANNING AREA.

(a) The COUNTY and the CITY have reviewed their respective comprehensive plans and land development regulations relative to the provision of adequate alternative avenues or channels of communication or expression with regard to siting adult or sexually oriented uses in their respective jurisdictions. It was found by both parties that, at the time of this Agreement, their comprehensive plans, codes and ordinances and land development regulations are consistent with the requirements of law as set forth in authoritative judicial precedent. It was also found, however, that it would be in the best interests of both jurisdictions to provide for a number of adult and sexually oriented business use sites that are available for both jurisdictions and to be developed with adult and sexually oriented uses in both the COUNTY and the CITY regardless of the actual jurisdictional location of the sites.

(b) The purpose of this Agreement is to provide for multi-jurisdictional siting of adult and sexually oriented land uses with sites that are part of the relevant real estate market and to, thereby, be compliant with the requirements of law relative to protection of what may be constitutionally protected expression as determined by the courts of this Nation. Likewise, the purpose of this Agreement is to provide for the seamless movement of adult and sexually oriented use sites from unincorporated Seminole County into the jurisdictional limits of the CITY without the COUNTY's available sites being reduced in number as a result of such change in land use jurisdiction.

SECTION 3. JOINT SITES.

(a) The real property pertinent to this Agreement are those lots, tracts or parcels of real property located in either the CITY or the COUNTY and, consistent with the appropriate party's land development regulations, permittable for adult and sexually oriented uses (hereby designated as the "Joint Sites" and be referred to as such herein).

(b) The Joint Sites shall be eligible for the issuance of development permits consistent with the comprehensive plan and land development regulations of the jurisdiction wherein the Sites are located; provided, however, that, if a Site is annexed into the CITY, it shall be subject to the comprehensive plan and land development regulations of the COUNTY.

(c) It is the intent of the parties to renegotiate the terms of this Agreement if those sites that are part of the Joint Sites, but which are currently located within unincorporated Seminole County, are annexed into the CITY. It is the intent of the CITY to not annex said sites.

(d) It is also the intent of the parties that another city or cities may participate in the benefits and burdens of this Agreement.

SECTION 4. COMPREHENSIVE PLANNING, FUTURE LAND USES AND PROVISION OF INFRASTRUCTURE.

(a) The parties agree that the Joint Sites may be developed in accordance with generally applicable land development regulations (CITY or COUNTY as the case may be based upon the location of the real property consistent, however, with section 3(b)) as adult entertainment establishments or a sexually oriented business, as defined by Ordinance Number 97-28, as amended by Ordinance Number 98-2.

(b) The parties agree to cooperate and collaborate to the maximum extent practicable to ensure that adequate infrastructure is available to the Joint Sites in order to ensure that the Joint Sites are included in the relevant real estate market applicable to the permitted uses on the Joint Sites subject, however, to the obligations of a developer under State law (and applicable local codes and ordinances) to provide for adequate public facility infrastructure. It is the intent of the parties to treat developers of adult and sexually oriented uses in a way, fashion and manner; under such terms and conditions; and with such practices and procedures that are typical and normal to development review and approval processes made applicable to other forms of development. Locational decisions aside relative to land use designations and zoning classifications assigned to particular parcels of property, it is the intent of the parties to allow for the permi"ting'and approval of adult and sexually oriented uses consistent with the practices and procedures that are applicable to other forms and types of development.

(c) With regard to any proposed amendment to either the comprehensive plan or the land development regulations of the parties which pertains to adult and sexually oriented uses and during the development and drafting phases of the respective comprehensive plans, plan amendments and land development regulations of the CITY and the COUNTY, CITY and COUNTY staff shall transmit respective draft planning or regulation documents to the other as part of the intergovernmental coordination mechanisms. Each staff shall compare each other's plan or plan amendments to determine

whether proposed objectives, goals and policies and regulatory provisions are consistent with the other party's plan and regulatory provisions.

(d) Notwithstanding the legal effect of annexations, the adult and sexually oriented use sites located in the CITY shall continue to be deemed and constitute Joint Sites and shall be subject to the provisions of this Agreement

SECTION 5. CONFLICT RESOLUTION. The parties agree that any disputes arising under this Agreement shall be subject to the provisions of the "Interlocal Agreement on Mediation and Intergovernmental Coordination", dated January 24, 1995.

SECTION 6. TERM. This Agreement shall be in effect for a five (5) year period beginning on the date both parties have enacted ordinances in accordance with section 12. This Agreement shall be automatically renewed for a subsequent five (5) year period unless one (1) of the parties thereto gives the other ninety (90) days advance notice, in writing, of intention to not renew the Agreement.

SECTION 7. NOTICE. Contact persons for this Agreement shall be the CITY Manager and the COUNTY Manager.

FOR THE CITY:

Bill Simmons, City Manager
City of Sanford
P. O. Box 1788
Sanford, Florida 32772-1788

FOR THE COUNTY:

Gary Kaiser, County Manager
Seminole County Services Building
1101 East First Street
Sanford, Florida 32771

SECTION 8. HEADINGS. All sections and descriptive headings in this Agreement are inserted for convenience only, and shall not affect the construction or interpretation hereof.

SECTION 9. ENTIRE AGREEMENT. This Agreement constitutes the entire agreement of the parties with respect to the subject matter hereof, any may not be modified or amended except by a written instrument equal in dignity herewith and executed by the parties to be bound thereby.

SECTION 10. TIME. Time is of the essence of this Agreement.

SECTION 11. CONFLICT OF INTEREST. The parties agree that the conduct of their offices and employees are subject to the provisions of Part III, Chapter 112, Florida Statutes.

SECTION 12. ENACTMENT OF ORDINANCES. Each party shall consider enacting this agreement by means of an ordinance substantially in the form of the draft ordinance attached as Exhibit "A" to this Agreement which ordinance has an effective date of on or before March 30, 1998.

SECTION 13. EFFECTIVE DATE . Sections 1, 5, 7, 8, 9, 10, 11, 12 and 13 of this Agreement shall take effect on the date that this Agreement is fully executed by the parties. All other sections of this Agreement shall become effective upon both parties enacting the ordinance referred to in section 12.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals on the day, month and year above written.

ATTEST:	CITY OF SANFORD
/s/___________	By: /s/___________
JANET R. DOUGHERTY, Clerk	LARRY DALE, Mayor
City of Sanford	
	Date: _______
ATTEST:	BOARD OF COUNTY COMMISSIONERS SEMINOLE COUNTY, FLORIDA
/s/___________	By: /s/___________
MARYANNE MORSE	RANDALL C. MORRIS, Chairman
Clerk to the Board of County Commissioners of Seminole County, Florida.	
	Date:_______
For use and reliance of Seminole County only. Approved as to form and legal sufficiency.	As authorized for execution by the Board of County Commissioners at their March 10, 1998, regular meeting.
/s/___________	
County Attorney	

30.6.10 Community Residential Homes and Assisted Living Facilities.

30.6.10.1 Statement of intent.

(a) In order to prevent concentration of foster care and group home facilities and the detrimental impact to a neighborhood caused by a high concentration of these facilities, the Board of County Commissioners 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 addition to an existing facility, when 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.

(b) 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.

30.6.10.2 Community residential homes may be approved by the Planning Manager as a Limited Use, providing, in addition to all other required findings:

That the location does not create an 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 (2020), as this statute may be amended from time to time. In the event that the provisions of this Section conflict with the provisions of Section 419.001(3)(c), Florida

Statutes (2020), as this statute may be amended from time to time, Section 419.001(3)(c) shall govern.

30.6.10.3 Community residential homes with seven (7) or more unrelated residents and assisted living facilities may be approved by the Board of County Commissioners as a special exception, providing, in addition to all other required findings:

(a) That the location does not create an 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 (2020), as this statute may be amended from time to time. In the event that the provisions of this Section conflict with the provisions of Section 419.001(3)(c), Florida Statutes (2020), as this statute may be amended from time to time, Section 419.001(3)(c) shall govern.

(b) In single- and two-family residential districts (including A-1 and RC-1), the Board of County Commissioners shall determine that the proposed structure (facility) is compatible with the neighborhood in its physical size.

(c) In multiple-family residential districts, the Board of County Commissioners shall determine that the proposed use is compatible with the area in its intensity of land use.

(d) A copy of the application to the appropriate State agency shall accompany the application for the special exception.

30.6.11 Family Daycare Homes. In accordance with Section 125.0109, Florida Statutes (2001), as this statute may be amended from time to time, 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.

30.6.12 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.

30.6.13 Farmworker housing.

30.6.13.1 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.

30.6.13.2 Farmworker Housing Standards.

(a) The minimum floor area per dwelling unit for one (1) and two (2) family dwellings shall be seven hundred (700) square feet per unit of occupancy.

(b) Multifamily dwellings shall contain a minimum of seventy (70) square feet per person per sleeping room, two hundred (200) square feet of outdoor open space per bed, one (1) fully equipped kitchen per twenty (20) beds or increment thereof.

(c) No detached building used in the farm labor facility shall be closer than fifty (50) feet to any other detached building.

(d) No detached building used as farmworker housing shall be closer than one hundred (100) feet to any property line of the premises on which it is placed.

(e) Potable water and sanitary sewage facilities shall be available in compliance with all applicable provisions of all federal, state, and local laws, rules, and regulations.

(f) The area between the ground and the floor of a mobile home dwelling unit used as farmworker housing shall be enclosed with appropriate and functional skirting.

(g) No subsequent expansion of a farm labor facility or of farmworker housing as depicted on an approved site plan shall be allowed without approval by the Board of Adjustment. However, any subsequent decrease of the approved units is permitted.

(h) The applicant shall provide information to all appropriate enforcement officials as to the kind of agricultural operation existing on the premises at the time of application for the farmworker housing.

(i) The maximum number of dwelling units, including, but not limited to, the main structure and the total agricultural lands, shall be governed as follows and may be arranged in a cluster fashion:

Size of Premises	Maximum No. of Dwelling Units Permitted
> 5 acres, but < 30 acres	2
min. 30 acres, but < 40 acres	3
min. 40 acres, but < 50 acres	4
min. 50 acres, but < 60 acres	5
min. 60 acres, but < 70 acres	6
min. 70 acres, but < 80 acres	7
> 80 acres	8

30.6.14 Pain management clinics.

a) Pain management clinics must meet the following conditions:

(1) Separation requirements. A pain management clinic shall not co-locate on the same parcel of record as a Pharmacy. A pain management clinic shall not operate within one thousand (1,000) feet of another pain management clinic, or any pre-existing pharmacy, day nursery, place of worship, alcoholic beverage establishment or property assigned a residential zoning classification or land use designation. The same separation distance

requirement shall also apply relative to a private school or school, as that term is defined in Sections 1002.01 or 1003.01, Florida Statutes, as amended. The applicant shall submit a Proof of Separation Affidavit to the Planning and Development Division with the application for a license for a pain management clinic, as required by the Seminole County Code. All distance requirements shall be measured by drawing a straight line from the nearest property line of the pre-existing protected use to the nearest property line of the proposed pain management clinic, without regard to intervening structures, objects or governmental boundaries.

(2) Parking. Any parking demand created by a pain management clinic established after the effective date of this Ordinance, shall not exceed the parking spaces located or allocated on-site, as required by the County's parking regulations. In order to obtain a license for a pain management clinic, as required by the Seminole County Code, an applicant must demonstrate to the appropriate County staff that the on-site traffic and parking will be sufficient to accommodate traffic and parking demands generated by the pain management clinic, in addition to any other use currently existing on the site, based upon a current traffic and parking study prepared by a qualified transportation professional. Traffic and parking analyses shall be predicated in part upon traffic and parking impacts from other existing pain management clinics in Florida, but shall in no case be less than one (1) space per two hundred (200) square feet of gross square feet. The source of any such information shall be provided to the Planning and Development Division for purposes of verification. County staff shall verify the information contained in the traffic and parking study(ies) with the appropriate officials of the local government where the comparable information is derived.

(3) Queuing of vehicles. The owner, and/or operator of the pain management clinic shall be responsible for ensuring that there is no queuing of patron vehicles in the public right-of-way or on adjacent properties.

(4) Waiting rooms. No pain management clinic shall provide or allow outdoor seating areas, queues, or customer waiting areas. All activities shall be conducted within a building, and adequate indoor waiting areas shall be provided for all patients and visitors. The pain management clinic shall not direct or encourage any patient or visitor to stand, sit (including in a parked car), gather, or loiter outside of the building where the clinic operates, including any parking area, sidewalk, adjacent public right-of-way, or neighboring property for any period of time longer than reasonably required to arrive and depart.

(5) Hours of operation. The hours of operation of a pain management clinic shall be limited to 7:00 a.m. to 7:00 p.m. on the same day.

(6) Alcoholic beverages. No consumption of alcoholic beverages shall be allowed on the premises, including in the parking areas, sidewalks, or public right-of-way. The pain management clinic shall take all necessary and immediate steps to ensure compliance with this paragraph.

(7) Nonconformities. The requirements for location, separation and parking shall be prospective from the effective date of this Ordinance; therefore,

any business that would be classified as a pain management clinic pursuant to Section 2.3 of the Land Development Code of Seminole County, which was legally operating on October 1, 2012, but does not meet such requirements, shall be granted legal non-conforming status. This non-conforming status shall be regulated in the same manner as set forth in Section 30.3.10 of the Land Development Code of Seminole County. Notwithstanding any other provision of Section 30.3.10 of the Land Development Code of Seminole County, all other characteristics of use (queuing of vehicles, waiting rooms, hours of operation, and alcoholic beverages) shall apply to all existing and future pain management clinics.

30.6.15 Automobile Wrecking Lots.

30.6.15.1 In reviewing a special exception for an automobile wrecking lot, the following additional standards shall be considered:

(a) No junkyards or automobile graveyards, as defined in Section 339.241, Florida Statutes, shall be located closer than one thousand (1,000) feet to any secondary, primary, or interstate highway.

(a) The lots must be enclosed with a wall or solid fence not less than six (6) feet in height; and

(c) All fences, as defined in Section 339.241, Florida Statutes, shall be provided as specified in said section.

30.6.16 Vacation rentals.

6.16.1. Definitions pertaining to vacation rentals.

For purposes of the regulation of vacation rentals in Sections 30.6.16.1 through 30.6.16.4 of this Code, the following terms shall have the meaning given herein.

(a) Hallway: An internal passageway within the vacation rental into which rooms in the vacation rental may open, is enclosed by partitions or walls, has a ceiling above and a floor at its base, and enables the transient occupants to reach the exit from within the vacation rental.

(b) Responsible party: The property owner or person/entity designated by the property owner to be called upon for matters regarding the vacation rental, including but not limited to the maintenance and upkeep of the property, requests for inspection, emergencies, and to answer for the conduct and acts of the occupants and guests of the vacation rental. The Responsible Party shall be available to be contacted at any hour of the day, any day of the week, during any period of time that the vacation rental is occupied.

(c) Sleeping room: A fully enclosed portion of a dwelling unit, which is directly connected to a hallway or the exterior of the vacation rental by a door that can be closed and locked for privacy; not accessed solely by another sleeping room; primarily designed or intended for sleeping; not equipped with nor wired for cooking facilities; excludes living rooms, kitchens, bathrooms, hallways, laundry rooms, pantries and the like; and may have a clothing closet and/or bathroom within.

(d) Transient occupant: A person who occupies a dwelling unit that is a Transient Public Lodging establishment.

(e) Transient public lodging establishment: As defined in Section 509.013(4)(a)(1), Florida Statutes, as may be amended or replaced.

(f) Vacation rental: As classified in Section 509.242, Florida Statutes, as may be amended from time to time. However, Section 30.6.16 shall not apply to any dwelling unit that is owner-occupied on a full-time basis and provided the means of ingress and egress is through a hallway internal to the unit to the sleeping room(s) leased by the transient occupant(s).

6.16.2 Registration required.

(a) Each vacation rental being advertised or offered to the public must be registered by the Responsible Party with a third-party vendor authorized by Seminole County prior to commencement of operation. The Responsible Party for all new and existing vacation rentals located in unincorporated Seminole County must register beginning October 1, 2020.

(b) A completed vacation rental registration form, and all other required forms and attachments, must be submitted as part of the registration with the third party vendor to assert and demonstrate compliance with the requirements of this Ordinance.

(1) The registration form will be made available via online/electronic submission through the third party vendor and will include:

a. An acknowledgment to comply with existing Seminole County regulations of noise, solid waste, urban bear management, sexual offenders and sexual predators.

b. An active license number provided by the Florida Department of Business and Professional Regulation.

c. An active registration with the Florida Department of Revenue.

d. A local tourism tax account number provided by the Office of the County Tax Collector, or proof that a peer-to-peer platform entity through which the rental is booked will be remitting all such taxes associated with the vacation rental on the owner's behalf.

e. Proof of payment of local business taxes in compliance with Seminole County Code Chapter 45, Part 1, Local Business Taxes.

f. An acknowledgment to provide the "Transient Occupation Information" binder in all vacation rental units.

(2) Other required forms and attachments include:

a. Acknowledgment to comply with Section 30.6.16.3(a) of the Seminole County Land Development Code regarding maximum occupants and guests authorized to occupy the vacation rental unit.

b. For a vacation rental with five (5) or more bedrooms, a survey, scaled sketch or photograph of the vacation rental property identifying the

location(s) and dimensions of the required parking spaces assigned to and reserved specifically for the vacation rental on the same parcel as the rental, pursuant to Section 30.6.16.3(a)(5) of the Seminole County Land Development Code.

(c) The registration in the third-party Vacation Rental Registry shall be valid for one year from the date of application approval or until any of the following circumstances occur:

(1) A change in ownership of the vacation rental; or

(2) A change to the sleeping rooms in the vacation rental.

(d) The following changes/events must be submitted through the Responsible Party's Vacation rental registration account online via the County's third-party vendor but does not require an additional fee:

(1) A notice of change of the Responsible Party (non-owner); and

(2) A change to the parking spaces for a vacation rental.

(e) Annual renewal of the vacation rental registration with Seminole County's third-party vendor shall be required. All or a portion of the County's proceeds from the registration fees, as determined by resolution of the Board of County Commissioners, may be allocated to an Affordable Housing Trust Fund.

6.16.3 Minimum vacation rental standards to be verified by self-certification through registration.

(a) Minimum standards:

(1) Maximum occupants and guests. The maximum amount of transient occupants authorized to stay overnight at any individual vacation rental shall be limited to two (2) persons per sleeping room. Additionally, a maximum of four (4) persons under the age of thirteen (13) shall also be authorized to stay overnight, not to be counted against the maximum occupancy. The maximum amount of persons allowed to visit as non-overnight guests of the transient occupants shall not exceed two (2) times the amount of maximum occupants authorized to stay overnight.

(2) Local telephone service. At least one (1) telephone (landline or cellular) with the ability to contact Seminole County Emergency 911 Communications Center on a 24-hour, 7-day-a-week basis shall be provided in the main common area of the vacation rental and be clearly marked as the Emergency Communications Center contact telephone.

(3) Fire extinguisher. At least one (1) fully charged, portable, multi-purpose, dry chemical ABC fire extinguisher shall be installed and maintained in a clearly marked location in a centrally located area near sleeping rooms on each floor of the vacation rental. Additionally, at least one (1) Class K fire extinguisher shall be installed and maintained in a clearly marked location in a centrally located area near the kitchen of the vacation rental.

(4) Transient occupant information. A binder, book, or file folder clearly labeled "Transient Occupant Information" with the full address of the

vacation rental must be located in a conspicuous area of the vacation rental, and must contain, at a minimum, all regulations with which transient occupants and their guests must comply, including:

a. Chapter 165 Noise, Seminole County Code of Ordinances;

b. Section 30.16.2 Noise, Seminole County Land Development Code;

c. Section 30.11.1 Off-street parking requirements, Dwelling Structures, Seminole County Land Development Code;

d. Section 30.6.16.3(a)(5) Parking Standards, Seminole County Land Development Code;

e. Chapter 228 Sexual offenders and sexual predators, Seminole County Code of Ordinances;

f. Chapter 235 Solid Waste, Seminole County Code of Ordinances;

g. Chapter 258 Urban Bear Management, Seminole County Code of Ordinances, with Map;

h. The 24-hour, 7-day-a-week telephone number of the Responsible Party;

i. A copy of the survey, scaled sketch, or picture depicting the location(s) of parking spaces reserved for the vacation rental with a statement that the transient occupant parking is limited to the area(s) identified on the graphic; and

j. The locations of all nearby hospitals, walk-in clinics, and free-standing emergency room(s).

(5) Parking standards:

a. Per Section 30.11.3 of the Seminole County Land Development Code, the minimum required amount of parking spaces for a single-family dwelling, duplex halves, or multi-family dwelling is two (2). In addition to the minimum requirement of Section 30.11.3 of the Seminole County Land Development Code, for each sleeping room in excess of four (4), one (1) additional parking space must be provided.

b. All required parking spaces must comply with minimum net area, length, and width standards set forth in Section 30.11.3 of the Seminole County Land Development Code and may be provided in carports, garages, parking lots, or on paved driveways or a driveway with a stabilized surface that is not part of landscaping. Spaces shall not be provided, nor parking allowed, in any drainage swale, on a public sidewalk, in the street right-of-way where parking is not otherwise permitted, in a pedestrian way, bicycle path, or hiking trail.

(6) Non-compliance inspections. In cases of reasonable indication of non-compliance with the above standards, Seminole County, through Code Enforcement, reserves the right to perform an inspection of the vacation rental to ensure compliance within the bounds of applicable law.

(b) Posting of parking information and emergency information.

(1) There shall be posted on the interior of the main egress door of the vacation rental, the following information:

a. For a vacation rental unit with five (5) or more bedrooms, a survey or scaled sketch showing the location(s) of all parking spaces assigned to the vacation rental, both on the property where the vacation rental is located, and any parking spaces that are located on a separate property pursuant to a signed, notarized agreement with the owner of that separate property, or within a shared parking lot or structure, pursuant to a letter from those responsible for the shared parking; and

(2) There shall be posted on the interior of the main egress door and the inside of the doors of all sleeping rooms, a poster labeled "Emergency Information" in capital letters and BOLDFACE type, with the following emergency information:

a. The full street address for the vacation rental;

b. The location of the vacation rental's telephone to reach the Seminole County 911 Emergency Communications Center;

c. The 24-hour, 7-day-a-week telephone number of the Responsible Party; and

d. The location of the "Transient Occupant Information".

30.6.16.4 Violations procedure.

(a) The response to a potential violation of Section 30.6.16.1, Section 30.6.16.2, or Section 30.6.16.3 of the Seminole County Land Development Code may, without limitation, be addressed by the provisions of Sections 53.14 and 53.24, regarding violations procedure, Seminole County Code of Ordinances.

(b) Complaints of violations of these Sections are to be filed by affected members of the general public with the Code Enforcement Officer. Code violations can be reported to the Seminole County Sheriff's Office at (407) 665-6650 or online at https://www.seminolesheriff.org/forms/ReportCodeViolation.aspx.

(c) The regulations of vacation rentals as set forth in Sections 30.6.16.1 through 30.6.16.3 of the Seminole County Land Development Code do not authorize persons to violate applicable restrictive covenants or homeowner association rules and regulations. The County does not police or enforce private restrictive covenants or homeowner association rules and regulations. Persons obtaining a Vacation Rental registration certificate under Sections 30.6.16.1 through 30.6.16.3 of this Code are solely responsible for compliance with all applicable restrictive covenants and homeowner association rules and regulations.

30.6.17 Civic Assembly Uses.

30.6.17.1 Civic Assembly uses are classified by size and intensity as follows:

(a) Neighborhood Facility. A civic assembly use generally designed for and intended to serve the residents of one neighborhood or small (approximately one square mile) geographic area, which meets the following standards:

(1) Maximum Lot Area: five (5) acres of developable land

(2) Maximum Assembly: one hundred (100) seats or fewer in the largest assembly space

(b) Community Facility. A civic assembly use generally designed for and intended to serve the residents of several neighborhoods within the same approximate geographic area. Community facilities are typically designed to accommodate a larger number of people for a wider geographic area than neighborhood facilities, but are more locally focused than regional facilities, and meet the following standards:

(1) Maximum Lot Area: ten (10) acres of developable land

(2) Maximum Assembly: 500 seats or fewer in the largest assembly space

(3) Exceptions: An assembly facility proposed on more than ten (10) acres of developable land with fewer than 500 seats in the largest assembly space may be classified and approved as a community facility in residential zoning districts through the special exception process when the County Commission finds that the increased acreage of the development site will not have a detrimental effect on the residential character of the neighborhood and any negative impacts can be effectively mitigated.

(c) Regional Facility. A civic assembly use generally designed for and intended to serve the residents of the entire county and nearby communities. Assembly facilities proposed to contain more than 500 seats in the largest assembly space shall be considered regional facilities.

(d) Civic Assembly Uses in Mixed-Use, Retail, or Office Developments. Civic Assembly uses proposed to occupy one or more tenant or condominium spaces in an existing shopping center, mixed-use building, or office park are classified as Neighborhood, Community, or Regional Facilities by number of seats only. Minimum and maximum lot area requirements do not apply to these locations.

(e) Civic Assembly Uses in Rural Locations: Maximum lot area requirements may be exceeded in rural zones subject to the requirement the developed area does not exceed the maximum, excluding areas for outdoor recreation.

30.6.17.2 Accessory Uses.

(a) In addition to otherwise permitted uses, customary accessory structures and activities are permitted, which shall include:

(1) One residence for an employee or caretaker.

(2) Fellowship halls and food preparation areas.

(3) Office space in support of the Assembly Use.

(4) Classrooms, playgrounds, and childcare facilities for use in association with assemblies but not including daycare centers, community recreation facilities, and private primary, secondary, vocational, and/or collegiate educational facilities.

(b) Other uses accessory to a Civic Assembly Use may be permitted where otherwise allowed within a given zoning district and subject to the conditions of the use within that district.

(c) Uses accessory to a Civic Assembly Use may:

(1) Share parking and circulation with the Civic Assembly Use where located on the same or contiguous properties and hours of operation permit.

(2) The acreage of the Civic Assembly Use may be counted towards any minimum acreage requirement for the accessory use assuming all other standards of the accessory use are met.

30.6.17.3 Architectural Exceptions.

Non-habitable, decorative architectural features may exceed the applicable zoning district's height limit by twenty (20) feet or fifty (50) percent of the maximum allowable height in the zoning district.

30.6.17.4 Alcohol Beverages.

No Civic Assembly Uses may sell alcohol for on- or off-premise consumption unless approved by Board of County Commissioners as a Special Exception.

30.6.17.5 Limited Uses and Special Exceptions.

(a) Where a limited use permit or special exception is required for a civic assembly use, the following review criteria shall be used to determine the appropriateness of the application:

(1) Protects Residential Neighborhoods. Outdoor use areas, including vehicular use areas, must be located and designed to minimize potential negative impacts on residential zoning districts and residential uses in approved PDs, including but not limited to mitigation of light spill-over, glare, noise (from mechanical equipment, recreational facilities, outdoor classrooms, etc.), and any other negative impacts associated with the type of civic assembly use proposed. Assembly uses in residential zones may not apply for a permanent license to sell alcoholic beverages for on-premise consumption.

(2) Traffic. Vehicular ingress, egress, and on-site circulation must be designed and constructed to ensure the least possible impact on neighboring properties and residential streets. Primary ingress and egress must be from the highest service level adjacent street, unless otherwise approved by the Planning and Zoning Commission and Board of County Commissioners. For community and regional assembly facilities, vehicular access to the facility must be from a collector of four lanes or more, or an arterial street.

Parking areas must be designed and located to minimize conflict with pedestrian and bike pathways.

(3) Noise Abatement. Civic Assembly uses often involve groups of people arriving and departing at one time (as is common with many assembly uses), outdoor gatherings, or sound amplification. Therefore, issues related to noise from gatherings, events, vehicles, and equipment must be addressed through conditions of approval for a special exception permit. Conditions including but not limited to the location of outdoor use areas on the property, limitations on hours or days of operation, and additional noise abatement strategies may be required.

(4) Lighting. Lighting of outdoor areas must be cut-off or fully shielded to reduce glare and prevent light overspill into adjacent properties. Lighting for sports fields and outdoor recreation areas, where operational characteristics prevent the use of cut-off or fully shielded lights, must be turned off no later than 10:00 p.m. or be located such that the lights are not visible from a residential zoning district or residential uses in an approved PD.

(5) One- and Two-Family Residential Zoning Districts. In order to protect the surrounding residential neighborhood from the encroachment or expansion of civic assembly uses, assembly facilities located in one- or two-family residential zoning districts must meet the following additional standards:

a. Desired Development Patterns. Assembly facilities located in residential zoning districts should function as compact, singular sites and all desired activities and required facilities (to include parking facilities, principal use buildings, and accessory use buildings) should be located on one development site consisting entirely of contiguous parcels of land, which may include property located directly across the street.

b. Non-contiguous Parcels. Where a parcel owned or leased by the civic assembly use is not contiguous to the parcel(s) containing the principal assembly building, the use of the non-contiguous parcel(s) is limited to the following uses: occasional overflow parking (maximum two (2) times per week and located within a five (5)-minute walk defined as quarter (¼) mile of continuous sidewalk), passive recreation space, playgrounds, walking trails, outdoor classrooms or seating, or reflection or meditation space.

c. Acquisition of Land. If additional property is acquired for use by the assembly facility, an amendment to the special exception permit shall be required prior to any development on the property.

30.6.17.6 Conditions Specific to Zoning Districts:

R-AH: Must meet non-residential acreage requirements established within this zoning district.

30.6.18 Solar Facilities.

30.6.18.1 General Conditions:

(a) Site plan approval is required for all ground-mounted or floating solar energy systems, except for ground-mounted solar as an accessory use.

(b) All hazardous areas must be fenced and properly signed to notify the public of potential safety hazards.

(c) Power and communication lines – Power and communication lines running between banks of solar panels and to nearby electric substations or interconnections with buildings shall be buried in a manner consistent with applicable code requirements. Exemptions may be granted by the Board of County Commissioners in instances where soil conditions, water courses, or other elements of the natural landscape interfere with the ability to bury lines, or distance makes burial infeasible, at the discretion of the Planning Manager. Points of interconnection may be above ground.

(d) Reflectors — All solar energy systems using a reflector to enhance solar production shall control and minimize the glare from the reflector affecting adjacent or nearby properties.

(e) Required open space and plantings must be maintained per the approved plans.

(f) When required, fencing shall be a minimum of seven (7) feet in height. Where animal habitats are present, fencing shall have four (4) to six (6) inches openings near ground-level to allow for the passage of wildlife.

30.6.18.2 Additional Special Exception Criteria:

Where permitted as a special exception, the application shall demonstrate that the property is of marginal value for other uses. Preferred sites include: airport safety zones (subject to glare studies) and brownfields.

30.6.18.3 Specific to Roof-Mounted Solar Energy Systems:

(a) For a roof-mounted system installed on a sloped roof that faces the front yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and highest edge or surface of the system.

(b) For a roof-mounted system installed on a sloped roof, the highest point of the system shall not exceed the highest point of the roof to which it is attached.

(c) Notwithstanding the height limitations of the zoning district: For a roof-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) feet above the roof to which it is attached.

30.6.18.4 Specific to Building-Integrated Solar Energy Systems:

(a) Building-integrated solar systems are subject to the zoning criteria for buildings within the applicable zoning district.

(b) Building-integrated solar systems may be integrated into non-habitable structures such as shade-structures, public art, or carports subject to the criteria otherwise applicable to such structures.

30.6.18.5 Specific to Ground-Mounted Solar Energy System.

(a) Maximum Height: Ground- or pole-mounted solar energy systems shall not exceed fifteen (15) feet in height when oriented at maximum tilt.

(b) System Scale:

(1) Accessory:

a. Definition: Occupy less than twenty (20) percent of the lot and the solar energy system is less than 40,000 square feet of land area.

b. For residential properties: A ground-mounted solar system must be located in the rear yard.

c. Must adhere to the applicable zoning district setbacks. Accessory structure setbacks may be used where applicable. Square footage of above ground elements of a ground-mounted solar system shall not count against area coverage maximums for accessory structures.

(2) Medium:

Solar energy systems with less than ten (10) impacted acres that do not meet the standards for accessory systems.

(3) Large:

a. Solar energy systems resulting in more than ten (10) impacted acres.

b. Specific to Floating Solar Energy Systems:

(c) Floating solar energy systems which occupy less than thirty (30) percent of a proposed stormwater facility and less than 40,000 square feet may be considered an accessory use. All other floating solar energy facilities shall be a special exception. In no case shall a floating solar0 energy system exceed sixty (60) percent of the area of a stormwater facility.

30.6.18.6 Specific to parking lots.

Solar systems designed to provide shade over required parking spaces or over walkways in parking lots of non-residential or multi-family uses:

(a) Are considered accessory use and are not subject to limitations on size or lot coverage.

(b) May extend to twenty (20) feet in height.

(c) Parking spaces covered using solar canopies shall be exempt from tree requirements provided that:

(1) Along each edge of the parking lot that abuts a public street or a property line, trees must be provided at intervals of not more than fifty (50) feet on center for canopy trees or thirty (30) feet on center for understory trees.

(2) If parking is located between the public street and the main entrance of the building, a walkway must be provided which creates a direct connection between the public sidewalk and the main entrance.

(3) Walkways must be shaded with either solar canopy structures, awnings, or trees.

(4) Parking areas exceeding six (6) acres must be divided into blocks not exceeding four (4) acres separated by an internal drive or pedestrian path, which shall incorporate trees at intervals of not more than fifty (50) feet on center for canopy trees or thirty (30) feet on center for understory trees.

30.6.18.7 Landscape Requirements:

Ground cover and buffer areas. The following provisions shall apply to the clearing of existing vegetation and establishment of vegetated ground cover for Medium and Large Ground Mounted Solar Energy Systems. Additional site-specific conditions may apply as required.

(a) Large-scale removal of mature trees on the site is prohibited. Tree removal is subject to the requirements of the Chapter 60: Arbor and site plan requirements.

(b) Ground-mounted solar facilities shall be a minimum distance of thirty (30) feet from canopy trees (as measured from tree center) in order to minimize maintenance costs. The applicant shall submit a vegetative management plan prepared by a qualified professional. The plan shall identify:

(1) The natural resource professionals consulted or responsible for the plan.

(2) The conservation, habitat, eco-system, or agricultural goals, which may include: providing habitat for pollinators such as bees and monarch butterflies, providing habitat for wildlife such as upland nesting birds and other wildlife, establishing vegetation for livestock grazing, reducing on-site soil erosion, and improving or protecting surface or ground-water quality.

(3) The intended mix of vegetation upon establishment.

(4) The management methods and schedules for how the vegetation will be managed on an annual basis, with particular attention given to the establishment period of approximately three years.

(c) Perennial vegetation shall be planted and maintained for the full operational life of the project, to prevent erosion, manage runoff, and build soil.

(d) Vegetative cover should include a mix of perennial grasses and wildflowers that will preferably result in a short stature with a diversity of or flowering plants that bloom throughout the growing season. Blooming shrubs may be used in buffer areas as appropriate for visual screening. Perennial vegetation (grasses and forbs) as listed on the Approved Plant Species List or Florida-Friendly Plant Guide for the Central Florida Region and appropriate USDA Plant Hardiness Zone, are preferably native to Florida, but where appropriate to the vegetative management plan goals, may also include other naturalized and non-invasive species which provide habitat for pollinators and wildlife and/or other eco-system services (i.e. clovers).

(e) Plant material must not have been treated with systemic insecticides, particularly neonicotinoids.

(f) The applicant shall submit a financial guarantee in the form of a letter of credit, cash deposit, or bond in favor of the Seminole County equal to one hundred twenty-five (125) percent of the costs to establish the vegetative management plan. The financial guarantee shall remain in effect until vegetation is sufficiently established.

30.6.18.8 Facilities and Notifications:

(a) Foundations. A qualified engineer shall certify that the foundation and design of the solar panel racking and support is within accepted professional standards, including but not limited to wind loads, given local soil and climate conditions.

(b) Approved Solar Components. Electric solar energy system components must have an Underwriters Laboratories (UL) or equivalent listing and solar hot water systems must have a Solar Rating and Certification Corporation (SRCC) rating.

(c) Compliance with Building Code. All solar energy systems shall meet approval of local building code officials, consistent with the State of Florida Building Code, and solar thermal systems shall comply with HVAC-related requirements of the Florida Energy Code.

(d) Utility Notification. All grid-intertie solar energy systems shall notify the relevant electric utility and comply with the interconnection requirements of the electric utility. Off-grid systems are exempt from this requirement.

(e) Aviation Protection. Solar farms located within 500 feet of an airport or within the approach zones of an airport must notify the airport and may be subject to additional analysis. Evidence of notification and any required submittals shall be provided to the County.

30.6.18.9 Decommissioning:

(a) A decommissioning plan shall be required to ensure that facilities are properly removed after their useful life for the following systems:

(1) Any medium or large solar energy system.

(2) Any floating solar energy system.

(b) The decommissioning plan must meet the following requirements:

(1) Decommissioning of the system must occur in the event the project is not in use for twelve (12) consecutive months.

(2) The plan shall include provisions for removal of all structures and foundations, disposal, restoration of soil and vegetation, and assurances that financial resources will be available to fully decommission the site.

(3) Seminole County may require the posting of a bond, letter of credit, or establishing an escrow account to ensure proper decommissioning.

30.6.19 Backyard Chicken Program.

30.6.19.1 Intent, definitions, applicability.

(a) The intent of this Section is to create and implement a Backyard Chicken Program to permit the keeping of chickens on occupied single-family lots located in the unincorporated areas of the County, subject to the terms and conditions of this Section.

(b) For the purposes of this Section, the term "chicken" refers to female chickens (hens) only.

(c) This Section does not authorize persons to violate applicable restrictive covenants or homeowners' association rules and regulations. The County does not police or enforce private restrictive covenants or homeowners' association rules and regulations. Persons keeping backyard chickens are solely responsible for compliance with all applicable restrictive covenants and homeowners' association rules and regulations.

(d) The term "predators" includes, but is not limited to, bears, raccoons, coyotes, bobcats, and foxes.

(e) The term "subject property" is the occupied single-family residential lot with backyard chickens.

(f) The Backyard Chicken Program is not applicable to or required for a single-family residential lot on which poultry production is a permitted use.

30.6.19.2 General conditions for the keeping of chickens on occupied single-family residential lots.

(a) Persons keeping backyard chickens pursuant to this Section are encouraged to successfully complete a University of Florida Agricultural Extension Service (UF IFAS) class or an equivalent class approved by the Seminole County UF IFAS Extension on the care and raising of chickens.

(b) Persons keeping backyard chickens pursuant to this Section (a) agree to the terms and conditions of this Section, and (b) upon a code enforcement complaint, grant the County and its officers, employees, and agents a right-of-entry upon the subject property (including the rear yard) for inspection purposes to ensure compliance with this Section.

(c) Up to six (6) backyard chickens may be kept on an occupied single-family residential lot. Chickens shall not be kept on duplex, triplex, or multi-family properties, or within mobile home/manufactured home parks.

(d) Backyard chickens must be kept within a coop or enclosure and may not be released or set free to roam unless under the direct supervision of their owner in compliance with this Section. Such supervised roaming must be confined to the backyard of the subject property.

(e) Ducks, geese, turkeys, peafowl, male chickens/roosters, or any other poultry or fowl are not allowed under the provisions of this Section.

(f) Backyard chickens must be kept for personal use only. Selling chickens, eggs, feathers, or chicken manure, or the breeding of chickens for commercial purposes is prohibited.

(g) Backyard chickens may not be bred or slaughtered on-premises. Backyard chickens shall not be used, or trained for the purpose of fighting for amusement, sport or financial gain.

(h) The coop and enclosure must be screened from the neighboring property. Screening must be accomplished using an opaque fence and/or landscape screen (existing vegetation may be used if sufficient enough to create an opaque screen).

(i) All applicable building permits must be obtained prior to constructing fences and enclosures to house chickens.

(j) Unless otherwise in conflict with Florida Statutes, a dog or cat that injures or kills a chicken that wanders onto the property at which the dog or cat resides will not, for that reason alone, be considered a dangerous or aggressive animal.

(k) Deceased chickens must be properly disposed of within twenty-four (24) hours of expiring and in accordance with Florida law. Contact a University of Florida Agricultural Extension Service office for requirements regarding proper disposal methods.

(l) No manure may be allowed to accumulate on the floor of the coop or ground. Persons keeping backyard chickens must implement a manure management program, whereby the coop and enclosure are cleaned regularly. For example, a fly-tight bin for storage of manure could be utilized; the size of which must be sufficient to contain all accumulations of manure. A manure box inside the coop is recommended. The fly-tight bin must be kept at least twenty (20) feet away from all property lines. Composting of chicken manure may be allowed in the enclosed fly-tight bin. No perceptible odor shall emanate from the manure storage/composting bin.

30.6.19.3 Location and requirements for chicken coops and enclosures.

(a) Chicken coops and fenced enclosures must be in the rear/back yard (behind the home). No coop or enclosure is allowed in any front or side yard. Yard, as used in this provision, references location, not building setback area.

(b) The coop and enclosure must be a minimum of ten (10) feet from the rear and side property lines and twenty (20) feet from any neighboring residential homes. On corner lots, coops and enclosures must meet the required side street setback per the subject property's applicable zoning district.

(c) If the coop structure exceeds one hundred (100) square feet in size (ten-foot by ten-foot), a building permit is required under the Florida Building Code.

(d) The coop must be covered and ventilated, and a fenced enclosure/run is required. The coop and enclosure must be completely secured from predators, including all openings, ventilation holes, doors, and gates. Fencing or roofing is required over the enclosure in addition to the coop, to protect the chickens from predators. The coop must also be tied down for wind resistance.

(e) For properties located in a Seminole County Urban Bear Management Area, feed, coops, and runs must be secured, and chickens must be protected from bears in accordance with the Florida Fish and Wildlife Conservation Commission guidelines for "Living with Florida Black Bears". All outdoor attractants must be secured. If electric fencing is utilized, it may only be installed around the coop, pen, and run and not along the property lines or anywhere else on the property.

(f) All stored feed must be kept in a rodent and predator-proof container or inside a secured structure.

(g) The coop must provide a minimum of three (3) square feet per chicken; a minimum of five (5) square feet of run per chicken, and be of sufficient size to permit free movement of the chickens. The coop may not be taller than twelve (12) feet, measured from the natural grade, and must be easily accessible for cleaning and maintenance. Coops may not exceed a maximum of one hundred seventy (170) square feet.

30.6.19.4 Health, sanitation and nuisance as applied to the keeping of chickens.

(a) Backyard chickens must be kept within a coop and enclosure and may not be allowed to roam outside the subject property. Backyard chickens may not be released or set free from such coop or enclosure unless the chickens are under the direct supervision of their owner. Chickens may be allowed to roam outside the coop and run within their owner's backyard under the immediate supervision of their owners for limited periods of time for purposes of socializing, interaction and cleaning of the coop and run.

(b) Chicken coops and enclosures must always be maintained in a clean and sanitary condition. Activities subject to this Section must be conducted in a manner that does not create any nuisance consisting of odor, noise, or pests, or contribute to any other nuisance condition. No perceptible odor shall be objectionable to neighboring properties emanating from the chickens or the enclosure.

(c) In a public health emergency declared by the Seminole County Health Department, including, but not limited to, an outbreak of Avian Flu or West Nile virus, immediate corrective action may be required in accordance with applicable public health regulations and procedures. Persons keeping backyard chickens must be incompliance with such required corrective action.

30.6.19.5 Violations.

(a) In the event that a violation of this Section occurs, the County has the right to undertake one (1) or more of the following remedies or actions:

(1) Institute code enforcement proceedings and prosecute code violations against the violator and the property owner of the real property where the violation occurs;

(2) Issue a civil citation as a Class III violation to the violator for each violation in accordance with Section 53.32 of the Seminole County Code of Ordinance Sections; and/or

(3) Take any other action or remedy authorized by law or in equity, including, but not limited to, instituting an action in court to enjoin violating actions, in which case the violating person shall be liable to the County for

reimbursement of the County's attorneys' fees and costs concerning such action.

PART 7. DEVELOPMENT STANDARDS

30.7.1 Applicability.

30.7.1.1 No building, structure, or part thereof shall be erected, constructed, reconstructed, located, moved, or structurally altered except in conformity with the development standards of this Part except as otherwise permitted by this Code.

30.7.2 General Standards.

30.7.2.1 Measurement of setbacks.

(a) Setbacks shall be measured along the distance from the property line to the nearest vertical surface of the structure except for a nominal roof overhang.

(b) In residential subdivisions approved after the effective date of this Section, there shall be a minimum setback of twenty (20) feet from the nearest edge of a sidewalk to a garage or carport, notwithstanding any other provision of this Code.

30.7.2.2 Setbacks for Future Road Widening. In addition to the setback requirements contained in the specific zoning districts, increased setbacks are required to ensure a minimum of twenty-five (25) feet setback from the planned right-of-way line on any road or street set forth in: (1) the transportation element of the Comprehensive Plan, (2) the current Capital Improvements Program, (3) the officially adopted Florida State Department of Transportation Five Year Work Program or (4) the Seminole County, Florida Public Works Engineering Manual described in Section 5.20(a) of this Code.

30.7.2.3 Minimum setbacks from water bodies.

(a) New Principal Buildings in all zoning districts on lots or parcels legally created after the effective date of these regulations shall be located a minimum distance of fifty (50) feet from the shoreline of Natural Water Bodies as determined by the Normal High Water Elevation. For the purposes of these regulations, "legally created" shall include developments having received Preliminary Subdivision Plan approval pursuant to Chapter 35 of the Land Development Code of Seminole County.

(b) New Principal Buildings in all zoning districts on lots or parcels that were legally created or have received Preliminary Subdivision Plan approval prior to the effective date of these regulations shall meet the setback from the shoreline of Natural Water Bodies in effect at the time the Preliminary Subdivision Plan was approved, or the lot or parcel was created.

(c) Swimming Pools and Accessory Structures:

(1) All Accessory structures, excluding docks and boat houses, shall be located a minimum distance of twenty-five (25) feet from the shoreline of a Natural Water Body as determined by the Normal High Water Elevation.

(2) The water's edge of a pool shall be located a minimum distance of thirty (30) feet from the shoreline of a Natural Water Body as determined by the Normal High Water Elevation.

(3) A screen enclosure shall be located a minimum distance of twenty-five (25) feet from the shoreline of a Natural Water Body as determined by the Normal High Water Elevation.

(d) For the purpose of this Section, the terms "Natural Water Body" and "Normal High Water Elevation" shall be as defined in Section 2.3 of this Code. Where setbacks are required under this Section, the Normal High Water Elevation shall be as established by the County and field-verified by a professional surveyor and must be shown on a certified survey that is no more than five (5) years old.

30.7.2.4 Location of swimming pools and pool screen enclosures.

(a) The water's edge of a pool shall be located a minimum distance of ten (10) feet from the side and rear property line of a lot, parcel, or piece of land upon which it is located. It shall not 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. 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.

(b) Any pool screen enclosure shall comply with the side yard setback requirement for the Principal Building and shall be located a minimum distance of five (5) feet from the rear property line. It shall not be located nearer to the front lot line of a lot, parcel, or piece of land than the Principal Building. 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.

(c) In the case of double frontage lots and where there is a conforming six (6) foot high minimum solid fence or wall at the rear of the property, a 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) Refer to Section 30.7.2.3 for specific setback standards for pools near a Natural Water Body.

(e) Pool grading shall not affect adjacent properties, and the pools shall be designed so that the backwash discharges to the street unless otherwise approved by the Public Works Director or designee. All pool construction and maintenance must comply with Chapter 270, Part 9, Storm Sewer System Discharges, of the Seminole County Code of Ordinances and Chapter 2.6, Erosion and Sediment Control, of the Public Works Department Engineering Manual.

30.7.2.5 Yards.

On double-frontage lots, the required front yard shall be provided on each street.

30.7.2.6 Front yard exceptions in dwelling districts. Where lots comprising forty (40) percent or more of the frontage on one (1) side of the street between intersecting streets are developed with buildings having an average front yard with a variation of not more than six (6) feet, no building hereafter erected shall project beyond the average line so established. This applies to all dwelling districts.

30.7.2.7 Lot widths on irregular shaped lots. The lot width requirement at the front building line for irregularly shaped lots, such as the end of a cul-de-sac, may be reduced to seventy-five (75) percent of the district requirement, providing all required building setbacks are maintained.

30.7.2.8 Living Area.

The living area describes the covered and conditioned space within a structure which excludes garages, carports, open or screened porches, or breezeways.

30.7.2.9 Height limitations on amateur radio operator's equipment. It is unlawful to construct or operate an amateur radio tower or equipment, as licensed by the Federal Communications Commission (F.C.C.), which is in excess of thirty-five (35) feet in height without first obtaining a special exception for such use pursuant to the provisions of this Code. In addition to the criteria for special exceptions set forth in this Code, the Board of Adjustment shall, in considering applications for special exceptions relating to amateur radio towers, perform a reasonable accommodation analysis as may be required by the F.C.C. and state law.

30.7.2.10 Height limitations on property assigned a non-residential zoning classification. Chimneys, water, fire, radio and television towers, church spires, domes, cupolas, stage towers and scenery lofts, cooling towers, elevator bulkheads, smoke stacks, flag poles, parapet walls, and similar structures and their necessary mechanical appurtenances may be erected above the height limits herein established; however, the heights of these structures or appurtenances thereto shall not exceed the height limitations prescribed by the Federal Aviation Agency within the flight approach zone patterns of airports. It is the intent of the Board of County Commissioners that the provisions of this Code regulating communication towers shall prevail over the provisions of this Section.

30.7.3 Dimensional Standards Table.

30.7.3.1 Dimensional and other standards associated with conventional residential zoning districts and select Special Zoning districts are described in the table below.

See Dimensional Standards Table enclosed.

30.7.3.2 Dimensional and other standards associated with conventional non-residential zoning districts and select Special Zoning districts are described in the table below.

See Dimensional Standards Table enclosed.

Seminole County Land Development Code (Development Standards)

	RESIDENTIAL																UNIT OF MEASURE
	Single and Two Family Dwelling Districts									Multiple Family Dwelling Districts			Mobile Home Districts			Other	
AREA AND DIMENSION REGULATIONS	RC-1	R-1AAAA	R-1AAA	R-1AA	R-1A	R-1	R-1B	R-1BB	R-2	R-3	R-3A	R-4	RM-1	RM-2	RM-3	RP	
Min. Lot Area Required	43,560	21,180	13,500	11,700	9,000	8,400	6,700	5,000	9,000				7,000	5,000	1,500	9,000	Sq. Feet
Min. Parcel/Lot Width at Building Line	120	100	100	90	75	70	60	50	75				70	50[6]	30	75	Feet
Min. Front Yard Requirement	35	25	25	25	25	25	20	20	25	25	25	25	20[8]	20	25 [9]	25	Feet
Min. Side Yard Requirement	20	10	10	10	7.5	7.5	7.5	5	10	25	25	25 [5]	10[8]	10	25 [9]	10	Feet
Min. Side Yard abutting street or road	35	25	25	25	15 [3]	15 [3]	15 [3]	15 [3]	15 [3]				20[8]	20	25 [9]	25	Feet
Min. Rear Yard Requirement	35	30	30	30	30	30	25	20	30	25	25	25 [5]	20[8]	15	25 [9]	30	Feet
Open Space [11][12]	-	-	-	-	-	-	-	-	-	25%	25%	35%	25%	25%	25%	25%	% of Parcel Area
Maximum Building Height	35	35	35	35	35	35	35	35	35	35	35	60[4]	35	35	35	1 Story[7]	Feet
Minimum Living Area Per Unit:	700	700	700	700	700	450	450	450	450	-	-	-	-	-	-	-	Square Feet
Accessory Structures[1]																	
Min. Front setback	(10)	(10)	(10)	(10)	(10)	(10)	(10)	(10)	(10)	(2)	(2)	(2)	(2)	(2)	(2)	(10)	Feet
Min. Side Yard Requirement	20	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	(2)	Feet
Min. Rear Yard Requirement	20	10	10	10	10	10	10	10	10	(2)	(2)	(2)	(2)	(2)	(2)	(2)	Feet

(1) Accessory buildings exceeding 200 sq. ft. in size and/or 12 feet in height, and any accessory dwelling unit, regardless of size, shall meet all of the district setbacks and other requirements applicable to the main residential structure located on the same parcel.

(2) Yard requirements shall be the same as those for the primary structure.

(3) Greater setbacks may be required on intersections with geometric restrictions or other sight limitations. If corner sight obstructions or restrictions exist due to the horizontal or vertical controls, each case shall be individually reviewed and approved by the Traffic Engineer to ensure a safe design in accordance with the A.A.S.H.T.O. requirements.

(4) No building or structure shall exceed sixty (60) feet, and F.A.A. approval shall be obtained for buildings exceeding thirty-five (35) feet in height.

(5) Increased an additional ten (10) feet for each story over one (2).

(6) Each mobile home residence space shall be not less than five thousand (5,000) square feet and have a minimum average width of fifty (50) feet.

(7) For new construction only.

(8) A setback of fifty (50) feet shall be provided from lot lines and any street right-of-way which borders the RM-1 Mobile Homes District.

(9) The entire park, except for access and egress, shall be set back twenty-five (25) feet from any property line.

(10) Structure shall not project forward of the front building line of the principal structure.

(11) Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum of more than fifty (50) percent of the required open space.

(12) Open space features and configuration shall be consistent with the requirements of Part 14, Chapter 30.

Seminole County Land Development Code (Development Standards)

	AGRICULTURE				COMMERCIAL						INDUSTRIAL			Other		UNIT OF MEASURE
AREA AND DIMENSION REGULATIONS	A-10	A-5	A-3	A-1	OP	CN	CS	C-1	C-2	C-3	M-1A	M-1	M-2	UC	PLI	
Min. Parcel Area Required	10 Acres	5 Acres	3 Acres	1 Acre	15,000	[7]	[7]	[7]	[7]	[7]	N/A	N/A	N/A	10,000	-	Sq. Feet
Min. Parcel Width at Building Line	150	150	150	150	100	-	-	-	-	-	-	-	-	-	-	Feet
Min. Front Yard Requirement	50	50	50	50	25	50	50	25	25	25	50 [9]	50 [9]	50 [9]	25	25	Feet
Min. Side Yard Requirement	10 [3]	10 [3]	10 [3]	10 [3]	0 [6]	0 [6]	0 [6]	0 [6]	0 [6]	0 [6]	10 [10]	10 [10]	10 [10]	25	25	Feet
Min. Side Yard abutting street or road	50	50	50	50	0 [6]	0 [6]	0 [6]	0 [6]	0 [6]	0 [6]	10 [10]	10 [10]	10 [10]	25	25	Feet
Min. Rear Yard Requirement	30 [3]	30 [3]	30 [3]	30 [3]	10	10 [8]	10 [8]	10 [8]	10 [8]	10 [8]	10	10	10	25	25	Feet
Open Space [11]	-	-	-	-	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	25%	% of Parcel Area
Maximum Building Height	35 [1]	35 [1]	35 [1]	35 [1]	35	35	35	35	35	35	35	35	35	100	35	Feet
Structures Accessory to Residences [4]																
Min. Front setback	(2) (3)	(2) (3)	(2) (3)	(2) (3)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	Feet
Min. Side Yard Requirement	10 [3]	10 [3]	10 [3]	10 [3]	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	Feet
Min. Rear Yard Requirement	10 [3]	10 [3]	10 [3]	10 [3]	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	(5)	Feet

(1) Silos, granaries, windmills, barns, and other structures concurrent to the operation of an agriculture enterprise may exceed the height limit.

(2) Setback shall be equal to or greater than the main residence unless setback is equal to or greater than 100 feet.

(3) Barns & structures for livestock, structures for agricultural use shall have minimum 50 ft. front, side and rear setbacks be distanced a minimum of 100 ft. from any residential structure on an adjacent lot or parcel.

(4) Accessory buildings exceeding 200 sq. ft. in size and/or 12 feet in height, and any accessory dwelling unit, regardless of size, shall meet all of the district setbacks and other requirements applicable to the main residential structure located on the same parcel.

(5) Yard requirements shall be same as the primary structure

(6) Side yard setback may be reduced to zero (0) feet except when a side lot line abuts property assigned a residential zoning classification or land use designation.

(7) No minimum building site area required; however, adequate space will be provided for off-street parking, loading, and landscaping requirements.

(8) Rear yard setback shall be a minimum of ten (10) feet unless a rear lot line abuts property assigned a residential zoning classification or land use designation.

(9) 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 remain unpaved except for normal entrance drives, and shall be landscaped as required in Part 14. The remaining twenty-five (25) feet of such yard 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 not less than 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.

(10) Rear. 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) 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.

(11) Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum of more than fifty (50) percent of the required open space.

PART 8. SPECIAL ZONING DISTRICTS

30.8.1 Description of Special Zoning Districts.

30.8.1.1 Purpose.

Special Zoning Districts are intended to address development that incorporates multiple uses or typologies and/or addresses a specific goal in the comprehensive plan requiring the implementation of interrelated standards specific to that development type.

30.8.1.2 Subdivision Standards in Special Zoning Districts

Special Districts may incorporate subdivision standards that are specific to that district. Such standards are intended to facilitate the specific goal of the applicable district and apply only to that district.

30.8.2 MUCD Mixed Use Corridor District

30.8.2.1 Intent and Purpose

The Mixed-Use Corridor District is intended to enable and encourage efficient use of land, reduce cost of public infrastructure, and support flexible transportation options, including walking and bicycling, by locating complementary uses in proximity to each other and providing for pedestrian-oriented site development to allow users to travel easily between uses. MUCD allows for a blend of various uses including retail, office, residential, institutional, and limited heavy commercial in a single project and/or in the same building.

30.8.2.2 Applicability

(a) Location

The Mixed-Use Corridor District is permitted in the following comprehensive plan categories:

(1) Identified centers and corridors within the comprehensive plan.

(2) Areas with the MXD future land use designation.

(b) Rezoning

Any application for a zoning map amendment to MUCD must be accompanied by a conceptual site plan that includes the following:

(1) Density and intensity of the proposed development.

(2) Proposed uses.

(3) Points of access to existing roadways and neighboring properties including future access points to undeveloped properties.

The submitted conceptual site plan must be evaluated by the Board of County Commissioners and become a condition of approval of the Mixed-Use Corridor District for the subject property.

(g) Process for Approval of Substantial Change

After rezoning of the subject property, any substantial change to the approval must be evaluated by the Board of County Commissioners through the same review process as the original application. Other changes may be approved by the Development Services Director. The determination of "substantial" change will be made by the Development Services Director based on criteria such as, but not limited to, the following:

(1) Increase in the overall density/intensity of the proposal.

(2) The addition of a use requiring a Special Exception.

(3) Reconfiguration of or addition of points of access to the site such that neighboring residents and/or property owners may be adversely affected.

(4) Any change potentially creating additional off-site impacts such as traffic, noise, stormwater management, and public facility demand.

(5) Deviation(s) from standard LDC requirements exceeding ten (10) percent.

(6) A reduction in transportation connectivity within the site.

(7) Any change deemed by the Development Services Director to significantly change the nature or intent of the proposal.

(d) Final Development Plan Required

Subsequent to rezoning, the applicant must submit a final development plan consistent with the development criteria and limitations enacted in the approved zoning and the MUCD standards. This plan must be reviewed and approved by the Development Services Director or designee.

A final development plan must be submitted to the Planning and Development Office containing the following information:

(1) Proposed uses and their general locations on the site.

(2) Building elevations.

(3) Frontage types.

(4) Location of Active Ground Floor Uses.

(5) Existing residential uses in proximity to the development.

(6) Setbacks, building heights, landscaped areas, civic spaces and stormwater management areas.

(7) Site circulation for motor vehicles, pedestrians, and bicycles.

(8) Access points to external roadways, sidewalks, and trails.

(9) Parking lots and structures.

(10) Boundary survey, tax map reference etc.

(11) Aerial map showing project context (500 to 1000 feet around the site).

Subdivided parcels within a mixed-use development will be subject to all development criteria and conditions established in the overall plan. Such plans may not be altered without approval by the Development Services Director.

30.8.2.3 Allowable Uses, Densities, and Intensities

Specific uses proposed must be allowable in MUCD in the Land Use Table 5.2 subject to any applicable conditions in or other provisions of this LDC.

(h) Permitted Density and Intensity

Density and Intensity are permitted per the applicable Future Land Use District in the Comprehensive Plan. For applications incorporating multiple uses, the net buildable acres for the entire project will be used as the basis for calculating density and for calculating intensity. The site acreage may not be divided for the purposes of calculating density/intensity for different uses.

(i) Mixed Use Requirements

Except as provided in this Section, all developments in MUCD shall include one or more uses from at least two of the following use categories as defined in Table 5.2:

- Residential uses
- Public and civic uses
- Commercial uses

Except that single use applications are limited to tracts of less than six (6) acres.

Distinct uses or components of an MUCD development must have a unified site design and must not be separated into functionally separate development sites. Separate uses may be located in a single building or multiple buildings and typically make joint use of site amenities and facilities, such as open space, landscaping, parking, and stormwater management.

(j) Active Ground Floor Uses

Where referenced, “active ground floor uses” means uses (permitted in the District) at least twenty (20) feet in depth adjacent to the public sidewalk that are accessible to the public or used as a common space by building tenants. Examples of such uses include:

(1) Retail

(2) Food and beverage

(3) Indoor recreation

(4) Galleries

(5) Lobby and reception areas

(6) Club rooms with transparent windows

(7) Live/Work Units

30.8.2.4 Building Height

(a) At rezoning, the parcel shall be designated as MUCD High Intensity or MUCD Low Intensity, specifying the maximum allowable height. Stories are measured from finished floor to finished ceiling. Ground floor stories shall not exceed sixteen (16) feet in height for residential buildings or twenty-five (25) feet in height for non-residential or mixed-use buildings. Upper stories shall not exceed fourteen (14) feet in height.

(b) Height Transitions: Building heights shall be limited to Low Intensity within one hundred (100) feet of existing single-family lots.

(c) Buildings exceeding the specified number of stories must have a ten (10)-foot stepback in any wall adjacent to a street. Stepbacks are related to the building elevation facing the street and are a measure of the horizontal distance between a wall at a specified elevation and its position at street level. Heights may also be subject to additional restrictions including transition requirements.

(d) Maximum story height and required stepbacks shall apply as described in Table 8.2-A.

Table 8.2-A: MUCD Building Height Regulations

	Min. Parcel Area Required	Maximum Height	Required Stepback Height
Low Intensity	n/a	3 stories	Above 2 stories
High Intensity	2 Acres	6 stories	Above 3 stories

30.8.2.5 Frontage Types

(a) For the purposes of defining frontage types and required design elements:

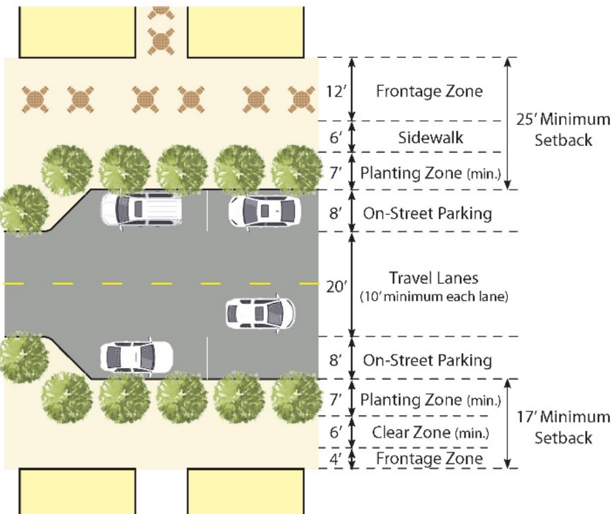
(1) Major Streets are defined as streets with four (4) or more travel lanes.

(2) Minor Streets are defined as streets with two (2) travel lanes.

(b) In order to coordinate and set minimum standards for buildings, sidewalks, and public facing areas, each block face within a proposed development must be assigned a frontage type and comply with the standards associated with the applicable frontage type.

(1) Type A: Active Frontage. Type A frontage should be applied to areas predominantly consisting of active ground floor uses such as a "main street." These frontages feature generous sidewalks, landscaping, and public amenities such as benches and public trash/recycling receptacles. Type A frontages should have on-street parallel parking. Type A frontage should not be interrupted by driveways.

Figure 8.2-1 Active Frontage Configuration



(2) Type B: Passive Frontage. Type B frontages are appropriate for blocks with building entrances for a variety of less active uses including office and residential. They typically have on-street parking. They may include some driveways to access parking, loading, or services when access via a Type C Frontage is not feasible or a second entrance is needed.

Figure 8.2-2 Passive Frontage With Parking

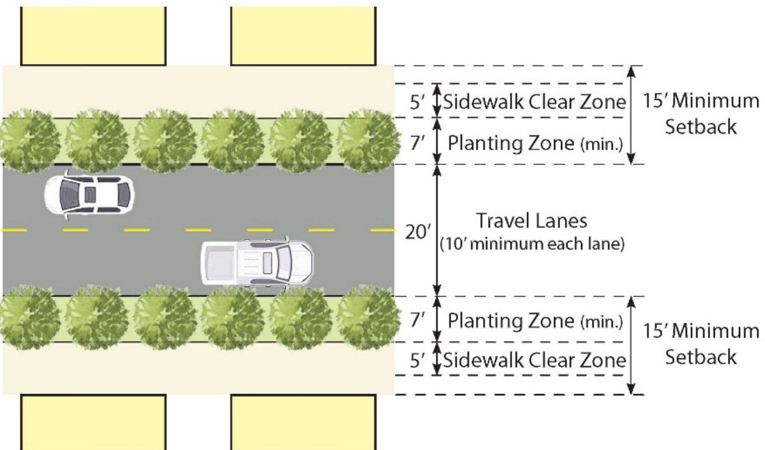


Figure 8.2-3 Passive frontage with Parking on One Side

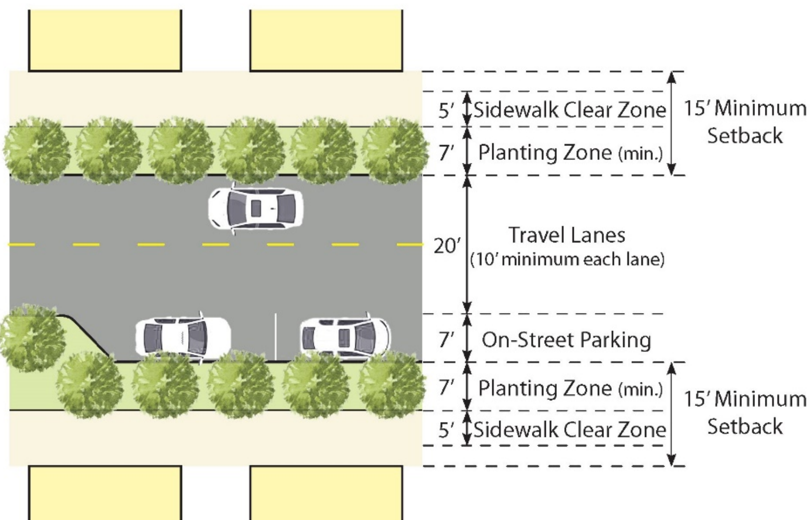
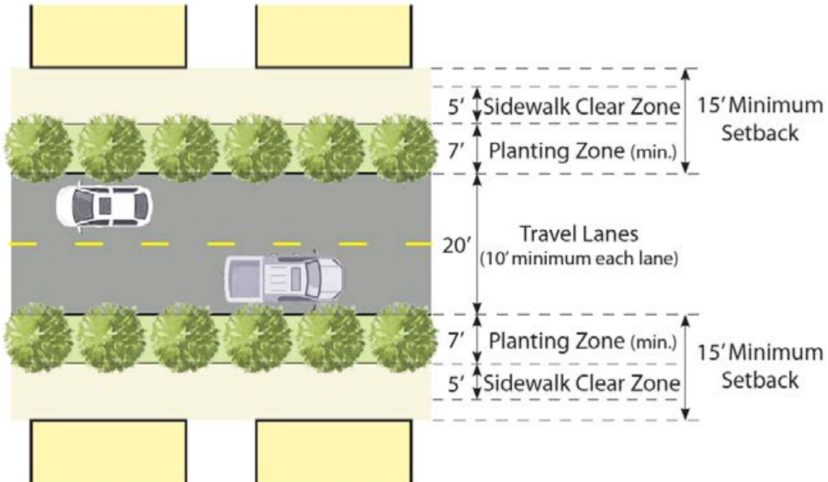
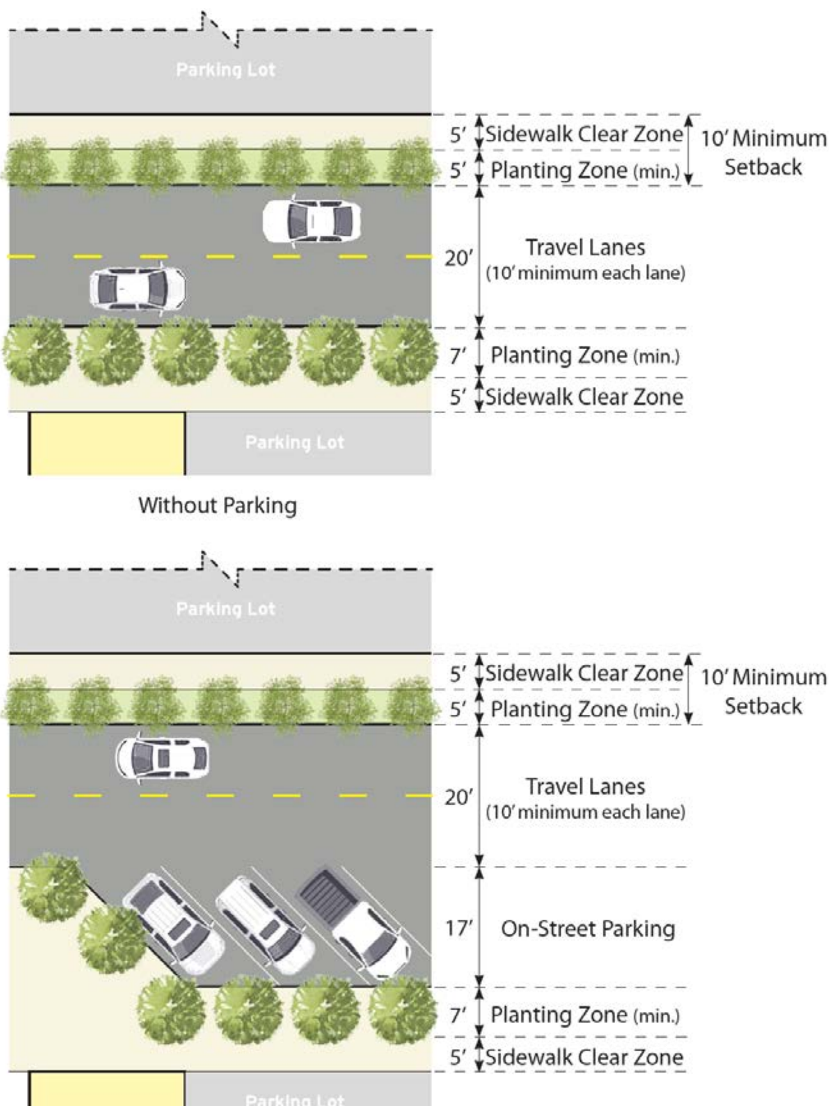


Figure 8.2-4 Passive Frontage without Parking



(3) Type C: Service Frontage. Type C frontages are located adjacent to parking, loading or service areas. Driveways to access parking and loading areas should be located on Type C Frontages whenever feasible. These streets may have angled parking.

Figure 8.2-5 Service Frontage Variations



(4) Frontages on Major Streets. Frontages on existing public roads that are multi-lane constitute a special condition. Frontages along these corridors should be improved to create an enhanced public realm with defined build-to zones. A wider frontage and enhanced landscaping are needed to provide for separation between people walking from higher speed moving traffic.

Figure 8.2-6 Frontages on Major Street Without Parking

Figure 8.2-7 Frontages on Major Street With Parking

(k) Building Frontage

All habitable structures must have a primary façade within the maximum setback on a Type A or Type B frontage.

(1) When a building is adjacent to a Type A and a Type B frontage zone, the Type A zone shall take precedence for placement of the primary facade.

(2) In limited circumstances a building may front on a Type C frontage if a waiver is granted as part of site plan approval.

a. On existing streets without parallel parking, the entrance may be located on the secondary frontage of the building accessible via a walkway perpendicular to the public sidewalk.

(3) Building facades on Type A and Type B frontage zones must have high quality architectural design.

(4) Each primary façade must have at least one public building entrance except that for facades facing a Major Street without on-street parking, the

entrance may be located on mid-block passage perpendicular to and connected with the public sidewalk.

(d) Building Setbacks/Build-to Zones

(1) Setbacks from Property Lines

At all project boundaries not abutting streets the following setbacks shall apply.

	Minimum Setback
Rear	25 feet
Side	10 feet

(2) Required Setbacks from Streets

To ensure consistent frontage conditions, setbacks are measured from the back of curb. Where the distance between the property line and the curb is greater than the maximum setback, the maximum setback shall be two (2) feet from the property line. All setbacks are subject to the requirement that no structure shall encroach onto the public right of way, nor shall any structure encroach into any utility easement without approval by the County.

A. Build-to zones: Where maximum setbacks apply, the primary façade of the building must be located between the minimum setback and maximum setback. This is the "build-to" zone.

b. Any existing Minor Street shall be designated as an "A" or "B" street for the purposes of setback requirements.

	Setback from Back of Curb	
	Minimum	Maximum
Major Streets	25 feet	50 feet
A Streets	17 feet	25 feet
B Streets	15 feet	20 feet
C Streets	10 feet	n/a

c. Setbacks exceeding the maximum are permissible to accommodate landscaped courtyards or outdoor dining areas provided that the additional setback does not extend more than fifty (50) feet in depth or in length.

d. The following features may extend forward of the minimum setback provided they do not encroach into public right-of-way:

i. Awnings, canopies, balconies, or other projections that do not obstruct pedestrian movement at street level or impact signalized intersections.

e. The following features may extend forward of the minimum setback provided they do not encroach into public right-of-way and/or utility easements:

i. Galleries or colonnades subject to design approval by the Development Services Director. Colonnades with low ceiling heights, narrow pedestrian ways, or columns that are too large or closely spaced limit light, discourage pedestrian movement, and create issues related to Crime Prevention Through Environmental Design (CPTED) by limiting visibility.

(e) Street and Frontage Design

(1) All streets and internal driveways intended to satisfy block perimeter requirement must meet the standards described in Table 8.2-B.

(2) Where referenced, the Sidewalk Clear Zone describes the minimum width of the sidewalk which must be provided as an unobstructed path for pedestrians from ground level to eight (8) feet in height. This area must be clear of stationary or movable objects such as trees, benches, or retail displays.

(3) Outdoor seating for food and beverage uses is permitted on sidewalks. Dining areas shall not encroach into the Sidewalk Clear Zone.

(4) Sidewalk furniture is required on "A" frontages and includes those features that are intended to enhance the street's physical character and use by pedestrians, including benches, bus shelters, trash receptacles, planting containers, pedestrian lighting, and kiosks.

Table 8.2-B Required Elements of Minor Street Design

	Type A Frontage	Type B Frontage	Type C Frontage
Number of Travel Lanes	2, two-way	2, two-way	2, two-way
Min. Pavement Width	20 feet minimum	20 feet minimum	20 feet minimum
Width of Travel Lanes	10 feet – 11 feet	10 feet – 11 feet	10 feet – 12 feet
Parking Lane	Parallel, Both sides	Parallel Encouraged	Parallel or Angled Permitted
Parking Lane Width	7 feet – 8 feet	7 feet – 8 feet	7 feet – 8 feet for parallel
Public Realm Requirements:			
Sidewalks3	Both sides, every block	Both sides, every block	Both sides, every block
Sidewalk Clear Zone (min.)[1]	6 feet minimum	5 feet minimum	5 feet minimum
Planting, Furnishing and Edge Zone[2]	8 feet minimum	8 feet minimum	Minimum: 5 feet for understory trees 8 feet for canopy street trees
Landscaping	Canopy Street trees in wells or planters	Canopy Street trees in wells, planters, or in a planting strip	Street trees in wells, planters, or in a planting strip

a. The Sidewalk Clear Zone is the minimum width of the sidewalk which must be provided as an unobstructed path for pedestrians from ground level to eight (8) feet in height. This area must be clear of stationary or movable objects such as trees, benches, or retail displays.

b. Sidewalk furniture is required on “A” frontages and includes those features that are intended to enhance the street’s physical character and use by pedestrians, including benches, bus shelters, trash receptacles, planting containers, pedestrian lighting, and kiosks.

c. Outdoor seating for food and beverage uses is permitted on sidewalks. Dining areas shall not encroach into the pedestrian clear zone.

(5) Frontages on Existing Streets

a. Existing Major Streets:

Public Realm Requirements:	
Sidewalks	Required
Sidewalk Clear Zone (min.)	6 feet minimum
Planting, Furnishing and Edge Zone	7 feet minimum
Landscaping	Canopy Street trees in wells, planters, or in a planting strip

b. Existing Minor Streets:

Frontages on Minor Streets should be designed to meet the Public Realm Requirements of an A or B frontage unless otherwise approved by the Development Services Director.

30.8.2.6 Site Design Requirements

(a) Site Design Guidelines

The site should be organized to create an enhanced pedestrian realm and maximize pedestrian access. Buildings should be located close to sidewalks as stipulated by maximum setbacks and other design criteria. When substantial retail or restaurants are planned, they should be organized along type "A" frontages as a main street or facing a civic space such as a square.

Existing or new streets/drives, whether public or private, shall divide the site into blocks. Block perimeters must not exceed 2,000 feet except where access management criteria for existing County roadways require greater lengths. The block perimeter is measured as the total length of a line enclosing the block along thoroughfare rights-of-way, internal streets, and civic spaces.

(l) Frontage Assignments

Frontages should be organized to form a rational hierarchy. Highest-quality "A" frontages are intended for areas anticipated to have the highest pedestrian traffic. To the extent feasible, pedestrians should be able to travel between destinations within the site and to existing public sidewalks using A and B frontages.

Facing blocks should be assigned the same frontage type except along major roadways (four or more travel lanes) or facing edge conditions such as civic spaces, natural areas, or water bodies.

Frontages should be coordinated with adjacent development to create a continuous urban pattern.

(m) Buffering

Perimeter buffers should be provided as described in Chapter 30, Part 14 except that perimeter buffers are not required between MUCD-zoned properties. Staff may waive buffer requirements that are inconsistent with the goal of providing for multimodal connectivity between complementary uses.

30.8.2.7 Circulation and Access

(a) Internal Circulation

Internal circulation shall prioritize pedestrians, bicycles, and public transit in a safe and convenient manner. Pedestrian walkways and bicycle paths within the development shall link to adjacent external sidewalks, trails, and public roads. All structures shall be directly accessible to foot traffic, with pedestrian walkways connecting public sidewalks and parking areas to building entrances.

If a transit stop is located adjacent to the development, it shall be sheltered. Transit shelters and walkway shelters shall be constructed consistent with transit agency standards for transparency and accessibility.

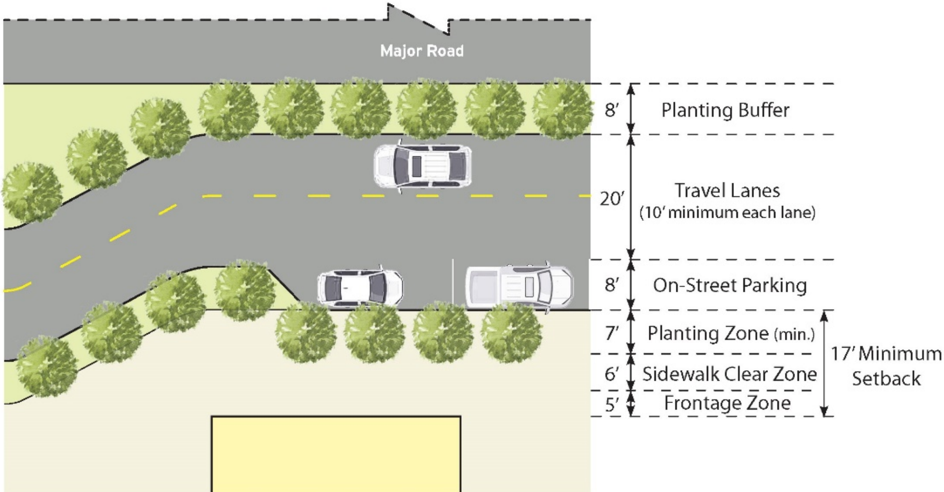
(n) Cross Access Easements

New construction should create connectivity with existing and potential development on adjacent parcels.

A system of joint use driveways and cross access easements shall be established wherever feasible along external public roadways, and the building site shall incorporate the following:

(o) Where provided, frontage lanes should extend along the entire property boundary and provide stub-outs to adjacent properties to provide for driveway separation consistent with access management classification systems and standards.

Figure 8.2-8 Frontage Lane Illustration



(2) Stub-outs should be constructed to meet the requirement that the abutting properties may be tied in to provide cross access via a service drive.

(3) A unified access and circulation system plan that includes coordinated or shared parking areas is encouraged wherever feasible.

30.8.2.8 Parking

(a) Shared parking between uses is permitted consistent with "Reductions for Shared Parking" under Section 30.11.4.

(b) In all cases, bicycle and motorcycle parking shall be provided consistent with Sections 11.9.

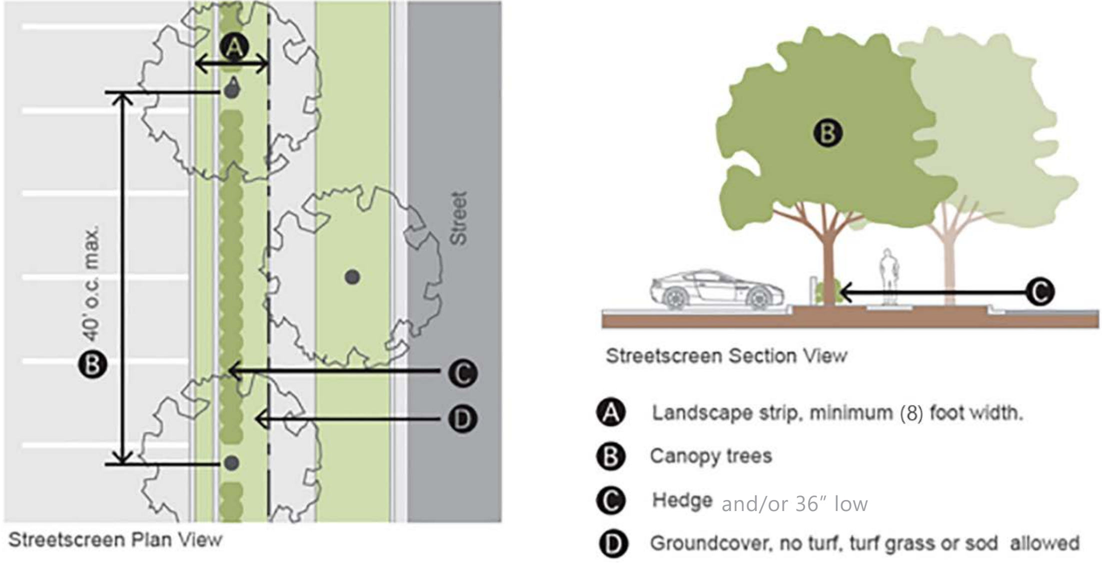
(c) Variations from parking requirements may be approved by the Development Services Director as part of an Alternative Parking Plan.

(d) Parking may not be located within any required setback except that a frontage lane may be built parallel to a major street.

(e) Parking Screening:

(1) Where surface parking abuts a sidewalk, a streetscreen must be provided.

FIGURE 8.2-9: STREETSCREEN ILLUSTRATION



(2) Streetscreens (as defined below) must include a landscape area between fencing and the property line, a minimum of five (5) feet wide, as illustrated in Figure 8.2-9.

(3) The landscape area must be composed of groundcover, trees, and hedges.

(4) Trees are required as follows:

a. Canopy street trees are required between twenty-five (25) and forty (40) linear feet on-center, alternating with street trees; or

b. When utilities prohibit canopy trees, understory trees are required every twenty (20) linear feet on-center.

(5) Streetscreens (as defined below) that are longer than eighty (80) feet require a hedge as follows:

a. The hedge must be maintained between thirty (30) and forty-two (42) inches tall;

b. The hedge must be located behind streetscreen trees relative to the property line or inline with trees;

c. The hedge must be individual shrubs a minimum of seven (7)-gallon plants, not less than thirty (30) inches in height at the time of planting, and spaced no more than thirty (30) inches on-center;

(6) A wall may be included in a streetscreen which should be between the parking and required landscaping and be between three (3) and four (4) feet high.

(7) Existing vegetation may be credited towards the required buffer, provided it is supplemented with similar plant material in order to achieve eighty (80) percent opacity within twelve (12) months of planting.

(f) Parking Garages

(1) Structured parking garages must comply with the Parking Garage Design Guidelines Part 11.

(2) Parking structures shall also comply with the following requirements:

a. Parking structure facades are prohibited on “A” streets.

b. Frontages of parking structures on “B” streets must incorporate architectural features compatible with the principal structure. Parking spaces on these frontages may not be located on angled ramps.

c. Portions of parking structures on “B” streets that do not include habitable ground floor uses shall incorporate a streetscreen (cross-reference) except that canopy street trees shall be substituted by understory trees.

d. Direct pedestrian access from parking garages to each adjacent street shall be provided.

e. Vehicle entrances to parking structures shall be a maximum of forty-eight (48) feet in width and shall be separated from other vehicle access to and from the structure or other parking structures on the same side of the block by a minimum distance of 400 feet.

(g) Loading Zones

Loading zones or spaces shall be provided for all nonresidential uses as provided in Chapter 30, Part 11. However, variations from these requirements may be approved by the Development Services Director as part of an Alternative Parking Plan under Chapter 30, Part 11.

30.8.2.9 Civic Space Requirements

(a) Civic Space Quantity

Civic spaces meeting the standards in "Civic Space Types and Standards" are required as described in Table 5.2. All civic spaces shall be included int Net Buildable Acreage calculation.

Site Size	Required Civic Space
Less than six acres	Not required
Six acres or more	5% of acreage exceeding 5 acres

Example calculations:

Site Size (in acres)	Acreage Above 5 Acres	Required Civic Space Percentage	Required Civic Space in Acres
5.5	0.5	n/a	0
6	1	5%	0.05 Acres (2,178 Sq. Ft.)
10	5	5%	0.25 Acres
20	15	5%	0.75 Acres

(p) Civic Space Types and Standards

To count toward the minimum Civic Space Requirements, a proposed Civic Space must meet be designated with a Civic Space Type and meet the standards for that type.

Table 8.2-C Civic Space Types

Type	Description	Illustration
Park/Green:	A Civic Space available for unstructured recreation. A Green may be spatially defined by landscaping rather than building Frontages. Its landscape shall consist of lawn and trees, naturalistically disposed.	
Square:	A Civic Space available for unstructured recreation and Civic purposes. A Square is spatially defined by building Frontages. Its landscape shall consist of paths, lawns and trees, formally disposed. Squares shall be located at the intersection of important Thoroughfares.	
Plaza:	A Civic Space available for Civic purposes and Commercial activities. A Plaza shall be spatially defined by building Frontages. Its landscape consists primarily of pavement. Trees are optional. Plazas should be located at the intersection of important streets.	
Small Park/ Plaza:	A Civic Space designed for passive recreation.	

Civic Spaces require detailed landscape design and approval by the Planning Manager. All Civic Spaces must include ADA compliant walkways connected to all abutting sidewalks and building entrances.

Civic Spaces must meet the following standards:

(1) Civic Spaces must comply with all standards in Table 5.2.

(2) Civic Spaces must be bordered by a street or drive as required in Table 5.2.

(3) Minimum landscaping is required in addition to any Public Realm Requirements related to adjacent streets/frontages as described in Table 5.2.

(4) The amount of required Civic Space that may be met with a single Civic Space type is limited by "Maximum Usage Towards Requirements" described in Table 8.2-D.

Table 8.2-D Civic Space Requirements

	Minimum Thoroughfare Frontage	**Size**	**Minimum Width**	**Minimum Landscaping**	**Impervious Surface**	**Maximum Usage Toward Requirements**
Park/Green	2 sides	0.5 acre minimum	100 ft	1 canopy tree / 4,000 square feet	20% maximum	100%
Square	1 side	0.2 – 1 acre	80 ft	1 canopy tree / 4,000 square feet	50% maximum	100%
Plaza	1 side	0.2 – 0.5 acres	60 ft	1 canopy tree / 6,000 square feet	40 – 90%	Greater of 0.5 acres or 50%
Small Park/Plaza	1 side	2,000 sf – 0.25 acres	40 ft	1 canopy tree / 4000 square feet	90% maximum	Greater of 0.25 acres or 50%

30.8.2.10 Building Design Guidelines

(a) Compatibility

A mixed-use development shall present a consistent and attractive perimeter appearance on all sides. Unfinished and/or unpainted walls shall not be visible from off-site, "A" frontages, or "B" frontages. Supporting facilities, other than those for fire safety and stormwater management, shall also be hidden from view, including but not limited to:

(1) Vehicle loading zones

(2) Storage areas for equipment or merchandise

(3) Mechanical units

(4) Solid waste receptacles

(5) Electrical substations and similar facilities

(6) Restaurant coolers and freezers

(b) General Appearance

The following components shall be incorporated into all buildings:

(1) Awnings, canopies, or arcades shall be required over all doors, windows and other transparent elements on "A" streets and on retail uses. The height

of the awnings, canopies, or arcades shall be between eight (8) and twelve (12) feet and shall be a minimum of four (4) feet in depth.

(2) A cornice shall be provided on the side of a building facing a residential use and/or an external public roadway at a minimum of twelve (12) feet above the sidewalk or at a height similar to the cornice on an abutting property, but in no case shall the cornice exceed thirty-five (35) feet.

(3) Buildings shall incorporate lighting and changes in mass, surface or finish to emphasize their front entrances.

(4) Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line or awning from twelve (12) to sixteen (16) feet above ground level, whichever applies to the proposed development. No more than twenty (20) feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. All buildings shall use at least three of the following design features along all primary and secondary elevations of the building:

a. Divisions or breaks in materials chosen from a common palette

b. Window bays

c. Separate entrances and entry treatments, porticoes

d. Variation in roof lines

e. Awnings

f. Functional dormers

g. Gables

h. Recessed entries

i. Covered porch entries

j. Cupolas

(c) Storefront Character

Each building's storefront or frontispiece shall provide the following architectural features on the front or side building facade:

(1) Buildings on corner lots shall be located within the build-to zone for both streets unless a civic space is provided. Except that if the corner is the intersection of two Type C Frontages or a Type B and a Type C Frontage this requirement does not apply, Corner building entrances are encouraged, especially where two Type A Frontages intersect.

(2) Building side walls exposed to a public street shall not exceed blank wall areas of thirty (30) percent or more of the total vertical wall surface, nor exceed twenty (20) linear feet without being interrupted by a change in wall

plane (minimum sixteen (16) inches offset), roof plane, or the additions of window(s), balconies, side entries, or other fenestration element.

(3) Walls must achieve a glazing-to-wall ratio between fifteen (15) percent – thirty-five (35) percent of the whole wall, or each wall segment.

(d) Windows and Transparency

The following provisions must be met for windows in all non-residential buildings:

(1) The facades of all buildings with the ground floor facing a street, park, plaza, or residential building must have transparent windows with a glazing-to-wall ratio of fifty (50) percent (minimum) to eighty (80) percent (maximum) of the ground floor wall of each storefront's linear frontage. Mirrored glass, obscured glass and glass block are not permitted. Energy-saving window tinting with a minimum of forty (40) percent light transmittance may be permitted.

(2) Windows must remain transparent so that the inside of the space is visible from the public way. Full window signs, decals, shelving, blinds, etc. that may obscure views are not permitted. Exception: Product displays (like mannequins displaying clothes for sale).

(3) Display windows shall be lit at night.

(4) The sill of any ground floor window shall be no more than 2.5 feet above finished floor level; the top of the windows must be no more than seven (7) feet above finished floor level.

(e) Exterior Lighting on Buildings

Exterior lighting shall be directed at the building itself without illuminating other areas of the site.

(q) Building Color

Building colors shall be muted colors and earth tones unless otherwise approved by the Development Services Director as a part of the approval process.

30.8.3 MM Missing Middle District and Alternative Standards

30.8.3.1 Intent and Purpose

The purpose of the Missing Middle District and Alternative Standards is to encourage a wider range of housing choices in central locations accessible to services. This includes permitting smaller units and more compact site plans to increase affordability without subsidies.

30.8.3.2 Definitions

Missing Middle Housing is defined as residential units meeting any of the following definitions which may be alone or in groupings of multiple typologies:

(a) Small Lot Single-Family: Single-family homes on small sized lots designed to increase yield while remaining detached. These types often use unconventional lot dimensions and site plans responsive to the specific unit design and layout.

(b) Cottage Court: A group of small, detached structures arranged around a shared court visible from the street. The shared court replaces the function of a rear yard. Unit entrances should be from the shared court.

(c) Duplex – Side-by-Side: A detached structure that consists of two dwelling units arranged side-by-side with an entry from the street. This type has the appearance of a small-to-medium single-unit house.

(d) Duplex – Stacked: A detached structure that consists of two dwelling units arranged one above the other, each with an entry from the street. This type has the appearance of a small-to-medium single-unit house and fits on narrower lots than the side-by-side duplex.

(e) Townhouse: An attached structure that consists of four (4) to six (6) multi-story dwelling units placed side-by-side. Entries are on the narrow side of the unit and typically face a street or courtyard.

(f) Triplex – Stacked: A detached structure that consists of three (3) dwelling units typically stacked on top of each other on consecutive floors, with an entry for the ground floor unit and a shared entry for the units above.

(g) Fourplex – Stacked: A detached structure with four (4) dwelling units, two (2) on the ground floor and two (2) above, with shared or individual entries from the street. This type has the appearance of a medium-sized single-unit house.

(h) Six-plex: A detached structure that consists of six (6) dwelling units arranged side-by-side and/or stacked, typically with a shared entry from the street.

(i) Courtyard Building: A medium-sized (1 to 3.5-story) detached structure consisting of multiple side-by-side and/or stacked dwelling units oriented around a courtyard or series of courtyards. Each unit is accessed from the courtyard or a public sidewalk and shared stairs each provide access to up to three (3) units.

(j) Live-Work: An attached or detached structure consisting of one dwelling unit above or behind a fire-separated flexible ground floor space that can accommodate a range of non-residential uses. The flex space and residential unit typically have separate street entrances.

30.8.3.3 Review of Development Proposals

(a) Final Development Plan Required

Prior to subdivision or site plan approval, the applicant must submit a final development plan consistent with the development criteria and limitations in the Missing Middle Alternative standards and any conditions of approval. This plan must be reviewed and approved by the Development Services Director or designee.

(r) Building Elevations Required

Prior to subdivision or site plan approval, the applicant must submit building elevations for all proposed Missing Middle Housing Typologies for review by the Development Services Director or designee.

30.8.3.4 Applicability

(a) Missing Middle (MM) standards may be applied in the following conditions:

MM Zoning District: Where the MM District is applied, typologies within a proposed development or development types are limited by the applicable Future Land Use District as described in Table 8.3. A development within the MM Zone may include single-family development consistent with R-1BB standards subject to compliance with Chapter 35.

(1) PD Zoning District: Missing Middle Housing may be approved as part of a new PD application or a substantial change to an existing PD. Allowable typologies within a PD are limited by the applicable Future Land Use District as described in the Seminole County Comprehensive Plan.

30.8.3.5 Specified Zoning Districts: Missing Middle Alternative Standards may be used in the zones and under the conditions specified in Table 5.2 with limitations on typology and development type as described.

(a) Missing Middle Development Types:

(1) Missing Middle Development: A development in which only Missing Middle Typologies are proposed.

(2) Mixed Housing Development: A development in which both Missing Middle Typologies and Typologies otherwise permitted in the underlying zone are proposed.

30.8.3.6 Allowable Typologies and Densities

(a) Typologies are permitted where described in this Section. The net density of a proposed development must be consistent with the applicable Future Land Use District.

Table 8.3-A: Permitting Missing Housing Middle Types

	Permitted Types:								Type of Development:	
Applicable Zoning:	Small Lot Single-Family	Cottage Court	Duplex	Triplex / Quadplex	Townhouse	Six-plex	Courtyard	Live/Work	Mixed Housing Development	Missing Middle Development
In Centers & Corridors:										
R-1, R-1A	●	●							●	●
R-1B, R-1BB	●	●	●	○*	○				●	●
In USA (Urban Service Area):										
R-2	●	●	●	○**					●	●
R-3, R-3A, R-4	●	●	●	●	●	●	●	●	●	●
C-1, C-2,				●	●	●	●	●	●	
OP								●	●	●
MUCD	●	●	●	●	●	●	●	●	●	●
MM or PD Rezoning by FLU:										
LDR	●	●	●	○	○				●	●
MDR	●	●	●	●	●	●	●		●	●
HDR	●	●	●	●	●	●	●		●	●
MXD	●	●	●	●	●	●	●	●	●	●
Commercial				●	●	●	●	●	●	●

Notes:
● Permitted
○ Permitted with a maximum of two (2) stories
* Maximum Living Area per Building: 3,000 SF
** Maximum Living Area per Building: 4,000 SF

30.8.3.7 Site Regulations:

(a) Missing Middle typologies may be clustered or distributed throughout the project.

(b) No single Missing Middle typology may exceed five (5) acres of developable land.

(c) Development includes a connected street grid which is accomplished by meeting the following conditions:

(1) No portion of the project may be gated.

(2) Existing or new streets/drives, whether public or private, shall divide the site into blocks. Block perimeters must not exceed 2000 feet except where access management criteria for existing County roadways require greater lengths. The block perimeter is measured as the total length of a line enclosing the block along thoroughfare rights-of-way, internal streets, and civic spaces.

(3) Sidewalks are required on both sides of every street.

(4) Dead end streets, hammerheads, and cul-de-sacs are prohibited except where specifically approved by the Development Services Director when wetlands, water bodies, or infrastructure corridors prevent connections.

(5) The development must provide connections to all adjoining public streets and trails and existing "stub-outs" on adjacent properties.

(6) The development must provide "stub-outs" for future connectivity to adjacent vacant lots.

(7) Pedestrian or vehicular connections to existing commercial uses should be provided where feasible.

(d) Restrictions near development boundaries:

(1) Buildings are limited to two stories within one hundred (100) feet of a district boundary with an existing single-family development or single-family residential zone.

(2) The lowest intensity typologies within the project shall abut boundaries with an existing single-family development or single-family residential zone.

30.8.3.8 Open Space

Where Open Space is required in the applicable zoning district, those standards shall be applied. If Open Space is not otherwise required, the standards below shall apply.

(a) For lots with greater than eight (8) units and a minimum of two (2) acres, a minimum eight (8) percent of net buildable acreage shall be set aside as Open Space that meets the standards described below.

(b) Open Space may be provided in multiple locations subject to the following requirements. Each qualifying Open Space must be:

(1) Bordered by streets, stormwater ponds, natural lakes, or commonly accessible pedestrian pathways.

(2) A minimum of .20 contiguous acres.

(3) A minimum of forty (40) feet in width, except that open space areas adjacent to a stormwater pond or natural lake must be a minimum of twenty (20) feet in width from the top of berm to the public right of way or lot line or a dog park.

(4) Open Space shall be proximate to Missing Middle units.

(c) Street trees are required in Missing Middle Developments and on all streets abutting Missing Middle Typologies in Mixed-Use Developments. Street trees must meet the following standards:

(1) Be planted an average of forty (40) feet on center on both sides of internal streets and on existing rights of ways adjoining the site.

(2) Be located in a planting strip or tree well with a minimum width of eight (8) feet. Tree wells or planting strips less than ten (10) feet in width must incorporate a root barrier at the edge of pavement.

(3) Be selected from the list of approved Canopy Street Trees (30.14.15(j)).

(4) Meet the standards of Sec. 30.14.16. – General provisions for all landscaped areas.

(d) Minimum Parking Requirements:

(1) Two parking spaces are required per unit except that parking for units less than 1000 sq. ft. may be reduced to 1.5 spaces per unit.

(2) On-street parking is required on streets adjacent to missing middle units.

(3) Required parking may be located in common areas or on-street provided that such parking is within 150 feet of the unit.

(e) Building Frontage:

(1) Buildings not fronting on a street must front on a common open space, a pedestrian pathway or a multi-use trail.

(2) Buildings not fronting on a street must be part of a common emergency access plan or be adjacent to an alley built to emergency access standards.

(3) Up to six (6) lots may be accessed by a commonly held easement drive that is non-gated and designed to allow fire access (aka parking court).

(f) Residential Garages:

(1) Where applicable, a garage door facing an alley must be set back from the edge of pavement either between seven (7) and eight (8) feet or a minimum of twenty (20) feet.

(2) Lots with a front-loaded garage must be at least forty-five (45) feet in width except for lots that are a part of a parking court typology. Garages associated with townhomes must be served by an alley regardless of unit size, unless otherwise approved by the Board of County Commissioners.

30.8.3.9 Missing Middle Dimensional Standards:

Designated Missing Middle Units must meet the alternative design and dimensional standards described in this Section and in Table 8.3-B.

(a) Garages, carports, open or screened porches or breezeways may not be counted toward the Minimum Living Area requirement in Table 8.3-B.

(b) Duplexes, Cottage Court, and High-Density Single-Family structures may be located on a common lot. Where units are located on a common lot, minimum separation between structures must be ten (10) feet.

(c) Minimum lot size requirements are not applicable to Missing Middle units.

Table 8.3-B: Missing Middle Dimensional Standards

	Dimensional Standards							
	Small Lot Single-Family	Cottage Court	Duplex	Townhouse	Triplex /Four Plex	Six-plex	Courtyard	Live/Work
Minimum Yards in feet:								
Front	10	10	10	10	10	10	10	15
Side	5	5	5	5	5	5	10	7.5
Street Side	10	10	10	10	10	10	10	15
Rear	5	5	5	5	5	5	5	5
Rear (Accessory Structure)	5	5	5	5	5	5	5	5
Min. Living Area Per Unit (Sq. Ft.)	400	400	400	400	400	400	400	400
Max. Height (in feet)	35	35	35	40	40	40	40	40

30.8.4 R-AH Affordable Housing Dwelling District

30.8.4.1 Description of District

This District is composed of certain lands, water and structures permitting a variety of housing types and densities with modified subdivision standards to promote the development of affordable housing. R-AH developments are situated where they are well serviced by public and commercial services and have convenient access to thoroughfares or collector streets and to employment centers.

30.8.4.2 Uses Permitted

(a) Single-family detached, duplex, townhouse, triplex, fourplex, six-plex, cottage court, or zero lot line dwelling structures including customary accessory uses.

(b) Childcare facilities, evening childcare facilities, and free-standing private kindergartens and/or voluntary prekindergarten education programs and group homes.

(c) Home offices.

(d) Live/Work units.

30.8.4.3 Minimum Project Size

Applications seeking the R-AH zoning classification shall be for development projects of not less than two five (52) net buildable acres. If the R-AH District is to include a combination of non-residential uses and residential uses, the residential portion of the parcel shall be not less than five (5) net buildable acres and the single-use non-residential portion shall not exceed the greater of 2 acres or twenty (20) percent of the net buildable acreage of the District.

30.8.4.4 Building Height

In the F-AH District no building or structure may exceed forty (40) feet in height or three stories. Where the proposed buildings vary in height from existing buildings at a District boundary by more than one story, the proposed building must stepback on the third story by ten (1) feet along the façade facing the property boundary.

30.8.4.5 Building Site Area Requirements

(a) Each single-family detached or zero lot line dwelling structure in the R-AH District shall be located on a lot or parcel of land having a buildable area of not less than three thousand (3,000) square feet and a width of not less than forty (40) feet, measured at the building line.

(b) Each two (2) family dwelling structure shall be located on a lot or parcel having a buildable area of not less than seven thousand two hundred (7,200) square feet and a width of not less than fifty (50) feet, measured at the building line.

30.8.4.6 Subdivision of duplex and townhouse lots

Lots proposed for duplex, triplex and zero lot line structures may be platted to facilitate separate and distinct ownership provided that:

(a) Each unit of an attached dwelling unit shall be constructed at the same time and each unit shall be located on a buildable parcel of land having a minimum land area of three thousand (3,000) square feet.

(b) The common party wall adjoining units shall be constructed, at a minimum, in accordance with Chapter 40 of the Land Development.

30.8.4.7 Yard Regulations

(a) The following minimum yards shall be observed unless otherwise approved by the Board of County Commissioners:

Front		10 feet
Side	Single Family	5 feet OR Side-yard home (1)
	Other	5 feet
Side Street		15 feet
Rear		15 feet
Accessory Structures: Rear		5 feet
Note: A Side-yard home may have zero foot Side-yard on one side of the building provided that the remaining Side-yard is a minimum of ten (10) feet.		

(s) Special Conditions:

Street-facing garage doors shall be set back from the property line a minimum of twenty (20) feet.

(t) District boundary yard setbacks.

Rear yard setbacks for lots located at the boundary of the R-AH District shall be no less than twenty (20) feet. For infill conditions where a new unit shares a side lot boundary with existing units or is facing existing units, side and front setbacks shall be the same as the existing unit.

30.8.4.8 Minimum dwelling size

Each dwelling unit in the R-AH District shall have a minimum of 450 square feet of living area not including garages, carports, open or screened porches, or breezeways.

30.8.4.9 Affordability of dwelling units

No less than fifty (50) percent of the dwelling units provided in the R- AH District shall be made available to low and moderate income households. No less than twenty (20) percent of the dwelling units provided shall be made available for lease or purchase by low income households. Where both affordable and market- rate units are provided, the community should be designed as a single mixed-income neighborhood such that housing types are intermixed. There is no special separation of market rate and affordable units. Affordable units should accommodate a mix of household sizes. A proposed development which is more than seventy (70) percent affordable units shall not exceed fifteen (15) acres. The County shall develop procedures and controls to monitor and enforce this provision which may include declarations of covenants in development orders and development permits which run with the land.

30.8.4.10 Submittal requirements

(a) Prior to processing an application for R-AH zoning, the County must receive:

(1) An executed affordability agreement, in a format acceptable to the County, guaranteeing that the specified percentage of dwelling units will be sold or rented at a price that is affordable to households of low and moderate income, a Restricted Use Covenant (RUC) (Section 40.9(h), Seminole County Code of Ordinances); and

(2) A statement of proposed development order conditions, including a description of the number, type, and cost (purchase price and/or rent) of all dwelling units; and

(3) A description of any net buildable acres devoted to any proposed nonresidential structures on the development site; and

(4) A description of proposed buffers along the project's perimeter; and

(5) A description of any other special design features in addition to those required in the R-AH District.

30.8.4.11 Development Time Limitations

If, within eighteen (18) months of being assigned the R-AH zoning classification, a final plat or site plan has not been approved, the assignment of the R-AH zoning classification shall be reviewed by the Planning and Zoning Commission to determine the continuing appropriateness of the R-AH District zoning classification for the subject property. The Board of County Commissioners shall consider the recommendations of the Planning and Zoning Commission and may rezone the property to a more appropriate zoning classification or shall extend the deadline for final plat or site plan approval. These procedures shall also be followed when such extended deadlines are not met.

30.8.4.12 Streets

The character, width, grade and location of all streets and bridges must conform to the standards of Section 35.62 of this Code and the detailed specifications found in the Seminole County, Florida Public Works Engineering Manual described in Section 5.20(a) of this Code, with the following exceptions permitted for the R-AH single-family dwelling district if consistent with sound engineering practices:

(a) Subgrade: A compacted subgrade of existing material is permitted on local designated streets. The subgrade must conform to the same standards and inspection requirements as required for stabilized subgrade specified in the Seminole County, Florida Public Works Engineering Manual described in Section 5.20(a) of this Code or a minimum Limerock Bearing Ratio (LBR) rating of 40 must be achieved.

(b) Wearing surface: The wearing surface for all local and residential streets must have a compacted minimal thickness one and one-fourth (1¼) of an inch. All other wearing surface standards including those for arterials and collectors must meet the requirements of the Seminole County Public Works Engineering Manual described in Section 5.20(a) of this Code.

(c) Minimum right-of-way (ROW) and pavement widths:

(1) The following minimum right-of-way and pavement widths may be permitted, provided that the street will not carry more than five hundred (500) daily trips:

Curb and Street Type	ROW in Feet		Pavement in Feet (inside of curb to inside of curb)	
	Urban Section	Rural Section	Urban Section	Rural Section
Local	36	50	20	20
Residential	36	50	20	20

(2) Pavement width must be measured from inside of curb to inside of curb, exclusive of curbs. On-street parking is not permitted on streets with reduced right-of-way and pavement widths of twenty (20) feet. The developer shall furnish easements for sidewalks where required and shall erect signs prohibiting on-street parking as required by the County Traffic Engineer.

Curb and Street Type	ROW in Feet		Pavement in Feet (inside of curb to inside of curb)	
	Urban Section	Rural Section	Urban Section	Rural Section
Local	60	80	24	24
Residential	50	70	24	24
Cul-de-sac (radius)	44	50	42	42
Low Traffic	46	46	20	20
Service Drive	50	70	24	24

(d) Dead-end streets: Permanent dead-end streets less than three hundred (300) feet in length are permitted to have T-turnarounds. T-turnarounds must have a pavement width of no less than twenty-eight (28) feet.

(e) Sidewalks: Sidewalks are required as follows:

(1) A minimum of five (5) feet in width is required for concrete sidewalks on both sides of all streets.

(2) The County does not require a concrete sidewalk on cul-de-sacs, T-turnarounds and dead-end streets less than three hundred (300) feet in length.

(3) Easements must be provided for all necessary sidewalks, as determined appropriate by the County, and properly documented on the plat as required by Section 35.65 of this Code.

30.8.4.13 Sewer. Sanitary sewers, water design standards and multiple meter boxes must all comply with the standards set forth in the Seminole County Environmental Services Utilities Engineering Manual described in Section 5.20(b) of this Code.

30.8.4.14 Stormwater systems. Stormwater systems must conform to the standards of Section 35.97 of this Code and the detailed specifications found in the Seminole County, Florida Public Works Engineering Manual described in Section 5.20(a) of this Code.

30.8.4.15 Innovative subdivision design. Innovative engineering designs such as Low Impact Development that provide for improved stormwater management, improved structure siting, increased emergency vehicle access or decreased cost of development at the same level of service and quality achievement may be approved on a case-by-case basis. Innovative material composition or size may be approved if it can be shown that adequate quality is maintained.

30.8.4.16 Owners' associations and community associations. One or more condominium associations, cooperative associations, or homeowners' associations as described respectively in Chapters 718, 719 and 720, Florida Statutes (2013), as these statutes may be amended from time to time, must be established in connection with any subdivision approved under this Part. The purposes of any such association include enabling the residents of the subdivision to achieve the maximum benefit from the subdivision, to facilitate the management of the subdivision in the mutual interests of the residents, and to maximize the continuing overall quality of the subdivision.

30.8.4.17 Administration

The following administrative procedures and standards will apply to the R-AH District:

(a) Effectiveness review: Standards for the R-AH District will be reviewed annually by the program review committee or its successor entity to determine effectiveness in providing affordable housing, and recommend changes, if any, regarding effectiveness relative to housing cost.

(b) Permit and inspection fees: All development permits and inspection fees may be waived by the Board of County Commissioners for applications meeting the minimum requirements of the R-AH District.

30.8.5 PD Planned Development

30.8.5.1 Intent and purpose

The Planned Development (PD) District is intended to promote flexibility and innovation to meet the needs of County residents and businesses by facilitating innovative design solutions and development plans, that may be difficult to achieve under conventional zoning regulations. Planned developments shall promote flexibility and creativity in addressing changing social, economic and market conditions, especially where they are used to implement adopted policies of the Comprehensive Plan.

Examples of development concepts that may be appropriate for PD zoning include, but are not limited to, enhanced protection of natural resource areas, mixed use or transit-

oriented development, and infill development or redevelopment. An increase in density or intensity alone shall not be a sufficient justification for seeking an alternative to conventional zoning districts.

Development standards to be applied within a planned development shall be established by the Board of County Commissioners (BCC) at the time of rezoning. Such rezoning shall be conditioned upon a master development plan and a written development order. Specific criteria for the development may address, but are not limited to, compatibility with surrounding land uses, road access, availability and efficient use of utility capacity, coordination with transit, etc. Architectural and other appearance-related design elements should be included as approval conditions where the BCC finds they will support goals, such as economic development, neighborhood compatibility, or aesthetic or environmental enhancement of an area.

General standards of this Code that are not specific to any zoning district, such as parking, stormwater management, lighting, and landscaping, shall apply within a planned development unless variations are approved through a PD master development plan and/or development order.

30.8.5.2 Permitted uses—(PD)

Except as stated herein, no use shall be specifically permitted or prohibited within a planned development by requirement of this Part. Uses which are permitted, permitted subject to conditions, or prohibited within an individual planned development shall be noted as such through the master development plan and/or development order. In all cases, allowable uses, including density and intensity limits, shall be consistent with the Comprehensive Plan. Any use requiring licensing or other approval by the State of Florida or the Federal government shall obtain such approval as a condition for inclusion within any planned development.

(a) Accessory dwelling units within any single-family residential lots in a PD may be administratively approved by the Planning Manager subject to the requirements of Section 30.6.1.3.

30.8.5.3 Review criteria

(a) Comprehensive Plan Consistency

In approving a planned development, the Board of County Commissioners shall affirm that the proposed development is consistent with the Comprehensive Plan, and effectively implements any performance criteria that the Plan may provide.

(u) Greater Benefit and Innovation Criteria

In addition, PD zoning may be approved only when the Board determines that the proposed development cannot be reasonably implemented though existing provisions of this Code, and that a PD would result in greater benefits to the County than development under conventional zoning district regulations. Such greater benefits must include two or more of the following:

(1) Natural resource preservation.

(2) Crime Prevention (CPTED).

(3) Neighborhood/community amenities.

(4) Provision of affordable or workforce housing.

(5) Reduction in vehicle miles traveled per household.

(6) Transit-oriented development.

(7) Provision of new multimodal connectivity.

(8) Innovation in water or energy conservation.

(9) Innovative development types not currently provided within the County but consistent with the goals of the Comprehensive Plan.

(c) In addition, any proposed development under the PD ordinance must address the following goals:

(1) Meet or exceed the arbor, tree preservation, and tree planting requirements of this Code on a project-wide basis.

(2) Minimize transportation impacts through design elements, which may include but are not limited to: multimodal connectivity; electric vehicle charging; infrastructure of pedestrian or bicycle infrastructure exceeding the minimum standards; shared transportation parking or devices; pedestrian-oriented architectural design; accommodation or neighborhood electric vehicles; transportation demand management; or permitting complementary uses.

(d) The PD application shall include a narrative addressing the following:

(1) How the proposed development addresses the goals of the Comprehensive Plan.

(2) Why the proposed development cannot be achieved under an existing conventional or special zoning district.

(3) How the proposed development provides an innovative approach to land development.

(4) A description of benefits to the County that cannot be achieved under the existing provisions of this Code.

(e) Residential PD Design Standards:

(1) If lot width is less than forty-five (45) feet, homes must be rear loaded, unless otherwise approved by the Board of County Commissioners.

(2) Front-facing garage doors must be set back a minimum of twenty (20) feet.

(3) Minimum front and rear setbacks at project boundaries shall be twenty-five (25) feet, or twenty (20) feet for accessory structures not exceeding one story.

(4) Required setbacks adjacent to existing residential development will increase based on elevation/grade changes between developments and proposed building heights, as determined by the Board of County Commissioners.

(f) Required Residential Neighborhood Improvements:

(1) Street trees are required in generous planting strips to provide for the health of the trees. The street trees may count towards required open space. Street trees shall:

a. Be planted an average of forty (40) feet on center on both sides of internal streets and on existing rights of ways adjoining the site.

b. Be in a planting strip or tree well with a minimum width of eight (8) feet. Planting strips less than ten (10) feet in width must include a root barrier.

c. Be selected from the "Approved Plant Species List: Canopy Trees," except that Laurel Oaks may not be used as street trees.

d. Meet the standards of Sec. 14.16. – General provisions for all landscaped areas.

(2) Fifty (50) percent of pond frontage must be open to streets or community parks.

a. Where pond frontage is along a park, a walkway (minimum five (5) feet in width) is required unless adjacent to a street with a sidewalk.

b. Landscaped areas must comply with the provisions of Sec. 14.16 (General provisions for all landscaped areas) and (Water-efficient landscaping design requirements).

(g) Common Useable Open Space:

(1) Commonly accessible open space is required subject to the following standards:

a. Minimum 8% of net buildable acreage utilized for open space.

b. Open Space may be provided in multiple locations however each location must be:

i. Bordered by streets, stormwater ponds, natural lakes, or commonly accessible pedestrian pathways.

ii. Not less than 0.25 contiguous acres. Dog parks and tot lots that are a minimum of seventy-five (75) square feet per dwelling unit are also exempt from this requirement and may count towards open space. Dog parks must contain waste disposal receptables and appropriate signage.

iii. A minimum of 40 feet in width. Except that open space areas adjacent to a stormwater pond or natural lake may be a minimum of 20 feet in width from the top of berm to the public right of way or lot line.

30.8.5.4 Planned development approval procedure

Approval for a planned development is obtained through a two-step process. The first step is an approval of the master development plan and rezoning of the land by the

Board of County Commissioners. The second step consists of final development plan approval by the Development Services Director along with the recording of the developer's commitment agreement.

Prior to formally submitting a request for planned development zoning, the developer is encouraged to meet with appropriate County staff for comments regarding the advisability of undertaking a planned development in the proposed location.

30.8.5.5 Master development plan submittal and review

(a) Development Plan Submittal Requirements

(1) A master development plan shall be submitted concurrently with a PD rezoning application. The submittal requirements listed in this Section may be modified by the Development Services Director as appropriate for a specific application.

(2) The development requirements for each individual tract or phase within a planned development shall be included as a part of the master development plan.

(3) The master development plan shall clearly indicate an outer site boundary as well as internal boundaries between proposed tracts, stages, phases, outparcels, etc. The plan shall also indicate common properties within the PD and provide for necessary property owners or management associations to ensure maintenance of such properties.

(4) The master development plan shall include the items shown on the following table:

Required Information	Master Plan	Final Plan
Vicinity map showing the location of the proposed development, relationship to surrounding streets and thoroughfares, existing zoning on the site and surrounding areas, existing land use on the site and surrounding areas within 500 feet	x	x
Boundary survey and valid legal description	x	x
Graphic plan showing topography, which clearly identifies proposed land uses, open space, and the proposed location of major streets and thoroughfares, recreation areas, and other major facilities	x	x
Preliminary wetlands and floodplain delineation lines	x	
List and description of all uses, including proposed housing type(s), number of units, density	x	x
Table showing acreage for each category of land use including roads, wetlands, open space, and recreation	x	x
Calculation of required and proposed open space	x	x
General buffer and landscaping concepts	x	x

Structural concepts, including setbacks and building heights	x	x
Utility service suppliers	x	x
Analysis of the impact of the proposed planned development on roads, schools, utilities, and other public facilities	x	x
Location, use, and size of all common property tracts	x	x
Topographic survey including floodplain and wetland delineations		x
Detailed landscaping plan, including plantings, fences, berms and buffer area dimensions		x
Utility service concept plan, including sanitary sewers, stormwater management, potable water supply, floodplain compensation, and water supplies for fire protection.		X
Proposed phasing or staging		x
Statement indicating that legal instruments will be created providing for the management of common areas and facilities		x
Statement with general information regarding provisions for fire protection		x
Facilities commitments		x
Earthmoving concept plan indicating proposed terrain alterations including grading, fill and elevation changes		x
Soils map and detailed soils report based on the findings of a recognized professional soils expert (depth of all muck and peat areas shall be identified)		x
Summary of approved PD Commitments, Classification, and District Description information as executed by the Chairman of the Board of County Commissioners and the Developer		x
Covenants, grants, easements, dedications, or other restrictions to be imposed on the use of the land, buildings, and structures, including proposed easements for public and private utilities		x

(b) Review Procedure. A planned development application shall be reviewed as follows:

(1) Prior to initiating a planned development application, a preapplication conference with Planning and Development staff may be required at the discretion of the Development Services Director and/or at the request of the applicant.

(2) The Development Review Committee shall evaluate the master development plan and PD zoning request regarding its compliance with applicable standards of this Code and the Comprehensive Plan. Following this evaluation, the Planning and Zoning Commission shall hold a public hearing with due public notice, to consider the master development plan

and PD rezoning request. The Planning and Zoning Commission shall recommend to the Board of County Commissioners approval, approval with conditions, or denial of the application.

(3) The Board of County Commissioners shall hold a public hearing with due public notice, and shall approve, approve with conditions, or deny approval of the master development plan and the proposed PD rezoning.

(4) All conditions of approval imposed by the Board of County Commissioners shall be reflected in the master development plan and/or development order for the planned development.

30.8.5.6 Final development plan

(a) Within five (5) years of approval of the master development plan, which time period may be extended by the Planning and Zoning Commission, the applicant shall submit a final development plan meeting the requirements of Section 8.5.5(a)(4) and that reflects the requirements of the approved PD development order.

(b) The Development Review Committee shall evaluate the final development plan regarding its compliance with, the applicable provisions of this Code, the applicable provisions of the Comprehensive Plan, and the approved master development plan and PD development order.

(c) Following evaluation by the Development Review Committee, the Development Services Director may, upon a finding of consistency with: the applicable provisions of this Code, the County's Comprehensive Plan, and the master development plan and PD development order, approve the final development plan and execute the associated developers commitment agreement. The developer's commitment agreement shall be prepared in a form acceptable to the County Attorney.

30.8.5.7 Plat or site plan approval for each section

(a) After approval of the final development plan the applicant shall submit either a preliminary and final plat, according to the procedure outlined in the Subdivision Regulations, or shall submit a site plan, according to Chapter 40, whichever may be applicable, for each phase of the PD development. At the applicant's option, a site plan complying with the technical requirements of Chapter 40 may serve as the final development plan if it contains sufficient information to verify compliance with the master development plan and the PD development order approved by the Board of County Commissioners under Section 30.8.5.4. After review and final approval by the designated officials of either the final subdivision plat or site plan, the developer may request building permits for the approved section.

(b) If an applicant so elects and pays the fees for both final development plan review and preliminary subdivision plan review, and provides all information necessary for both reviews at the time of application, the final development plan review and the preliminary subdivision plan review may be accomplished simultaneously.

30.8.5.8 PD revisions

(a) Any proposed substantial change to an approved PD, including, but not limited to, revisions: affecting the intent and character of the development; affecting land use patterns; affecting phasing that will impact off-site infrastructure; changing the location or dimensions of major streets or access points; adding property to the PD representing a substantial increase in density or intensity; or which involve similar substantial changes, shall be considered major amendments and shall require approval by the Board of County Commissioners A major amendment shall be treated as rezoning from PD to PD, revising the development criteria for the PD zoning, and the associated development order shall be revised or re-issued accordingly.

(b) Non-substantial changes to an approved planned development shall be considered minor amendments and may be approved by the Development Services Director. Multiple revisions may be proposed which cumulatively cause the Director to deem them a major amendment. Minor amendments shall be accomplished through addendum to the development order and/or a developer's commitment agreement. Minor amendments may include, but are not limited to, the following:

(1) Additions to structures that do not exceed ten (10) percent of the overall density or intensity approved within the PD. Additions of ten (10) percent or greater may be granted as provided in Section 5.19(b)(1).

(2) The addition of accessory structures if the location of such structures does not interfere with approved site layout (e.g. circulation, parking, loading, storm water management facilities, open space, landscaping or buffering).

(3) Additions to parking areas that do not encroach into required buffer areas or otherwise interfere with the approved site layout.

(4) Additional clearing that does not exceed 5,000 square feet in area or ten (10) percent of the site. Greater amounts may be approved consistent with Section 5.19(b)(1).

(5) Adjustment of internal property lines or tract boundaries, setback lines, realignment of internal roads and driveways consistent with the approved site layout and development concepts.

(6) The removal of property from the PD, provided such removal does not have a substantial impact on the density or intensity of the PD or on elements of the PD such as buffering and open space. Property removed from a PD must be rezoned immediately upon such removal.

(7) Other amendments that would not be deemed substantial as described in subsection 30.8.5.8(a).

(c) Property owners within a planned development may not make incremental revisions to an approved development plan that adversely affect existing owners or to avoid classification as a major amendment. Where amendments are allowed under this Section, such amendments must remain compatible with the balance of the project and consistent with the overall concept(s) and greater benefits referenced in Section 30.8.5.3, under which the development was initially

approved. Amendment to the PD zoning shall not be pursued to reduce the benefits that justified the original assignment of PD zoning without replacement of an equivalent benefit.

30.8.5.9 Planned development time limitations

If substantial development, as determined by the Development Services Director, has not begun within eight (8) years after approval of the master development plan, the approval of the planned 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 may move to rezone the property to a more appropriate zoning classification or shall extend the deadline for the start of construction. If an extended deadline granted by the Board is not met, the foregoing procedures shall reapply.

30.8.5.10 Binding nature of approved development plan

An approved master or final development plan along with any associated conditions of approval shall be binding upon the applicant or any successors in interest in the planned development. Deviations from an approved development plan not in accordance with Section 30.8.5.8 above shall constitute a violation of this Part.

30.8.5.11 Development standards for planned developments

The development standards for planned unit development are as follows:

(v) Relation to Zoning Districts. An approved PD shall be considered to be a separate zoning district in which the master development plan and PD development order, as approved by the Board of County Commissioners, or the Development Services Director as permitted in this Part, establishes the restrictions, regulations, and district description according to which the development shall occur. Upon approval, the official zoning map will be changed to indicate the area as PD and the master development plan and PD development order shall be filed with the Clerk to the Board of County Commissioners and a copy retained within the Planning and Development Division.

Density and Intensity. The density based on net residential acreage permitted in each PD shall be established by the Board of County Commissioners, upon recommendation of the Planning and Zoning Commission. The criteria for establishing the appropriate density includes surrounding density of existing and approved development, adequacy of existing and proposed public facilities and services, conformance with the Comprehensive Plan, and site characteristics. Dwelling units approved in the master development plan for a given tract may be shifted within the PD subject to the approval of the Development Services Director.

Intensity of commercial or industrial uses within a Planned Development shall be measured in terms of Floor Area Ratio (FAR) and shall be consistent with the maximum FAR for the development site established in the Comprehensive Plan. The Board of County Commissioners may approve such development with a lesser intensity in order to achieve compatibility with adjoining uses.

(b) Phasing

(1) Where a planned development is to be built in phases, the PD application shall include a proposed phasing plan for the site, including a schedule for completion of all improvements shown on the approved master development plan. Once a phasing plan has been approved, no land may be used and no building may be occupied except in accordance with such plan.

(2) The purpose of a phasing plan is to ensure that crucial features serving the development are provided as needed and not delayed to the detriment of property owners and other users of the site. Such features may include, but are not limited to, buffers, stormwater retention, road access points and transit shelters. Phase configurations shall be logical and consistent with the purposes of the approved PD master plan. The Board of County Commissioners may stipulate that any or all portions of required landscaping and/or buffering, or other improvements and amenities be provided during the first phase of development, even though some buffer areas, improvements, or amenities or portions thereof lie outside the phase.

(3) Each phase, at a minimum, must include adequate parking, stormwater management facilities, landscaping, and all other features needed to serve that portion of the development. In order to ensure the efficient implementation of the approved PD master development plan concepts, the Board may require that selected site improvements be constructed at a faster rate than the overall development. These improvements may be related to engineering design, general requirements of this Code, or other provisions of the approved master development plan and may include, but are not limited to parking, stormwater management facilities, erosion control measures, buffering, and supporting retail or other employment uses. Where the applicant agrees to provide off-site improvements, such as traffic signals, turn lanes, and sewer lines, the Board of County Commissioners may require such improvements to be in place upon completion of any phase of the development.

(4) Where a planned development must achieve a minimum density or intensity due to requirements of the Comprehensive Plan or other considerations, each phase shall individually achieve such density or intensity unless the master development plan or PD development order provide otherwise. Where a PD has been approved as a specific type of development in support of Comprehensive Plan policies (e.g., including but not limited to transit oriented development, mixed use in the MXD future land use), each phase shall substantially advance the approved concepts for the overall development.

(c) Dimensional, bulk and height restrictions. The location of all proposed building sites shall be as shown on the master development plan subject to the minimum lot sizes, setback lines, lot coverage, maximum/minimum building height, or floor area, specified in the master development plan and/or PD development order, as approved by the Board of County Commissioners.

(d) Commonly Accessible Open space. Open space area requirements for planned developments shall be provided as indicated below, and unless otherwise stated

within the master development plan or PD development order, shall meet the criteria of Section 30.14.2.

(1) Minimum eight (8) percent of net buildable acres shall be designed as commonly accessible open space, which shall be included as a part of total open space requirements.

(2) Open Space may be provided in multiple locations however each location must be:

a. Bordered by streets, stormwater ponds, natural lakes, or commonly accessible pedestrian pathways.

b. Not less than 0.25 contiguous acres.

c. A minimum of forty (40) feet in width. Except that open space areas adjacent to a stormwater pond or natural lake may be a minimum of twenty (20) feet in width from the top of berm to the public right of way or lot line. Dog parks and tot lots that are a minimum of seventy-five (75) square feet per dwelling unit are also exempt from this requirement and may count towards open space. Dog parks must contain waste disposal receptables and appropriate signage.

(3) Required sidewalks may be incorporated into the park areas as ADA-compliant pathways subject to Crime Prevention Through Environmental Design (CPTED) design principles (pathways should not be obscured behind hedges, utility structures, or other large objects).

(4) Stormwater ponds must be amenitized as follows:

a. Stormwater ponds must be open to the community and not fenced.

b. Fifty (50) of pond frontage must be open to streets or parks. Where pond frontage is along a park, a walkway (minimum five (5) feet in width) is required unless adjacent to a street with a sidewalk.

c. Landscaped areas must comply with the provisions of Sec 30.14.16 (General provisions for all landscaped areas) and (Water-efficient landscaping design requirements).

(e) Access and parking

(1) All streets, thoroughfares, and accessways shall be designed to be consistent with the roadway functional classification system and other policies of the Transportation Element of the Comprehensive Plan.

(2) Off-street parking shall be provided in accordance with Section 30.11.2 and/or Section 5.19, unless the applicant can demonstrate the appropriateness of alternate standards. Such standards must be enumerated in the development order and approved by the Board of County Commissioners in order to be used within a planned development.

(3) Pedestrian, bicycle and vehicular traffic circulation systems shall be designed to integrate the proposed development into the surrounding community and to provide safe and convenient access to public use, common use and other community services, facilities and activities located

both within the proposed development and beyond the boundaries of the proposed development. Local residential streets shall be designed to discourage travel speeds in excess of the posted speed and to discourage or restrict their use by through traffic.

(4) Hammerhead turnarounds shall be prohibited.

(f) Perimeter requirements

(1) Planned developments shall utilize the buffering standards of Part 14 to maintain compatibility with adjoining properties and uses. However, the Board of County Commissioners may vary these standards as appropriate to meet the unique needs of the proposed PD.

(2) Increased setbacks from the PD perimeter may also be imposed to maintain compatibility with adjacent existing uses.

30.8.5.12 Control of area following completion

(a) After completion of a planned development, the use, modification or alteration of any buildings, structures, or land areas within the development shall be in accordance with the approved master development plan and the PD development order. Notwithstanding subsequent platting or other forms of dividing ownership of the planned development, the entire site shall be subject to the approved master development plan and PD development order.

(b) Amendments to the approved master development plan and/or PD development order shall be in accordance with Section 30.8.5.8.

30.8.6 PLI Public Lands and Institutions District

30.8.6.1 Zone Description

The PLI Public Lands and Institutions District is intended to include major public lands and major public and quasi-public institutional uses. This classification may only be applied to lands that are owned or controlled by the public.

PART 9. SUPPLEMENTAL REGULATIONS

30.9.1 Public School Locational Criteria and Site Design Standards.

30.9.1.1 Intent.

(a) In applying the criteria and standards contained in this Part to the review of proposed public school locations and site plans as provided for in Section 1013.36, Florida Statutes, the County shall attempt to balance the need to ensure an adequate supply of suitable school sites against the needs to protect adjacent neighborhoods, mitigate off-site impacts and ensure the safety and convenience of vehicular and pedestrian traffic.

(b) To achieve this balance the County may determine that one or more of the standards contained in this Part may be waived by the County in the interest of supplying a needed public facility upon making a finding that such an exception will not pose undue risk or harm to the health, safety and welfare of the County in general and surrounding neighborhoods in particular.

(c) Proposed public school locations and site plans will be reviewed for compliance with all applicable provisions of this Code; provided, however, that the provisions of this Part will prevail over any conflicting provisions.

30.9.1.2 Locational criteria for all public schools.

(a) To minimize average home-to-school travel distances, schools shall be located as close to residential areas and as far from and avoiding travel impediments such as natural barriers, limited access highways, and County boundaries as is practicable.

(b) School sites shall not be located where available access points are in close proximity to intersections that pose hazards to pedestrians or that are potential high-congestion areas such as expressway interchanges, arterial-arterial intersections, and active railway crossings. Minimum distances between a school access point and such intersections shall conform to state and County access permitting requirements. The adequacy of specific access designs shall be determined by the County at site plan review.

(c) School sites shall be located on one (1) or more roads with all roads having an existing or planned sidewalk or bikeway extending continuously a minimum of one half (½) mile in both directions from each proposed school access point or the School Board shall coordinate with the County and other appropriate public and private parties for the construction of the necessary off-site sidewalk(s) and/or bike path(s), which shall also be connected to any adjoining off-site sidewalk(s) and/or bike path(s) as well as to the school's on-site planned sidewalk/bike path network the costs of which shall be borne by the responsible person or entity.

30.9.1.3 Locational criteria—Public elementary schools.

(a) Elementary schools shall be located within or adjacent to existing or planned residential neighborhoods.

(b) An elementary school shall not be located along arterial roadways where heavy traffic will pose public safety hazards unless, due to siting limitations, an

elementary school must be located on an arterial, in which case, such site shall also have access to an adjacent local or collector road.

(c) If the proposed site is located within areas assigned the commercial, higher intensity planned development, office, or industrial land use designations, the site plan shall provide design features that ensure the site's safety and accessibility including, as appropriate: sidewalk traffic barriers; pedestrian overpasses; security fences; and vehicle access controls.

30.9.1.4 Locational criteria—Public middle/high schools.

(a) Middle and high schools serve relatively large geographic areas and shall, therefore, be located with direct access to a collector or arterial roadway to provide maximum accessibility and prevent negative impacts on neighborhoods. In no case shall a site's primary access be onto a local roadway.

(b) Middle schools and high schools shall not be located immediately adjacent to existing or future single-family residences unless the site is of adequate size to provide the additional setbacks required elsewhere in this Part to protect adjacent residences from adverse noise, lighting and activity impacts.

30.9.1.5 Site design standards—All public schools.

(a) When consistent with public safety requirements and public liability considerations, school recreation areas, facilities and equipment shall be designed and located to provide maximum public use and accessibility including direct pedestrian access to nearby existing or future residential areas where possible. When consistent with public safety requirements and public liability considerations, perimeter fences or walls shall include gates or other means of entry which shall remain open on an extended-hour schedule allowing both convenience to users and property security.

(b) Where proposed school sites abut public recreation areas, interconnecting pedestrian access shall be provided at the time of site development.

(c) Bike storage areas shall be provided according to the Florida Department of Education standards.

(d) The minimum school site size shall be that area required to fulfill Florida Department of Education-site selection criteria plus any additional acreage necessary to accommodate all County Code design and compatibility requirements such as setbacks, stormwater management areas, as specified elsewhere in this Part.

e) The site plan shall locate all active uses such as parking, loading, air conditioning units, refuse collection, signs, lights, storage areas and active school recreational areas remote from adjacent residential uses in order to minimize impacts unless site limitations make this infeasible, in which case, the site plan must satisfy active use setback requirements as specified elsewhere in this Part.

30.9.1.6 Setbacks and bufferyards—All schools.

(a) Setbacks shall be required to separate different land uses and minimize potential nuisances such as excessive noise and light.

(b) Setback widths shall be determined by the nature of the adjacent land use and whether the school site use has an active or passive edge.

(c) Landscaped buffers are encouraged along school site boundaries that abut residential uses.

(d) To provide additional flexibility in locating appropriately-sized school sites, the use of appropriate buffers will qualify for a reduction in minimum setback width requirements.

30.9.1.7 Setback design—All schools.

(a) Unless specifically provided for otherwise, permitted uses within setbacks includes:

(1) Landscaped open spaces;

(2) Natural vegetation;

(3) Sidewalks;

(4) Bike paths;

(5) Stormwater management areas;

(6) Passive recreational uses.

(b) Unless specifically provided for otherwise, prohibited buffer uses include:

(1) All imperviously surfaced facilities other than sidewalks or bike paths such as buildings, parking lots and roads;

(2) Floodlights;

(3) Active school recreation areas.

30.9.1.8 Setback size—Public elementary schools.

(a) Where a school site boundary abuts an existing residential use, property assigned a residential land use designation or property assigned a residential zoning classification, the minimum setback widths shall be as follows:

(1) Twenty-five (25) feet around passive edge uses;

(2) Forty (40) feet around active edge uses;

(3) Seventy-five (75) feet around active school recreation uses.

(b) Where a school site boundary abuts an existing nonresidential use, property assigned a nonresidential land use designation or properties assigned a nonresidential zoning classification, the minimum setback width is twenty-five (25) feet around all uses.

(c) Where the school site abuts an arterial roadway, a minimum thirty-five (35) feet setback adjacent and contiguous to the arterial shall be required.

20.9.1.9 Optional buffer—Public elementary schools.

(a) Provision of a landscaped buffer and masonry wall that meet the requirements for buffers as specified in this Part will reduce minimum setback requirements as follows:

(1) Where a school site boundary abuts an existing residential use, property assigned a residential land use designation or property assigned a residential zoning classification and an adequate landscaped buffer is provided, the minimum setback widths are as follows:

a. Twenty (20) feet around passive edge uses;

b. Thirty (30) feet around active edge uses;

c. Forty (40) feet around active recreation uses.

(2) Where a school site boundary abuts an existing nonresidential use, property assigned a nonresidential land use designation or property assigned a nonresidential zoning classification and an adequate landscaped buffer is provided, the minimum setback width is twenty (20) feet around all uses.

(b) Preservation of natural on-site vegetation to satisfy buffer planting requirements is strongly encouraged.

30.9.1.10 Setback size—Public middle/high schools.

(a) Where a school site boundary abuts an existing residential use, property assigned a residential land use designation or property assigned a residential zoning classification, the minimum setback widths are as follows:

(1) Thirty-five (35) feet around passive edge uses;

(2) Fifty (50) feet around active edge uses;

(3) One hundred fifty (150) feet around active school recreation uses.

(b) Where a school site boundary abuts an existing or future nonresidential land use, property assigned a nonresidential land use designation or property assigned a nonresidential zoning classification, the minimum setback width is twenty-five (25) feet around all uses.

(c) Where the school site abuts an arterial roadway, a minimum thirty-five (35) feet setback adjacent and contiguous to the arterial shall be required.

30.9.1.11 Optional buffer—Public middle/high schools.

(a) Provision of a landscaped buffer and masonry wall that meet the requirements for buffers as specified in this Part will reduce minimum setback requirements as follows:

(1) Where a school site boundary abuts an existing residential use, property assigned a residential land uses designation or property assigned a residential zoning classification and an adequate landscaped buffer is provided, the minimum setback widths are as follows:

a. Twenty-five (25) feet around passive edge uses;

b. Thirty-five (35) feet around active edge uses;

c. One hundred (100) feet around active recreation uses.

(2) Where a school site boundary abuts an existing nonresidential use, property assigned a nonresidential land use designation or property assigned a nonresidential zoning classification and an adequate landscaped buffer is provided, the minimum setback width is twenty-five (25) feet around all uses.

(b) Preservation of natural on-site vegetation to satisfy buffer planting requirements is strongly encouraged.

30.9.1.12 Private school grade levels.

This Section provides a procedure for the enforcement of the land development regulations of the County relative to private schools that do not fall within the State established grade levels for public schools. If private schools are a permitted or conditional use within a zoning classification and the grade levels proposed to be provided by the private school do not match the grade levels established by State law for elementary, middle and high schools, the Development Services Director shall accomplish an impact analysis relative to the proposed private school and determine whether the impacts of the proposed private school are less than and dissimilar to the impacts of the established grade levels of a public school. In making his or her determination, the Development Services Director shall consider the maximum number of students that will attend the private school, traffic impacts, other uses of the facility in which the private school is located and such other factors as she or he determines to be relevant based upon sound and generally acceptable planning and land use principles. The Development Services Director shall issue a development order pursuant to Chapter 20 imposing such conditions and limitations relative to the approval of a private school as she or he deems appropriate to address the impacts of the private school or shall issue a denial development order if approval is denied. Decisions of the Development Services Director may be appealed pursuant to the provisions of Section 20.12.

Drafter's Note—An example of the application of this provision would be if a private school is proposed for grades kindergarten through the sixth grade while public and private middle schools (with grades six through eight) are not permitted uses in the zoning classification. If the Development Services Director, upon making the impact analysis, determines that the private school should be approved notwithstanding the fact that one middle school grade level is included in the private school, such approval may be granted pursuant to a development order.

30.9.2 Mobile Homes/Manufactured Housing Siting Standards.

(a) These siting standards shall apply when the placement of mobile homes is otherwise permitted by this Code. The provisions of this Code shall not be construed to be in conflict with State law and, to the extent of any conflict, state law shall prevail.

(b) Access:

(1) All mobile and manufactured homes must have safe and convenient vehicular access from a local or collector street as identified in the Traffic

Circulation Element of the Seminole County Comprehensive Plan. Such access shall be designed to minimize traffic congestion and hazards.

(2) Driveways shall be designed and constructed to provide safe and convenient vehicular access to each mobile home subject to the following:

(1) All units shall have access to the street system.

(2) Each unit shall be provided with a single width driveway at least ten (10) feet wide. The driveway shall be a minimum of twenty (20) feet in length if a full depth carport is utilized. If a full carport is not utilized the driveway shall have a minimum length of thirty (30) feet.

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

(1) All common open space and all land not otherwise developed shall be landscaped in a manner that enhances the appearance of the development, as determined by the Development Services Director based upon standards generally set forth in this Code relating to developments with similar impacts.

(2) Perimeter landscape buffers and parking lot islands shall be as specified in the Part 14, Chapter 30 of this Code.

(d) Construction standards:

(1) Mobile or manufactured home stand foundation requirements/tie-downs and anchors/perimeter enclosure requirements:

a. The mobile or manufactured home stand shall be installed and anchored in accordance with the current adopted Building Code and State law. Any additions to the mobile or manufactured home must also be anchored in accordance with applicable federal and state law.

b. All mobile or manufactured homes in special flood hazard areas shall comply with all other applicable provisions of this Code including, but not limited to, provisions relating to wetlands and flood prone areas.

c. When mobile or manufactured homes are installed above grade, opaque skirting or screening shall be used surrounding such mobile or manufactured homes.

d. Crawl space access openings shall be provided. Such openings shall be located so that any utility connections located under the home are accessible.

e. Crawl space areas shall be ventilated by openings in the perimeter enclosure. Openings shall be arranged to provide cross ventilation and shall be covered with corrosion resistant mesh-like material of not less than one-quarter (¼) inch or more than one-half (½) inch in any dimension. If combustion air for one (1) or more heat producing appliance(s) is taken from within the under-floor spaces, ventilation shall be adequate to secure proper appliance operation.

f. A minimum clearance of eighteen (18) inches shall be maintained beneath the lowest member of the floor support framing system, unless otherwise specified in the manufacturer's installation instructions.

30.9.3 Subdivision of duplex lots.

Lots proposed for duplex structures may be platted to facilitate separate and different ownership providing:

(a) Each unit of an attached dwelling unit shall be constructed at the same time and each unit shall be located on a parcel of land having a minimum land area of four thousand five hundred (4,500) square feet and a minimum width of thirty-seven and one-half (37½) feet.

(b) The common party wall adjoining both units shall be constructed in accordance with the Southern Building Code.

30.9.4 Truck parking in residential zone districts.

No trucks having a gross vehicle weight of more than 14,000 pounds be parked or stored in any residentially zoned area other than to load or unload merchandise; nor may any truck of any size, which has operating motorized cooling units, be permitted to be parked in any residentially zoned area. Only the Federal Highway Administration (FHA) vehicle weight class categories of Class 1 through Class 3 trucks meeting the above weight limitation may be parked in residentially zoned areas. The weight and classification limitations contained herein do not apply to personal pickup trucks or personal recreational vehicles (RVs) as defined by Section 320.01(b), Florida Statutes.

30.9.5 Boat Dock Requirements.

30.9.5.1 General Regulations.

(a) Where boat docks or boathouses are a permitted use the following requirements must be met prior to issuance of any applicable permit:

(1) The lot upon which the structure will be developed must have a minimum thirty (30) feet of frontage on the subject water body.

(2) The lot upon which the structure will be developed must be a legal lot of record and must meet minimum lot size requirements.

(3) The lot upon which the structure is located must have adequate off-street parking for at least two (2) vehicles.

(4) The applicant must demonstrate compliance with all local, state and federal regulations and permit requirements.

(b) No boat dock or boathouse may be rented or leased.

(c) A boathouse may not be higher than fifteen (15) feet above the normal high water elevation, as measured in accordance with the definition of "building, height of" in Chapter 2, Section 2.3 of this Code. The Board of County Commissioners may permit a taller boathouse upon a determination that the view of the water body from neighboring properties will not be adversely affected.

30.9.5.2 Waterfront residential lots.

Each residential lot is permitted one (1) boat dock and one (1) associated boathouse when accessory and incidental to the principal dwelling.

30.9.5.3 Boat dock and floating boat dock setback requirements; permit required.

(a) Setbacks applicable to docks – Side yard accessory use setbacks are applicable to all boat docks and floating boat docks except for docks at common property lines if approved by the Planning Manager, or designee, based upon sound and generally accepted land use and planning principles.

(b) It is unlawful to construct, accomplish construction work, or place at a location any boat dock or floating boat dock without obtaining a building permit and all required State permits prior to such activity.

30.9.5.4 Dogs in public food establishments.

(a) Program created. Pursuant to Section 509.233, Florida Statutes (2011), as this statute may be amended from time to time, there is hereby created a local exemption procedure to certain provisions of the United States Food and Drug Administration Food Code, as amended from time to time, and as adopted by the State of Florida Division of Hotels and Restaurants of the Department of Business and Professional Regulation, in order to allow patrons' dogs within certain designated outdoor dining areas of public food service establishments, which exemption procedure may be known as the Seminole County Dog Friendly Dining Program.

(b) Definitions. As used in this Section, the following terms shall be defined as set forth herein unless the context clearly indicates or requires a different meaning:

Division: The Division of Hotels and Restaurants of the State of Florida Department of Business and Professional Regulation.

Dog: An animal of the subspecies *Canis lupus familiaris*.

Employee or employees: Owner, manager, host, wait staff, cook, dishwasher or any other person involved in the operation of the public food service establishment.

Outdoor dining area: An area not enclosed in a building and which is intended or used as an accessory area to a public food service establishment which provides food and/or drink to patrons for consumption in the area.

Patron: "Guest" as defined by Section 509.013(3), Florida Statutes, or its successor provision.

Permittee: A person granted a permit under this Section who is ultimately responsible to ensure that the public food service establishment is in compliance with all applicable rules and regulations.

Planning and Development Division Manager: The manager of the Planning and Development Division, or designee.

Premises: All of the area encompassing a public food service establishment.

Program: The dog-friendly dining program established by this Section.

Public food service establishment: Any establishment meeting the definition of such term as provided by Section 509.013(5)(a), Florida Statutes, or its successor provision.

(c) Permit and submittal requirements. Public food service establishments must apply for and receive a permit from the County before patrons' dogs are allowed on the premises. The County may establish a reasonable fee to cover the cost of processing the initial application and renewals. Applications for a permit under this Part shall be made to the Planning and Development Division, on a form provided for such purpose by the Planning and Development Division.

(1) The application for a permit shall include such information as the County deems reasonably necessary to enforce the provisions of this Section, but shall require, at a minimum, the following information:

a. Name, location, and mailing address of the public food service establishment.

b. Name, mailing address, and telephone contact information of the permit applicant. This name, mailing address, and telephone contact information of the owner of the public food service establishment shall be provided if the owner is not the permit applicant.

c. A diagram and description of the outdoor dining area which is requested to be designated as available to patrons' dogs, including dimensions of the designated area; a depiction of the number and placement of tables, chairs, and restaurant equipment, if any; the entryways and exits to the designated outdoor dining area; the boundaries of the designated outdoor dining area and of the other outdoor dining areas not available for patrons' dogs; any fences or other barriers; surrounding property lines and public rights-of-way, including sidewalks and common pathways; and such other information the County deems necessary. The diagram shall be accurate and to scale but need not be prepared by a licensed design professional. A copy of the approved diagram shall be attached to the permit.

D. A description of the days of the week and hours of operation that patrons' dogs will be permitted in the designated outdoor dining area.

e. A signed and notarized statement that the permittee shall hold harmless and indemnify the County, its officers and employees from any claims for damages to property or injury to persons which may be occasioned by any activity carried out under the terms of the permit.

(2) Permit application review and approval. Permit applications submitted under this Section shall be reviewed and approved by the Planning and Development Division Manager in accordance with the following:

a. After the Planning and Development Division Manager determines the application for a permit to be complete and in compliance with

this Section, the Planning and Development Division Manager shall cause inspection of dining areas of the food service establishment designated in the application for compliance with the provisions of this Section. A food service establishment found not in compliance upon such inspection shall have a reasonable time in which to correct any deficiencies found. Upon correction of such deficiencies, the public food service establishment shall request reinspection.

b. The Planning and Development Division Manager shall issue approval or denial of the permit within ten (10) days of determination.

c. An application shall be deemed abandoned if:

i. The Planning and Development Division Manager determines it remains incomplete for a period of ninety (90) days after notice to the applicant of the deficiencies in the application, or

ii. If inspection of the food service establishment revealed deficiencies in compliance with this Section and the applicant has not requested reinspection within such period.

(d) General regulations. Public food service establishments that receive a permit for a designated outdoor dining area pursuant to this Section shall require that:

(1) Employees shall wash their hands promptly after touching, petting, or otherwise handling any dog(s) and shall wash their hands before entering other parts of the public food service establishment from the designated outdoor dining area.

(2) Employees are prohibited from touching, petting or otherwise handling any dog while serving or carrying food or beverages or while handling or carrying tableware.

(3) Patrons in a designated outdoor dining area shall be advised by appropriate signage, at conspicuous locations, that they should wash their hands before eating. Waterless hand sanitizer shall be provided at all tables in the designated outdoor dining area.

(4) Employees and patrons shall not allow dogs to come into contact with serving dishes, utensils, tableware, linens, paper products, or any other items involved with food service operations.

(5) Permittee shall require that patrons keep their dogs under reasonable control and on a leash at all times.

(6) Employees shall not allow any part of a dog to be on chairs, tables, or other furnishings.

(7) Employees shall clean and sanitize all table and chair surfaces with an approved product between seating of patrons.

(8) Employees shall remove all dropped food and spilled drink from the floor or ground as soon as possible but in no event less frequently than between seating of patrons at the nearest table.

(9) Employees shall ensure that accidents involving dog waste are cleaned and sanitized immediately with an approved product. Employees shall keep a kit with the appropriate materials for this purpose near the designated dining area.

(10) Employees shall not permit dogs to be in, or to travel through, indoor or nondesignated outdoor dining areas of the public food service establishment.

(11) Ingress and egress to the designated outdoor dining area shall not require entrance into or passage through any indoor area or nondesignated outdoor dining areas of the public food service establishment.

(12) A sign or signs notifying the public that the designated outdoor dining area is available for the use of patrons and patrons' dogs shall be posted in a conspicuous manner and place as determined by the County.

(13) A sign or signs informing patrons of these laws shall be posted on premises in a conspicuous manner and place as determined by the County.

(14) A sign or signs informing employees of these laws shall be posted on the premises in a conspicuous manner and place as determined by the County.

(15) Such mandatory sign shall be no less than eight and one-half inches in width and eleven inches in height (8½ X 11) and printed in easily legible typeface of not less than 36 point font size.

(16) Permits shall be conspicuously displayed in the designated outdoor dining area.

(e) Expiration and revocation.

(1) A permit issued pursuant to this Section shall expire automatically upon the sale or transfer of the public food service establishment. The subsequent owner may apply for a permit pursuant to this Section if the subsequent owner wishes to continue to allow patrons' dogs in a designated outdoor dining area of the public food service establishment.

(2) A permit may be revoked by the Planning and Development Division Manager if, after notice and reasonable time in which the grounds for revocation may be corrected, the public food service establishment fails to comply with any condition of approval, fails to comply with the approved diagram, fails to maintain any required state or local license, or is found to be in violation of any provision of this Section. If the ground for revocation is a failure to maintain any requi"ed s'ate or local license, the revocation may take effect immediately upon giving notice of revocation to the permit holder.

(3) If a public food service establishment's permit is revoked, no new permit may be approved for the establishment until all issues associated with the revocation are resolved. This includes any outstanding fines.

(4) Any permit holder, or aggrieved applicant for a permit, may appeal any decision made by the Planning and Development Division Manager consistent with Section 30.3.3.2(b) of this Code. A written petition for such

appeal must be filed with the Planning and Development Division within thirty (30) days of the action or decision sought to be appealed. The petition shall fully and completely set forth a recitation of the action or decision being appealed and the grounds and reasons upon which the appeal is based. Any written documents relating to the appeal shall be included with the petition.

(f) Complaints and reporting.

(1) Complaints may be made in writing to the Planning and Development Division Manager, who shall, in accordance with Section 509.233(5), Florida Statutes, accept, document, and respond to all complaints, and shall timely report to the Division all complaints and the response to such complaints.

(2) The County shall provide the Division with a copy of all approved applications and permits issued.

(3) All applications, permits, and other related materials shall contain the Division-issued license number for the public food service establishment.

(g) Enforcement.

(1) Any public food service establishment that fails to comply with the requirements of this Section shall be subject to enforcement proceedings consistent with the applicable provisions of the Seminole County Code. Such code enforcement action shall be in addition to the permit revocation action provided for in Section 30.9.5.4(e)(2), above. Each day a violation exists shall constitute a distinct and separate offense.

(2) The Code Enforcement Board or Special Magistrate shall have jurisdiction to hear and decide violations of this Section. The jurisdiction of the Code Enforcement Board or Special Magistrate shall not be exclusive. Any alleged violation of any of the provisions contained herein may also be pursued by appropriate remedy, whether by injunctive, declaratory, or other civil remedy, at the option of the County.

(h) Area of applicability. This Section shall be applicable to and embrace the unincorporated area of Seminole County only.

30.9.7 Alternative Density Option for Affordable Housing.

30.9.7.1 Purpose and intent.

(a) The alternative density option (hereinafter referred to as the "ADO"), is designed to encourage maximum private sector participation in the development of affordable housing opportunities within the County. It is the intent of the ADO to reduce development costs by permitting flexibility in the application of design and development standards where such flexibility can be reasonably made without reducing the overall quality of life for present and future residents of the County. It is also the intent of the ADO to reduce the time required for development review to further facilitate private sector development of affordable housing.

(b) In order to meet the intent of this Part, unless the property is located in an area designated as a CDBG Target Area designated by the Board of County Commissioners, the percentage of dwelling units which are provided as very low and low income housing units within an ADO development shall be not less than ten (10) percent and the number of low income units provided shall not exceed thirty (30) percent of the total. This provision is intended to ensure that low income units are mixed in with other income units to prevent concentrated pickets of low income households and to maintain neighborhood viability.

30.9.7.2. Applicability; compliance.

The ADO is not a separate zoning classification, but is a development option for properties assigned the R-1, R-1A, R-1AA, R-1AAA, R-1AAAA, R-2, R-3, R-3A, and R-4 zoning classifications. An applicant may submit plans and an application for development approval pursuant to the standards for these zoning classifications as set forth in this Code or may submit plans and applications for development approval pursuant to the standards and procedures set out in this Part. To the extent that the provisions of this Part are in conflict with other provisions of this Code, the provisions of this Part shall prevail. Election to use the ADO permits the submission and review of plans and applications for development approval using the procedures and standards in this Part. Failure to comply with all mandatory provisions of this Part shall be cause for revocation of any approvals which have been issued and shall result in transfer of the review to the conventional process, and shall require compliance with all applicable provisions of this Code as if the ADO had not been used.

30.9.7.3 Procedure.

(a) It is the intent of this Part that the procedure for submission, review, and consideration of a proposed development under the ADO provisions of this Part be streamlined to facilitate rapid and efficient review and consideration. Accordingly, the submission, review, and procedure set forth below incorporate the procedures established in this Code for subdivision review and site plan review with limited changes. The applicant may elect to pursue approval of a development under the provisions of this Part through use of following procedures:

(1) Pre-application meeting. Prior to submittal of a subdivision or site plan, the applicant shall request a pre-application meeting. Such meeting shall be coordinated by the Development Services Director and with appropriate Development Review Committee staff. At this meeting, the applicant shall informally, but comprehensively, review his plans and each agency represented shall discuss procedures and regulations which shall apply. In addition to submission and review requirements under this Code, all specific requirements of this Part shall be discussed. The purpose of the meeting shall be to expedite the preparation and review of plans. Failure of a review department to inform the applicant of a specific requirement at the pre-application meeting shall not authorize non-compliance with that requirement.

(2) Staff review coordinator. The Development Services Director shall assign a staff review coordinator to facilitate the review process. It shall be the staff review coordinator's responsibility to ensure that all reviews are completed in an expeditious manner and that information from the review

process is conveyed to the applicant on a timely basis. The staff review coordinator shall advise the Development Services Director and other reviewers of any deadlines for the review, as well as any relevant new information. The staff review coordinator shall also be responsible for arranging any meetings of the Development Review Committee and for keeping central records on the review process for the application.

(3) Subdivision development plan review. Following the pre-application meeting, the applicant shall submit a preliminary plan or a site plan as set forth in this Code. In addition to the other required submittals in this Code, the applicant shall provide the following:

a. A description of the dwelling unit types, sizes and prices (or price ranges) projected for the development;

b. A description of the recreational and community facilities to be included within the development, and the services to be provided in conjunction with those facilities;

c. A description of the phasing of the development, including the mix of dwelling units and facilities to be included within each phase;

d. A draft affordability agreement guaranteeing limitations on the sale or rental prices to be charged for the housing;

e. A description of the tenants and/or owners association(s) to be formed along with an explanation of the means which will be used to ensure adequate maintenance of any common land or facilities which will become the responsibility of the residents of the development;

f. The development plan and documents required shall be reviewed and approved as provided in this Code. The additional documents required herein shall be reviewed by the Development Review Committee and by the County Attorney.

(4) Board review and approval of preliminary plats and final site plans. After review and approval of the preliminary subdivision plan and the site plan by the Development Review Committee, the application shall be submitted for consideration by the Board. Issuance of a development order and execution of the affordability agreement will occur upon approval.

(5) Waivers. Any substantive requirement or standard of this Part may be waived by the Board at the time of preliminary subdivision plan and site plan approval if such waiver is permitted by state law and upon the Board finding that such waiver will result in the construction of affordable housing in the County, except that the minimum provisions for mix of affordable housing as set forth in this Code shall not be waived. All development permits and inspection fees may be waived by the Board for applications meeting the minimum requirements of the ADO if the Board finds that said waiver advances the provision of affordable housing in Seminole County.

(6) Final plan. The applicant shall have one (1) year from the date of preliminary plan approval to file for final plan approval for all of the areas

covered in the preliminary plan or the preliminary approval shall lapse. An extension of the preliminary plan approval may be granted by the Board for good cause upon written request of the applicant and the Board finding that good cause has been demonstrated by the applicant.

30.9.7.4 Affordability agreement.

Upon approval of an ADO, the applicant shall execute an affordability agreement in a form acceptable to the County. Such agreement shall include, but is not limited to, the following:

(a) Assurance that the mix of affordable housing units will be implemented as required in this Code and that the initial sales prices or rental amounts will be set within a range which is consistent with the definitions of affordable housing;

(b) Provision that there will be no modification of any portion of the approval without review of all portions to ensure that the purposes of this Part are complied with.

30.9.7.5 Development standards.

(a) Minimum size of project/location of project. A parcel must be at least five (5) acres and under single ownership or control or be located within a CDBG Target Area designated by the Board of County Commissioners.

(b) Uses. Residential uses shall be permitted, subject to the provisions of this Code. Residential dwelling types which may be permitted include: single-family dwellings (including zero-lot line dwellings), duplex dwellings, triplex dwellings and quadraplex dwellings. It is the intent of this Part to provide for livable communities with appropriate ancillary community uses and services. Accordingly, other non-residential uses may be approved by the Board at the time of approval of the preliminary subdivision plan or final site plan. These uses may include:

(1) Day care facilities;

(2) Community centers; or

(3) Houses of worship.

(c) Location of uses. Multifamily and non-residential uses shall be located near to the center of the development to be accessible to the internal circulation system and so as to be remote from adjoining development. Limited passive recreational areas such as walkways and other low-intensity recreational activities may be incorporated in residential areas near the periphery of the development to act as a buffer from surrounding neighborhoods, subject to Board approval. In permitting these uses, the Board shall consider the location, character, and extent of the uses and the degree to which noise, light, glare, traffic, or other impacts of the uses or access facilities will adversely impact on the development or surrounding areas.

(d) Density and dimensional regulations.

(1) The overall density of development permitted in an ADO project shall be the same as established for the zoning district in which it is located,

provided that the density may be increased as follows if low income housing is provided:

Percentage of Low Income Housing Units	Maximum Dwelling Units (DUS) Per Buildable Acre
10 to 15 percent	5 DUS/acre
15 to 20 percent	6 DUS/acre
20 to 30 percent	7 DUS/acre

(2) Table 1 in an Attachment to this Part sets forth the density, lot and bulk standards applicable to specific types of development under the provisions of this Part. These standards are designed to ensure usable rear yards for zero lot line and duplex structures and adequate open space between triplex and quadraplex units to maintain the livability of ADO units. Innovative lot design and alternative lot, yard and unit sizes may be approved on a case-by-case basis upon the Board finding that the proposed design meets the intent of this provision.

(e) Compatibility with adjacent development. Where an ADO development abuts an existing single-family use and development, certain additional restrictions apply. Table 2 in an attachment to this Part shows which specific uses are permitted in areas immediately adjacent to the boundary of the development when an ADO abuts a single-family district. For the purposes of this Section, setbacks shall be measured from property line separating the developments and lot widths shall refer to the lot dimension along the property line with the adjacent development.

(1) Lot widths. A wide divergence of lot widths provides the needed flexibility for developing affordable housing units. Lot widths, however, should be controlled on periphery lots adjacent to single-family neighborhoods to maintain compatibility. The number of units visible from the adjacent backyards should be the same to maintain compatibility. Minimum lot widths shall be as follows:

Minimum Lot Width Standards

Adjacent Neighborhood	ADO Project
150 feet	100 feet
100 feet	90 feet
90 feet	75 feet
75 feet	70 feet
70 feet	60 feet
60 feet	50 feet

(2) Minimum house size. Affordable housing units may be smaller than typical single-family units. For single-family and zero lot line units on peripheral lots, minimum house sizes to adjacent units shall be as follows:

Minimum House Size

Adjacent Neighborhood	ADO Project
A-1	1,300 square feet
RC1	1,300 square feet
R1AAAA	1,100 square feet
R1AAA	1,100 square feet
R1AA	700 square feet
R1A	700 square feet
All Other Single-family Residential Districts	700 square feet

(f) Parking. Each dwelling unit shall be provided with not less than two (2) off-street parking spaces. In addition, one (1) or more separate areas may be set aside in each development for supplemental parking of motor vehicles. Such area(s) shall provide for adequate space for vehicles which might otherwise park on streets, but shall not exceed four (4) spaces for each ten (10) dwelling units. Such common parking areas shall be located within four hundred (400) feet of the units they serve.

(g) Subdivision standards. Upon making findings that it would be in the best interests of the public and that the inventory of affordable housing in the County will increase as a result of a waiver, the Board may waive appropriate subdivision standards. The developer is encouraged to utilize innovative techniques that can reduce the costs of housing. The County shall review such proposals on a case by case basis.

(h) Common recreation areas. Each ADO project, except those located within CDBG Target Areas designated by the Board of County Commissioners, shall provide common recreational facilities to serve development residents. Neighborhood parks shall be provided for all ADO projects and community centers may be required for projects which exceed twenty (20) acres in size. At a minimum, neighborhood parks of a minimum of one-half (½) acre in size shall be located within walking distance (1,320 feet) of each residential unit. Depending on the configuration and size of the ADO project, these parks may be located centrally or may be required to consist of two (2) or more parks located throughout the development. Each park shall be equipped with play equipment, benches, lighting and minimum landscaping and be readily accessible from sidewalk and pedestrian ways. This requirement may be satisfied if the units are within walking distance (one thousand three hundred twenty (1,320) feet) of an existing or planned off-site public recreational facility.

(i) Community facilities. A community center area may be created to serve the development. This area shall be located near the physical center of the development and where it can be served by the internal principal street system. The community center area shall be under the management responsibility of the residents association. The community center area may provide facilities for day care, meetings and activities, and a common recreation area.

(j) Owners associations/community associations. An association or associations shall be established in connection with any development under these ADO

provisions except for those developments located within CDBG Target Areas as designated by the Board of County Commissioners. The purpose of such associations shall be to enable the residents of the project to achieve the maximum benefit therefrom, to facilitate the management of the project in the mutual interests of the residents and to maximize the continuing overall quality of the development. Those portions of a development which consist of rental housing shall provide for a tenants association. Those portions of a development which consist of non-rental units shall provide for a homeowners association. Where a development includes both rental and non-rental units, a separate umbrella association covering all residents shall be provided in addition to separate associations for owners and renters, except that a single association may represent all interests if less than ten (10) percent of the units are in either the rental or home sales category.

TABLE 1 SEMINOLE COUNTY

UNIT TYPE DESIGN STANDARDS

Use	Minimum Lot Size	Minimum Lot Width	Yards			Minimum House Size	Maximum Coverage
			Front	Rear	Side		
Single-family	11,700	90	25	30	10	1,300 s.f.	-
Single-family	9,000	75	25	30	10	1,100 s.f.	-
Single-family	8,400	70	25	30	10	700 s.f.	30%
Single-family	6,700	60	25	30	10	700 s.f.	30%
Single-family	5,000	50	25	30	10	700 s.f.	40%
Zero Lot Line:	Same standards apply except one yard may be 0 feet wide will other side yard will be twice the standard.						
Two-Family Dwelling Units							
1. (Duplex) Units on same parcel	9,000	75	25	30	10	700 s.f.	30%
2. (Twins) Units on different parcels	9,000*	37.5	25	30	10	700 s.f.	40%
Three-Family Dwelling Units							
1. Units on same parcel	10,000	100	25	30	10	700 s.f.	30%
2. Units on different parcels	12,000*	34	25	30	10	700 s.f.	30%
Four-Family Dwelling Units							
1. Units on same parcel	12,000	100	25	30	10	700 s.f.	30%
2. Units on different parcels	14,000*	34	25	30	10	700 s.f.	30%

*Total for ALL units.

TABLE 2 SEMINOLE COUNTY

PERIPHERAL COMPATIBILITY

	Adjoining Zoning District					
Uses Permitted	R-1B	R-1	R-1A	R-1AA	R-1AAA	R-1AAAA
A. Single-Family Detached	R-1BB	R-1B	R-1	R-1A	R-1AA	R-1AAA
B. SFD-Zero Lot Line*	Yes	Yes	Yes	Yes	Yes	Yes
C. Two-Family Dwelling Units						
1. Duplex- Units on same parcel						
2. Twin-Units on separate parcels	Yes	Yes	No	No	No	No
D. Three-Family Dwelling Units	Not permitted without rezoning approval.					
E. Four-Family Dwelling Units	Not permitted without rezoning approval.					

*Built to the above conventional standards.

Source: Florida Planning Group, Inc., 1991.

30.9.8 Gun Clubs.

30.9.8.1 The Board of County Commissioners shall not place any restriction or condition on a gun club that in any way regulates or affects the purchase, sale, transfer, taxation, manufacture, ownership, possession, storage, or transportation of firearms or ammunition nor shall the Board of County Commissioners take any action that is prohibited by Section 790.33, Florida Statutes (2020), as this statute may be amended from time to time.

PART 10. OVERLAY DISTRICTS

30.10.1 Aquifer Recharge Overlay Zoning Classification.

30.10.1.1 Creation of aquifer recharge overlay zoning classification.

In addition to and supplemental to all Seminole County zoning requirements and land development regulations heretofore and hereafter established by designated zoning categories and classifications, there is hereby created an overlay zoning classification known as the "Aquifer Recharge Overlay Zoning Classification". Property within the land use regulatory jurisdiction of the County as hereinafter defined, shall be subject to all provisions herein.

30.10.1.2 Purpose.

The Floridan aquifer is the most important source of potable water supply in Seminole County, Florida. The County desires to maintain an active role in protecting this sensitive natural resource through enactment of appropriate regulatory measures and coordination with federal and state agencies and other local governments. Accordingly, the purpose of this Part is to safeguard the public health, safety and welfare of the people of the County by protecting, preserving and maintaining the functions of the most effective recharge areas within unincorporated Seminole County. Preservation of the most effective recharge areas is necessary to maintain an acceptable quantity and quality of available potable water resources. This shall be accomplished by regulating development activities which may contribute to the degradation of the aquifer, reduce natural recharge and severely disrupt the natural flow regimes.

30.10.1.3 Scope and authority.

The Aquifer Recharge Overlay Zoning Classification shall be considered as overlaying other zoning classifications. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to compliance with the provisions of this classification. If conflicts should arise between the zoning supplemental regulations herein and any other existing regulations, the more restrictive regulations shall apply.

30.10.1.4 Affected area.

(a) There is hereby established within the unincorporated area of Seminole County an aquifer recharge protection district consisting of the most effective recharge area as herein determined by data provided by the United States Geological Survey, the Soil Conservation Service and the St. Johns River Water Management District. The provisions of this Part shall apply to all development within the most effective recharge area as depicted in an attachment to this Part. Most effective recharge areas can be more accurately defined by a combination of soil types and hydrology. The soil conservation service has categorized soils according to hydrologic characteristics and these categorizations shall be used in part to determine the most effective recharge areas.

(b) The most effective recharge areas for the Floridan aquifer in Seminole County are shown in the Appendix and have the following characteristics:

(1) The natural surface drainage system is poorly developed and the amount of runoff with respect to rainfall is relatively low;

(2) The potentiometric surface of the Floridan aquifer may show "bulges" as found, for example, in the Geneva area of eastern Seminole County;

(3) The mineralization of water in the Floridan aquifer is less than that in the poor and very poor recharge areas;

(4) The land surface and the water table are many feet above the potentiometric surface of the Floridan aquifer and the confining layer is either permeable/semipermeable or wholly absent; such areas are characterized by many closed depressions, lakes and ponds which may indicate past sinkhole activity;

(5) The soils are generally well drained. Recharge rates in the most effective recharge areas range from ten (10) inches to as much as twenty (20) inches of rainfall annually.

30.10.1.5 Recharge area designation.

An applicant may object to the designation of land as a most effective recharge area by demonstrating through the submittal of competent expert evaluations including, but not limited to, data derived from soil analyses and sampling and hydrological studies, to the Development Review Manager that the land does not have the associations and characteristics set forth in this Part. If the Development Review Manager concurs with the evaluations submitted by the applicant, these provisions shall not apply to the subject land.

30.10.1.6 Off-street parking and landscaping regulations.

(a) In addition to all other provisions in this Code, the following provisions shall apply:

(1) With the exception of ADA accessible parking spaces, all required parking pursuant to Section 30.11.2 may remain unpaved at the option of the developer. In addition, all parking spaces exceeding the minimum number prescribed by Section 30.11.2 shall be unpaved. Whether paved or unpaved, all parking spaces shall be designated as to location, size, and dimensions on an approved site plan meeting the requirements of Chapter 40.

Grass, mulch, gravel, turf block or any durable dust free surface shall be used in the unpaved spaces if permitted by state law, but all drive aisles shall be compacted and paved, unless other approved by the Public Works Director or designee.

(2) With the exception of ADA accessible parking spaces, a maximum reduction of two (2) feet from the required depth of a parking stall and one (1) foot from the required width of a parking stall shall be permitted for designated parking spaces.

(3) Reasonable efforts shall be made in the design and construction of all site improvements and alterations to save existing trees and native vegetation. Existing native vegetation that is specified to remain shall be preserved in its entirety with all trees, understory and ground cover left intact. Every effort shall be made to minimize alteration of the existing topography to preserve existing vegetation and maintain natural flow regimes.

30.10.7 Development standards.

(a) Impervious area. The maximum area covered by structures and impervious surface shall not exceed sixty-five (65) percent for non-residential uses and sixty (60) percent for residential uses of the total land area. Pervious areas may be used to satisfy landscaping, setback, buffer strip, drain field and passive recreation area requirements or any other purpose not requiring covering with a material which prevents infiltration of water into the ground.

(b) Stormwater detention. To the extent permitted by the St. Johns River Water Management District and/or the Florida Department of Environmental Protection, the multiple use of on-site wetlands for the detention of stormwater shall be highly encouraged. Any stormwater management system incorporating wetlands for stormwater treatment shall comply with Chapter 40C-42, F.A.C., as amended, or its successor provisions, Design and Performance Criteria for Wetland Stormwater Management Systems.

(c) Runoff. Each parcel shall be developed to maximize the infiltration of natural rainfall into the soil and to minimize direct overland runoff into adjoining streets and watercourses. Stormwater runoff from roofs and other impervious surfaces should be diverted into swales or terraces on the parcel when possible. Runoff from driveways, roofs or other impervious areas should be diverted so as to flow over grassed areas prior to flowing into any drainage system whenever possible.

30.10.8 Post-development recharge standards.

Land alteration in conjunction with development should not significantly alter the recharge or storage characteristics of the site including, but not limited to, the removal of high permeability soils or replacement with lower permeability soils. Post-development groundwater infiltration rates and volumes within the most effective recharge areas must meet the following standards:

(a) Three (3) inches of runoff from the directly connected impervious area are required within the project boundary; however, an applicant may demonstrate to the County Engineer or his or her designee and the County Engineer or designee may find that the post-development recharge will be equal to or greater than the pre-development recharge. This standard may be achieved by means of natural infiltration, ponding for stormwater retention or detention, structural exfiltration systems or any other method which complies with the requirements of the Seminole County, Florida Public Works Engineering Manual described in Section 5.20(a) of this Code.

(b) Developed sites are required to retain the total difference between the pre-development and post-development runoff volume as generated by a 25-year frequency, twenty-four (24) hours duration storm event.

(c) Development sites are required to detain stormwater for a period of time sufficient to ensure that the recharge potential of the site in its pre-development condition is not significantly affected. The County Engineer or designee may require an applicant for development within the most effective recharge areas to submit reasonable and necessary information, studies or data to determine the pre-development and post-development recharge rates.

(d) Runoff must be discharged from impervious surfaces through retention areas, detention devices, filtering and cleansing devices and subject to industry accepted Best Management Practices (BMPs). For projects with substantial amounts of paved areas (for example, shopping centers and high density developments) provision must be made for removal of oil, grease and sediment from stormwater discharges.

30.10.1.9 Site plan review requirements.

In addition to the requirements of Chapter 40 of this Code, the following information shall be included on-site plans:

(a) Location and size of interior and exterior areas and structures to be used for storage, use, loading/unloading, recycling or disposal of hazardous substances.

(b) Location of all underground and aboveground storage tanks for such uses such as fuel storage, waste oil holding tanks, chemical storage, hazardous waste storage and collection of contaminated stormwater or wash water and all similar uses.

(c) Location of exterior drains, dry wells, catch basins, retention/detention areas, sumps and other facilities designed to collect, store or transport stormwater. The point of discharge for all drains and pipes shall be specified on the site plan. Sites at which hazardous substances are stored, used or generated shall be designed to prevent spills and discharges to the air, surface of the ground, groundwater, lakes, streams, rivers or wetlands.

30.10.2 Scenic Corridor Overlay Zoning District.

30.10.2.1 Title.

This Part shall be known and may be cited as the "East Seminole County Scenic Corridor Overlay District Ordinance".

30.10.2.2 Legislative findings.

The following findings are hereby adopted as legislative findings by the Board of County Commissioners:

(a) The Comprehensive Plan of Seminole County provides for the protection and maintenance of the rural landscape and community character of East Seminole County.

(b) The visual character of the landscape along the major and minor roads defines the rural landscape and community character of East Seminole County.

(c) The rural landscape and community character of East Seminole County is an important resource that contributes to the high quality of life of Seminole County.

(d) Agricultural activities in East Seminole County are an important historical, cultural and economic resource that contributes to the quality of life of Seminole County.

(e) The character, location and distribution of uses and structures along the major and minor roads in East Seminole County defines the visual character of East Seminole County.

30.10.2.3 Purpose.

The purposes of the Scenic Corridor Overlay District are to:

(a) Preserve and enhance the rural character and scenic qualities along major and minor roads in the rural parts of Seminole County; and

(b) Prevent the visual encroachment of buildings and structures which restrict scenic views or are architecturally incompatible with the scenic character along major and minor roads in the rural parts of Seminole County; and

(c) Maintain existing vegetation along the major and minor roadway system in rural Seminole County; and

(d) Provide for safe and efficient traffic flow by minimizing individual property curb cuts; and

(e) Implement, and be consistent with, the Comprehensive Plan.

30.10.2.4 Applicability.

All development within a designated scenic corridor including, but not limited to (to the extent permitted by law) development undertaken by agencies of local, regional, state, or federal government, shall be carried out in accordance with each and every requirement of this Part, in addition to each and every requirement of any underlying land development regulations.

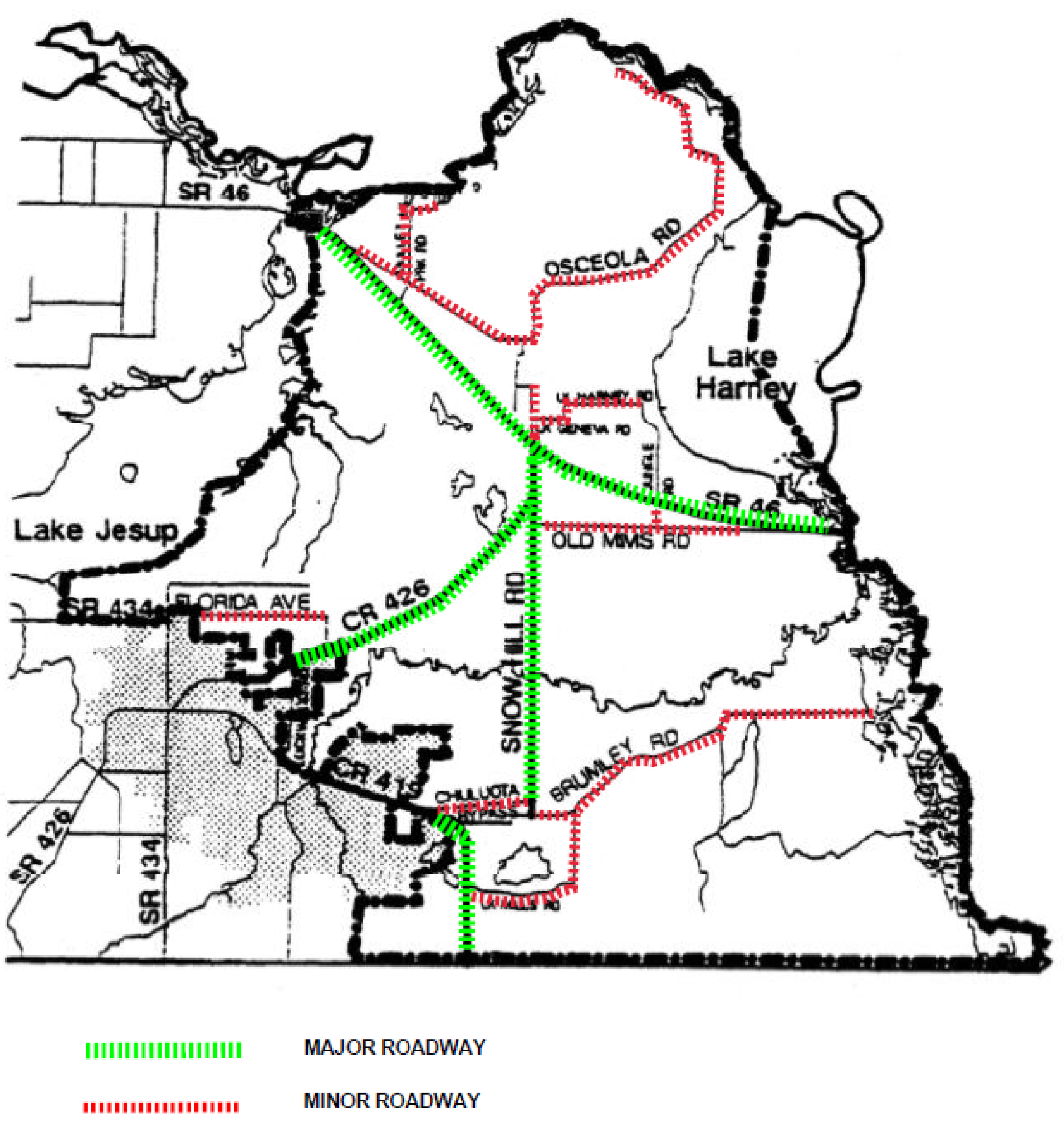
30.10.2.5 Establishment of scenic corridors.

(a) Scenic corridors, in addition to those designated in subsection (b) of this Section, shall be established by the Board of County Commissioners pursuant to the procedures for designating land uses on the future land use map of the Comprehensive Plan and as an amendment to this Code.

(b) The following scenic corridors are hereby designated within the East Area Study Boundary of Seminole County as depicted in the map below:

(1) Major roads (as the term is used in this Part): County Road 419 from Lockwood Road to the Seminole County line, State Road 46 from Lake Jesup to the Seminole County line, County Road 426 from State Road 434 east to the Seminole County line, and the entire length of Snowhill Road.

(2) Minor roads (as the term is used in this Part): The entire length of Florida Avenue, Lockwood Road, Lake Mills Road/Brumley Road that "loops" Lake Mills, the Chuluota By-Pass, Lake Geneva Road, 1st Street, Lake Harney Road, Old Mims Road/Jungle Road south of State Road 46, Osceola Road, and Mullet Lake Park Road.



<u>Scenic Corridor</u>

30.10.2.6 Development standards.

(a) Scenic corridor setbacks.

Except for those structures expressly authorized in this Section and except for land designated as Commercial, Suburban Estates, or Low Density Residential

on the future land use map, no structure, parking or outdoor storage shall be located:

(1) Within two hundred (200) feet from the centerline of the right-of-way in scenic corridors along a major road; or

(2) Within fifty (50) feet from the centerline of the right-of-way in scenic corridors along a minor road.

(3) Notwithstanding any other provision of this Code, except within the Commercial, Suburban Estates, and Low Density Residential future land use designations, the following structures and uses shall be the only structures and uses permitted within the designated scenic corridor setbacks:

a. Agricultural buildings in accordance with the standards of this Part.

b. Signs in accordance with the sign standards of this Part.

c. Landscaping features required by this Part and other permitted landscape materials.

d. Fences, gates, mailboxes, and entranceways in accordance with the architectural design standards of this Part.

e. Access ways or access points in accordance with the access standards of this Part.

f. Bus stops, bus shelters, signage, and other such improvements related thereto.

g. Signs, markings, traffic control devices, and such other improvements related to the safe and efficient movement of traffic.

(b) Signage.

(1) All signs shall reflect the rural character of Central Florida and incorporate a traditional typeface and format. Examples of appropriate signage are set out in an attachment to this Part. These signs are to be constructed in accordance with the other provisions of this Code unless otherwise specified in this Part.

(2) The faces of all signs shall be made of natural materials or substances derived from natural materials including, but not limited to, wood, stucco, stone, brick and clay tile.

(3) No sign shall be internally lighted. Externally illuminated sign lights shall be focused, directed, and so arranged as to prevent glare or direct illumination or traffic hazard from said lights onto residential districts or onto the abutting roadways. No flashing or pulsating lights shall be permitted on any sign.

(4) Each primary residence with access on a major or minor road shall be permitted one (1) sign of not more than one and one-half (1.5) square feet per dwelling unit.

(5) Each non-residential use shall be permitted one (1) sign of not more than thirty-six (36) square feet in area and six (6) feet in height.

(6) One street name or identification sign of not more than one and one-half (1.5) square feet shall be allowed at each permitted access way or access point along major and minor roads.

(7) Notwithstanding any other provision of this Part, no more than one (1) sign per parcel of land or five (5) acres, whichever is greater in land area, shall be located within the scenic corridor setback along major roads; provided, however, that all signs located within the scenic corridor setback along major roads shall be:

(8) Ground signs and shall not exceed six (6) feet in height; and

(9) Landscaped with native species in a manner consistent with the landscape treatment portrayed in an attachment to this Part.

(c) Fences, gates, mailboxes, and entranceway features.

(1) All fences, gates, mailboxes, and entranceways developed in conjunction with a non-agricultural use within the scenic corridor setback shall be made of natural materials or substances derived from natural materials including, but not limited to, wood, stucco, stone, brick and clay tile.

(2) No entranceway feature shall be internally lighted.

(3) No fence, gate, mailbox, or entranceway feature within the scenic corridor setback shall be greater than four and one-half (4.5) feet in height.

(4) No more than forty (40) percent of the surface area of any fence within the scenic corridor setback shall be opaque.

(d) Landscaping and bufferyards.

(1) All landscaping required in conjunction with the Land Development Code requirements for the scenic corridor setback shall be native plant species in accordance with the landscape list in the Florida Friendly Landscaping Guide to Plant Selection & Landscape Design.

(2) All non-residential uses shall be separated from residential uses on adjacent properties by one of the following bufferyards:

a. A bufferyard of two hundred (200) feet between residential and non-residential buildings; or

b. A bufferyard of one hundred (100) feet between residential and non-residential buildings landscaped with:

i. One (1) canopy tree per fifty (50) linear feet; and

ii. Two (2) understory trees per fifty (50) linear feet of common property line; and

iii. Eight (8) shrubs per fifty (50) linear feet of common property line; or

c. A bufferyard of fifty (50) feet between residential and non-residential buildings landscaped with:

i. One (1) canopy tree per twenty-five (25) linear feet of common property line; and

ii. Two (2) understory trees per twenty-five (25) linear feet of common property line; and

iii. Eight (8) shrubs per twenty-five (25) linear feet of common property.

(3) No existing canopy trees shall be removed in the scenic corridor setback unless the clearing is necessary to provide access, the tree is diseased, or to address public safety emergencies.

(4) No clearing within the scenic corridor setback shall be permitted except in conjunction with a permit issued for development authorized under the provisions of this Part or for public safety requirements.

(e) Access standards.

(1) Notwithstanding any other provision of this Part, no access way or access point for rural subdivisions or waivers to plats shall be located within four hundred forty (440) feet of any other driveway or other way of access on the same side of a major road in any scenic corridor unless such denial of access would be contrary to law.

(2) No access way or access point driveway along a major road in a scenic corridor shall be developed on a parcel of land which has frontage on a public road other than the major road.

(3) To the maximum extent feasible, driveways along a major or minor road shall curve or wind so as to restrict views of the structure located on the parcel from the public roadway.

(f) Permitted uses.

(1) Notwithstanding any other provision of this Code, no development shall be carried out on land within a designated scenic corridor except for land designated as Commercial on the future land use map and except for agricultural uses and structures.

(2) Open space which is created by clustering shall be subjected to an open space easement limiting the use of the property to open space and/or agricultural purposes in perpetuity. The developer shall provide for the ownership and maintenance of the open space from which development is clustered, unless dedicated to and accepted by a public agency.

(g) Nonresidential Building Design Standards.

(1) The development criteria enumerated in this Paragraph shall apply generally to commercial and other nonresidential structures throughout the Scenic Corridor Overlay District. However, the following structures and uses shall be exempt from these provisions:

a. Residential structures and accessory structures thereto.

b. Houses of Worship.

c. Public schools.

d. Public Utility structures.

e. Barns and other structures accessory to a bona fide agricultural use.

(2) Setbacks.

a. Structures on lots having a Commercial, Suburban Estates, or Low Density Residential future land use designation and fronting on a major or minor road as designated in Sec. 30.10.2.5 shall have a minimum street yard setback of twenty-five (25) feet.

b. Structures on lots having a Rural-3, Rural-5, Rural-10, or Preservation Managed Lands (PML) future land use designation and fronting on a major or minor road as designated in Sec. 30.10.2.5 shall have a minimum street yard setback as required under Sec. 30.10.2.6.

c. All properties shall meet required side and rear setbacks as set forth in the applicable zoning district.

(3) Site Furnishings.

Benches and bollards shall be made of wood or wood-like materials.

(4) Exterior Building Materials.

Brick, stucco, or wood-type construction will be the standard exterior facade material required for all applicable development and redevelopment. Metal buildings will only be permitted when a primary exterior façade with the appearance of brick, stucco or wood-type construction visible from Major or Minor street is provided.

(5) Color Scheme.

a. No building or structure shall exhibit more than three colors.

b. Fluorescent or neon colors are prohibited.

(6) Roof Design.

All mechanical equipment and appurtenances placed on the roof will be screened so that they are not visible from any public right-of-way.

(7) Doors.

Main entrance doors shall be thirty (30) to eighty (80) percent glass. Glass shall not be required in service doors and emergency exits.

(8) Awnings.

Awning color shall be solid and neutral, and with no more than one color on any given awning. Both awning and flat canopy treatments are permitted

provided one or the other is uniformly applied to the entire building. Internally illuminated awnings, stretch awnings on curved aluminum frames, and backlighted awnings with plastic fabric shall be prohibited.

(9) Signs.

a. Wall Signs.

Wall signs shall be designed as an integral architectural feature of the structure. The maximum area (expressed in square feet) of wall signs for single-occupant buildings or buildings within a cluster shall be calculated by multiplying the building front footage by one and one-half (1.5) feet. Placement of signs on a building shall not obscure or conflict with awnings, canopies, windows, cornices or other similar architectural details.

b. Window Signs.

Window signs shall not occupy more than twenty-five (25) percent of available glass area, and shall not visually obstruct the display or inside of the building. Neon signs are not permitted.

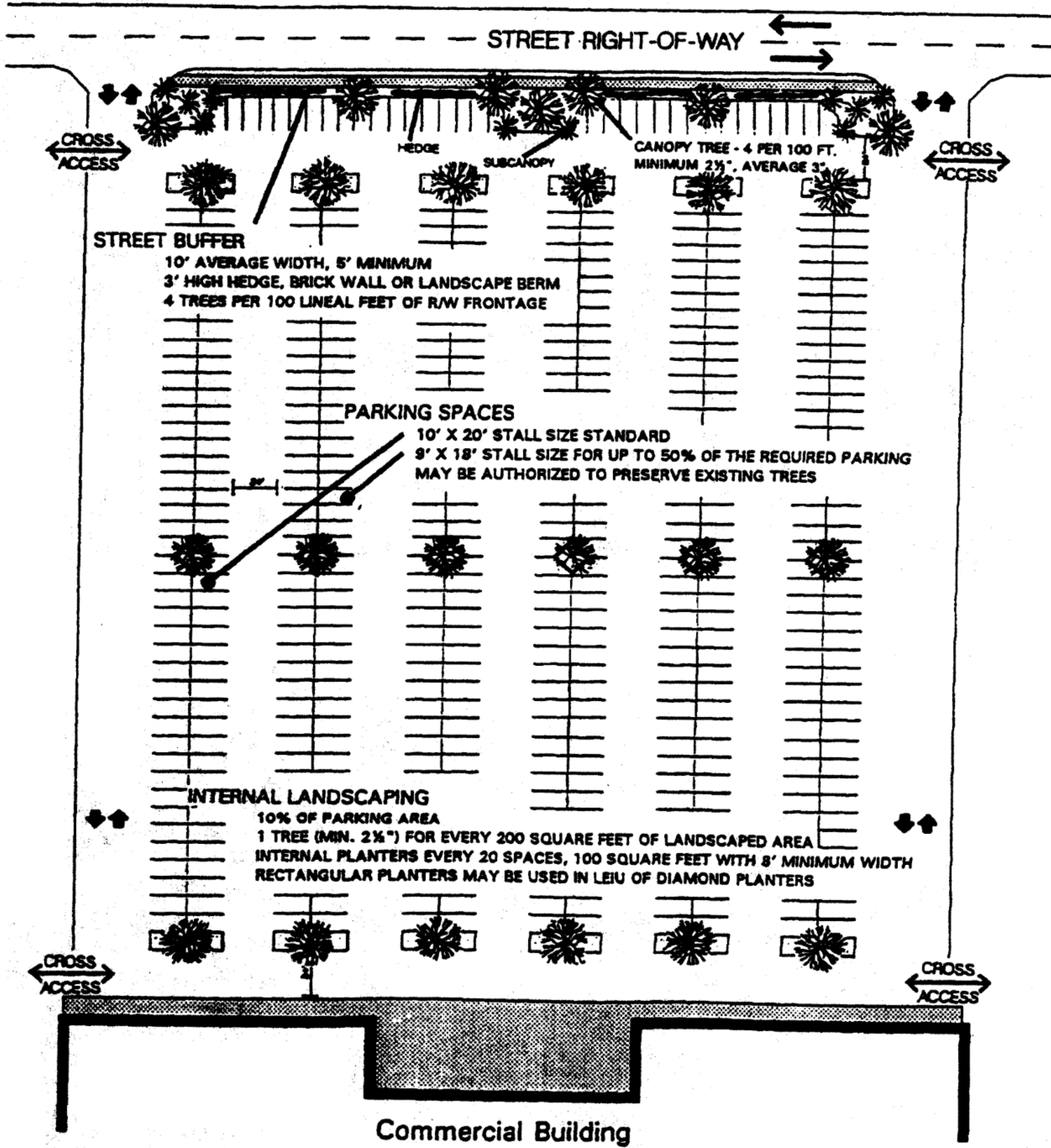
c. Ground Signs.

Ground signs shall be designed to be compatible in appearance with the principal building.

d. Prohibited Signs.

In addition to the signs prohibited in Sec. 30.10.2.5, the following sign types shall be prohibited:

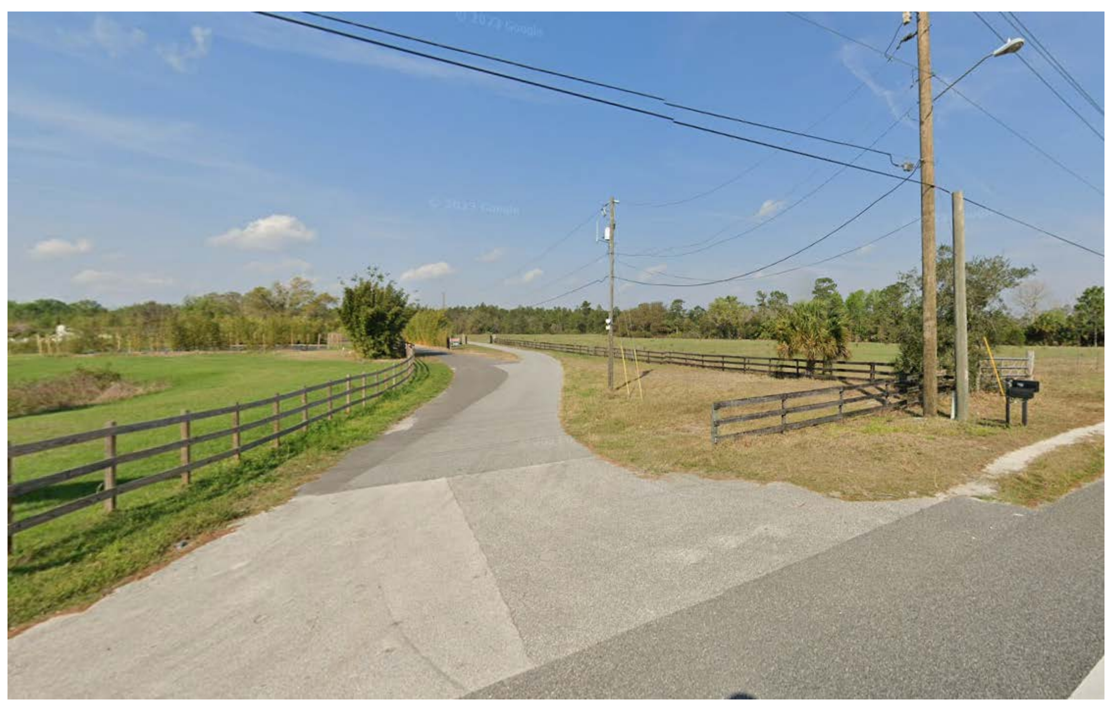
1. Blinking lights, changeable message boards and electronic message signs.
2. Reverse illuminated (receive light from an internal source) plastic signs.
3. Reader boards and information displays.
4. Neon signs and changeable copy signs.
5. Ground signs constructed at an angle with the façade of the associated building.
6. Pole signs.
7. Billboards.



Landscaping Adjacent to Street Right-of-Way and Parking Lot Landscaping

Sign Pictures

Driveway Pictures



Fence Pictures

30.10.3 Lake Mary Boulevard Gateway Corridor Overlay Standards Classification.

30.10.3.1 Creation.

In addition to, and supplemental to, all Land Development Code requirements heretofore and hereafter established, there is hereby created an overlay zoning classification known as the "Lake Mary Boulevard Gateway Corridor Overlay Standards Classification." Property within the Lake Mary Boulevard Gateway Corridor listed and described within Section 30.10.3.13 Designated Gateway Corridor, of this Part, shall be subject to all provisions herein.

30.10.3.2 Purpose.

The purpose of this Part is to insure that the designated Gateway Corridor is developed in a manner which:

(a) Insures the roadway is developed into a well landscaped, scenic gateway;

(b) Provides uniform design standards to establish high quality development;

(c) Prevents visual pollution caused by unplanned and uncoordinated uses, buildings and structures;

(d) Maximizes traffic circulation functions from the standpoint of safety, roadway capacity, vehicular and non-vehicular movement;

(e) Maintains and enhances property values;

(f) Preserves natural features to the extent practicable; and

(g) Recognizes and makes allowances for existing uses and buildings.

30.10.3.3 Building setback.

The front of any building constructed on a parcel shall be setback a minimum of fifty (50) feet from the right-of-way line; provided, however, a greater setback shall be required if a more restrictive setback is contained within the underlying zoning classification from the adopted right-of-way line.

30.10.3.4 Building height.

No building shall be constructed whose roof exceeds thirty-five (35) feet in height.

30.10.3.5 Required corridor buffer and buffer design.

A landscape buffer at least fifteen (15) feet in width, which shall be greater if a more restrictive setback is required by the underlying zoning classification, shall be provided abutting the designated roadway right-of-way lines.

(a) The developer/property owner shall be responsible for the purchase, installation, maintenance and irrigation of all required landscaping.

(b) The buffer area shall be planted with live oaks, of four (4) inch diameter at breast height (dbh) at planting, along a line ten (10) feet back from the right-of-way line. The trees shall be planted every forty (40) feet and staggered so as to be midway between the live oaks planted in the adjacent right-of-way. A minimum of four (4) sub-canopy trees per one hundred (100) feet of road frontage shall be planted in and abut access points and intersections.

(c) No existing, dedicated, or reserved public or private right-of-way shall be included in calculation of the buffer width.

(d) Stormwater retention areas shall not be placed in the buffer area.

(e) If parking abuts the buffer, a continuous shrub hedge shall be arranged or planted to insure that a height of three (3) feet will be attained within one (1) year of planting so as to screen a minimum of seventy-five (75) percent of the parking area, to that height, as viewed from the right-of-way.

(f) Existing vegetation shall be used where possible to meet these requirements.

30.10.3.6 Parking areas.

Parking lots shall be designed and landscaped according to the following criteria:

(a) Landscape requirement. A minimum of ten (10) percent of all parking area and entryways shall be landscaped with vegetation listed in the Florida-Friendly Landscape Guide.

(b) Parking bays. Parking bays shall not be larger than forty (40) spaces.

(c) Landscape breaks.

(1) Perimeter landscaped parking breaks shall be a maximum of two hundred (200) square feet in area, planted with one (1) canopy tree and a maximum of twenty (20) spaces apart.

(2) Internal landscaped breaks shall be a minimum of four hundred (400) square feet planted with one (1) canopy tree, two (2) to three (3) inches dbh, for every landscape break and a minimum of three (3) shrubs for every landscaped break. Internal breaks shall be a maximum of twenty (20) spaces apart.

(3) Diamond landscaped breaks shall be placed every ten (10) spaces internally, shall be eight (8) feet by eight (8) feet and shall be planted with one (1) canopy tree.

(d) Preservation. Existing vegetation shall be preserved where possible.

(e) Lighting. Parking lot lighting shall be designed in accordance with Part 15, Chapter 30 of this Code.

30.10.3.7 Signage.

Signs shall be erected or installed according to the following criteria:

(a) Wall signs. The maximum allowable wall sign area shall be one and one-half (1.5) square feet per one (1) linear foot of building frontage. Total sign area shall be the sum of all sign areas excluding window signs or opening banners. No individual wall sign shall exceed one hundred (100) square feet in size for a building with less than two hundred (200) linear feet of building frontage. For buildings with building frontage exceeding two hundred (200) linear feet, no individual sign shall exceed two hundred (200) square feet in size.

(b) Ground signs.

(1) Only one (1) ground sign shall be allowed per parcel with four hundred (400) feet or less road frontage. If a parcel's road frontage exceeds four hundred (400) feet and is less than seven hundred (700) feet then a maximum of two (2) ground signs shall be allowed, but no closer than three hundred (300) feet apart. If a parcel's road frontage exceeds seven hundred (700) feet, then a maximum of three (3) ground signs shall be allowed, but no closer than three hundred (300) feet apart. For the purpose of this Part, a parcel does not have to be a legally subdivided lot.

(2) Vertical structural supports for ground signs shall be concealed in an enclosed base. The width of such enclosed base shall be equal to at least two-thirds (⅔) the horizontal width of the sign surface. A planter structure shall enclose the foot of the base. The planter shall be between two (2) and three (3) feet in height above the ground, with a minimum length equal to the width of the sign and a minimum width of three (3) feet. The base and planter shall be of brick.

(3) Any external above ground light source shall be located and hidden within the planter bed. Light sources located outside the planter bed shall be in a burial fixture.

(4) The maximum height of the entire sign structure shall be fifteen (15) feet above the elevation of the nearest sidewalk.

(5) The planter setback shall be a minimum of five (5) feet from the right-of-way.

(6) The maximum allowable ground sign area shall be one and one-half (1.5) square feet per one (1) linear foot of building frontage but shall not exceed one hundred (100) square feet. Ground sign base, sides and top are excluded from the sign area calculation.

(c) Maximum total sign area. In no case shall the sum of total wall sign square footage plus total ground sign square footage exceed two (2) square feet per one (1) linear foot of building frontage on any given parcel.

(d) Movement. No ground sign nor its parts shall move, rotate or use flashing lights.

(e) Illumination. Sign lights shall be focused, directed, and so arranged as to prevent glare or direct illumination or traffic hazard from said lights onto residential districts or onto the abutting roadways. No flashing or pulsating lights shall be permitted on any sign.

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

(g) Exempted signs. Real estate signs.

(h) Flags. Flags are permitted as follows: a maximum of one (1) state, one (1) federal and one (1) local/County flag per parcel, each a maximum of thirty-five (35) square feet.

(i) Opening banners. Opening banners shall be allowed from two (2) weeks prior to opening until one (1) month after opening.

30.10.3.8 Utility lines.

All new or relocated utility lines within the designated corridor shall be constructed and installed beneath the surface of the ground unless it is determined otherwise by the Board of County Commissioners in exercising the public's proprietary rights over publicly owned rights-of-way.

30.10.3.9 Walls.

All freestanding walls, sound barriers, ground sign enclosures, planters, etc. fronting along the designated roadway or its major intersections shall be of brick construction.

30.10.3.10 Additional zoning variance criteria.

(a) Landscape buffer width. The width may be reduced to a minimum of ten (10) feet only if the lot is less than two hundred (200) feet deep.

(b) Ground signs. In order for ground signs along intersecting roadways which are greater than three hundred twenty (320) feet from the corridor roadway centerline to be approved, it must be demonstrated that the sign is not visible from the corridor roadway and that the sign is directed in such a manner as to be predominantly viewed from the intersecting street.

30.10.3.11 Design standard variances.

Variances to design standards set forth herein shall be determined in accordance with the procedures and standards set forth in Part 10, Chapter 40, for variance from site plan requirements.

30.10.3.12 Exemptions.

All residentially zoned single-family lots are exempted from meeting all standards contained in this Part except for the burial of utility service lines, wall requirements and the building setback requirement.

30.10.3.13 Designated gateway corridor.

The designated gateway corridor/roadway subject to the provision of this Part is Lake Mary Boulevard from Markham Woods Road to the Orlando Sanford Airport entrance (that segment of Lake Mary Boulevard beginning at Sanford Avenue and terminating at the Orlando Sanford Airport being designated as "East Lake Mary Boulevard") including all property within three hundred twenty (320) feet of the adopted centerline of Lake Mary Boulevard including intersecting roadways to the same depth. If any part of any parcel abuts the right-of-way line of the designated roadway, the entire parcel shall be subject to this Part as if the parcel were wholly within the stated corridor width.

30.10.3.14 Future Gateway Corridor Study Commissions.

Prior to the beginning of the public hearing process to adopt future County Gateway Corridor Ordinances for additional roadway segments, the County and the participating city or cities shall coordinate, insofar as is practicable, their efforts in formulating such ordinances or amendments thereto.

30.10.3.15 General buffering requirements.

The provisions of Part 14, Chapter 30 are specifically included among the general Code requirements applicable to properties in the gateway corridor.

30.10.4 Econlockhatchee River Protection Overlay Standards Classification.

WHEREAS, the Econlockhatchee River Basin is located, in part, in Seminole County, Florida and includes the Big Econlockhatchee River and its tributaries (one of which is the Little Econlockhatchee River); and

WHEREAS, the Econlockhatchee River Basin is graphically depicted in Exhibit "A", which exhibit is attached hereto and incorporated herein as if fully set forth herein verbatim; and

WHEREAS, the property within Seminole County that is located within the Econlockhatchee River Basin involves more than five (5) percent of the total land area of Seminole County; and

WHEREAS, the Econlockhatchee River Basin contains a diverse and unique ecosystem which, at the time of the enactment of this Part, is largely undeveloped; and

WHEREAS, growth and development pressures that are being experienced in the Central Florida area, generally, and in Seminole County, specifically, are likely to be particularly detrimental to the Econlockhatchee River Basin absent effectual regulation; and

WHEREAS, the St. Johns River Water Management District has commissioned a two phase program to develop a Basin-wide Natural Resources Development and Protection Plan for the Econlockhatchee River Basin; and

WHEREAS, Phase I of the Econlockhatchee River Basin Study, dated October, 1990, has been completed and has been utilized in formulating the provisions of this Part; and

WHEREAS, the Econlockhatchee River Basin Task Force has issued final recommendations to local governments based on the results of Phase I of the Econlockhatchee River Basin Study; and

WHEREAS, the Board of County Commissioners of Seminole County, Florida (hereinafter referred to as the "Board" or the "County" depending upon the context; provided, however, that when determinations are to be made by the County under the provisions of this Part said determinations shall be made by the County staff delegated the particular responsibility or function) has found and determined that, for the sake of the health, safety and welfare of the people of Seminole County, special land development regulations to facilitate a balance between private property rights, development and growth and the ecological and aesthetic well-being of the Econlockhatchee River Basin need to be promulgated and enacted in order to prevent public harms that would likely result without the protections afforded by such special land development regulations; and

WHEREAS, if the environmental integrity of the Econlockhatchee River Basin and the surface and groundwater resources it represents can be protected, then the capacity of Seminole County as a whole to sustain and support sound economic growth is enhanced; and

WHEREAS, the Board believes that it is in the best interests of the people of Seminole County to review and consider the incorporation of appropriate recommendations of the Econlockhatchee River Basin Task Force and Study into the Seminole County Comprehensive Plan and the Land Development Code of Seminole County after public input has been solicited and considered and all required public hearings have been held; and

WHEREAS, to implement the recommendations of the Econlockhatchee River Basin Task Force and Study, the Board finds and determines that it is necessary and desirable to adopt the land development regulations as set forth herein which provide for the minimal impact to private property

rights while facilitating the protection of the Econlockhatchee River Basin and, further, finds and determines that such land development regulations shall be applied to all development projects within the Econlockhatchee River Basin on a project by project basis as specified herein when those applications are processed through the established development review process and procedures of Seminole County; and

WHEREAS, accordingly, the Board hereby finds, determines and declares that the land development regulations set forth in this Part are critically important to the successful implementation of the Econlockhatchee River Basin Study in order to prevent public harms that would otherwise occur and to address public harms that may have previously occurred and in order to protect and preserve the future well being of this regionally unique and environmentally sensitive area and natural resources.

30.10.4.1 Creation.

In addition to, and supplemental to, all Land Development Code requirements and land development regulations heretofore or hereafter established, there is hereby created an overlay zoning classification known as the "Econlockhatchee River Protection Overlay Standards Classification". Property located within the land use regulatory jurisdiction of the County and within the Econlockhatchee River Basin, as hereinafter defined, shall be subject to the provisions and requirements set forth in this Part in addition to all underlying and overlaid zoning classifications assigned to the property by the County.

30.10.4.2 Statement of purpose.

The purpose of this Part is to prevent, avoid and deter public harms by protecting the public's historical interests and the future interests of the public in the important and sensitive natural resources of the Econlockhatchee River Basin ecosystem by balancing development and growth and private property rights with the public's rights and the public policy to protect environmental resources in the least intrusive manner feasible under the circumstances. The purpose of this Part is also to establish general policies and guidelines for future development in the Econlockhatchee River Basin in order that the environmental integrity of the basin will be placed in the forefront of all considerations relating to development proposed to occur in the basin. The Board hereby finds and determines that the public has a legitimate and important interest in protecting water quality and hydrology, water quantity, wildlife habitat, aesthetics, open space and historical archaeological resources and desires to implement and reaffirm the provisions of Article II, Section 7 of the Constitution of the State of Florida which provides that "[i]t shall be the policy of the state to conserve and protect its natural resources and scenic beauty. Adequate provision shall be made by law for the abatement of air and water pollution and of excessive and unnecessary noise." The Board hereby finds and determines that the provisions and requirements of this Part are consistent with the provisions of the State Comprehensive Plan (Chapter 187, Florida Statutes) relating to water resources, natural systems and recreational lands, property rights and land use and all other elements of said plan. The Board hereby further finds and determines that the provisions and requirements of this Part are consistent with the regional policy plan adopted by the East Central Florida Regional Planning Council and the Seminole County Comprehensive Plan. The Board also hereby finds and determines that the provisions and requirements of this Part are necessary to prevent public harms and for the protection of the public's health, safety and welfare and, further, for the protection of this unique and important natural resource and ecosystem. All of such findings and determinations are fully supported by the October, 1990 "Econlockhatchee River Basin Natural Resources Development and Protection Plan"

adopted by the St. Johns River Water Management District. The Board hereby ratifies and adopts the recitals in the preamble to this Part set forth prior to this Section.

30.10.4.3 Affected area/definitions.

(a) The area over which this Part shall be applicable shall be that portion of the Econlockhatchee River Basin within the boundaries of Seminole County, Florida. For the purposes of this Part, the "Econlockhatchee River Basin" shall mean and be referred to as those lands within Seminole County which are described in Exhibit "A". The determination as to whether a development project is within the Econlockhatchee River Basin shall be made pursuant to Section 30.10.4.7. All property that is within the Econlockhatchee River Basin, but is not within the "Econlockhatchee River Corridor Protection Zone", as described below, shall be subject to the Basin wide land development regulations set forth herein, but shall not be subject to the provisions of this overlay zoning classification relating to properties located within the Econlockhatchee River Corridor Protection Zone which provisions shall only apply to properties located within said zone. The provisions of this subsection shall not be construed to prohibit the transfer of density credits to properties located outside the Econlockhatchee River Basin when such properties are physically contiguous to property located in the basin, are in common ownership with property located within the basin and together formed a single parcel of record as of the effective date of this Part.

(b) The "Econlockhatchee River Corridor Protection Zone" is hereby established which includes the following areas:

(1) The main channels of the Big Econlockhatchee River and its tributaries as graphically depicted on or listed in Exhibit "A";

(2) All property located within the first one thousand one hundred (1,100) feet landward as measured from the stream's edge of the main channels of the Big Econlockhatchee River and Little Econlockhatchee River;

(3) All property located within the first five hundred fifty (550) feet landward as measured from the stream's edge of the tributaries of the Big Econlockhatchee River;

(4) Notwithstanding the above physical descriptions of the Econlockhatchee River Corridor Protection Zone, the Zone shall extend to and contain at least fifty (50) feet of uplands property which is landward of the landward edge of the wetlands abutting the main channels of the Big Econlockhatchee River and its tributaries;

(5) Provided, however, that only property located within the Econlockhatchee River Basin shall be deemed to be located within the Econlockhatchee River Corridor Protection Zone.

(c) The term "stream's edge" means the waterward extent of the forested wetlands abutting the Big Econlockhatchee River or its tributaries. In the absence of forested wetlands abutting the Big Econlockhatchee River or its tributaries, the stream's edge means the mean annual surface water elevation of the stream; provided, however, that if hydrologic records upon which the County can rely upon are not available, the landward extent of the herbaceous emergent wetland

vegetation growing in the Big Econlockhatchee River or its tributaries shall be considered to be the stream's edge.

(d) The term "Rare Upland Habitats" means those vegetative communities identified by the County as Scrub, Longleaf Pine – Xeric Oak, Sand Pine Scrub, Xeric Oak and Live Oak Hammock. Those vegetative communities are defined in the Florida Land Use Cover and Forms Classification System which is published by the Florida Department of Transportation and is attached hereto as Exhibit "B" which is incorporated herein by this reference thereto as if fully set forth herein verbatim.

30.10.4.4 Applicability.

(a) Except as otherwise provided herein, all development within the Econlockhatchee River Basin shall comply with and shall be accomplished in accordance with the requirements of this Part.

(b) Except as otherwise provided herein, this Part and the provisions of this Part shall apply to all development and applications for development permits (as the term "development" is defined by Section 380.04, Florida Statutes, and the term "development permit" is defined by Section 163.3164(7), Florida Statutes relating to property located within the Econlockhatchee River Basin).

(c) The provisions of this Part shall not be applicable to the following projects or properties if the below listed approval was issued prior to the effective date of this Part:

(1) Developments of regional impact that have received a final development order issued pursuant to Section 380.06, Florida Statutes, which development order has not expired and is in good standing;

(2) Platted lots resulting from approved plats lawfully recorded and approved under the provisions of the Land Development Code of Seminole County and applicable state law; provided, however, that this exemption shall not apply to plats of lots which are five (5) acres in size or greater; and

(3) Projects that have received an unexpired County approved site plan, an unexpired County approved preliminary subdivision plat or an unexpired waiver to subdivision requirements on or before the effective date of this Part and have lawfully commenced and are proceeding in good faith in the development approval process in accordance with the Land Development Code of Seminole County.

(d) Existing lawful uses of property, buildings and structures shall not be required to be removed or otherwise modified as a result of the standards or requirements set forth in this Part. The destruction or temporary discontinuation of any such lawful uses, building or structure shall not prohibit the renewed use or reconstruction of the building or structure, but only in its pre-existing form; provided, however, that this provision shall not affect the operation of the Seminole County Comprehensive Plan or of any land development regulation of the County; provided, further, however, that the provisions of Section 30.3.10 shall apply to nonconforming uses. The burden shall be on the property owner to demonstrate that existing land uses, buildings and structures qualify as pre-existing conditions.

(e) The provisions of this Part shall not operate to deny valid existing rights of property owners to continue the current lawful use of land as set forth above. If the provisions of this Part are believed by a property owner to operate to restrict the valid and lawful existing rights of a property owner, such property owner may apply to the County, in accordance with Section 30.10.4.7, for an exemption from such provisions in order to preserve valid existing rights. It is not the intent of this provision to create new rights in property, but is only to consider existing rights in property which may have vested in a property owner. The fact that a parcel of property is assigned a particular zoning classification or land use designation on the effective date of this Part does not vest any rights in the property owner owning said parcel of property.

30.10.4.5. Land development regulations relating to the entire Econlockhatchee River Basin.

(a) The land development regulations set forth in this Section shall be applied to all development on a project by project basis utilizing the standards set forth in subsection (b) of this Section for that portion of the project within the Econlockhatchee River Basin.

(b) The following provisions shall apply to all development activities proposed within the Econlockhatchee River Basin:

(1) A survey of those species designated as an endangered species, a threatened species or a species of special concern pursuant to, Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code, shall be required as part of all development applications where there is a reasonable expectation, as determined by the County Natural Resource Officer based upon the range and habitat requirements of these species, that any of said species may utilize any habitat within the boundaries of the property sought to be developed within the Econlockhatchee River Basin. Such surveys shall utilize the most current Wildlife Methodology Guidelines published by the Florida Game and Freshwater Fish Commission. If any endangered species, threatened species or a species of special concern is found to exist on a project site, any proposed development within any of the habitat of the species shall be accomplished only in such a way and utilizing only such techniques which protect the values of the habitat for such species. The developer of the proposed development site shall provide the County with a copy of a valid management plan approved by the appropriate state agency as well as a copy of any and all other permits required for the protection of any endangered species, threatened species or a species of special concern found to exist on the property which management plan, upon approval of the proposed development by the County, shall become part of the conditions of approval for the project which conditions shall be binding upon the developer and property owner and shall run with the land pursuant to a development order, development permit or other instrument of approval issued by the County.

(2) Where landscaping requirements and conditions are otherwise required as part of a development approval, the development design shall include the use of native plant species and shall minimize removal of vegetation to the greatest extent practical as determined by the County in order to insure that wildlife habitats will be preserved and maintained and to cause landscaped

areas to blend into nearby and abutting natural areas. A listing of plants recommended for use for such landscaped areas is attached hereto as Exhibit "C" and incorporated herein by this reference thereto as if fully set forth herein verbatim.

(3) Sufficient separation, as determined by the County, shall be provided between stormwater management structures and conservation areas (such as, by way of example and not by way of limitation, properties assigned the conservation land use designation pursuant to the provisions of the Seminole County Comprehensive Plan pursuant to the Land Development Code of Seminole County), conservation easements as defined by Section 704.06, Florida Statutes, and similar properties in order to insure that no adverse impact occurs to the hydrologic regime of the conservation areas.

(4) Surface waters shall be managed to encourage the thriving of native vegetation where the vegetation does not impede water flow in the County's primary drainage system or otherwise cause any other adverse condition as determined by the County.

(5) Wet detention treatment systems, as defined and provided for in Chapter 40C-42, Florida Administrative Code, and the St. Johns River Water Management District's Applicant's Handbook shall be required for those areas where dry retention/detention is not possible, as determined by the County, due to limited percolation capacity. Design of wet detention treatment systems shall be consistent with the guidelines set forth in Exhibit "D" which are hereby incorporated herein by this reference thereto as if fully set forth herein verbatim. In addition to wet detention systems, the creation of forested or herbaceous wetland areas shall be encouraged and incorporated into all system d"sign'where feasible, as determined by the County, in order to further enhance stormwater treatment while also providing wildlife habitat values.

(6) Upland buffers from property which is assigned the conservation land use designation pursuant to the Seminole County Comprehensive Plan or the FP-1 pursuant to the Land Development Code of Seminole County or which has been designated a conservation area, conservation easement or similar property which averages fifty (50) feet in width with a minimum of twenty-five (25) feet in width shall be provided. Whenever determined to be feasible by the County, upland buffers shall connect with each other and with larger natural systems. Density or open space credits for upland buffers shall be encouraged and may be awarded in accordance with the terms of this Part. Upland buffers shall be established pursuant to the granting of conservation easements in accordance with Section 704.06, Florida Statutes, and on forms acceptable to the County.

(7) Peak discharge rates for surface water management systems shall not exceed the pre-development peak discharge rate for the mean annual storm event (twenty-four (24) hour duration, two and three tenths (2.3) year return period, four and four tenths (4.4) inches of rainfall) and the twenty-five (25) year storm event (twenty-four (24) hour duration, eight and six tenths (8.6) inches of rainfall).

(8) All proposed development within two thousand (2,000) feet of the stream's edge of the Big Econlockhatchee River and its tributaries shall submit, as part of the development application information, a statement from the Florida Division of Historical Resources of the Florida Department of State or qualified archaeological consultant describing the potential for any archaeological or historical resources to occur on the project site. If, in the opinion of the division or the consultant, as the case may be, the project's location or nature is likely to contain such a resource, then a systematic and professional archaeological and historical survey shall be completed by qualified personnel and submitted as part of the development application to the County for review and consideration as part of the material to be considered in determining whether or not to approve the development proposal. If significant archaeological or historical sites are found to exist on the property, said sites shall be preserved or excavated according to current federal and state laws and guidelines relating to such sites prior to construction on the archaeological or historical site or in any area that may reasonably be determined by the County to impact the archaeological or historical site.

(9) Rare upland habitats shall be preserved in order to maintain the essential characteristics and viability of the rare habitats. When determined to be feasible by the County, property which contains rare upland habitats should be connected to other communities through preservation of land as mitigation for wetland impacts which are authorized by law. Preserved rare upland habitats shall be eligible for the award of density credits in accordance with the terms of this Part.

30.10.4.6 Econlockhatchee River Corridor Protection Zone Land Development Regulations.

(a) This Section identifies an area within the Econlockhatchee River Basin where more specific land development regulations shall apply. The determination of whether a project lies wholly or partly within this area shall be made in accordance with Section 30.10.4.7.

(b) Any development within the Econlockhatchee River Corridor Protection Zone including, but not limited to, redevelopment and agricultural and silvicultural activities except for management activities on state or federal lands conducted by or permitted by the state or federal government, which alters or affects wetland dependent wildlife, vegetation, water quantity, water quality or hydrology, groundwater tables, surface water levels or changes the use of property shall be subject to the provisions of this Section to insure that no significant adverse effect occurs upon any of the habitats of any aquatic or wetland-dependent wildlife or any of the habitats of any species designated as an endangered species, a threatened species or a species of special concern pursuant to Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code; to water quality or hydrology; to water quantity; to the groundwater table; or to surface water levels. The intent of this requirement is to minimize alterations to natural hydrologic patterns and subsequent vegetation changes. The following provisions shall pertain to properties located within the Econlockhatchee River Corridor Protection Zone:

(1) Development activities shall not be permitted within five hundred fifty (550) feet of the stream's edge of the channels of the Big Econlockhatchee River and the Little Econlockhatchee River except for the creation of wetlands and passive recreation uses, if approved by the County, when the applicant for development approval has clearly and convincingly demonstrated to the County that said activities in these areas will not adversely affect aquatic and wetland dependent wildlife; the habitat of an endangered species, a threatened species or a species of special concern; water quality or hydrology; water quantity; groundwater tables or surface water levels. As to all other property located within the Econlockhatchee River Protection Zone, development shall be permitted consistent with the underlying zoning classification assigned to the property.

(2) Restoration of natural hydrologic regimes and preservation of upland forested areas shall be encouraged through the award of open space credits or of density credits awarded in accordance with the terms of this Part. The property owner/applicant may also be awarded density credits for mitigation performed or open space donated to a water management district or another governmental entity with the concurrence of the County.

(3) Forested habitat fragmentation shall be limited. There shall be no additional crossings by road, rail or utility corridors of the lands located in the Econlockhatchee River Corridor Protection Zone unless the following three (3) conditions are concurrently met:

a. There is no feasible and prudent alternative to the proposed crossing as determined by the County; and

b. All possible measures to minimize harm to the resources of the Econlockhatchee River Basin will be implemented; and

c. The crossing supports an activity that is clearly in the public interest as determined by the County. The use of additional crossings co-located with existing crossings shall be presumed to be the least harmful alternative. The expansion of existing crossings shall be presumed to be less harmful to natural resources than the construction of new crossings.

(4) Encroachment (fill) placed or deposited within the one hundred (100) year floodplain (as adopted by the Federal Emergency Management Agency) of the Big Econlockhatchee River and its tributaries must be consistent with applicable County land development regulations.

(5) The only authorized type of new stormwater treatment facilities shall be created wetlands or an equivalent design which is acceptable to the County.

(6) Recreation and nature trails shall not be impervious and vehicular access shall be limited to river crossings and approved access points. Wildlife underpasses which are deemed adequate to the County shall be provided at all new or expanded river crossings. As to preexisting approved crossings relating to roads or utilities, aerial crossings of property located within the Econlockhatchee River Corridor Protection Zone shall be encouraged.

(7) Only residential development will be permitted except as stated otherwise in this subsection.

30.10.4.7. Review and appeal procedures.

(a) The Seminole County Natural Resources Officer shall determine the applicability of this Part to property and, if an application for a development permit for a project is submitted, he or she shall determine whether the project is located to any extent within the Econlockhatchee River Basin and whether the project is located to any extent in the Econlockhatchee River Corridor Protection Zone and is, therefore, subject to the provisions of this Part and, thereafter, if the proposed development is in compliance with the provisions of this Part. The natural resources officer shall expeditiously review and respond to the proposals of the property owner/applicant.

(b) The property owner/applicant shall submit information and documents to the Seminole County Natural Resources Officer for review and consideration that must clearly and convincingly demonstrate that the proposed development or activity is exempt from or meets the intent of the provisions of this Part.

(c) The standard of review shall be whether the submitted information and documents or the proposed development clearly and convincingly demonstrate that the property is exempt from or the project complies with the provisions of this Part and all applicable laws and whether significant adverse effect occurs with regard to any habitat of any aquatic or wetland-dependent wildlife or any habitat of any species designated as an endangered species, a threatened species or a species of special concern pursuant to Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code; with regard to water quality or hydrology; with regard to water quantity; with regard to groundwater tables; or with regard to surface water levels in order to minimize alterations to and adverse effects upon natural hydrologic patterns and resulting vegetative changes.

(d) The following documents and information, where appropriate, shall be submitted by the property owner/applicant for consideration by the natural resources officer as evidence supporting the property owner/applicant's contention that the property should be deemed exempt from the provisions of this Part or to overcome the presumption of significant adverse impact as to proposed projects:

(1) The name, address and telephone number of the property owner;

(2) The property appraiser's tax parcel identification number or other identification of the property involved;

(3) The year in which the property was purchased or acquired by the current property owner;

(4) A specific and complete description of any alleged lawful and valid existing property right involved including, at a minimum, the date when such alleged right was acquired and any action of the County alleged to have created such right;

(5) The specific provisions of this Part from which an exemption is sought and the minimum exemption necessary to preserve any vested right;

(6) A project map utilizing the Florida Land Use, Cover and Forms Classification System;

(7) A wildlife survey of those species designated as an endangered species, a threatened species or a species of special concern pursuant to Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code, utilizing the most current Wildlife Methodology Guidelines published by the Florida Game and Freshwater Fish Commission. (This requirement may be waived by the natural resources officer if he or she determines that reliable information exists which clearly and convincingly indicates that such species are not likely to occur on the property);

(8) A landscaping plan depicting and describing the impacts to predevelopment plant communities and the use of suggested native species;

(9) As to projects located within two thousand (2,000) feet of the stream's edge of the Big Econlockhatchee River and its tributaries, a statement from the Florida Division of Historical Resources of the Florida Department of State, or a qualified archeological consultant, describing the potential for any archeological or historical resources on the site proposed to be developed shall also be provided;

(10) A scaled drawing of the property for which the application has been filed indicating the future land use designation of the property assigned by the Seminole County Comprehensive Plan;

(11) A legal description of the property;

(12) The current zoning classification assigned to the property under the provisions of the Land Development Code of Seminole County;

(13) The proposed land use designation;

(14) The proposed zoning classification;

(15) A conceptual plan of the proposed use contemplated by the application; and

(16) Any additional information requested.

(e) The property owner/applicant may appeal an adverse determination of the Natural Resource Officer's to the Manager of the Development Review Division. The appeal must be received, in writing, by the Manager of the Development Review Division within fifteen (15) calendar days of issuance of the written determination by the Natural Resource Officer.

(f) The Manager of the Development Review Division shall promptly hold a hearing on the appeal. At least ten (10) days prior written notice of the hearing shall be provided to the property owner/applicant. The Manager of the Development Review Division shall either affirm, reverse or modify the Natural Resource Officer's determination of whether the property is located in the Econlockhatchee River Basin or whether the project is located in the Econlockhatchee River Corridor Protection Zone or whether the project is in compliance with the provisions of this Part or as to any other matter upon which a determination has been rendered pursuant to the terms of this Part.

(g) The property owner/applicant may appeal an adverse determination of the Manager of the Development Review Division to the Board within fifteen (15) days of issuance of the written determination by the Manager of the Development Review Division. The Board shall hold a hearing on the appeal within sixty (60) days of receipt of the written notice of appeal. At least ten (10) days prior written notice of the hearing shall be provided to the property owner/applicant. At the close of the hearing, the Board shall either uphold, reverse or modify the determination of the Manager of the Development Review Division or may request that further information be provided to consider at a subsequent hearing date.

(h) The procedures set forth herein are supplementary and shall not relieve a property owner or a developer of property from any other development review processes, procedures or requirements.

(i) Any property owner owning a parcel of property which was a parcel of record within the Econlockhatchee River Corridor Protection Zone prior to the effective date of this Part and who owns no property to which density credits may be transferred may, notwithstanding the provisions of this Part, receive a development permit authorizing development in accordance with the property's assigned underlying zoning classification and consistent with all laws, rules and regulations affecting said property; provided, however, that each development order or permit relating to such property shall, if necessary, contain conditions imposed by the Natural Resource Officer, which minimize adverse impacts to natural resources.

(j) Notwithstanding the provisions of Section 20.4, all development permits issued upon lands located within the Econlockhatchee River Basin shall be issued as development orders in accordance with Chapter 20 of the Land Development Code of Seminole County; provided, however, that Section 20.12 relating to appeals shall not be applicable.

30.10.4.8 Density credits.

(a) In all situations where a transfer of density is authorized pursuant to the terms of this Part; the use of a planned unit development commitment agreement, development order or a development agreement, if the County implements the provisions of the Florida Local Government Development Agreement Act (Section 163.3220, et seq., Florida Statutes), shall be required to implement the usage of said density credits.

(b) In all situations where a transfer of density is authorized pursuant to the terms of this Part the clustering of development to preserve sensitive environmental features and to further the policies and purposes expressed in this Part shall be considered and addressed in all development orders and permits pertaining to properties to which density credits were transferred.

(c) In all situations where a transfer of density is authorized pursuant to the terms of this Part the property to which the density has been transferred, when located within the Econlockhatchee River Basin, shall be subject to the following design guidelines and criteria which shall be implemented in the planned unit development agreement, development order or development agreement as required in subsection (a) of this Section:

(1) As to all development of properties receiving density credits pursuant to this Part, provisions and conditions shall be made a part of all development approvals which maintain the rural character of the Econlockhatchee River Basin and which maximize the compatibility of such developments with adjacent properties;

(2) As to all properties receiving density credits pursuant to this Part as a result of property being located within the Econlockhatchee River Corridor Property Zone, only those uses permitted by the underlying zoning classification shall be authorized with regard to the development of the portions of said properties utilizing such credits;

(3) As to all properties receiving density credits pursuant to this Part, all development approvals relating to said properties shall maximize, to the greatest extent authorized by law, open space and habitat preservation through the clustering of land uses;

(4) As to all properties receiving density credits pursuant to this Part, parcel configurations including, but not limited to, parcel length and depth, shall be evaluated to insure compatibility between parcels and to implement adequate buffering between parcels;

(5) As to all properties receiving density credits pursuant to this Part, the expressed requirements, goals, policies and objectives set forth in this Part shall be considered in the context of each development proposal;

(6) When a parcel of property is located both within and without the Econlockhatchee River Basin the most dense part of any development approved as to said property shall, to the maximum extent feasible as determined by the County, be on the portion of the property located outside of the Econlockhatchee River Basin consistent with all land development regulations applicable to said property.

(d) In cases where density credits are authorized pursuant to the terms of this Part, density and uses may only be transferred from property located on the same side of a water body as the property to which the density credits are to be transferred which is physically contiguous to and in common ownership with the property from which the density was transferred. Density credits may be transferred to parcels outside of the Econlockhatchee River Basin only if such property is physically contiguous to and in common ownership with the property from which the density credit arose.

(e) The owner of property from which density is transferred pursuant to the terms of this Part shall record a deed or other appropriate instrument of conveyance in a form acceptable to the County in the chain of title relating to the parcel from which density is being transferred prior to the issuance of any development order or permit relating to the property to which density is being transferred. Said deed or instrument shall expressly restrict, by operation of the deed, the use of the property from which density is being transferred in perpetuity to non-development uses in accordance with the provisions of Section 704.06, Florida Statutes, with such restrictions being expressly enforceable by the County.

(f) Only properties that are parcels of record and in common ownership as of the effective date of this Part shall be eligible to be awarded density credits.

(g) Density credits for properties affected by the provisions of this Part shall be as follows:

(1) Property which is located within the Econlockhatchee River Protection Zone, but is located outside the first five hundred fifty (550) feet of the said zone, property which is dedicated for preservation as an upland buffer or as rare upland habitats and property which is donated pursuant to this Part shall receive a maximum credit of one (1) dwelling unit per each unit of acres upon which a detached single-family residence could have been constructed under the terms of the Land Development Code of Seminole County for each unit of density which is forsaken by the property owner under the terms of the zoning classification assigned to the property and parcels assigned a zoning classification other than single-family residential shall receive density credits, as determined by the Development Services Director, based upon the maximum density or intensity which would have been permitted under the zoning classification assigned to the property;

(2) Properties otherwise located within the Econlockhatchee River Corridor Protection Zone shall receive a density credit of one (1) dwelling unit of density for every unit of density (construction of a detached single-family residence) that the owner could have utilized in accordance with the terms of Section 30.10.4.7(i).

30.10.4.9 Construction.

If there is deemed to be any conflict between the provisions of this Part and the Land Development Code of Seminole County including, but not limited to, those provisions relating to the FP-1 classification, then the more stringent provision shall prevail and be applicable to the particular development application under review.

EXHIBIT "A"

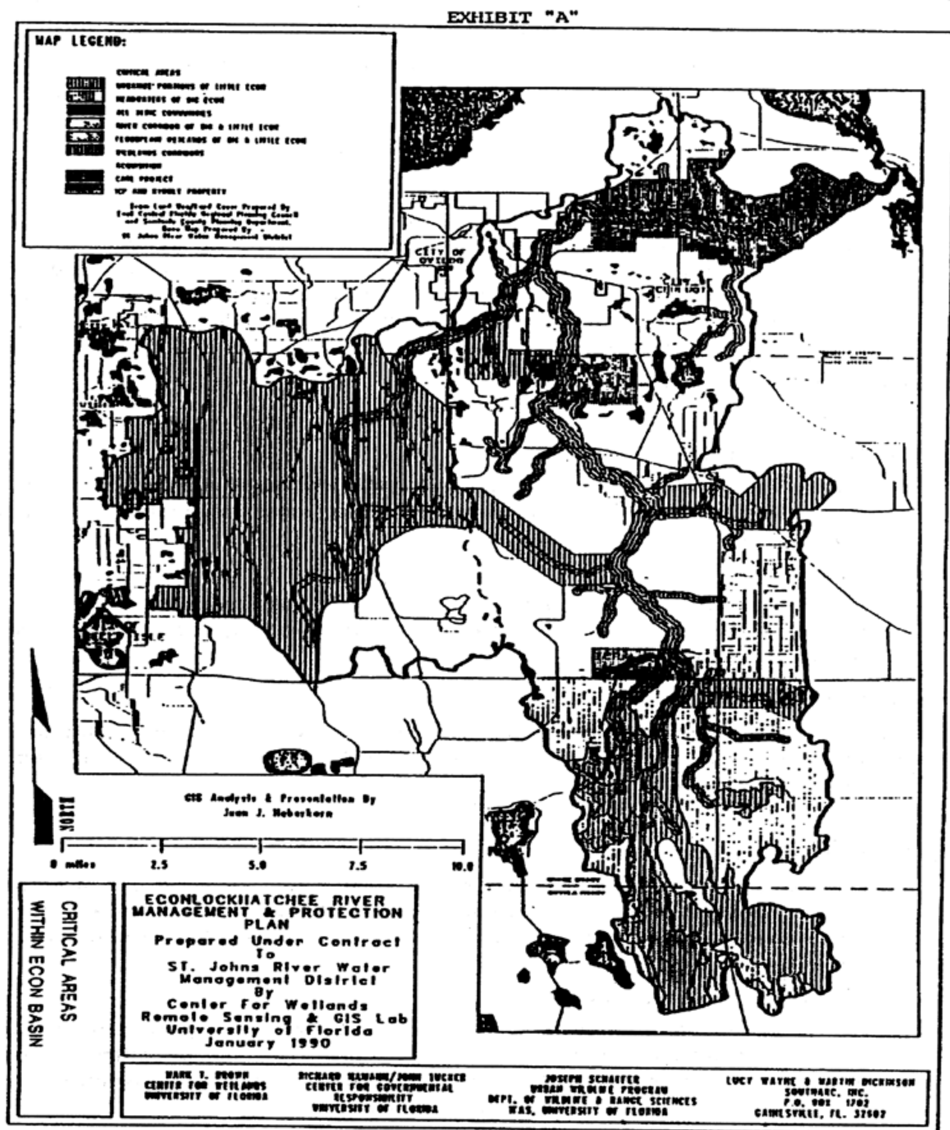


Exhibit A-1 Map

Exhibit "B"

NATURAL AREA LAND COVER CLASSIFICATION

RANGELAND (300)

GRASSLAND (310)

Level III:

311 Grassland/Shrubland.

Prairie grasses occurring along the upland margins of wetland zones, and includes transitional areas between wetlands (e.g., wet prairies and cypress domes/strands) and upland forested lands, and old filed vegetative communities in upland areas, and

may include sedges, wax myrtle, gallberry, and other vegetation associated with disturbed areas.

SCRUB and BRUSHLAND (320)

Level III:

321 Palmetto Prairies.

Includes saw palmettos, gallberry, wax myrtle and other shrubs and brush, with saw palmetto being the most prevalent plant cover inter-mixed with a wide variety of other plant species.

323 Scrub.

Scrub vegetation consisting primarily of xeric oak species (e.g., scrub, blue runner), shrubs (e.g., rosemary) and cacti, with a general absence of high canopy tree-type vegetation.

FORESTED UPLANDS (400)

Minimum Criteria: A tree crown areal density (crown closure percentage of 10% or more, and are stocked with trees capable of representing a forested appearance or producing timber or other wood products.

Level III:

411 Pine Flatwoods.

Forested areas dominated by longleaf or slash pine, and mixtures of both pine species, with an understory of saw palmetto, write grass, wax myrtle, fetter bush and gallberry. This category may also include small wetland areas of less than two acres in area.

412 Longleaf Pine – Xeric Oak.

Forested areas dominated by a tree crown closure in longleaf pine (dominant overstory), with bluejack, turkey and post oak being the most prevalent understory trees, and wire grass being the dominant ground cover. This association is often referred to as a Sand Hill vegetative community.

413 Sand Pine Scrub.

Forested areas with dominant overstory tree crown closure consisting of sand pine, with typical understory trees consisting of myrtle oak, chapman's oak and sand live oak. Occurs on excessively well-drained sands often associated with relic dunes and marine sand deposits.

414 Pine-Mesic Oak*.

Forested areas dominated by one or more pine species (e.g., longleaf, slash, loblolly or shortleaf) in strong association with a wide variety of mesic oaks and other hardwood species.

415 Other Coniferous.

Other upland forested areas, including:

- transitional pine flatwoods areas with successional hardwoods in the understory (ten (10) percent pine crown closure or more),
- cedar forests.

HARDWOOD FOREST (420)

Level III:

412 Xeric Oak.

Forested areas dominated by a crown closure of xeric oak species, including turkey oak, bluejack oak, and post oak often found adjacent to or intermixed with Longleaf Pine – Xeric Oak forests. Also referred to as sand hill forests.

422 Other Hardwood.

Forested areas dominated by a crown closure of upland hardwood species other than xeric oaks, including typical species such as live oak, laurel oak, water oak, magnolia, sweet gum, hickory, dogwood and maple. Mesic hardwood communities are included in this category.

423 Mesic Hardwood – Pine*.

Forested areas in which no single species is consistently dominant, but represents a predominantly hardwood forest in which various pine species are major associated communities.

424 Live Oak Hammock*.

Upland forested areas in which Live Oak is either pure or predominant in association with other hardwoods or pines.

MIXED FOREST (430)

Level III:

431 Mixed Forest.

Forested areas consisting of a mixture of upland hardwood and coniferous forest species where neither species dominate the crown closure.

PLANTED FOREST (440)

Level III:

441 Coniferous.

Forested areas created as a result of the artificial planting of coniferous seedling stock or direct seeding methods.

442 Hardwood.

Forested areas created as a result of the artificial planting of hardwood seedling stock or direct seeding methods.

CLEARCUT AREAS (450)

Level III:

451 Clearcut Areas.

Forested areas where commercial timber clearcutting and block planted timber management practices (e.g., land preparation for replanting) are evident and it is expected that the intended future use will not involve a transition to another land use category.

WETLANDS (600)

WETLAND CONIFEROUS FOREST (610)

Level III:

611 Cypress.

Forested wetlands dominated by crown closure in either bald or pond cypress. Principal associated species may include maple, magnolia bay, tupelo gum or pond pine.

612 Pond Pine.

Forested wetlands dominated by a crown closure of pond pine.

613 Cabbage Palm-Mixed*.

A vegetative community consisting primarily of cabbage palms in associated with pine, hardwoods or cypress. Although not strictly a wetlands community, it forms a transition between moist upland and hydric conditions.

WETLAND HARDWOOD FOREST (620)

Level III:

621 Freshwater Hardwood Swamp.

Forested wetlands dominated by one or more hardwood species including gums, hickory, maple, bays tupelo and willow, found in river, creek, lake and pond overflow areas, and sloughs, with cypress often appearing as a secondary species.

622 Bayheads or Bay-gum Wetlands*.

Wetland forested areas consisting purely or predominantly of various types of bay and/or gum trees, often occurring on moist soils resulting from surficial groundwater seepage or shallow surface depressions. Understory vegetation, when present, may include gallberry, wax myrtle and other shrub species.

WETLAND MIXED FOREST (630)

Level III:

631 Mixed Wetland Forest

Forested wetlands containing a mixture of coniferous and hardwood vegetative tree types, where neither tree type is dominant. When more than one-third (⅓) intermixture occurs, the mixed classification will be applied.

WETLAND BEGETATED NONFORESTED

641 Freshwater Marsh.

Wetland marshes which are subjected to permanent or prolonged period of inundation or saturation, and/or exhibit wetland vegetation communities characteristic of this type of hydroperiod, and will consist of one or more of the following plant types: sawgrass, cattail, bulrush, maidencane, pickeralweed, and water lilies.

643 Wet Prairies*.

Wetland depressions which are subjected to periodic inundation and exhibit wetland vegetative communities consisting of various types of grasses, sedges, rushes, shrubs and herbs in varying combinations, and are distinguished from freshwater marshes by having less water and a predominantly grassy or low shrubby appearance.

NOTE: The Level III Land Use and Cover classifications used above are from The Florida Land Use and Cover Classification System: A Technical Report, Florida Division of State Planning, April 1976, with the exception of those classifications followed by an asterisk (*), which have been derived from Florida Land Use, Cover and Forms Classification System, Florida Department of Transportation, September, 1985. The Level III classifications obtained from the FDOT Classification System are intended to supplement the Level III FDSP classifications in terms of providing more precise ecosystem identifications.

Native plants selected from the Florida-Friendly Landscaping Guide Plant List are recommended for landscaping in this Overlay.

Exhibit "C"

WET DETENTION SYSTEMS

- Systems must be in compliance with Chapter 40C-4 F.A.C., subsection 11.4.3(b) with the following amendments:
  - Within the River Corridor Protection Zone, an off-line system will be utilized.
  - The maximum length to width ratio for detention ponds will be 10:1 with a minimum of 3:1.

30.10.5 Wekiva River Protection—Seminole Estates Overlay Zoning.

DIVISION 1. GENERALLY

30.10.5.1 Title.

This Part shall be known and may be cited as the "Wekiva River Protection-Seminole Estates Overlay Zoning Classification".

30.10.5.2 Creation of Seminole Estates overlay zoning classification.

In addition to, and supplemental to, all Land Development Code requirements, land development regulations, and underlying and overlaid zoning classifications heretofore or hereafter established, there is hereby created an overlay zoning classification known as the "Wekiva River Protection—Seminole Estates Overlay Zoning Classification". The Wekiva River Protection—Seminole Estates Overlay Zoning Classification set forth in this Part is applicable to all property located within the land use regulatory jurisdiction of the County and within the Seminole Estates development. For purposes

of this Part, "Seminole Estates" shall refer to the development and development plans approved by the Board of County Commissioners by separate resolutions dated September 26, 1978 and January 8, 1980, and the lots existing within that development on June 1, 2000, which is one hundred seven (107) lots, and further depicted in the Future Land Use Element of the Seminole County Comprehensive Plan. For purposes of this Part, the term "lot" shall refer to the one hundred seven (107) individual lots existing within Seminole Estates on June 1, 2000.

30.10.5.3 Statement of purpose.

The purpose of the Seminole Estates Overlay Zoning Classification is to discourage the platting or replatting of lots within Seminole Estates if said platting or replatting would increase the number of lots on the property that is the subject of any development application greater than the number of lots existing on June 1, 2000. This Part shall further operate to prohibit the County from issuing development orders and development permits in Seminole Estates if the proposed development order or development permit would increase the number of lots on the property that is the subject of the development order or development permit application greater than the number of lots existing on June 1, 2000. This Part shall be applied and interpreted as to preserve the existing density of Seminole Estates at one (1) permitted dwelling unit per lot and to insure that the total number of lots in Seminole Estates shall not exceed one hundred seven (107).

30.10.5.4 Applicability.

(a) Except as otherwise provided herein, all development within Seminole Estates shall comply with and shall be accomplished in accordance with the requirements of this Part.

(b) The provisions of this Part shall not be applicable to projects that have received an unexpired County approved site plan, an unexpired County approved preliminary subdivision plat or an unexpired waiver of subdivision requirements on or before the effective date of this Part and that have lawfully commenced and are proceeding in good faith in the development approval process in accordance with the Land Development Code of Seminole County.

30.10.5.5 Seminole Estates land development regulations.

(a) Prohibition on Subdivision. Owners of property within Seminole Estates shall not be eligible to subdivide their lot or lots through any process provided in the Land Development Code if approval of the request would increase the number of lots on the property that is the subject of any development application greater than the number of lots existing on June 1, 2000.

(b) Development Orders and Development Permits. The County shall not approve an application for a development order or development permit if the approval would increase the number of lots on the property that is the subject of the application greater than the number of lots existing on June 1, 2000.

30.10.5.6 Presumption against intensification.

Within Seminole Estates, an application for a development order or development permit that may result in an increase in the number of lots on the property that is the subject of the application shall be presumed inconsistent with the Seminole County

Comprehensive Plan's objectives, goals and policies relative to the Wekiva River Protection Act and inconsistent with the Wekiva River Protection Act's mandate to maintain the Wekiva River Protection Area's rural character in the aggregate.

DIVISION 2. WEKIVA RIVER PROTECTION AREA ENVIRONMENTAL DESIGN STANDARDS

30.10.5.6 Title and legislative findings.

This Part shall be known and may be cited as the "Wekiva River Protection Area Environmental Design Standards".

The following findings are hereby adopted as legislative findings by the Board of County Commissioners:

(a) The Seminole County Comprehensive Plan provides for the protection and maintenance of the natural landscape within the Wekiva River Protection Area.

(b) The visual character of the landscape defines the rural landscape and community character of the Wekiva River Protection Area.

(c) The natural resources within the Wekiva River Protection Area are important resources that contribute to the quality of life in Seminole County.

(d) Agricultural activities within the Wekiva River Protection Area are important historical, cultural and economic resources that contribute to the quality of life in Seminole County.

30.10.5.7 Purpose and intent.

The purpose of this Part is to guide the design and location of development to provide protection of on site habitat, wildlife and wildlife corridors and to insure that the Wekiva River Protection Area is developed in a manner which:

(a) Provides uniform design standards to establish high quality development that is rural in character; and

(b) Maintains existing vegetation within the Wekiva River Protection Area of Seminole County; and

(c) Protects the wetlands systems of the Wekiva River Protection Area of Seminole County; and

(d) Provides for minimization of disturbance to listed species and their habitats within the Wekiva River Protection Area of Seminole County; and

(e) Implements, and is consistent with, the Comprehensive Plan of Seminole County.

30.10.5.8 Applicability.

All new development or re-development, excluding single family lots existing on the effective date of this Part and except as may be otherwise provided for in this Part, within the Wekiva River Protection Area and outside the East Lake Sylvan Transitional Area/School Site, as depicted in the Future Land Use Element of the Seminole County Comprehensive Plan, including, but not limited to (to the extent permitted by law) development undertaken by agencies of local, regional, state, or federal government, shall be carried out in accordance with the requirements of this Part, in addition to the

requirements of any other applicable provisions of the Seminole County Land Development Code.

30.10.5.9 Definitions.

As used in this Part, certain words and phrases shall mean the following:

"*Upland Buffer*" refers to an area averaging fifty (50) feet landward of the wetland and/or flood prone area which at no point is less than twenty-five (25) feet, which shall remain undisturbed by development.

"*Greenways*" refers to linear lands that provide important corridors or linkages between non-contiguous natural areas.

"*Wildlife Corridors*" refers to greenways that are known passages of travel for wildlife.

"*Karst Features*" refers to such features as sinkholes, depressions and stream-to-sink features caused by the dissolution of the rock. Karst features include, but are not limited to, the following: cave, cavern, cavernous porosity, chimney sink, collapsed sinkhole, conduit, cover-collapse sinkhole, cover-subsidence sinkhole, estavelle, exsurgence, grotto, karst window, karstic aquifer, paleokarst, paleosinkhole, pipe, polje, ponor, relict sinkhole, rock-collapse sinkhole, sand boil, seep, sinkhole, solution sinkhole, spring, spring boil, spring pool, subaqueous spring, uvala, vent.

"*Open Space*" as defined in FLU Policy 15.1 of the Seminole County Comprehensive Plan.

"*Sensitive Natural Habitat*" as defined in FLU Policy 15.2 of the Seminole County Comprehensive Plan.

"*Clearing and Construction Setback*" refers to the space between the property line of a lot or parcel and the stated setback distance, in this Part fifty (50) feet, to protect sensitive natural habitat areas, and karst feature from the impacts of development activities.

Any terms not defined herein shall be subject to the definitions of the Land Development Code of Seminole County, Florida.

30.10.5.10 Wekiva River Protection Area Environmental Design Standards.

(a) Arbor Protection.

(1) Upon submittal of a site-plan, subdivision application, building permit, or any other application which proposes development within the Wekiva River Protection Area and outside of the East Lake Sylvan Transitional Area/School Site, a tree survey that is compliant with Chapter 60 of the Land Development Code of Seminole County shall be submitted for verification of compliance by the County's Development Review Division Manager or designee. Development shall demonstrate that at least fifty (50) percent of the trees located within the developable areas of a site, including areas subject to residential platting that are not single-family residential lots existing on the effective date of this Part, are preserved on site.

(2) When fifty (50) percent of the trees cannot be reasonably preserved, a tree replacement ratio shall be implemented that shall require an increasing

number of replacement trees based upon the size of a removed tree's caliper, in accordance with Chapter 60 of the Land Development Code of Seminole County.

(3) Replacement trees shall be native species as listed in Section 60.23 of the Land Development Code of Seminole County and planted on site in common areas and along streets. Replacement trees, at time of planting, shall have a minimum diameter of four (4) inches at one (1) foot above ground level and a height of at least eight (8) feet.

(4) Single family residential lots with less than fifty (50) percent remaining native vegetation that are platted after the effective date of this Part shall demonstrate at the time of permitting that existing trees and native vegetation shall be maintained to the greatest extent possible.

(b) Protection of Wetlands and Flood Prone Areas.

(1) An upland buffer averaging fifty (50) feet but no less than twenty-five (25) feet in width shall be maintained on lands adjoining the conservation land use designation, the FP-1 classification, or properties which have been previously designated as conservation areas or conservation easements.

(2) Development activity, including the placement or depositing of fill, within wetlands and the one hundred (100) year floodplain (as adopted by FEMA or revealed by the best available data) shall be prohibited.

(3) If lots are platted into wetlands or associated upland buffers, signage demarking the boundary of the said buffers and wetlands shall be used to deter encroachment. The homeowners association shall be required to adopt covenants which protect such areas from any activity by the residents. Violators shall be subject to standard code enforcement procedures.

(4) Seminole County shall evaluate and regulate all development within the Wekiva River Protection Area as defined in Section 369.303(9), Florida Statutes, or its successor provision, to ensure consistency with the said Act, the provisions of the Seminole County Comprehensive Plan adopted to conform to said Act and the designated protection zones as required by the Act, including coordination with appropriate agencies as necessary.

(5) When a proposed development relates to real property located in or near the edge of a designated protection zone, as designated by the Wekiva River Protection Act, the applicant shall submit proof of compliance with all agency regulations applicable to the subject property in conformance with the Act, or proof of exemption thereto. Such proof of compliance or exemption shall be required prior to the issuance of such permits by Seminole County.

(c) Clustering and the Planned Development (PD). On property having the Suburban Estates land use designation, the use of Planned Development ("PD") zoning may only be permitted if the Development Services Director or designee determines that a greater protection of wetlands, rare upland habitat, greenways, or wildlife corridors can be achieved by clustering. Natural features that may be protected using PD zoning include, but are not limited to, floodprone areas, karst features,

most effective recharge areas, or other environmentally sensitive natural habitat. A cluster subdivision must provide"a mi'imum of forty (40) percent open space, including intervening common useable open space, passive or active parks, or conservation land between modules or clusters of homes so that a minimum of sixty (60) percent of the residential lots abut or are located across the street from land held for the common enjoyment of the future residents of the development.

(d) Protection of Listed Species.

(1) As a condition for development approval or PD rezoning, applicants shall be required to complete a survey of plants and wildlife including those species designated as endangered, threatened, or species of special concern pursuant to Rules 39-27.003, 39-27.004 and 39-27.005, Florida Administrative Code, utilizing the most current wildlife methodology guidelines published by the Florida Fish and Wildlife Conservation Commission ("FFWCC") and current information from the Florida Natural Areas Inventory.

(2) Protection of listed species shall be accomplished either through on-site preservation or through relocation within the Wekiva River Protection Area in accordance with a plan acceptable to, and permitted by, the Florida Fish and Wildlife Conservation Commission. Incidental taking of listed species shall not be permitted unless the FFWCC determines that a particular group of animals on the site cannot be relocated or benefited by on-site preservation due to disease. Should such a determination be made by the FFWCC, any incidental taking must be expressly and specifically approved by the County's Natural Resources Officer.

(3) If a listed species is determined to exist on a site, the following shall apply in order of priority:

a. The developer/applicant must accomplish development in such a fashion as to avoid the habitat of the listed species; or

b. The developer/applicant must prove to the County's Natural Resources Officer that it is not possible to avoid the habitat of said species and achieve the approved net density, and then relocate the species on site to equally suitable habitat consistent with guidelines published by the Florida Fish and Wildlife Conservation Commission; or

c. The developer/applicant must prove to the County's Natural Resources Officer via site analysis that development cannot be accomplished to the approved net density by utilization of on-site relocation of said species, in which case as a final option, only the number of individuals of said species necessary to allow development to occur may be relocated off site. Additional individuals may be relocated off site if it can be demonstrated to the County's Natural Resources Officer that remaining individuals of said species would not constitute or remain part of a viable population. Relocation must take place within the Wekiva River Protection Area with preference given to properties adjacent or close to the donor site.

D. Wekiva Study Area Environmental Design Standards In addition to the provisions contained in Division 2 (Wekiva River Protection Area Environmental Design Standards) of this Part, development activities must also comply with the provisions contained in Division 3 (Wekiva Study Area Environmental Design Standards) of this Part.

DIVISION 3. WEKIVA STUDY AREA ENVIRONMENTAL DESIGN STANDARDS

30.10.5.11 Title and legislative findings.

This Part shall be known and may be cited as the "Wekiva Study Area Environmental Design Standards".

The following findings are hereby adopted as legislative findings by the Board of County Commissioners:

(a) The Seminole County Comprehensive Plan provides for the protection and maintenance of the natural landscape within the Wekiva Study Area.

(b) The numerous natural resources, including groundwater resources, within the Wekiva Study Area, are important resources that contribute to the quality of life in Seminole County.

30.10.5.12 Purpose and intent.

The purpose of this Part is to guide the design and location of development within the Wekiva Study Area in a manner which:

(a) Provides uniform design standards to establish high quality development.

(b) Maintains existing flora and fauna.

(c) Allows for effective and innovative planning and development activities.

(d) Protects the natural resources, including, but not limited to, wetlands systems, karst features, sensitive natural habitat, groundwater resources, aquifer recharge areas, springs, and springsheds.

(e) Provides for minimization of disturbance to listed species and their habitats.

(f) Implements, and is consistent with, the provisions of the Wekiva Parkway and Protection Act.

(g) Implements, and is consistent with, the Seminole County Comprehensive Plan.

30.10.5.13 Applicability.

All new development or re-development, excluding single family lots existing on the effective date of this Part, except as may be otherwise provided for in this Part, but not limited to (to the extent permitted by law) development undertaken by agencies of local, regional, state, or federal government, shall be carried out in accordance with the requirements of this Part, in addition to the requirements of any other applicable provisions of the Land Development Code of Seminole County.

30.10.5.14. Environmental development standards.

(a) Karst Features Protection.

(1) A clearing and construction setback of a minimum of fifty (50) feet from karst features is required. Clearing within the setback to stimulate canopy growth is permitted. Routine maintenance shall be permitted within the fifty (50) foot setback, outside of the natural buffer. Routine maintenance is limited to mowing of grass, and removal of underbrush and dead trees.

(2) A minimum twenty-five (25) feet, average fifty (50) feet upland buffer, in the aggregate, within the development site, adjacent to karst features is required. Buffers shall remain natural and undisturbed.

(3) Fertilizers, pesticides, and herbicides shall be U.S. Government approved, and shall not be applied within fifty (50) feet of karst features, or natural water bodies.

(4) Discharging of untreated water from a development site directly into karst features or natural water bodies shall be prohibited. Karst features, including sinkholes with a direct connection to the aquifer and stream-to-sink features, shall not be utilized as stormwater management facilities. Vegetative swales, bio-retention, or other treatment methods, as approved by the Development Review Manager, may be installed to ensure minimal treatment of discharge into karst features and/or natural water bodies.

(5) Where an existing lot/parcel of record is too small to accommodate a fifty (50) foot clearing and building setback and/or natural buffer as required in this Part, the allowable use may be established provided that the building and associated paved areas are situated on a development site the greatest distance practicable from the karst features, and further provided that a swale and berm are located between the development and the karst feature. The swale and/or berm shall be designed to direct drainage away from the karst feature, and approved by the Development Review Manager.

(6) Karst features, and the required natural buffer, shall be placed in a conservation easement pursuant to subsection 30.10.5.14(e).

(7) An applicant may object to the designation of karst features by providing demonstration through competent expert evaluations of hydrological and/or geotechnical data to the Development Review Manager that the land does not contain karst features as identified in this Part.

(b) Sensitive Natural Habitat Protection.

(1) A clearing and building construction setback of a minimum of fifty (50) feet from sensitive natural habitat areas, as defined in this Part, is required.

(2) Where an existing lot/parcel of record is too small to accommodate a fifty (50) foot clearing and building setback as required in this Part, the allowable use may be established provided that the building and associated paved areas are situated on a development site the greatest distance practicable from the sensitive natural habitat feature, and approved by the Development Review Manager.

(3) Sensitive natural habitat areas shall be placed in a conservation easement pursuant to subsection 30.10.5.14(e).

(4) An applicant may object to the designation of sensitive natural habitat by providing demonstration through competent expert evaluation of biological data to the Development Review Manager that the land does not contain sensitive natural habitat as identified in this Part. If the Development Review Manager concurs with the evaluations submitted by the applicant, these provisions shall not apply to the subject land.

(c) Open Space Protection.

(1) Open space areas shall be physically connected, whenever practicable, when spread throughout a development site.

(2) Development shall preserve conservation areas via enforcement of the FP-1 (Floodprone) zoning classifications pursuant to Section 30.12.1.1 of this Code

(3) Development shall meet the open space ratios and open space credit provisions established in Section 30.14.2.

(4) Development shall use joint or shared access and stormwater facilities to minimize impervious surfaces, as determined by the Development Review Manager.

(d) Protection of Most Effective Recharge Areas.

(1) Development shall comply with the standards for the most effective recharge areas, as defined in the Aquifer Recharge Overlay Zoning Classification of Section 30.10.1. For the purposes of this Part, all properties identified as containing Type "A" Hydrologic Soils Group, as defined by the U.S. Soil Conservation Service, shall be subject to the standards of the Aquifer recharge Overlay Zoning Classification of Section 30.10.1.

(2) All residential development shall use swales with swale blocks or raised driveway culverts, except when soil, topography, or seasonal high water conditions are inappropriate for infiltration as determined by a County Professional Engineer licensed in the State of Florida.

(3) Vegetated infiltration areas shall be used to provide stormwater treatment and management on all sites, except when soil, topography, or seasonal high water conditions are inappropriate for infiltration as determined by a County Professional Engineer licensed in the State of Florida.

(4) Design of the stormwater systems for residential and commercial uses shall use bio-retention areas (below grade vegetated areas) to increase stormwater treatment and reduce stormwater volume. Downspouts for both residential and commercial development shall be directed from the roof to vegetated areas for uptake.

(e) Conservation Easements. Where easements are required by the County for protection of wetlands, floodprone areas, open space, karst features, or sensitive natural habitat, within this Part, these shall be dedicated to at least one (1) of the following entities:

(1) St. Johns River Water Management District; or

(2) The homeowners association; or

(3) Seminole County.

(f) Wekiva River Protection Area Environmental Design Standards In addition to the provisions contained in Division 3 (Wekiva Study Area Environmental Design Standards) of this Part, development activities must also comply with the following provisions contained in Division 2 (Wekiva River Protection Area Environmental Design Standards) of this Part:

(1) Section 30.10.5.9. Definitions.

(2) Subsection 30.10.5.10(b) (except for (b)(2)), (c), and (d).

30.10.6 Markham Road, Longwood—Markham Road and Lake Markham Road Scenic Roadway Corridor Overlays.

30.10.6.1 Creation of Scenic Roadway Corridor Overlays for Markham Road, Longwood—Markham Road and Lake Markham Road.

(a) In addition to, and supplemental to, all Land Development Code requirements heretofore and hereafter established, there is hereby created an overlay zoning classification known as the Markham Road, Longwood—Markham Road and Lake Markham Road Scenic Roadway Corridor Overlay Zoning Classification" (hereafter referred to as "corridor").

(b) The corridor which is subject to the provisions of this Part consists of Markham Road from its intersection with Orange Boulevard to its western terminus at Longwood—Markham Road, Longwood—Markham Road from Markham Road north to SR 46 and Lake Markham Road from its intersection with Markham Road north to SR 46.

(c) The provisions of this Part apply to all properties abutting the roads specified in subsection (b) above.

30.10.6.2 Policy constraint on future expansion of Longwood—Markham, Lake Markham and Markham Roads.

Longwood—Markham Road, Lake Markham Road, and Markham Road shall be maintained with a maximum of two (2) through lanes; provided, however, that turn lanes and other roadway safety design features may be constructed.

30.10.6.3 Scenic and vegetative requirements for properties located within the corridor.

The following standards and requirements shall apply to all new subdivisions which are adjacent to the roads specified in Section 30.10.6.1 of this Part. As to all property within such a subdivision located within forty (40) feet of the edge of the right-of-way of the road:

(a) No structures, other than driveways and fences (as hereafter specified), shall be constructed within this area.

(b) No existing canopy trees shall be removed unless approved by the Planning Manager because the removal is necessary to provide access, the tree is diseased or removal is required to address public safety requirements.

(c) Except as to lots one (1) acre or larger in area, in the absence of a vegetative buffer, a combination of native canopy, sub-canopy, and ground cover species shall be installed to create a forty-foot buffer.

(d) No clearing of native vegetation shall be permitted except in conjunction with a permit issued to address public safety requirements.

(e) If utilized, fences shall be of natural materials including, but not limited to, wood, stone, or brick and shall be required to incorporate canopy trees and native vegetation; provided, however, that alternative fencing may be permitted by the Planning Manager if it materially contributes to the rural ambiance of the roadway or if necessary for the protection of wildlife.

(f) Use of sod within the forty-foot buffer shall be discouraged. Sod shall only be used for erosion control purposes and shall be of a drought tolerant variety.

30.10.7 Chuluota Nonresidential Design Standards Zoning Overlay.

30.10.7.1 Title.

This Part shall be known as the "Chuluota Nonresidential Design Standards Zoning Overlay Ordinance".

30.10.7.2 Legislative findings, history, and intent.

(a) The findings set forth in the recitals to this Part are hereby adopted as legislative findings.

(b) The final report titled "Chuluota Nonresidential Design Standards", a copy of which is on file with the clerk of the Board of County Commissioners is hereby adopted as legislative history and as an aid to construing the provisions of this Part; provided, however, that the study does not provide a level of regulation greater than that provided by this Part.

(c) The purpose and intent of this Part is to establish a design review process and provide the framework necessary to guide new nonresidential development and redevelopment of properties and buildings within the Chuluota nonresidential design district.

(d) The design standards are intended to protect the rural character traditionally found within the Chuluota area and to provide guidance to County staff and property owners in fulfilling this objective. This Part is intended to designate a design review area, delegate and assign certain authority and establish oversight, review and enforcement procedures.

30.10.7.3 Creation of district.

There is hereby created the Chuluota nonresidential design district (hereinafter referred to as the "district"). The district consists of those parcels of land identified in Exhibit A*, a copy of which is attached hereto and incorporated herein by reference. Exhibit A includes a map and a list of parcels, identified by tax folio ID number and approximate street address. The map shows the general outline of the district. In the event of any question regarding inclusion of a particular parcel within the district, the parcel list shall govern over the map.

* Exhibit A is not included herein but is available for public inspection in County offices.

30.10.7.4 Applicability.

Except as specifically stated herein, the design standards contained in this Part apply to all nonresidential development located within the district. Nonresidential development is defined as office uses and commercial uses, including all uses permitted in a C-2 zoning district (LDC Section 5.2). Office uses include insurance agents, real estate agents, architects, engineers, medical, dentists, attorneys, accountants, bookkeepers, auditors, and other similar office uses. Not included in the definition of nonresidential development are single-family and multi-family residences, houses of worship, schools, nurseries, kindergartens, public utility structures, hospitals, nursing homes, assisted living facilities, and A-1 uses.

30.10.7.5 Exemptions; conversion of use.

(a) The following activities are exempt from the provisions of this Part and may occur on the property notwithstanding any prohibition against the extension or enlargement of a nonconforming building or structure that may be set forth in Section 30.10.1(b).

(1) Additions to, structural alterations of, or expansions of existing buildings, if the estimated construction cost of the addition or expansion is less than fifty (50) percent of the then current value of the existing building (based on best available data, as determined by the Development Services Director, or designee); provided, however, that buildings existing as of the effective date of this Part shall not be required to comply with the provisions of subsections 30.10.7.13(a) through 30.10.7.13(c).

(2) Routine maintenance; and

(3) Replacement of like materials.

(b) A conversion of use shall require site plan review pursuant to Chapter 40, LDC.

30.10.7.6 Permitted uses.

Unless in conflict with the provisions of this Part, properties within the district retain all uses provided for by the properties underlying zoning classification.

30.10.7.7 Accessory uses.

In addition to the accessory uses permitted by a property's underlying zoning classification, the accessory uses set forth in this Section are permitted in the district provided that the construction of such uses is compatible with the architectural style that this Part may or may not require of the other structures located upon the property. For purposes of this Section, compatibility shall be determined by roof design, colors, materials, finishes, and scale.

(a) Dumpsters and recyclable drop-off enclosures.

(b) Accessory buildings and stand-alone canopies or stand-alone shelters. Provided, however, that such accessory buildings, canopies or shelters that are two hundred (200) square feet or greater in size shall be designed to comply with the architectural provisions of this Part while accessory buildings, canopies or shelters that are less than two hundred (200) square feet in size shall are not required to be designed to comply with the architectural provisions of this Part.

30.10.7.8 Approval required.

No application for development approval, site plan approval or building permit approval within the district shall be approved prior to the Development Services Director, or his or her designee, making a separate written determination that the project complies with the provisions of this Part. Applicants are encouraged to meet with planning and development staff prior to submitting formal applications in order to discuss the compliance of preliminary concepts or designs with the provisions of this Part.

30.10.7.9 Application; required submittals.

(a) Applicants for development approval, site plan approval or building permit approval within the district shall, in addition to providing all information required by the Land Development Code, unless waived by the Development Services Director, or designee, include within their application plans package the following information:

(1) A statement of the general details of the proposed development.

(2) A property survey.

(3) A landscape survey (including canopy, scrub masses, grasslands and an overall assessment of natural vegetation cover). The landscape survey shall be in accordance with Section 60.10(b), LDC.

(4) Certified engineering drawings.

(5) A complete site plan of the property indicating the locations of all structures and buildings, required yards, required parking, surface drive areas, loading spaces, stacking spaces, landscape areas (both perimeter and interior), dumpsters, exterior mechanical equipment, storm drainage retention areas, and all natural landforms including scrub limits and trees three (3) inches or DBH (diameter at breast height), by species and caliper (both to be removed and to be retained), signs and any other necessary details required for review (scale required: One (1) inch = twenty (20) feet).

(6) Architectural elevations.

(7) A clear and detailed description of all proposed construction and installation of signs.

(8) All elevations of proposed construction (scale required: One and one-eighth (⅛) inches = one (1) foot).

(9) Wall sections (scale required: three-fourths (¾) inches = one (1) foot).

(10) Paint colors and locations (including paint chips or samples).

(11) Photographs of the existing structure (pre-construction) and all adjacent structures.

(12) Details indicating the following (scale required: one and one-half (1½) inches = one (1) foot):

a. Windows, shutters and shutter hardware.

b. Doors, hinges and hardware.

c. Light fixtures.

d. Gutters and downspouts.

e. Exterior surfaces, materials and textures.

f. Chimneys.

g. Roofing.

h. Air conditioning equipment and above ground fuel tanks.

i. Electric meters and service risers.

j. Satellite dish antennas.

k. Exterior porches, landings, stairs, ramps, railings and banisters.

l. Fences and walls (height, materials and colors).

m. Walks and drive surface materials.

n. Patios and decks.

o. Other miscellaneous ornamentation.

(b) Once approved, no further submittals of the same documents are required for subsequent development orders unless the applicant proposes substantial deviations from the approved design.

30.10.7.10 Appeal of denial.

If the Development Services Director, or his or her designee, determines that an application must be denied for noncompliance with the terms of this Part, then the written denial shall state the conditions, if any, which, if satisfied, would lead to an approval of the application. Notwithstanding any contrary provision of the Land Development Code, an appeal of the Development Services Director, or designee's, written denial shall be heard first by the Board of Adjustment. A denial decision may be appealed to the Board of Adjustment by filing a written appeal, with the appropriate fee, stating the basis for the appeal, with the Development Services Director within fifteen (15) days after the date set forth on the written denial. The decision of the Board of Adjustment may be appealed to the Board of County Commissioners by filing a written notice of appeal, with the appropriate fee, again stating the basis for the appeal, with the Development Services Director within fifteen (15) days after the date of the Board of Adjustment's decision. The Board of County Commissioners' decision shall be de novo.

30.10.7.11 Building size; building placement; height.

(a) Although these standards do not mandate a particular prototype, cluster designs are encouraged. Concentrating or grouping buildings on the areas of the site best suited for development allows the remaining land to be left undisturbed, thereby preserving the natural setting.

(b) Each building located upon a parcel shall not exceed five thousand (5,000) square feet of floor area. Smaller buildings are encouraged and may be connected by

covered walkways. The maximum permissible FAR is thirty-five one hundredths (0.35). The maximum building height is thirty-five (35) feet.

30.10.7.12 Setbacks.

Unless the Development Services Director, or designee, determines that reduced building setbacks will result in the substantial protection of vegetative cover, the minimum building setbacks are as follows:

(a) Minimum front building setback: Fifty (50) feet from County Road 419. All properties not fronting on County Road 419 shall abide by existing building setback regulations set forth in the applicable zoning classification.

(b) Minimum rear building setback: Twenty (20) feet.

(c) Minimum side building setback: Zero (0) feet.

30.10.7.13 Landscaping and retention areas.

(a) No more than seventy-five (75) percent of existing trees greater than three (3) inches in diameter measured four and one-half (4½) feet from the ground may be removed from the site unless the Development Services Director, or his or her designee, finds that the development of the site would be severely restricted.

(b) Wet retention ponds shall be designed as amenities within the district. They shall be aesthetically pleasing. All ponds shall be accented with natural form edges and native landscaping.

(c) Stormwater facilities, where feasible, shall be placed in areas that do not contain existing native vegetation. Shared retention, where feasible, is encouraged to minimize unnecessary consumption of land. Retention areas shall be encouraged to locate in areas not visible from public rights-of-way. Stormwater retention shall not be located in buffer areas adjacent to public streets. Geometric forms such as triangles and rectangles are not allowed unless the Development Review Manager determines that there is no other feasible engineering design available. Retaining walls shall be encouraged, where feasible, to preserve existing native vegetation and must be architecturally compatible with the building materials.

(d) Selected landscaping shall mimic preferred habitat that may have existed in the pre-development condition. Additionally, no plants on the department of environmental protection prohibited list or the Florida Exotic Pest Plant Councils Category I or II lists may be used.

30.10.7.14 Buffers.

Nonresidential developments shall be adequately buffered and well-integrated to the Flagler Trail in terms of walking, bicycle, and equestrian facilities. All buffers shall consist of thickly planted native shrubs and trees of any of the types or species specified in Exhibit B, a copy of which is attached hereto and incorporated herein by this reference.

(a) County Road 419 Buffer. For those properties abutting County Road 419, a buffer abutting County Road 419 shall be established that has a minimum average width of twenty (20) feet and a minimum width of ten (10) feet. Every effort shall be made to preserve existing preferred habitat within the buffer area. In areas of the

buffer that are not densely vegetated, the buffer shall be supplemented with plantings as outlined in Exhibit B of this Part to establish a minimum planting scheme of four (4) canopies per one hundred (100) feet, six (6) understory trees per one hundred (100) feet and a continuous hedge with a minimum height of three (3) feet at planting. Canopy and understory trees may be clustered to accent entrances or other design features of the site.

(b) Buffer adjacent to Flagler Trail. For those properties abutting the Flagler Trail, a buffer abutting the Flagler Trail shall be established that has a minimum average width of fifteen (15) feet and a minimum width of ten (10) feet. The buffer shall retain native vegetation where the property is adjacent to the trail.

(c) All other buffers shall be per Part 14, Chapter 30, LDC.

(d) Vegetation is encouraged where no natural plant communities exist. Landscape requirements stated herein are in addition to those requirements already specified in the Land Development Code. Landscaping shall focus on the protection of natural vegetation and rely on the use of native plant materials.

30.10.7.15 Parking areas.

The total amount of required off-street parking shall be determined in accordance with Part 11, Chapter 30 of the Land Development Code. Paved parking, if proposed, shall be provided in accordance with Section 30.10.1.6 of the Land Development Code. Where feasible, parking shall be master planned and located to the rear or side of buildings. Shared property access and cross access easements between adjacent parcels are encouraged. No more than one (1) double-loaded aisle of parking shall be located between the building and the right-of-way. A double-loaded parking aisle shall consist of one (1) driving aisle flanked on each side by rows of parking, accessed by a paved road. Interior and perimeter landscaped areas within aisles shall be dispersed so as to define aisles and limit unbroken rows of parking to a maximum of one hundred (100) feet. Each landscape break shall be a minimum of two hundred (200) square feet in area, exclusive of curbs and/or pavement. Parking lots shall be landscaped extensively, with a focus on the use of native plant materials. Clusters of natural vegetation are encouraged in the center of parking areas. Parking areas shall also be buffered from the CR 419 corridor.

30.10.7.16 Sidewalks.

Sidewalks shall be provided on all projects requiring approval under this Part. Sidewalks shall be integrated into natural vegetation and landforms along the CR 419 corridor. Sidewalks shall be designed to meander and take natural forms and curves, however, straight sidewalks may be approved if required due to the nature and characteristics of the particular parcel or for safety purposes. Internal five-foot wide sidewalks shall be permitted to connect different clusters within the nonresidential development. Sidewalks shall connect and extend to the primary entrance of a given building. Continuous or uninterrupted walkways connecting individual buildings within the cluster are encouraged. Walkways shall be constructed of durable and all weather materials. A durable all weather surface shall mean an improved surface of concrete, brick, asphalt, or other permanent dust free surfaces, but shall not include wood chips, mulch, or other materials subject to decay. Sidewalk systems shall also connect to neighboring public spaces or properties, such as open spaces and trails in order to achieve an integrated network within the district. Sidewalk ramps may be

required. All sidewalks shall comply with the requirements of the Americans with Disabilities Act. Simple stamped concrete or asphalt paving are the preferred materials for sidewalks.

30.10.7.17 Crosswalks.

Where sidewalks cross driveways or parking areas, decorative crosswalks utilizing pavers (or similar material such as stamped concrete or asphalt) and environmental curb/concrete band shall be used to accentuate the crossings. Muted or natural colors specified in Section 30.10.7.25, "Color scheme", shall be the standard for paving finishes. Pedestrian crossing signs may be required.

10.7.18 Pedestrian walk lights.

If pedestrian walk lights are provided, high-pressure sodium lamps on twelve (12) foot cast-concrete, cast-iron or steel poles shall be the standard for all nonresidential development within the district. Lighting fixtures shall be designed to reduce spill lighting. Walk lights shall be positioned three (3) feet back from the sidewalk and fitted with solar cells for nighttime activation. If provided, pedestrian lights shall be installed in clusters at approximately sixty (60) feet on center along walkways within the development. Down lighting fixtures are standard unless the Development Services Director, or designee, after consultation with the sheriff's office, determines that such fixtures are inadequate to address site specific lighting issues including, but not limited to, safety. Pedestrian lighting shall be turned off no later than 10:00 p.m. and shall remain off until 6:00 a.m. the following morning, unless exempted from this requirement by the Development Services Director, or designee, upon the recommendation of the Seminole County Sheriff's Office based on a consideration of safety to citizens or property. After operating hours, only security lighting shall be utilized on-site.

30.10.7.19 Site furnishings.

(a) Site furnishings include benches, bicycle racks, trash receptacles, newspaper racks, shopping cart corrals and other similar features. All site furnishings shall be compatible with the architectural style of the project, and, if located within a planned development, consistent with a uniform program established for all properties within the development. Unless the Development Services Director determines that it is unnecessary or impracticable, all site furnishings shall be anchored to the ground. All site furnishings shall use color schemes specified in Section 30.10.7.25.

(b) All benches, if provided, shall be made of wood or wood-like materials (cypress look and teakwood look are preferred), decorated with simple or rustic detailing and finished with surfaces designed to be durable. Benches shall be installed at locations where pedestrians are likely to gather.

(c) Wooden or wood-like trash receptacles, of a rectangular section, with simple detailing shall be installed at seating and easement areas near busy routes.

(d) Bicycle racks constructed of metal and coated with a resistant vinyl finish shall be sited appropriately to complement the trails, recreation facilities and other open spaces where pedestrians are likely to gather. Clusters of natural vegetation shall screen bicycle racks. Reverse U-type racks are preferred.

(e) Newspaper kiosks, if provided, shall be designed to allow multiple publications. Individual kiosks are not permitted. The location shall be determined during the development review process.

(f) Bollards, if provided, shall be either cylindrical or of a rectangular section and made from wood or wood type material. Bollards, wherever possible, shall be co-located to function as a hitching post. The height to width ratio shall be four (4) feet to four (4) inches or six (6) inches. The Development Review Manager may require the use.

30.10.7.20 Fences and entrance features.

(a) Fence and entrance features shall be simple and traditional in their design, and constructed of wood or wood like materials. Only muted or natural colors (refer to Section 30.10.7.25) and materials shall be permitted. Extensive monotonous sections of fences shall be avoided by having breaks, incorporating landscaping and other natural features.

(b) A four-foot high simple wood or wood-like fence shall be required facing the CR 419 corridor and adjacent to the trail, except as provided in subsection (d)

(c) In the case of nonresidential property abutting residential property, compliance with Part 14, Chapter 30 shall be required. If a wall is required, it shall be in accordance with the color scheme of the principal structure.

(d) Nonresidential properties that abut the trail shall install a four-foot high fence where adjacent to the trail. The color scheme of the fence shall be in accordance with the color scheme of the principal structure. The Development Services Director, or designee, may waive the requirement for the fence adjacent to the trail if a natural vegetated buffer exists that is in compliance with the buffer requirements required by this Part.

(e) The entrances to all properties shall not exceed twenty-four (24) feet in width.

(f) Entrance features to trails and other public facilities shall be integrated into fences and gateways of the nonresidential clusters within the district.

(g) The County shall encourage interconnections between properties where appropriate.

30.10.7.21 Service areas.

All service areas and mechanical equipment (ground or roof), including, but not limited to, air conditioning condensers, heating units, electric meters, satellite dishes, irrigation pumps, ice machines and dispensers, outdoor vending machines, propane tanks, displays and refilling areas shall be screened so that they are not visible from any public right-of-way. The screen shall consist of a solid wall, facade, parapet or other similar screening material which is architecturally compatible and consistent with the associated building. If landscaping is utilized, then the plantings must be high enough within one (1) year of planting to provide the required screening.

30.10.7.22 Building style.

All new nonresidential development shall be harmonious with the pattern, proportions and materials of surrounding rural structures consistent with the provisions of this Part.

Buildings shall be either single story, one and one-half (1½) stories, or two (2) stories. Roofs shall be hip or use gables. Flat roofs with a raised parapet are allowed. Generally all buildings shall have a simple frame detailing. All buildings and site features shall be ADA compliant.

30.10.7.23 Design and scale.

Full architectural finishing details such as moldings and window trim shall be required on all sides of buildings and accessory structures, regardless of visibility from the CR 419 corridor. Rear sides of buildings shall be neighborhood friendly and facilitate trail and neighborhood pedestrian access as may be appropriate. Large scale big box proportions shall be overcome by providing variations in the roofline and wall planes (extrusions) and through the addition of cupolas, arches, covered walkways, porticos and any other features that may be appropriate to the building or cluster in question.

30.10.7.24 Exterior building materials.

All new nonresidential development shall have all exterior surfaces constructed in a manner set forth in this Section. The intent of this Section is to regulate the aesthetic, architectural design of buildings rather than the structural materials used in constructing a building. Brick, stucco, or wood-type construction shall be the standard exterior facade material for all new nonresidential development and redevelopment in the district. Exterior building ma"eria's shall consist of, or accurately resemble, horizontal or vertical "board and batten" wood siding, stucco patterns or brick. Alternative exterior building materials shall include dark red colored brick.

30.10.7.25 Color scheme.

Building exteriors shall remain natural (unpainted wood or brick) or be painted in muted, complementary natural colors. Muted, complementary natural colors consist of low intensity colors that predominantly exist in nature. Muted stains and varnish are also allowed. For example, toned down or lower intensity shades such as, but not limited to, green, brown or blue are allowed. No building or structure shall exhibit more than three (3) colors. Wood trim, rafters, eaves, corner trim, window trim, brackets, fences and other supporting components shall also be painted in complimentary natural colors. Standing seam metal roofs shall remain natural and unpainted unless the paint has been factory integrated into the metal roof material. For example, powder-coated metal roofs in muted, complementary natural colors are allowed. Buildings sharing the same frontage in a particular cluster shall have slight variations in their color schemes to avoid monotony. No fluorescent or neon colors are allowed.

30.10.7.26 Roof design and construction.

(a) Sloped, hip or gable tin roofs shall be allowed. Buildings and structures shall incorporate sloped roofs with a minimum slope of 8:12. All roofs shall be encouraged to display rafter ends. Portions of roofs may be flat to create variety in design. Where flat roofs are integrated into predominantly sloping roof structures, the top shall be finished with a simple raised parapet. The parapet may also function as a building sign. Unusual, undulating roof lines or crenellated/saw-toothed or battlement type parapets are not allowed.

(b) All roof materials shall be made of metal shingles, corrugated metal sheet, V-crimp metal sheet, standing seam metal sheet, or wood or wood-like shingles.

(c) All mechanical equipment and appurtenances placed on the roof shall be screened in accordance Section 30.10.7.21, above.

30.10.7.27 Doors.

(a) Entries recessed from the main facade or covered by a porch are preferred. A central front entry is preferred. Main entrance doors shall be glazed (have glass area). Glazing shall range between thirty (30) percent and eighty (80) percent of the total door area. Door openings shall be proportioned by a minimum of one and one-half (1½) feet of vertical height for every one (1) foot of horizontal width. Applicants shall provide a summary of percentages of openings. Acceptable door materials include wood, painted steel, painted aluminum, and fiberglass. Service doors and emergency exits shall not be required to be glazed. Solid glass doors, unpainted aluminum, unpainted steel or plastic doors are not allowed. Doors shall be neutral and painted or finished in muted or natural colors as set forth in Section 30.10.7.25.

(b) Doors should be accessible to the street side of the building as well as address the primary parking area, the trail network and other recreational facilities. Doors may be symmetrical or asymmetrical to the facade.

30.10.7.28 Windows.

(a) False or real windows shall be provided on all elevations in sufficient size and number to complement the proportions of the building. Windows shall have a vertical expression, be located at regular intervals not more than ten (10) feet apart on the facade, be double hung sash two-over-two, two-over-one, three-over-one, four-over-one, six, six-over-one, or eight-over-one. Window openings shall be proportioned by a minimum of one and one-half (1½) feet of vertical height for every one (1) foot of horizontal width. Secondary windows situated on the sides or rear of the building, in a clerestory with lower windows, or in the gables may have a proportion of one (1) foot of vertical height for every one (1) foot of horizontal width, provided that such windows are divided with fixed or false mullions on the exterior.

(b) Transom windows shall be required on parapet type buildings. Commercial storefronts shall have a transparency (glass area) ranging from forty (40) percent to sixty-five (65) percent of the total ground floor facade area. Calculations of the window door to building face ratios shall be required in the application submittal.

(c) Windows shall appear to be casement or double-hung. The use of fixed glass and/or false exterior mullions shall be permitted. For windows with shutters, the shutter dimensions shall be appropriately scaled to the window so as to give the appearance of operable shutters. If the shutters are used to create verticality, the shutters shall not be required to provide the appropriate vertical dimension to fully cover the height of the window. Windows shall incorporate a minimum sill and side facing of four (4) inches. Window hoods and lintel facings shall be a minimum of five (5) inches, finished with a simple cornice trim. The acceptable window materials include wood (or wood-like), painted steel, and painted aluminum. Window frames shall be painted in muted or natural colors as set forth in Section 30.10.7.25.

30.10.7.29 Awnings.

Awnings, if provided, shall be sensitive to the building height, size, materials and color. Awnings shall be solid, neutral in color and no more than one (1) color shall be permissible on any given awning. Internally illuminated awnings are prohibited. The use of closed shutters, three-sided fabric awnings, spandrel glass, or other appropriate vernacular architectural features shall be permitted to achieve the vertical look. Flat or fixed canopies or entry covers are encouraged on commercial/parapet type buildings. Fabric awnings shall be allowed where the building is designed with adequate wall space to accommodate the awning. Both awning and flat canopy treatments are acceptable as long as they are uniformly applied to the same building. Stretch awnings on curved aluminum frames are not allowed. Back lighted awnings with plastic fabric are prohibited.

30.10.7.30 Handicapped access.

All new construction shall comply with accessibility requirements. Ramps, railings and other structural elements required for this purpose shall be designed to reflect the architectural style indicated in the standards and shall be subtly integrated into the building and site design.

30.10.7.31 Signage.

In addition to any other requirements in the Land Development Code regarding signs, the following standards shall apply within the district:

(a) Signs shall be located on the flat, unadorned parts of a facade, including above doors or windows.

(b) Square or rectangular flush mounted signs are encouraged. Highly ornate signs, such as those with bright colors or extensive detailing, are discouraged.

(c) Signs shall be designed to not interfere with safe driving sight distance requirements as set forth in the LDC.

(d) All signs shall be coordinated with the building design in height, size, materials and color, so as to provide a unified appearance.

(e) Two (2) types of signs, in any combination of wall, window or ground, and otherwise consistent with the terms of this Part and the Land Development Code, shall be allowed per storefront.

(f) Illuminated signs located within five hundred (500) feet of a residential land use designation or residential zoning classification and which are visible from the residential property shall be turned off no later than 10:00 p.m. and shall remain off until 6:00 a.m. the following morning, unless exempted from this requirement by the Development Services Director, or designee, upon the recommendation of the Seminole County Sheriff's Office based on a consideration of safety to citizens or property. Emergency medical facilities shall be exempt from this requirement.

(g) One (1) sign wholly independent of any building for support may be allowed per property, provided that the subject of the sign relates to either the identity of the business or the activity carried on in the structure on the same property as the sign. Such a sign shall be referred to herein as a "ground" sign.

(h) Corner buildings shall be allowed two (2) types of signs, in any combination of wall, window or ground, and otherwise consistent with the terms of this Part and the Land Development Code, per street frontage.

(i) Signs shall be parallel or perpendicular to the building facade.

(j) No internally lighted signs (internally lighted means receiving illumination from within the sign), including neon signs, shall be allowed on the exterior of the building. No neon accent lighting of buildings or structures shall be allowed.

(k) Sign lettering shall meet the following size limitations:

(1) For storefronts thirty (30) feet or less, the maximum letter height is six (6) inches.

(2) For storefronts between thirty (30) and sixty (60) feet, the maximum letter height is nine (9) inches.

(3) For storefronts sixty (60) feet or greater, the maximum letter height is twelve (12) inches.

(l) Wall signs. The maximum size (expressed in square feet) of wall signs for single-occupant buildings or buildings within a cluster shall be calculated by multiplying the building front footage by one and one-half (1½) feet. Symbols, images, or logos shall also be included in the height and area calculations established. Wall signs shall be designed as an integral architectural feature of the structure. Placement of signs on a building shall not obscure or conflict with awnings, canopies, windows, cornices or other similar architectural details.

(m) Window signs. Text or an image (logo) applied or hand painted to the inside of the storefront glass is permitted. These signs shall not occupy more than twenty-five (25) percent of available glass area. The sign shall not be a visual obstruction to the display or inside of the building. Neon signs are not allowed on the exterior or immediately behind the storefront window glass. Second story businesses shall be allowed a second story window sign, on an individual case basis. These signs shall not occupy more than twenty-five (25) percent of available window area.

(n) Ground signs. Ground signs shall be designed in the local vernacular style, consistent with the principal building. Only wood or wood-like panel signs are permitted. Ground signs shall be limited to thirty-six (36) square feet in area and six (6) feet in height. Placement of ground signs shall not obscure vehicular vision or conflict with the predominant rural character and landscape of the district.

(o) Prohibited signs. The following sign types are prohibited in the district:

(1) Blinking lights, changeable message boards and electronic message signs.

(2) Reverse illuminated (receive light from an internal source) plastic signs.

(3) Reader boards and information displays.

(4) Neon signs and changeable copy signs. Neon signs and internally lit signs are permitted inside a structure, however, cannot be located within five (5) feet of a window or in such a fashion as to be visible from the exterior of the building.

(5) Ground signs constructed at an angle with the horizontal plane.

(6) Pole signs, whether single-faced or double-faced. Pole signs are defined as signs supported by poles, uprights, or braces which are not concealed in an upright base but are permanently placed on or in the ground and are wholly independent of any building for support.

(7) Billboards, unless permitted by the underlying zoning classification for a particular property on the effective date of this Part.

30.10.7.32 Application fees.

The Board of County Commissioners may, by resolution, establish fees to offset the administrative costs of reviewing applications and implementing this Part.

30.10.7.33 Conflicts.

The provisions of this Part are in addition to and supplement the other provisions of the Land Development Code. In the event of a conflict between the provisions of this Part and one (1) or more provisions of the Land Development Code, then the provisions of this Part shall govern.

30.10.7.34 Enforcement.

Compliance with the standards set forth in this Part shall be the continuing responsibility of the property owners. Failure to comply with this Part shall result in the enforcement of this Part through the procedures set forth in Chapter 53, Seminole County Code, for the violations of the County's codes and regulations. A violation of this Part shall be classified as a Class II violation.

Landscaping materials listed as native plants contained in the Florida-Friendly Landscaping Guide Plant List are permitted in the district.

30.10.8 Airports.

30.10.8.1 Purpose.

The purpose of this Part is to provide airspace protection and adjacent land uses compatible with airport operations; to promote the coordinated use of lands and foster orderly development; to protect the health, safety and welfare of the public; to ensure the economic benefits and capacity of aviation related businesses; and to ensure compliance with all Federal and State aviation laws, rules and regulations.

Additional purposes of this Part are as follows:

(1) To promote the maximum safety of aircraft using the Airport.

(2) To promote the maximum safety of persons and property located near the Airport.

(3) To promote the full utility of the Airport to ensure the welfare and convenience of citizens and visitors.

(4) To provide limits on the height of structures and objects of natural growth within the 14 CFR Part 77 surface primary, horizontal, conical, approach and transitional, TERPS surfaces, and other imaginary airport airspace surfaces, OEI and TSS to ensure proper and sound development of the areas within these surfaces.

(5) To discourage new land uses, activities or construction incompatible with existing and planned airport operations or public health, safety and welfare.

(6) To provide administrative procedures for the efficient and uniform review of land development proposals in the areas surrounding the Airport.

30.10.8.2 Rules of Interpretation.

(a) Unless the natural construction of the wording indicates otherwise, all words used in the present tense include the future tense; all words in the plural number include the singular number; all words in the singular number include the plural number and all words of the masculine gender include correlative words of the feminine and neuter genders. Any reference herein to a rule, statute, regulation or other legal requirement or form shall also include any modification, amendment, alteration or replacement thereof subsequent to the effective date hereof.

(b) An area located in more than one of the described airport height zones or airspace surfaces must comply with the most restrictive height limit or surface. In the event a conflict arises between an Airspace Surface and the regulations as set forth in 14 CFR Sections 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23; terminal instrument procedures as contained in FAA Order 8260.3c and Order 8260.58A entitled "United States Standards for Terminal Instrument Procedures" and Federal regulations for turbine powered aircraft as contained in 14 CFR Section 121.189 and any other FAA Advisory Circulars or guidelines relating to airspace, the most restrictive regulation will prevail.

30.10.8.3 Abbreviations.

(a) For the purpose of this Part, the following abbreviations shall have the following meanings:

(1) *AGL*. Above ground level.

(2) *ALP*. Airport layout plan.

(3) *AMSL*. Above mean sea level.

(4) *CFR*. Code of Federal Regulations.

(5) *FAA*. Federal Aviation Administration.

(6) *FCC*. Federal Communications Commission.

(7) *FDOT*. Florida Department of Transportation.

(8) *Navaid*. Navigational aids.

(8) *OEI*. One Engine Inoperative-Obstacle Identification Surfaces.

(9) *TERPS*. Terminal Instrument Procedures.

(10) *TSS*. Threshold Siting Surface.

(b) These abbreviations may be used in the context of administrative rules that may be adopted to implement the provisions of this Part.

30.10.8.4 Zones and Heights Requiring Airport Height Zoning Permit.

In order to regulate the height of permanent and temporary structures and objects of natural growth, this Section establishes permitting requirements in certain zones based on height. These zones, and the heights established for each zone, provide for the review by the County of the height of land development proposals over which the County may have jurisdiction to regulate, as well as objects of natural growth. No structure or object of natural growth that would exceed two hundred (200) feet above ground level, any Federal obstruction standards or the height for the zone in which it is located or proposes to be located may be developed, constructed, established, enlarged, substantially altered or repaired, approved for construction, issued a natural resources permit or building permit, or planted, allowed to grow or be replanted, unless the Development Services Director has issued an airport height zoning permit in accordance with this Part. The zones and heights are depicted on the Airport Height Zoning Map.

30.10.8.5 Airport Height Zoning Permit Application Procedure.

A request for an airport height zoning permit may be initiated by filing with the Development Services Director a completed application for airport height zoning permit on a form prescribed by the County including a copy of the Form 7460-1 and/or FAA's online OE/AAA website tool, Notice of Proposed Construction or Alteration filed with the FAA, as required pursuant to 14 CFR Sections 77.5, 77.7, 77.9 and 77.11. An FAA airspace review determination resulting from the submittal of a Notice of Proposed Construction or Alteration does not preclude the requirement to obtain an airport height zoning permit from the County. An application for an airport height zoning permit must contain: (i) a site survey, with an FAA accuracy code of 1A, which certifies the site coordinates and elevations with an accuracy of +/- 20-feet horizontal and +/- 3-feet vertical (all site coordinates must be based on North American Datum of 1983 and National Geodetic Vertical Datum of 1988); (ii) site plans; and (iii) drawings and other data as may be necessary to enable the Development Services Director to determine whether or not the proposal will comply with this Part. A separate application for an airport height zoning permit must be submitted for permanent or temporary derricks, draglines, cranes and other boom-equipped machinery to be used during construction or installation at heights greater than the height of proposed structure. Applications for an airport height zoning permit must be signed by the property owner or an authorized agent of the property owner.

30.10.8.6. Pre-Application Conference Procedure.

Prior to submittal of any application for an airport height zoning permit, a prospective applicant shall request a pre-application conference with the Development Services Director. This meeting will include the SAA Airspace Director or his or her designee. The pre-application conference is intended to advise the applicant of the information needed for submittal and the standards and other requirements so that issues can be identified, and costly modifications avoided. Information provided as a result of the conference is for conceptual purposes only, is given solely as a means to assist the applicant and does not take the place of the formal application review process.

30.10.8.7 Review of Airport Height Zoning Permit Application.

Before an application for an airport height zoning permit will be considered, the applicant must submit to the Development Services Director a copy of the final airspace

review determination by the FAA of the applicant's Notice of Proposed Construction or Alteration. Upon receipt of a completed application and copy of the final determination, the Development Services Director shall forward the application packet to the SAA Airspace Director and to the FDOT Aviation Office, by means of certified mail, return receipt requested, or by means of a delivery service that provides evidence of delivery. FDOT shall have fifteen (15) days to review the application for technical consistency with Chapter 333, Florida Statutes, with said review period running concurrently with the review by the County and the SAA Airspace Director. The SAA Airspace Director shall produce an analysis and recommendation as to consistency with this Part to the Development Services Director. The Development Services Director upon receipt of the application and analysis from the SAA Airspace Director will review the application for consistency with the height limits for the airspace surfaces as set forth in Section 30.10.8.8 below and the guidelines, procedures and criteria set forth in chapter 6, section 3, part 2 of FAA Order 7400.2k, entitled "Procedures for Handling Airspace Matters", as provided in section 3.6 herein. Within a period of twenty-one (21) calendar days from receipt of (i) a completed application, (ii) the analysis of the SAA Airspace Director, and (iii) the final determination by the FAA, the Development Services Director will either approve or disapprove the application. The Development Services Director may consider an application for an airport height zoning permit concurrently with the development plan approval. The provisions of Section 125.022, Florida Statutes, shall govern applications together with the provisions of this Part.

30.10.8.8. Airspace Surfaces.

There are hereby created and established certain airspace imaginary surfaces in order to evaluate whether any existing or proposed structure or object of natural growth complies with Federal obstruction standards as contained in 14 CFR Sections 77.13, 77.15, 77.17, 77.19, 77.21 and 77.23 terminal instrument procedures as contained in FAA Order 8260.3C and Order 8260.58A, entitled "United States Standards for Terminal Instrument Procedures" and Federal regulations for turbine powered aircraft as contained in 14 CFR Section 121.189. The airspace surfaces are hereby specified for the most restrictive approach existing or planned for each runway and any planned extension of existing runways and include all of the land lying beneath the airspace surface, as applied to each airport. Except as otherwise provided in this Part, no application for an airport height zoning permit may be approved; no structure may be developed, constructed, established, enlarged, substantially altered or repaired, approved for construction, or issued a natural resources permit or building permit; and no object of natural growth may be planted, allowed to grow or be replanted, in any airspace surface at a height above the height limit established herein for the airspace surface in which the structure or object of natural growth is located or proposed to be located. Such height limits will be computed from mean sea level elevation, unless otherwise specified. The 14 CFR Part 77C (primary, horizontal, conical approach and transitional) airspace surfaces have been analyzed by the Sanford Airport Authority and are illustrated on the maps incorporated herein as Exhibit "A," as may be modified or amended from time to time, and further defined as illustrated in FAA Order 7400.2, entitled "Procedures for Handling Airspace Matters", as applied to the Orlando-Sanford International Airport.

30.10.8.9 Objects Affecting Navigable Airspace.

Any existing or proposed structure or object of natural growth that exceeds the standards for identifying and evaluating aeronautical effect as defined in Section 3, Chapter 6, Part 2 of FAA Order 7400.2, entitled "Procedures for Handling Airspace Matters", is presumed to be a hazard to air navigation unless an obstruction evaluation study determines otherwise. Any structure or object of natural growth in violation of the aforementioned standard will be evaluated by the FAA and the SAA Airspace Director to determine if the structure has a substantial adverse effect on navigable airspace affecting airport operations and said evaluations shall be presumed correct absent evidence of gross negligence or malice. The Development Services Director shall consider the determination of the FAA and SAA Airspace Director with this presumption in approving or denying an application for an airport height zoning permit.

30.10.8.10 Supportive Screening Criteria.

(a) Antenna Installations. Antenna installations used to transmit over navigable airspace may produce a harmful electromagnetic interference with navigation aids or radio communications or aircraft, airport or air traffic control facility. An antenna installation shall comply with the permitting requirements of this Section unless the antenna is to be co-located on an existing structure and:

(1) The antenna does not increase the height of the existing structure;

(2) The structure has a current no hazard determination on file with the FAA; and

(3) The transmission of the antenna has been coordinated and approved by the FCC.

The controlling provisions of Federal law shall prevail over the provisions of any conflicting County land development regulations.

(b) FAA Navigation Aids. The FAA owns and operates navigation aids at the Airport. These include, but are not limited to, ILS, DME and the automated surface observation system. The FAA provides guidance on the required clear areas around navaids. Any structure or object of natural growth within the vicinity of an FAA navaid must be evaluated by the FAA for interference with the navaid. If the FAA determines that such proposed structure or object of natural growth will adversely affect the utilization of the navaid, such determination by the FAA will be presumed shall be presumed correct absent evidence of gross negligence or malice. The Development Services Director shall take the determination of the FAA with this presumption into account when reviewing the application.

30.10.8.11 Criteria for Approval or Disapproval of Airport Height Zoning Permit Application.

(a) Criteria. In determining whether to issue or deny an Airport Height Zoning Permit, the County shall consider the following:

(1) The safety of persons on the ground and in the air;

(2) The safe and efficient use of navigable airspace;

(3) The nature of the terrain and height of existing structures;

(4) The effect of the construction or alteration of an obstruction on the state licensing standards for a public-use airport contained in Chapter 330, Florida Statutes,i and rules adopted thereunder;

(5) The character of existing and planned flight operations and developments at public-use airports;

(6) Federal airways, visual flight rules, flyways and corridors, and instrument approaches as designated by the FAA;

(7) The effect of the construction or alteration of an obstruction on the minimum descent altitude or the decision height at the affected airport; and

(8) The cumulative effect on navigable airspace of all existing obstructions and all known proposed obstructions in the area.

(b) Approval. A permit application for the construction or alteration of an obstruction may not be approved unless the applicant submits documentation showing both compliance with the Federal requirement for notification of proposed construction or alteration and a valid aeronautical study, as defined in 14 CFR Part 77. A permit may not be approved solely on the basis that the FAA determined that such proposed structure or object of natural growth will not exceed Federal obstruction standards and was not an airport hazard, as contained in 14 CFR Part 77, or any other Federal aviation regulation. Upon consideration of the above requirements, as set forth in Section 333.025, Florida Statutes,ii and if the FAA and the SAA Airspace Director have issued determinations that the proposed structure will not constitute an airspace hazard and the applicant has established by clear and convincing evidence provided to the Development Services Director that the proposed structure or object of natural growth will not exceed the height limits established for the airspace surfaces and other applicable standards, and will not otherwise constitute an airspace hazard, the Development Services Director may approve an application for an airport height zoning permit. In the event of approval, the permit will be issued within fourteen (14) business days. No airport zoning height permit will be issued after the expiration date indicated on the FAA's final determination. Each airport height zoning permit will specify an expiration date as a condition. Development authorized by the permit must commence prior to the permit's expiration date and must continue without interruption in good faith until development is complete; otherwise it shall lapse. After a permit has been issued, no change, modification, alteration or deviation may be made from the terms or conditions of the permit without first obtaining a modification of the permit. A modification may be applied for in the same manner as the original permit.

(c) Disapproval. The Development Services Director will not approve an application for an airport height zoning permit if the FAA or the SAA Airspace Director has issued a determination that the proposed structure would constitute an airspace hazard, or the Development Services Director has determined that the proposed structure or object of natural growth would exceed the height limits established for the airspace surfaces or otherwise would constitute an airspace hazard. In the event of a denial, a denial development order consistent with the provisions of Section 125.022, Florida Statutes, shall be issued.

(d) Appeals. Any decision of the Development Services Director disapproving an airport height zoning permit application may be appealed set forth in the provisions of this Part pertaining to appeals from the Administrative Official. For any appeals, a copy of the appeal must be provided to the SAA Airspace Director by sending the copy by certified mail to 1200 Red Cleveland Blvd, Sanford FL 32773. On any appeal, a decision by the Development Services Director based upon the determination of the SAA Airspace Director or the FAA shall be presumed to be correct and requires a finding by the Planning and Zoning Commission on appeal that the determination of the SAA Airspace Director or the FAA is grossly negligent or was created with malice.

30.10.8.12 Abandoned or Deteriorated Uses.

Upon petition by the Development Services Director, or upon application by a property owner, the Planning and Zoning Commission may review any existing nonconforming use to determine if it is abandoned or more than eighty (80) percent torn down, destroyed, deteriorated or decayed. Upon declaring an existing nonconforming use abandoned or more than eighty (80) percent torn down, destroyed, deteriorated, or decayed, the Planning and Zoning Commission will hear the matter in accordance with the provisions of this Part.

30.10.8.13 Hazard Marking and Lighting.

If a structure or object of natural growth meets the specifications set forth in Advisory Circular 70-7460- 1L, Change 1, or otherwise as recommended by the FAA or the SAA Airspace Director, the Development Services Director shall require, as a condition of approval of an application for an airport height zoning permit, the property owner to install prior to the issuance of a certificate of occupancy, and to operate and maintain, at the property owner's own expense, such marking and/or lighting on the permitted structure as may be necessary to indicate to aircraft pilots the presence of the structure or object of natural growth. Such marking and lighting must conform to the specific standards in FAA Advisory Circular 70-7460-1L, Change 1, entitled "Obstruction Marking and Lighting" and Rule 14-60.009, Florida Administrative Code.

30.10.8.14 Permit Required; Addition to Those Issued by Other Agencies.

A permit required by this Part is in addition to any other building, zoning, environmental or occupancy permits required by any other governmental agency or jurisdiction. Pursuant to Section 125.022, Florida Statutes, issuance of a airport height zoning permit by the County does not in any way create or vest any rights on the part of the applicant or property owner to obtain a permit from a State or Federal agency and does not create any liability on the part of the County for issuance of the permit if the applicant or property owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or Federal agency or undertakes actions that result in a violation of state or Federal law. Pursuant to Section 125.022, Florida Statutes, the property owner shall obtain all other applicable State or Federal permits before commencement of development.

30.10.8.15 Nonconforming Uses.

(a) Existing nonconforming use. Any structure, object of natural growth, or use of land existing on the effective date of this Part, which exceeds any height limit

established herein or otherwise fails to comply with any provision of this Part, is hereby declared to be an existing nonconforming use and in violation of this Part.

(b) Change of existing nonconforming use. It is prohibited and unlawful for an existing nonconforming use to be enlarged, increased in height, expanded, replaced, substantially altered or repaired at a cost which exceeds fifty (50) percent of the value of the existing nonconforming use, rebuilt, or allowed to grow higher or to be replanted, unless the Development Services Director has issued an airport height zoning permit in conformance with this Part.

(c) Continuance of existing nonconforming use.

(1) Existing Nonconforming Uses.

Except as provided in this Part or any other controlling provisions of law, there is no required removal, lowering, alteration, sound conditioning or other change to or interference with a nonconforming use in existence before the effective date of this Part. The continuation of any existing nonconforming use will be governed by the County airport zoning land development regulations in effect on the date of the creation of the existing nonconforming use, and such other controlling law currently in effect or lawfully enacted.

(2) Existing Nonconforming Educational Facilities.

Except as provided in this Part or any other controlling provisions of law, there is no required removal, alteration, sound conditioning, or other change to or interference with the continued use, modification, or adjacent expansion of any educational facility in existence on or before July 1, 1993, or be construed to prohibit the construction of any new educational facility for which a site has been determined as provided in former Section 235.19, Florida Statutes, as of July 1, 1993.

(3) Declaration of Abandoned or Deteriorated Existing Nonconforming Use.

In the event the Development Services Director and/or the SAA Airspace Director determines that an existing nonconforming use is abandoned or more than eighty (80) percent torn down, destroyed, deteriorated, or decayed, no permit will be issued that would allow such existing nonconforming use to exceed the applicable height limit or otherwise deviate from this Part; and whether application is made for a permit under this Part or not, the Development Services Director may petition the Planning and Zoning Commission, upon due notice to the owner of the real property on which it is located, to compel the property owner to lower, remove, reconstruct, equip, or otherwise alter the abandoned, destroyed, deteriorated, or decayed nonconforming use as may be necessary to conform to the requirements of this Part. Upon receipt of such petition, the Planning and Zoning Commission will conduct a public hearing pursuant to this Part after due notice to the owner. If, after a public hearing, the Planning and Zoning Commission determines the existing nonconforming use to be abandoned, or more than eighty (80) percent torn down, destroyed, deteriorated, or decayed, the Planning and Zoning Commission may compel the owner, at the owner's own expense to lower, remove,

reconstruct, equip, or otherwise alter the existing nonconforming use as may be necessary to conform to this Part.

(4) Failure to Remove Abandoned or Deteriorated Existing Nonconforming Use.

If the property owner neglects or refuses to comply with such order within thirty (30) calendar days after notice thereof, the County may proceed to lower, remove, reconstruct, equip, or otherwise alter the structure or use and assess the cost and expense thereof on the structure or the real property whereon it is or was located.

30.10.8.16 Administration, Enforcement, Penalties and Remedies.

(a) The Seminole County Development Services Director shall be responsible for administering and enforcing airport-related land development regulations.

(b) In the event of a violation of the requirements of this Part or an order, ruling, or permit issued hereunder, the Development Services Director shall request that the code enforcement staff of the County initiate code enforcement actions in accordance with controlling law. Further, if a nonconforming use or structure interfere with the use the Airport, if the property owner neglects or refuses to comply with such order within thirty (30) calendar days after notice thereof, the County may proceed to lower, remove, reconstruct, equip, or otherwise alter the structure or use and assess the cost and expense thereof on the structure or the real property whereon it is or was located. The forgoing sentence is in addition to other code enforcement actions provided under law.

(c) Each violation of a provision of this Part shall be subject to the penalties authorized by controlling law and the County may exercise any legal remedy available under controlling law to include, but not be limited to, judicial relief. The remedies provided in this Section are cumulative in nature such that seeking civil penalty does not preclude the County from seeking any alternative form of relief including, but not limited to, an order for abatement or injunctive relief.

30.10.8.17 Powers of the Planning and Zoning Commission.

(a) The Planning and Zoning Commission is vested with and may exercise all the powers permitted by the provisions of Chapter 333, Florida Statutes, and this Part; provided, however, that, in accordance with the provisions of the Land Development Code, matters may be referred to hearing officers when the Board of County Commissioners determines that such action would be prudent and appropriate.

(b) Without limiting the provisions of Subsection (a), the Planning and Zoning Commission is assigned the following powers and duties:

(1) To hear and decide appeals from any order, requirement, decision, or determination made by the Development Services Director in the application or enforcement of this Part, subject to the presumptions provided herein.

(2) To hear and decide petitions to declare an existing nonconforming use abandoned or more than eighty (80) percent torn down, destroyed, deteriorated, or decayed.

30.10.8.18 Appeals.

(a) Any applicant, property owner, or other lawful participant in such proceeding, who is affected by any decision of the Development Services Director made in the administration of this Part, or any governing body of a political subdivision, which is of the opinion that a decision of the Development Services Director is an improper application of this Part, may appeal to the Planning and Zoning Commission. Such appeals must be filed no later than ten (10) calendar days after the date of notification of the decision appealed from by filing with the Development Services Director a notice of appeal specifying the grounds therefor and by sending a copy of the appeal by certified mail to the SAA Airspace Director at 1200 Red Cleveland Blvd, Sanford FL 32773. The Development Services Director will transmit to the Planning and Zoning Commission copies of the record of the action appealed and ensure that the SAA Airspace Director has a copy as well. An appeal stays all proceedings in furtherance of the action appealed from, unless the Development Services Director certifies to the Planning and Zoning Commission after the notice of appeal has been filed that, by reason of facts stated in the certificate, a stay would result in imminent peril to life and property. In such case, proceedings will not be stayed other than by order by the Planning and Zoning Commission or by a court of competent jurisdiction with notice of any action being provided to the Development Services Director and the SAA Airspace Director, and only upon due cause shown.

(b) A decision of the Planning and Zoning Commission under this Part may be appealed to the Board of County Commissioners within thirty (30) days of the date of the Planning and Zoning Commission decision.

30.10.8.19 Judicial Review.

After appeal to the Board of County Commissioners in accordance with the provisions of the Land Development Code of the County; judicial review of any decision of the Board of County Commissioners, if not reversed, will be in the manner provided by Section 333.11, Florida Statutes, and other controlling law.

30.10.8.20 Implementing Administrative Actions; Administration; Amendment.

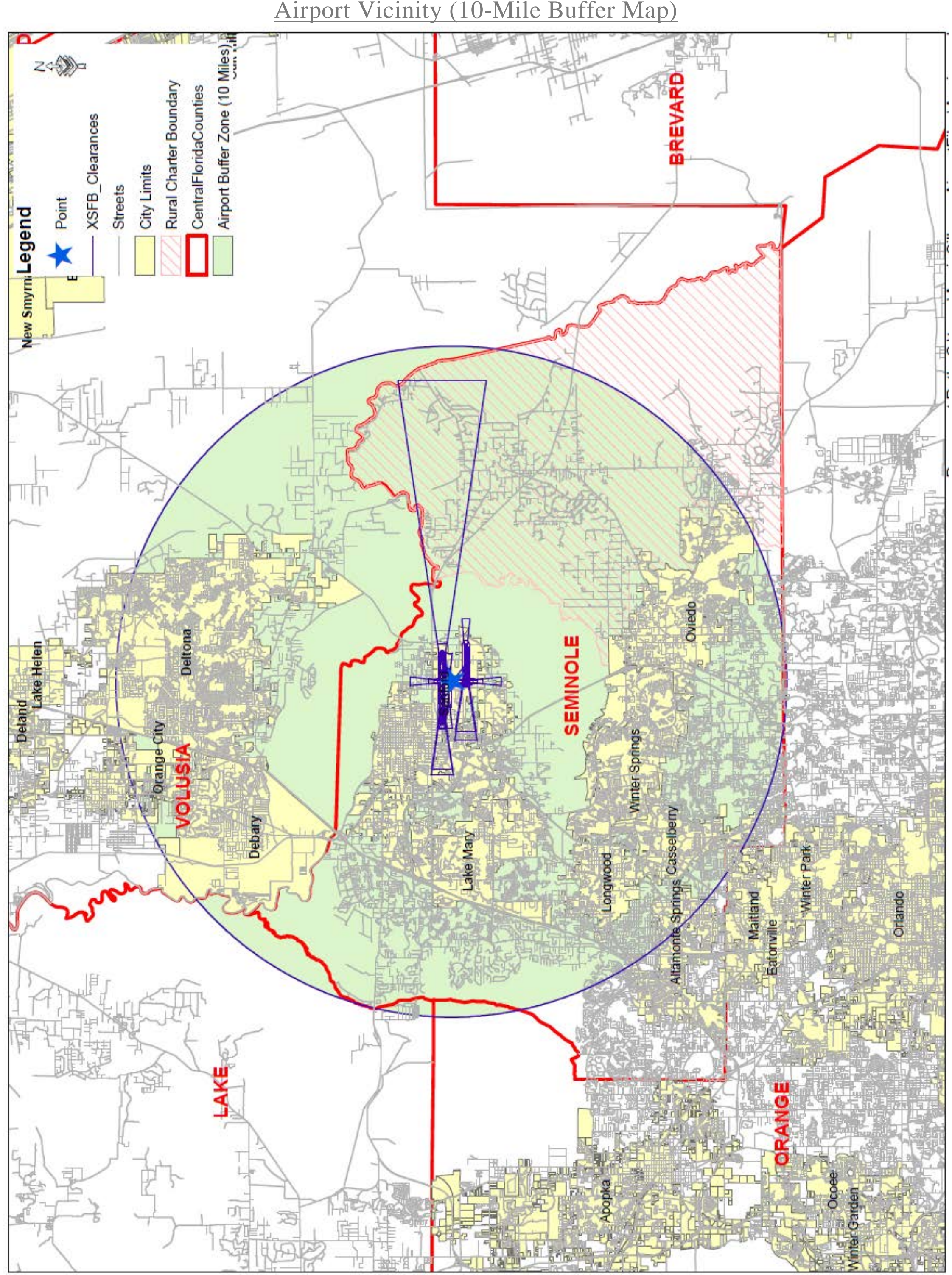
(a) The County Manager, or designee, is hereby authorized and directed to implement the provisions of this Part and to take any and all necessary administrative actions to bring into effect the provisions of this Part including, but not limited to, the promulgation of rules and forms.

(b) The provisions of this Part will be interpreted, administered, and enforced by the Development Services Director, with input provided by the SAA Airspace Director and other aviation experts. The duties of the Development Services Director shall include that of hearing and deciding all permits and all other matters under this Part except any of the duties or powers herein delegated to the Planning and Zoning Commission. The Development Services Director shall coordinate the administration of this Part with, at a minimum, the SAA Airspace Director, the FAA, the County and the FDOT.

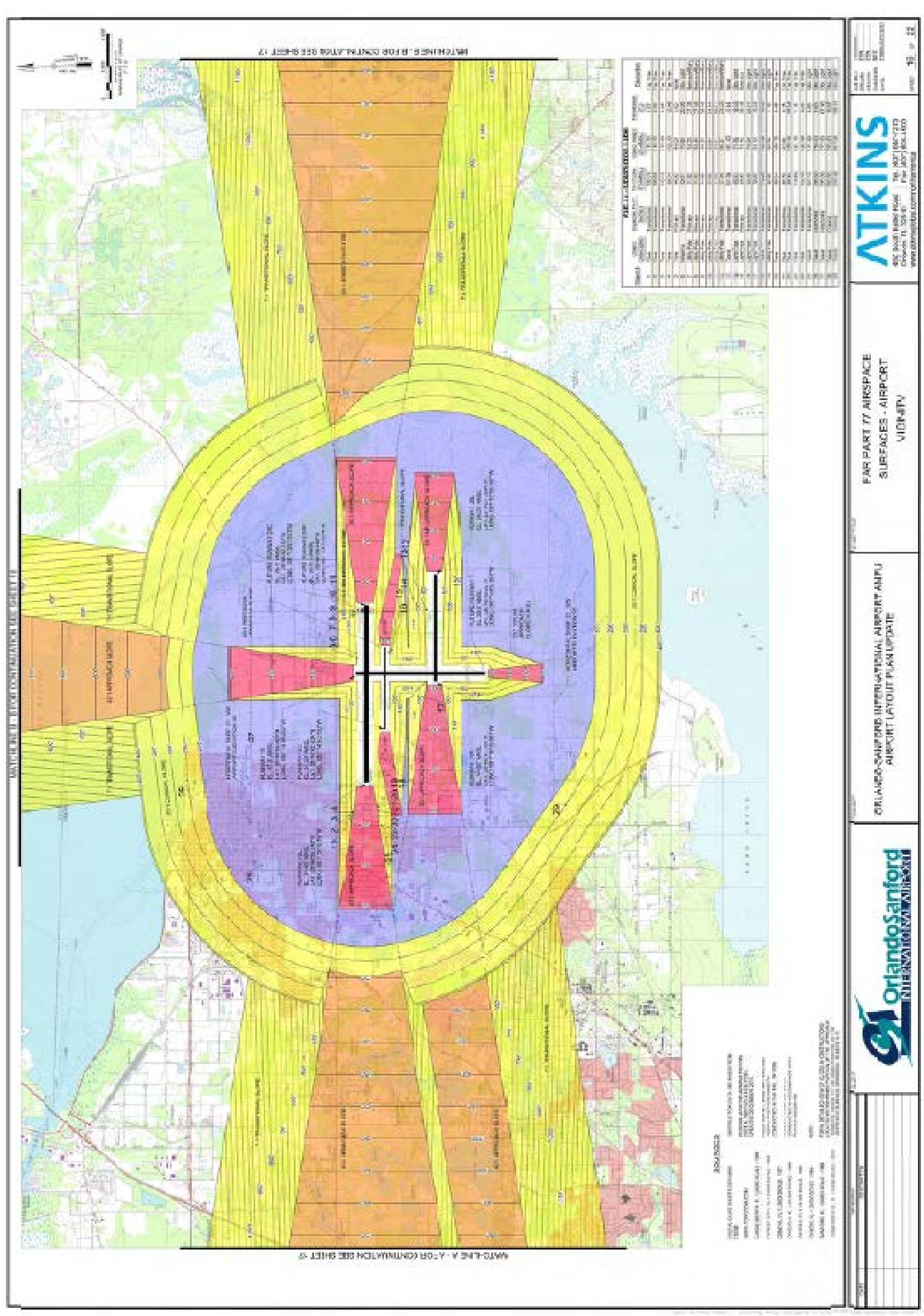
(c) This Part may be amended in conformance with the interlocal agreement entered by the Sanford Airport Authority and the County, as well as Chapter 333, Florida Statutes; provided, however, that, before advertising a proposed amendment, the

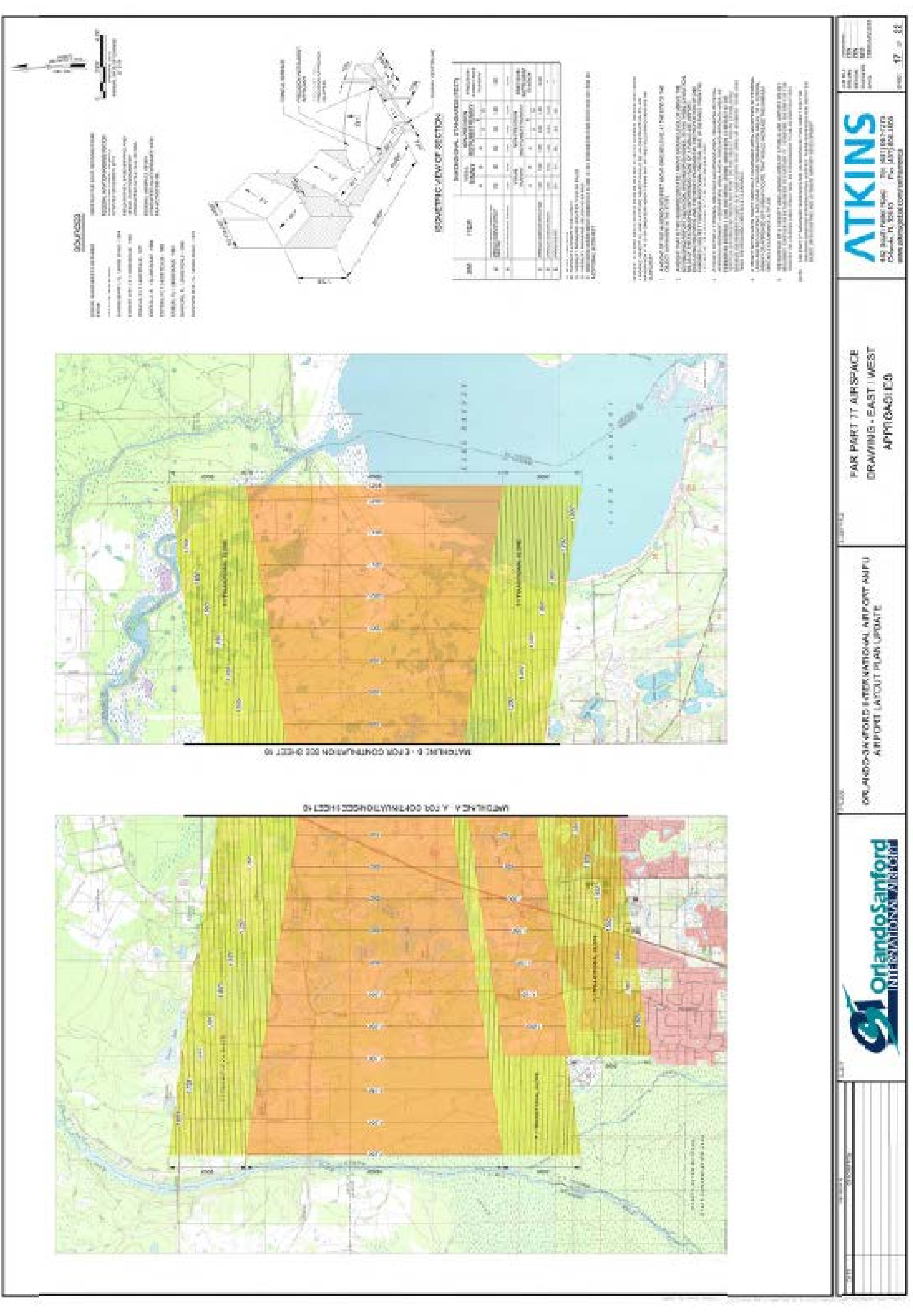
County shall provide notice to the other parties of the interlocal agreement, and provide public notice and hold a public hearing as provided by Section 333.05, Florida Statutes, and other controlling law.

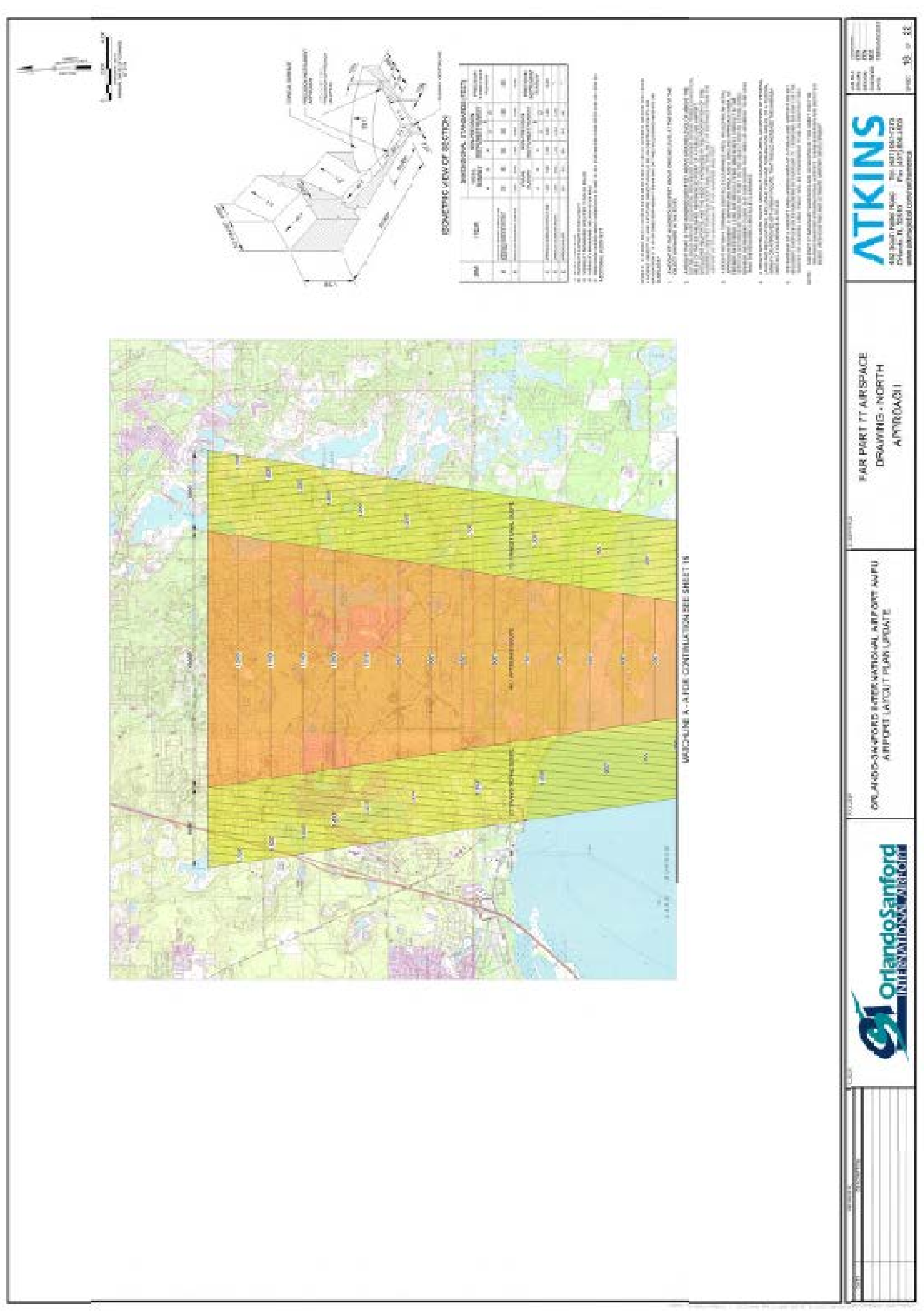
Airport Vicinity (10-Mile Buffer Map)



Airport Height Zoning / Current Airspace Surface Maps




ATKINS
FAR PART 77 AIRSPACE
DRAWING - EAST / WEST
APPROACHES
OrlandoSanford
INTERNATIONAL AIRPORT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ATKINS
OrlandoSanford
INTERNATIONAL AIRPORT

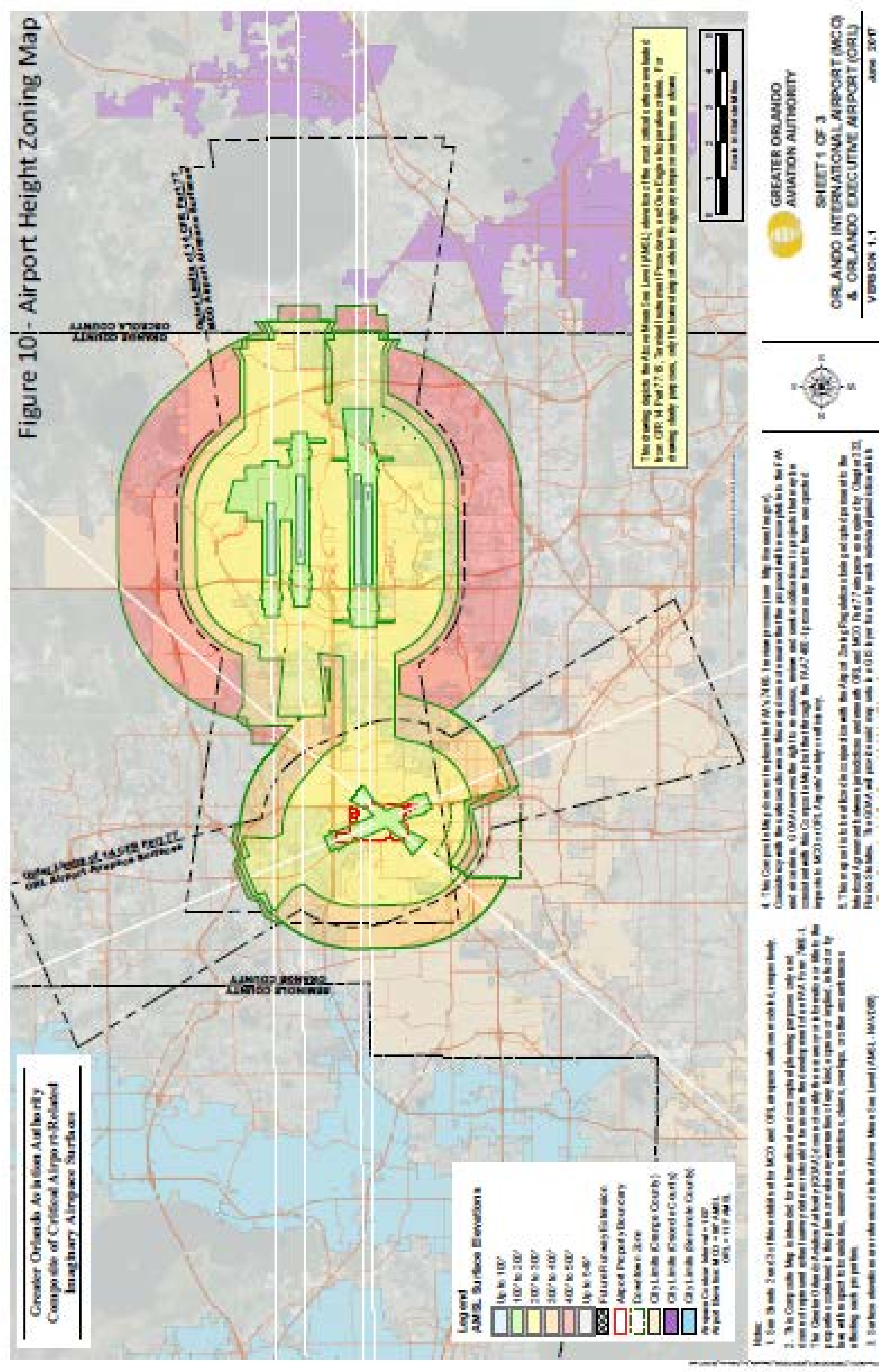


Figure 10i- Airport Height Zoning Map
Greater Orlando Aviation Authority
Composite of Critical Airport-Related
Imaginary Airspace Surfaces
ORANGE COUNTY
OSCEOLA COUNTY
ORANGE COUNTY
SEMINOLE COUNTY
GREATER ORLANDO
AVIATION AUTHORITY
SHEET 1 OF 3
ORLANDO INTERNATIONAL AIRPORT (MCO)
& ORLANDO EXECUTIVE AIRPORT (ORL)
VERSION 1.1
June 2017

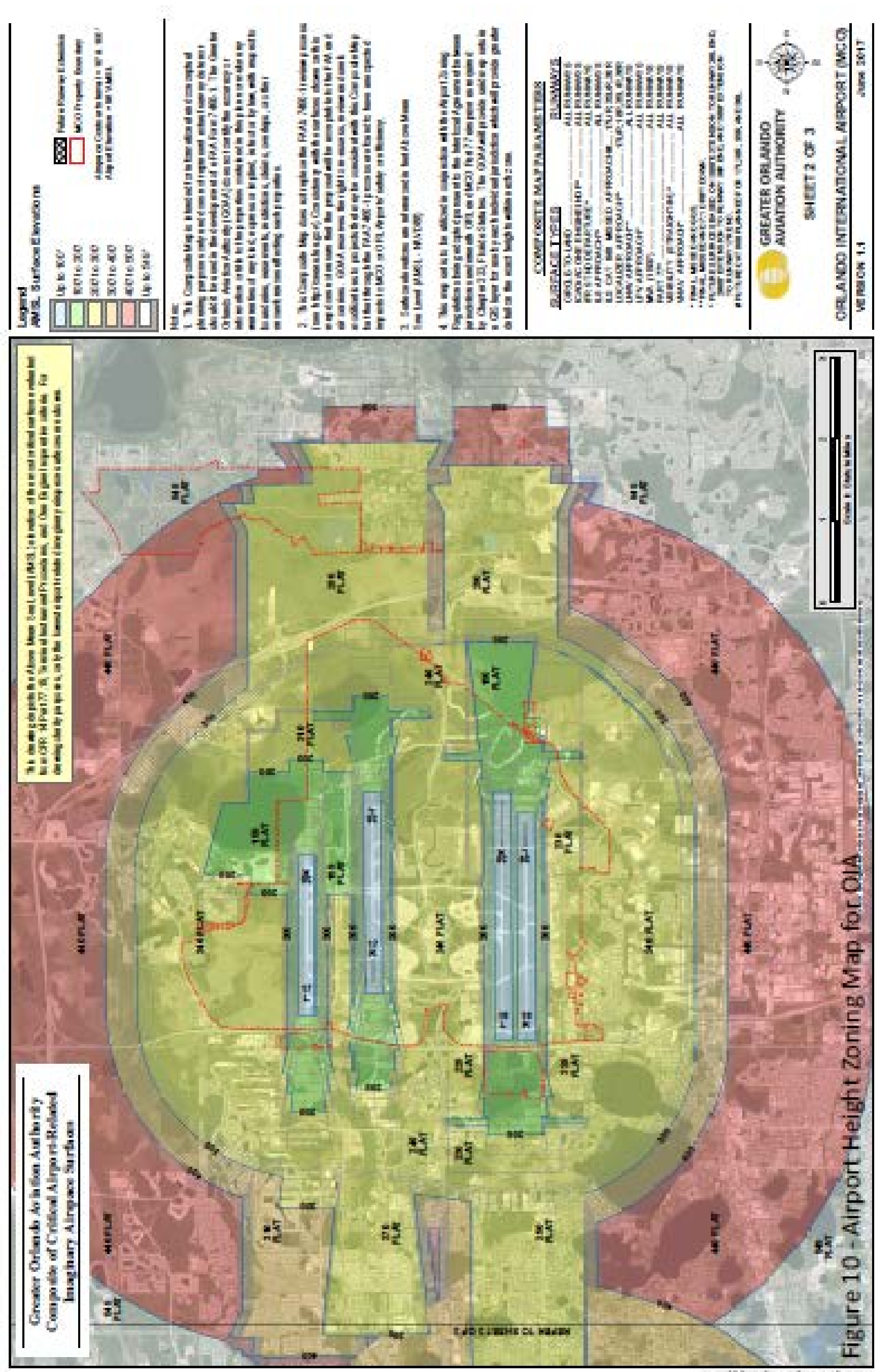
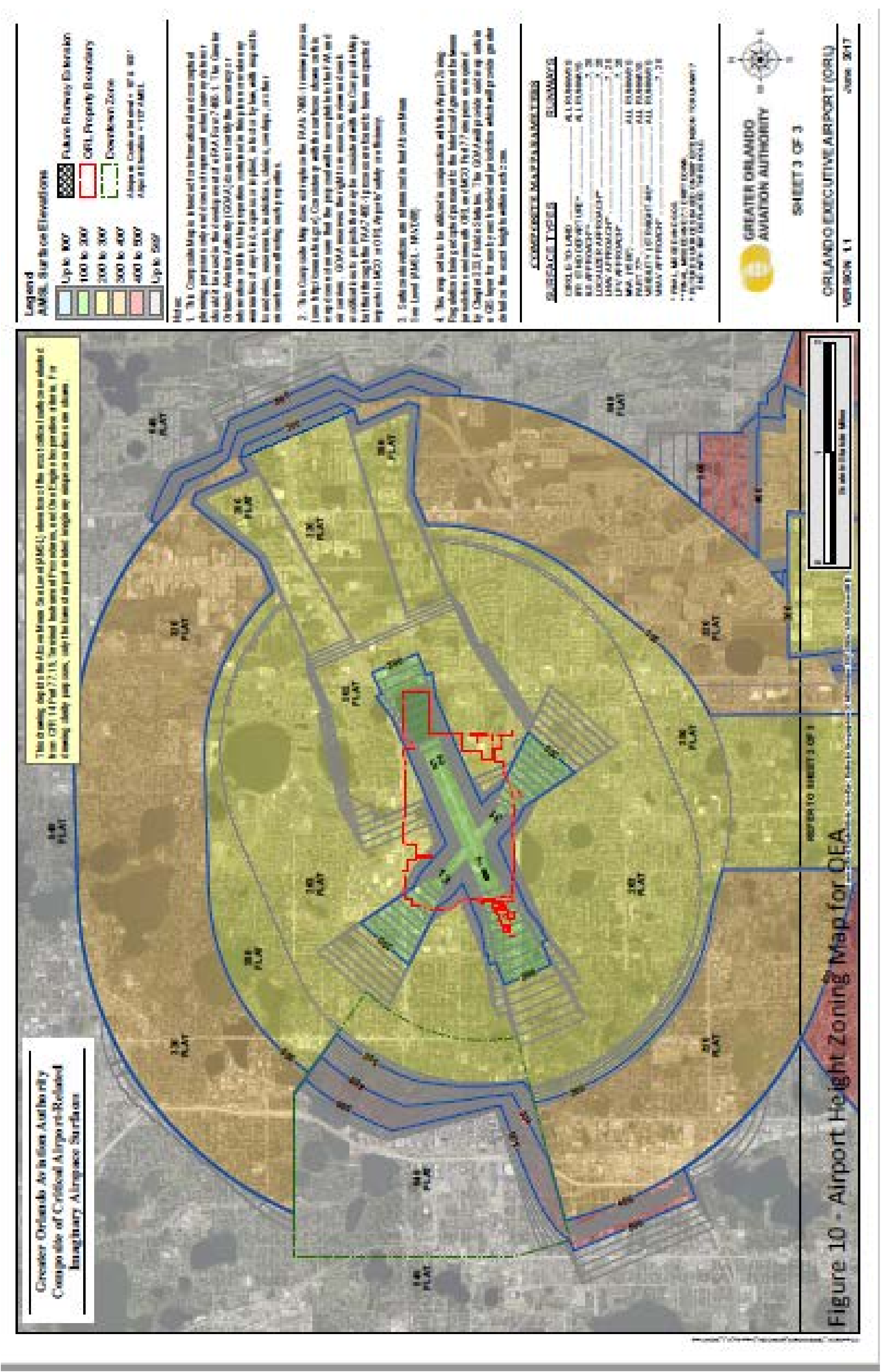


Figure 10 - Airport Height Zoning Map for OIA


Greater Orlando Aviation Authority
Composite of Critical Airport-Related
Imaginary Airspace Surfaces
Legend
GREATER ORLANDO AVIATION AUTHORITY
SHEET 3 OF 3
ORLANDO EXECUTIVE AIRPORT (ORL)
Figure 10 - Airport Height Zoning Map for OEA

30.10.9 SR 46 Scenic Corridor Overlay District.

30.10.9.1 Title.

This Part shall be known and may be cited as the "State Road 46 Scenic Corridor Overlay District Ordinance".

30.10.9.2. Legislative findings.

The following findings are hereby adopted as legislative findings by the Board of County Commissioners:

(a) The Comprehensive Plan of Seminole County provides for the protection and maintenance of the rural landscape and community character of the State Road 46 corridor within the Wekiva River Protection Area.

(b) The rural landscape and community character of the State Road 46 corridor within the Wekiva River Protection Area is an important resource that contributes to the quality of life of Seminole County.

(c) Agricultural activities in the State Road 46 corridor within the Wekiva River Protection Area are important historical, cultural and economic resource that contributes to the quality of life of Seminole County.

(d) The character, location and distribution of uses and structures along major and minor roads in the State Road 46 corridor within the Wekiva River Protection Area defines the visual character of the State Road 46 corridor within the Wekiva River Protection Area.

30.10.9.3 Purpose and intent.

The purpose of this Part is to insure that the designated State Road 46 scenic corridor is developed in a manner which:

(a) Provides uniform design standards to establish high quality development that is rural in character; and

(b) Maintains existing vegetation along the State Road 46 corridor within the Wekiva River Protection Area of Seminole County; and

(c) Provides for safe and efficient traffic flow by minimizing individual property curb cuts; and

(d) Maintains the State Road 46 scenic corridor in accordance with the provisions set forth herein; and

(e) Preserves the rural entranceway into the State Road 46 corridor within the Wekiva River Protection Area; and

(f) Implements, and is consistent with, the Comprehensive Plan of Seminole County.

30.10.9.4 Applicability.

All new development, excluding single-family lots existing on the effective date of this Part and except as may be otherwise be provided for in this Part, within the scenic corridor established by this Part including, but not limited to (to the extent permitted by law) development undertaken by agencies of local, regional, state, or federal

government, shall be carried out in accordance with each and every requirement of this Part, in addition to each and every requirement of any other applicable provisions of the Seminole County Land Development Code.

30.10.9.5 Establishment of scenic corridor.

There is hereby established a scenic corridor on State Road 46 from its intersection with Orange Boulevard west to the Seminole—Lake County line. The scenic corridor consists of all property (on each side of the road) lying within three hundred (300) feet of the right-of-way line of State Road 46.

30.10.9.6 Development standards.

(a) Scenic corridor setbacks.

(1) Except for those structures expressly authorized in this Section, no structure or outdoor storage shall be located within fifty (50) feet from the right-of-way of State Road 46.

(2) Notwithstanding any other provision of this Part, the following structures and uses are permitted within the designated scenic corridor setbacks.

a. Agricultural buildings in existence at the time of adoption of this Part.

b. Signs in accordance with the sign standards of this Part.

c. Landscape features required by this Part and other permitted landscape materials.

d. Fences, gates, mailboxes, bus stops and entranceways in accordance with the architectural design standards of this Part.

e. Access ways or access points in accordance with the access standards of this Part.

f. Bus stops, bus shelters, signage and other such improvements related thereto.

g. Signs, markings, traffic control devices and such other improvements related to the safe and efficient movement of traffic.

h. Parking outside of the landscape buffer described by this Part.

i. Utilities.

j. Retention/detention systems in accordance with the other provisions of this Part.

(b) Signage.

(1) All signs within the scenic corridor setback shall reflect the rural character of the Wekiva River protection area and incorporate a traditional typeface, muted colors, and format. Examples of appropriate signage are set out in Section 30.10.2 of the Land Development Code of Seminole County. All signs are to be constructed in accordance with the other provisions of the Land Development Code unless otherwise specified in this Part.

(2) The faces of all signs within the scenic corridor setback shall be made of natural materials, substances derived from natural materials, or substances designed to mimic natural materials including, but not limited to, wood, stucco, stone, brick and clay tile.

(3) No sign shall be internally illuminated within the scenic corridor designated by this Part.

(4) Each primary residence with access on to State Road 46 within the scenic corridor shall be permitted one (1) sign of not more than one and one-half (1½) square feet per dwelling unit.

(5) Each nonresidential use with frontage on State Road 46 within the scenic corridor setback shall be permitted one (1) ground sign of not more than forty-eight (48) square feet per parcel. Wall signs shall not be internally illuminated.

(6) Notwithstanding any other provision of this Part, no more than one (1) sign per parcel of land area, shall be located within the State Road 46 rural scenic corridor setback provided, however, that all signs located within the scenic corridor setback shall:

a. Be ground signs and shall not exceed six (6) feet in height; and

b. Be landscaped with native species in a manner consistent with the landscape treatment portrayed in the Land Development Code (Section 30.10.2.6(b)(7)).

c. Illuminated signs shall be turned off no later than 10:00 p.m. and shall remain off until 6:00 a.m. the following morning, unless exempted from this requirement by the Development Services Director upon the recommendation of the Seminole County Sheriff's Office or public safety department based upon a consideration of safety to citizens or property. Emergence medical facilities shall be exempt from this requirement.

(7) The following signs are prohibited within the SR 46 scenic corridor overlay:

a. Blinking lights, changeable message boards and electronic message signs.

b. Reader boards and information displays.

c. Neon signs and changeable copy signs. Neon signs are also specifically prohibited if located within the structure but visible from the exterior of the structure. No neon accent lighting of buildings or structures shall be allowed.

d. Construction of new billboards and permanent outdoor advertising signs.

e. Balloons, banners, pennants, and flags are prohibited; provided, however, that such signage is permitted on a store front for a total of thirty (30) days for grand openings, out only for a time period during

two (2) weeks prior to the grand opening to two (2) weeks following the grand opening.

f. Trailer signage.

(c) Fences, gates, mailboxes, bus stops and entranceway features.

(1) All fences, walls, gates, mailboxes, bus stops and entranceways developed in conjunction with a non-agricultural uses within the scenic corridor setback shall be made of natural materials or materials designed to mimic natural materials including, but not limited to, wood, stucco, stone, brick and clay tile.

(2) No entranceway feature shall be internally illuminated. Light fixtures for external illumination shall be contained in burial vaults or shall be screened with cut-off shields.

(3) No fence, wall, gate, mailbox or entranceway feature within the scenic corridor setback shall be greater than six (6) feet in height.

(4) Walls and fences shall meet the design requirements of the Land Development Code of Seminole County and shall be of muted colors. Walls an fences with solid surfaces shall be reviewed by the County's natural resources officer to ensure that accommodation is made for wildlife movements via currently used corridors in the applicable areas.

(d) Landscape and bufferyards.

(1) Seventy-five (75) percent of all required trees and shrubs shall be native plant species as set forth in the Land Development Code. Selected landscaping shall re-establish native habitat. Additionally, no plants on the Department of Environmental Protection prohibited list or the Florida Exotic Pest Plant Councils Category I or II lists may be used.

(2) Within the designated scenic corridor setback there shall be established a landscape buffer of twenty-five (25) feet.

(3) Only the following may be located within the landscape buffer:

a. Underground utilities; and

b. Access, in accordance with the provisions of this Part; and

c. Retention/detention, provided that placement in the landscape buffer provides more protection for native canopy and understory trees located elsewhere on the site.

d. One (1) ground sign in accordance with the provisions of Sections 30.10.9.6(b)(5) and 30.10.9.6(b)(6) of this Part.

(4) No existing canopy trees greater than six (6) inches in diameter shall be removed in the scenic corridor buffer unless approved by the Planning Manager because the clearing is necessary to provide access, the tree is diseased or public safety requirements.

(5) No clearing within the scenic corridor setback or buffer shall be permitted except in conjunction with a permit issued for development authorized under the provisions of this Part or for public safety requirements. Specimen trees shall be preserved to the maximum extent possible.

(6) Areas of the State Road 46 scenic corridor buffer, except for existing single-family lots, regardless of size, and except for proposed single-family lots that are a minimum of one (1) acre in area, that do not meet the following standards shall be supplemented to bring them into compliance with these standards:

a. Four (4) canopy trees per one hundred (100) linear feet; and

b. Six (6) understory trees per one hundred (100) linear feet (each understory tree shall be a minimum of one and one-half (1½) inches caliper and six (6) feet tall at the time of planting); and

c. Sixteen (16) shrubs per one hundred (100) linear feet.

d. Canopy and understory trees may be clustered to accent entrances or other design features of the site.

(7) To the extent that state law exempts nurseries from certain provisions of this Part, such properties are encouraged to provide a visually attractive buffer along State Road 46 through native landscaping or the placement of stock trees within that portion of said properties adjacent to State Road 46.

(e) Access standards.

(1) Unless compliance with this subsection would deprive property of all access to a public road, no access way or access shall be located within four hundred and forty (440) feet of any other driveway or other way of access on the same side of a major road in the scenic corridor.

(2) Only one (1) access point on State Road 46 will be permitted for each lot or parcel of record.

(3) Notwithstanding subsection (2) above, unless otherwise approved by the Board of County Commissioners there shall be no access point on State Road 46 if the parcel of land has sufficient frontage on a public road other than State Road 46.

(f) Parking areas and equipment storage areas.

(1) Parking areas. All paved parking areas shall meet the following standards:

a. Terminal islands. Each row of parking spaces shall be terminated by a landscaped island to separate parking from adjacent driving aisles. Each landscaped island shall be a minimum of ten-feet wide and twenty-feet deep (exclusive of curbs, paving or gutters).

b. Interior islands. Internal landscape islands shall be a maximum of ten parking spaces apart. Each landscaped island shall be a minimum of ten-feet wide and twenty-feet deep (exclusive of curbs, paving or gutters).

c. Spacing between or location of interior or terminal islands may be modified or waived by the Planning Manager in order to save existing trees on-site.

d. Each landscaped island shall be irrigated. Reclaim water, if available must be used for irrigation. The Planning Manager may permit the use of a temporary above-ground irrigation system in areas where drought tolerant/low water use zone plant material is proposed to be planted for the entire landscaped area. An irrigation plan shall not be required in such circumstance. Also each island shall contain one (1) canopy tree as defined by Section 30.14.16(b) of the Seminole County Land Development Code or two (2) understory trees, each with a minimum caliper of one and one-half (1½) inches and minimum height of six (6) feet at planting.

e. No impervious surface shall be located inside the drip line of any specimen tree located in a parking area.

(2) If equipment storage is proposed, it must be in accordance with the appropriate setbacks and design standards contained within this Part and meet all current requirements of the Seminole County Comprehensive Plan and the Land Development Code of Seminole County.

(g) Location and design of stormwater retention.

(1) Stormwater facilities, where feasible, shall be placed in areas that do not contain existing native canopy and understory trees. Shared retention, where feasible, is encouraged to minimize unnecessary consumption of land. Location of retention areas in areas not visible from public rights-of-way shall be encouraged. The ponds shall not utilize standard geometric forms such as triangles and rectangles unless the Development Review Manager determines that there is no other feasible engineering design available. Retaining walls are encouraged to minimize surface area impacted except that no more than two-thirds (⅔) of the circumference of a retention pond shall make use of retaining walls and the following slope standards shall apply to all retention areas:

a. For dry bottom retention the maximum slope shall be 4:1.

b. For wet bottom retention the maximum slope shall be no steeper than 6:1.

C. Littoral zones of ponds shall be vegetated with emergent native vegetation to the maximum extent possible provided that maintenance of the pond is not impeded.

30.10.10 State Road 46 Scenic Corridor Lighting Standards.

20.10.10.1 Title.

This Ordinance shall be known and may be cited as the “State Road 46 Scenic Corridor Outdoor Lighting Standards Ordinance”.

30.10.10.2 Legislative Findings.

The following findings are hereby adopted as legislative findings by the Board of County Commissioners:

(a) The SCCP provides for the protection and maintenance of the rural landscape and community character of the State Road 46 Corridor within the Wekiva River Protection Area.

(b) The visual character of the landscape defines the rural landscape and community character of the State Road 46 Corridor within the Wekiva River Protection Area.

(c) The rural landscape and community character of the State Road 46 Corridor within the Wekiva River Protection Area is an important resource that contributes to the quality of life of Seminole County.

(d) Agricultural activities in the State Road 46 Corridor within the Wekiva River Protection Area are an important historical, cultural and economic resource that contributes to the quality of life of Seminole County.

(e) The character, location and distribution of uses and structures along major and minor roadways in the State Road 46 Corridor within the Wekiva River Protection Area defines the visual character of the State Road 46 Corridor within the Wekiva River Protection Area.

(f) The State Road 46 Corridor within the Wekiva River Protection Area contains valuable habitat and wildlife corridors, linking areas north of State Road 46 with other natural areas to the south.

30.10.10.3 Purpose and intent.

The purpose of this Ordinance is to insure that the designated State Road 46 Scenic Corridor Outdoor Lighting Standards are developed in a manner which:

(a) Provides uniform design standards to establish high quality development that is rural in character; and

(b) Does not disturb residents, disrupt agricultural uses, repel or disrupt movement patterns of wildlife, or otherwise detract from the Wekiva River area's special status as a wild and scenic resource in Seminole County; and

(c) Encourages, through the regulation of the types, kinds, construction, installation, and uses of outdoor electrically powered illuminating devices, lighting practices and systems which conserve energy (and enhance nighttime enjoyment of property within the State Road 46 Scenic Corridor) without decreasing safety, utility, security, and productivity; and

(d) Provides for safety of homes and businesses and other institutions; and

(e) Maintains the State Road 46 Scenic Corridor in accordance with the provisions set forth herein; and

(f) Preserves the rural character and ecological integrity of the entranceway into the State Road 46 Corridor within the Wekiva River Protection Area; and

(g) Implements, and is consistent with, the Comprehensive Plan of Seminole County.

30.10.10.4 Applicability.

This Ordinance shall apply to all new development within the State Road 46 Scenic Corridor as defined by adopted Ordinance 2001-27, except single family lots existing on the effective date of this Ordinance and except as may be otherwise provided for in this Ordinance. To the extent permitted by law, the development subject to this Ordinance shall include but not be limited to development undertaken by agencies of local, regional, state, or federal government.

30.10.10.5 Conformance with applicable codes.

All outdoor electrically powered illuminating devices shall be installed in conformance with the Land Development Code, the Building Code, the Electrical Code, and the Sign Code of Seminole County as applicable, and under appropriate permit and inspection.

30.10.10.6 Definitions.

As used in this Ordinance, certain words and phrases used in this Chapter shall mean the following:

"Filtered" means any outdoor light fixture which has a glass, acrylic, or translucent enclosure of the light source.

"Fully shielded" means outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

"Installed" means the attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.

"Lighting" means any form or source of man-made illumination.

"Outdoor light fixture" means outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to, search-, spot-, and floodlights for:

(a) buildings and structures;

(b) recreational areas;

(c) parking lot lighting;

(d) landscape lighting;

(e) billboards and other signs (advertising or other);

(f) street lighting;

(g) product display area lighting;

(h) building overhangs and open canopies.

"Partially shielded" means outdoor light fixtures shielded or constructed so that no more than ten (10) percent of the light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.

"Person" means any individual, tenant, lessee, owner, or any commercial entity including, but not limited to, a firm, business, partnership, joint venture or corporation.

30.10.10.7 Approved materials and methods of construction or installation/operation.

The provisions of this Ordinance are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed herein, provided any such alternate has been approved by the Development Review Manager. The Development Review Manager may approve any such proposed alternate providing he/she finds that it:

(a) Is the approximate equivalent of the lighting methods specifically authorized by this Ordinance;

(b) Is otherwise satisfactory and complies with the intent of this Ordinance; or

(c) Has been designed or approved by a registered professional engineer, and the content and function of the alternate promotes the intent of this Ordinance.

30.10.10.8 Shielding.

(a) All nonexempt outdoor lighting fixtures shall have shielding as required by Table 1 of this Ordinance.

Table 1. SHIELDING REQUIREMENTS

Fixture Lamp Type	Fully Shielded
Low pressure sodium[1]	Partially Shielded
High pressure sodium	Prohibited except fully shielded on arterial streets and collector streets of 100 ft. or more in right-of-way width.
Metal halide	Prohibited[4]
Fluorescent	Fully Shielded
Quartz[2]	Prohibited
Incandescent greater than 160 watt	Fully Shielded
Incandescent 160 watt or less	Fully Shielded
Any light source of 50 watt or less	None
Glass tubes filled with argon, krypton	Fully Shielded
Other sources	As approved by the Development Review Manager

Table Footnotes:

1. This is the preferred light source to minimize undesirable light emission into the night sky affecting astronomical observations. Fully shielded fixtures are preferred but not required.
2. For the purposes of this Ordinance, quartz lamps shall not be considered an incandescent light source.
3. Warm white and natural lamps are preferred to minimize detrimental effects.
4. Fully shielded and installed metal halide fixtures shall be allowed for applications where the designing engineer deems that color rendering is critical.

30.10.10.8 Filtration.

Metal halide fixture lamp types shall be filtered (quartz glass does not meet this requirement).

30.10.10.9 Submission of plans and evidence of compliance with ordinance – Subdivision Plats.

(a) *Submission Contents.* The applicant for any permit required by the regulations of Seminole County in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Ordinance will be ensured. This submission shall include, but is not limited to, the following:

(1) Plans indicating the location of lighting on the premises;

(2) A description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices proposed for use on the premises. The description should include, but is not limited to, catalog cuts by manufacturers and drawings (including sections where required);

(3) Photometric data, such as that furnished by manufacturers, or similar showing the angle of cutoff or light emissions from the proposed lighting.

The applicant may submit additional data to support use of the proposed lighting such as certified reports of relevant tests, provided that these tests shall have been performed and certified by a recognized testing laboratory.

(b) *Subdivision Certification.* If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final developer's commitment agreement shall contain a statement certifying that the applicable provisions of this Ordinance will be adhered to.

(c) *Lamp or Fixture Substitution.* Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the Development Review Manager for his approval, together with adequate information to assure compliance with this Ordinance, which must be received prior to substitution of the light fixture or source.

30.10.10.10 Prohibitions.

(a) *Mercury Vapor Lamps Fixtures and Lamps.* The installation of any mercury vapor fixture or lamp for use as outdoor lighting is prohibited.

(b) *Certain Other Fixtures and Lamps.* The use of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor lighting fixture or lamp the use of which is not allowed by Table 1 is prohibited.

(d) *Laser Source Light.* The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal, is prohibited.

(e) *Searchlights.* The operation of searchlights for advertising purposes is prohibited.

30.10.10.11 Special uses.

(a) *Recreational Facilities.* Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, horse race tracks or show areas, provided all of the following conditions are met:

(1) All fixtures used for lighting shall be fully shielded as defined in 30.1268, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

(2) All events, with the exception of special events as defined by the Seminole County Code, shall be scheduled so as to complete all activity before or as near to 10:00 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 10:00 p.m. except to conclude a scheduled event that was in progress prior to 9:00 p.m.

(b) *Outdoor Display Lots.* Any light source permitted by this Ordinance may be used for lighting of outdoor display lots such as, but not limited to, landscape nurseries provided that such lighting shall be fully shielded as defined in Section 30.10.10.8, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, or glare.

30.10.10.12 Nonconformance.

All other outdoor light fixtures lawfully installed prior to, and operable on, the effective date of this Ordinance are exempt from all requirements of this Ordinance except those regulated in Section 30.10.10.9, Section 30.10.10.11, and in Section 30.10.10.12. There shall be no change in use or lamp type, or any replacement or structural alteration made, without conforming to all applicable requirements of this Ordinance.

30.10.10.13 Appeals.

Any person substantially aggrieved by a decision of the Development Review Manager made in administration of this Ordinance has the right and responsibilities of appeal to the Board of Adjustment.

30.10.10.14 Law governing conflicts.

Where any applicable provision of Federal, State, County, or City statutes, codes, or laws conflicts with any provision of this Ordinance, the most restrictive shall govern unless otherwise regulated by law.

30.10.10.15 Violation.

It shall be a civil infraction for any person to violate any of the provisions of this Ordinance. Each and every day during which the violation continues shall constitute a separate violation.

30.10.10.16 Enforcement and penalty.

(a) When a violation of this Ordinance is determined, the following penalty shall be imposed:

(1) A fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) per violation. The imposition of a fine under this Ordinance shall not be suspended.

(2) Any other order deemed necessary in the discretion of the hearing officer, including correction or abatement of the violation.

(b) Failure of a violator to comply with any order issued in accordance with this Ordinance shall result in an additional fine of not less than fifty dollars ($50.00) nor more than five hundred dollars ($500.00) for each day the defendant fails to comply.

30.10.11 Creation of State Road 46 Gateway Corridor Overlay Standards Zoning Classification / Description of Corridor and Property Affected / Applicability.

(a) Code requirements heretofore and hereafter established, there is hereby created an overlay zoning classification known as the "State Road 46 Gateway Corridor Overlay Standards Zoning Classification".

(b) The State Road 46 gateway corridor ("corridor" throughout this Part) subject to the provisions of this Part shall encompass the area of State Road 46 lying between the CSX Railroad right-of-way immediately east of the intersection of State Road 46 and Airport Boulevard to North Center Road, which is located approximately eight hundred (800) feet west of the intersection of State Road 46 and Orange Boulevard including all property within three hundred twenty (320) feet of the centerline of State Road 46 throughout such area including intersecting roadways to the same depth.

(c) The provisions of this Part, except for the provisions relating to burial of utility service lines, wall requirements and building setback requirements shall not apply to parcels assigned a single family residential zoning classification or with an existing residential use.

30.10.11.1 Purpose / application of other Code provisions.

(a) The purposes of this Part are to insure that the designated State Road 46 gateway corridor is developed in a manner which:

(1) Ensures the development of the corridor as a well landscaped and scenic gateway.

(2) Provides uniform design standards to establish high quality development.

(3) Prevents visual pollution caused by unplanned and uncoordinated uses, buildings and structures.

(4) Maximizes traffic circulation functions from the standpoint of safety, roadway capacity, vehicular and non-vehicular movement.

(5) Maintains and enhances property values.

(6) Preserves natural features to the maximum extent practicable.

(7) Recognizes and makes allowances for existing uses and buildings.

(b) Unless otherwise set forth in this Part, the general provisions and procedures of this Code shall apply. General variances shall be determined in accordance with the procedures and provisions of Section 30.3.3 and variances to the design standards of this Part shall be determined in accordance with the procedures and standards set forth in Part 10 of Chapter 40 pertaining to site plan requirements.

30.10.11.2 Building setback.

The front of any building constructed on a parcel within the corridor shall be setback a minimum of fifty (50) feet from the right-of-way line; provided, however, that a greater

setback shall be required if a more restrictive setback is contained within the underlying zoning classification from the adopted right-of-way line.

30.10.11.3 Building height.

(a) Except as provided in subsection (b), no building shall be constructed with a roof exceeding thirty-five (35) feet in height.

(b) Buildings in excess of thirty-five (35) feet in height may be permitted on parcels of property that are part of a planned development and which are assigned the higher intensity planned development land use designation as approved by the Board of County Commissioners.

30.10.11.4 Required corridor landscaped buffer and buffer requirements.

(a) A landscape buffer at least twenty-five (25) feet in width, which shall be greater if a more restrictive setback is required by the underlying zoning classification, shall be provided abutting the State Road 46 right-of-way line; provided, however, that the buffer width may be reduced to a minimum of fifteen (15) feet if the Planning Manager finds that the parcel is less than two hundred five (205) feet deep.

(b) The buffer area shall be planted with two (2) rows of trees (seventy-five (75) percent live oaks and twenty-five (25) percent of trees from the list of trees set forth in Section 30.10.11.15(a) which are determined by the Planning Manager to form a canopy along the corridor) with each tree having a minimum three (3) inch diameter measured one (1) foot above the ground at planting. The trees shall be planted every fifty (50) feet and staggered. A minimum of four (4) sub-canopy trees per one hundred (100) feet of road frontage shall be planted in and abut access points and intersections. The first row of canopy trees shall be planted along a line ten (10) feet back from the right-of-way line.

(c) Existing or dedicated public or private right-of-way and right-of-way that is reserved pursuant to a development order, development permit, site plan, plat, or other land use approval shall not be included in calculation of the buffer width.

(d) Stormwater retention areas may be placed in the buffer area provided that a landscaped water retention area would result in a water amenity and be consistent with the purposes set forth in Section 30.10.11.1.

(e) If a parking area abuts the buffer area, a continuous shrub hedge shall be arranged or planted to ensure that a height of three (3) feet will be attained within one (1) year of planting so as to screen a minimum of seventy-five (75) percent of the parking area, to that height, as viewed from the right-of-way.

(f) Existing vegetation shall be used to the maximum extent practicable as determined by the Planning Manager to meet the requirements of this Section.

(g) Landscaped areas shall be irrigated and the property owner shall be responsible for the purchase, installation, maintenance, and irrigation of all required landscaping and the purchase, installation, and maintenance of irrigation systems.

30.10.11.5 Parking areas.

Parking lots shall be designed and landscaped according to the following criteria:

(w) A minimum of ten (10) percent of all parking area and entryways shall be landscaped. The following is a list of desirable trees and shrubs:

Tree Species	Tree Size S M L	Drought Tolerant	Ability to Transplant (Easy or Difficult)
Chickasaw Plum	S		E
Loquat	S		
Sand-live Oak	S		
Wax Myrtle	S		E
Red Cedar	M	X	D
Cherry Laurel	M		E
Longleaf Pine	L		D
Red Maple	L		D
Slash Pine	L		D
Drake Elm	M		
Chinese Elm	M	X	
Winged Elm	L		
Crape Myrtle	S	X	
Blue Beech	M		
Laurel Oak	L	X	E
Shumard Oak	L	X	E
Live Oak	L	X	E
Crabapple	S		
Florida Elm	M		
Hackberry	L		
Dahoon Holly	M		
Jerusalem Thorn	S		
Southern Magnolia	L	X	D
Cabbage Palm	L	X	E
Shrub Species			
Shining Sumac		X	
Winged Sumac		X	
Podocarpus		X	
Viburnum Spp.		X	
Ligustrum Spp.			
Yaupon Holly		X	

Fetter Bush			
Native Azaleas			
Saw Palmetto		X	
Juniper		X	
Red-Leaf Photinia		X	

(b) Parking bays shall not be larger than forty (40) spaces.

(c) Perimeter landscaped parking breaks shall be no less than two hundred (200) square feet in area, planted with one (1) canopy tree and a maximum of twenty (20) spaces apart.

(d) Internal landscaped breaks shall be a minimum of four hundred (400) square feet planted with one (1) canopy tree, two (2) to three (3) inches dbh for every landscape break and a minimum of three (3) shrubs for every landscaped break. Internal breaks shall be a maximum of twenty (20) spaces apart.

(e) Diamond landscaped breaks shall be placed every ten (10) spaces internally, shall be eight (8) feet by eight (8) feet and shall be planted with one (1) canopy tree.

(f) Existing vegetation shall be preserved to the maximum extent practicable as determined by the Planning Manager.

(g) Parking lot lighting shall be designed in accordance with Part 13, Chapter 30 of this Code.

30.10.11.6 Signage.

(a) All point of sale signs and subdivision signs shall be ground signs in the corridor. Such ground signs shall be erected or installed according to the provisions of subsection 30.13.3(a) and the following criteria, whichever is more restrictive.

(b) Total wall sign area shall be computed by adding the square footage of all wall sign areas on the building, excluding window signs and opening banners. The maximum permittable wall sign copy area shall not exceed one hundred (100) square feet in size on a building with less than two hundred (200) linear feet of building frontage. For buildings with building frontage exceeding two hundred (200) linear feet, no wall sign shall exceed two hundred (200) square feet in size. For the purposes of this subsection, a parcel need not be a legally subdivided lot if it is permitted to allow a unified use.

(c) Vertical structural supports for ground signs shall be concealed in an enclosed base. The width of such enclosed base shall be equal to at least two-thirds (⅔) the horizontal width of the sign surface. A planter structure shall enclose the foot of the base. The planter shall be between two (2) feet and three (3) feet in height above the ground, with a minimum length equal to the width of the sign and a minimum width of three (3) feet. The base and planter shall be constructed of brick, or alternate features such as rock, stone and metal structures may be approved if the Planning Manager determined that the alternative would be consistent with the purposes set forth in Section 30.10.11.1. Any external above ground light source shall be located and hidden within the planter bed. Light sources located outside the planter bed shall be in a burial fixture. The maximum height of the entire sign structure shall be fifteen

(15) feet above the elevation of the nearest sidewalk. The planter setback shall be a minimum of five (5) feet from the right-of-way.

(d) The maximum permittable ground sign copy area shall be one hundred (100) square feet. Ground sign base, sides and top shall be excluded from the sign area calculation.

(e) The total maximum permittable copy area on a parcel for both wall signs and ground signs shall be two (2) square feet for each linear foot of building frontage.

(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.)

30.10.11.7 Utility lines.

All new or relocated utility lines within the corridor shall be constructed and installed beneath the surface of the ground unless it is determined otherwise by the Board of County Commissioners in exercising the public's proprietary rights over publicly owned rights-of-way.

30.10.11.8 Walls.

(a) All freestanding walls, sound barriers, ground sign enclosures, planters, and similar structures, as determined by the Planning Manager, which front State Road 46 or a major intersection within the corridor, as determined by the Planning Manager, shall be constructed of brick.

(b) Alternate entrance features such as rock, stone and metal structures may be approved if the Planning Manager determined that the alternative would be consistent with the purposes set forth in Section 30.10.11.1.

30.10.12 Oxford Place Overlay District

30.10.12.1 Creation.

In addition to, and supplemental to, all Land Development Code requirements heretofore and hereafter established, there is hereby created an overlay zoning classification known as the "Oxford Place Overlay District." Property within the Oxford Place Overlay District listed and described within Section 30.10.12, Designated Overlay District, of this Part, shall be subject to all provisions herein.

30.10.12.2 Definitions.

See Chapter 2 of this Code for definitions.

30.10.12.3 Purpose.

The purpose of the Overlay District is to ensure that development is consistent with the Oxford Place Future Land Use Overlay District as found under the Mixed Land Use

Designation and Overlay Series in the Future Land Use Element of the Comprehensive Plan, and occurs in a manner which:

(a) Establishes Oxford Road as the main street of the Overlay District;

(b) Provides for the development of area roadways as Complete Streets;

(c) Creates a sense of place around a central focal point located at the intersection of Fernwood Boulevard and Oxford Road, comprised of green space, a public hardscape, and a water feature;

(d) Establishes the relationship between the buildings and the street, supports mixed-use development and allows for a smaller block structure;

(e) Emphasizes pedestrian and vehicular connectivity to the surrounding neighborhoods and the Kewanee multi-purpose Trail;

(f) Implements a unified street system and way finding systems to support multimodal transportation options;

(g) Maximizes multimodal circulation functions from the standpoint of safety, corridor capacity, vehicular and non-vehicular movement; and

(h) Provides uniform design standards to establish high quality development and pedestrian scale.

Unless otherwise set forth in this Part, the general provisions and procedures of this Land Development Code shall apply.

30.10.12.4 Designated Overlay District.

The designated Overlay District subject to the provision of this Part applies to properties in unincorporated Seminole County. The Overlay District is generally bounded by US 17-92 to the west; Lake of the Woods Boulevard, to the south; Fern Park Boulevard to the east; and SR 436 to the north as shown in the Exhibits of the Future Land Use Element of the Comprehensive Plan and titled Oxford Place Overlay District Boundary. Contiguous property may be added to the Overlay District on a case by case basis and will require an amendment to the County Comprehensive Plan.

30.10.12.5 Application review and approval procedure.

Applicants shall submit a conceptual plan, including architectural renderings, for review by the Development Review Committee through the Pre-Application process. If deemed consistent with the Oxford Place Future Land Use Overlay District and the provisions of the Oxford Place Overlay District within the Land Development Code, then applicants may apply for Site Plan Approval as addressed in Part 40 of this Land Development Code. Where the performance standards described in the Oxford Place Overlay District conflict with other County standards, the Oxford Place Overlay District standards shall prevail.

30.10.12.6 Density and intensity.

In order to create an intense urban setting, the minimum density within the Oxford Place Overlay District is 20 dwelling units per net buildable acre, and the maximum density is 50 dwelling units per net buildable acre. Nonresidential development shall be developed at no greater than a Floor Area Ratio of 1.0.

30.10.12.7 Permitted uses.

Land and buildings within the Oxford Place Overlay District shall be used only for the following purposes:

(a) C-1 (Retail Commercial) Zoning District Permitted Uses except for those uses specifically prohibited in Section 30.10.12.7.9;

(b) Restaurants without a drive-through (unless otherwise permitted under section 30.10.12.8 below);

(c) Cafes;

(d) Business and professional offices;

(e) Hotels;

(f) Medical clinics;

(g) Veterinary clinics;

(h) Parking garages as part of a development;

(i) Multi-family residential, including townhouses, condominiums and apartments, above store flats and accessory uses;

(j) Personal services;

(k) Indoor recreation;

(l) Alcoholic Beverage Establishments including microbreweries and wine bars;

(m) Drycleaners, drop-off and pickup service only;

(n) The following Qualified Targeted Industries: Life Sciences (Laboratory and Surgical Instruments and Diagnostic Testing); Infotech (Modeling, Simulation and Training, Optics and Photonics, Digital Media, Software, Electronics); Homeland Security/Defense (Computer Systems Design, Simulation and Training); and Financial/Professional Services, Corporate Headquarters, Securities and Investments, Consulting, including Engineering, Legal, Accounting and similar uses;

(o) Day care;

(p) Cinemas;

(q) Package liquor stores; and

(r) Building rooftop uses such as restaurants and apartment ancillary uses such as recreation when not adjacent to single family residential use.

30.10.12.8 Special exceptions.

The Board of County Commissioners may permit any of the following uses upon making the findings of fact required by Section 30.1.5(a) of this Code:

(a) Communication towers; and

(b) Auto-oriented business, such as, but not limited to, convenience stores, gas stations, car washes, businesses, and restaurants with a drive-through are limited to properties adjacent to the SR 436 and US 17-92 corridors.

30.10.12.9 Prohibited uses and non-conforming uses.

The following uses are specifically prohibited in the Oxford Place Overlay District:

(a) New and used car sales;

(b) Automotive repair or mechanical garages;

(c) Boat and Recreational Vehicles sales;

(d) Funeral homes;

(e) Self-service full service laundromats;

(f) Appliance stores;

(g) Outdoor storage, except as allowed under temporary Outdoor Sales or Special Event Permit;

(h) Outdoor advertising signs (billboards);

(i) Big Box Retailers (Mega-Store/Super-Store);

(j) Dry-cleaning plants; and

(k) Pawn shops.

Non-conforming uses and structures to this Overlay existing at the time of the effective date of this Ordinance may continue and associated structures may be repaired and maintained until such time as the use of the land and structures have been discontinued for a minimum of one hundred eighty (180) days, then any future use shall revert to the uses permitted in the Overlay.

30.10.12.10 Building setback and height standards.

(a) Building Setback.

(1) Requirements. To create a pedestrian oriented urban setting, buildings shall meet the following setback requirements:

a. Multifamily Residential Buildings shall have:

i. A minimum setback of ten (10) feet from the property line; and in no case shall on-site parking or vehicular access be allowed between the building frontage and the right-of-way.

ii. No maximum setback from the front property line in order to encourage pedestrian gathering areas such as plazas and parks; but in no case shall on-site parking or vehicular access be allowed between the building frontage and the right-of-way.

b. Commercial and Office Buildings shall have:

i. No minimum setback from the property line, but in no case shall on-site parking or vehicular access be allowed between the building frontage and the right-of-way.

ii. No maximum setback from the property line; and in no case shall on-site parking or vehicular access be allowed between the building frontage and the right-of-way.

c. Setback area within commercial and mixed-use areas must be used primarily to accommodate pedestrian activity or gathering places, such as outdoor seating and outdoor dining.

d. The setbacks as found in the underlying zoning designation shall apply to auto-oriented businesses for those properties abutting US Highway 17-92 and SR 436.

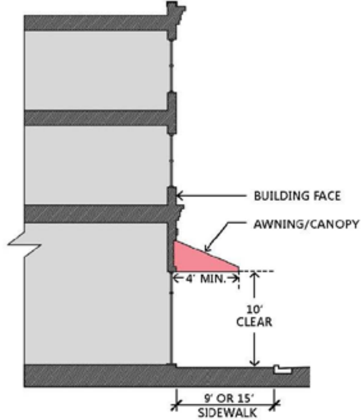
(2) Encroachments. The following features are permitted within the setback area and may encroach up to ten (10) feet into the public right-of-way, with approval from the Public Works Department through right-of-way utilization permits, provided that at least eight (8) feet remains clear for pedestrian circulation, as shown on Figure 1:

a. Outdoor seating when located in front of the primary building facade;

b. Awnings (10 feet of vertical clearance required); and

c. Canopies (10 feet of vertical clearance required).

Figure 1: Encroachments



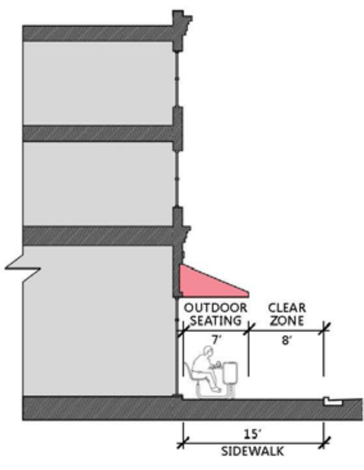
(3) Outdoor Seating for a Cafe or Restaurant. Where outdoor seating is provided adjacent to a street, the following requirements shall be met:

a. A public sidewalk with at least eight (8) feet of clear zone shall be provided, as shown on Figure 2;

b. Tables shall not encroach into the clear zone; and

c. There shall be an open and accessible area, not blocked by tables, connecting the sidewalk to the front door.

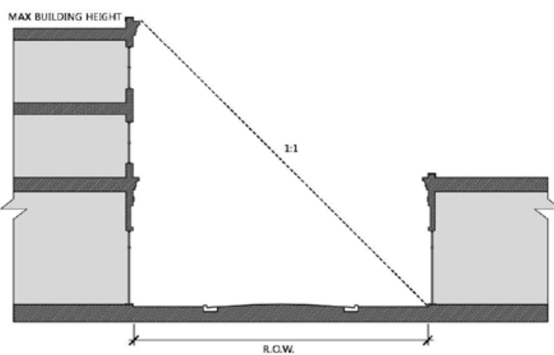
Figure 2: Outdoor Seating



(b) Building Height.

(1) For areas not adjacent to single-family residential development, the primary building façade height shall not exceed one-foot in height for every one foot of horizontal distance equivalent to the width of the adjacent right-of-way, as shown on Figure 3. This is equivalent to a one-to-one (1:1) ratio.

Figure 3: Building Height and Setback Ratio



(2) For areas adjacent to single-family residential development building height shall not exceed:

a. Thirty-five (35) feet in height within the first one hundred (100) feet from the single-family residential development;

b. Fifty-five (55) feet in height from one hundred one (101) feet to two hundred (200) feet from the single-family residential development; and

c. One hundred (100) feet in height over two hundred (200) feet from single-family residential development.

30.10.12.11 Building design.

The portion of Oxford Road from SR 436 to the intersection of Fern Park Boulevard, is designated as a 'main street' that encourages pedestrian activity and first-floor non-residential uses. Multifamily residential uses are encouraged in multi-story buildings with non-residential uses on the first floor. Buildings must be compatible with existing buildings on the parcel and abutting parcels and must include common design elements as follows:

(a) Building Details. The following components shall be incorporated within all building facades:

(1) Awnings and Canopies. For commercial and office buildings, awnings and canopies shall be required over all doors, ground-level windows and other transparent elements. The height of the awnings and canopies shall be a minimum of ten (10) feet above the finished sidewalk, and shall be a minimum of four (4) feet in depth. Such elements may encroach into the public right-of-way.

(2) Arcades (optional). If included, arcades may replace the requirement for awnings and/or canopies. Arcades shall have a minimum depth of ten (10) feet. Arcades shall not encroach into the public right-of-way.

(3) Cornices. A cornice shall be provided on the side of a building at a minimum of twelve (12) feet above the sidewalk or at a height similar to the cornice on an abutting property.

(4) Front Entrance. Non-residential buildings shall have a front entrance for pedestrians from the street-side of the building to the building interior. Buildings shall incorporate lighting and changes in mass, surface or finish to emphasize their front entrances.

(5) Loading Docks. Loading docks and service areas shall not be placed on the buildings primary facade.

(6) Building Facade. Buildings shall provide a foundation or base, typically from ground to bottom of the lower windowsills, with changes in volume or material. A clear visual division shall be maintained between the ground level floor and upper floors with either a cornice line from twelve (12) feet to sixteen (16) feet at grade, whichever applies to the proposed development. No more than twenty (20) feet of horizontal distance of wall shall be provided without architectural relief for building walls and frontage walls facing the street. All buildings shall utilize at least three (3) of the following design features along all elevations of the building:

a. Divisions or breaks in materials;

b. Window bays;

c. Separate entrances and entry treatments, porticoes;

d. Variation in roof line;

e. Awnings;

f. Recessed entries; and

g. Covered porch entries.

(b) Building Frontage. Buildings shall have their principal pedestrian entrances facing the right-of-way; however, the main entry may be adjacent to or near the main vehicle entry driveway. Buildings must comply with the following architectural standards on the frontage exterior:

(1) Residential and Commercial buildings shall be oriented towards the street, with public entrances directly accessible from the street-level.

(2) Elevated public entrances shall be discouraged, except for multi-family residential or townhome development. Where site grading is required, the resulting finished floor elevation shall be integrated into the design of the site using appropriate landscaping, building design, or active uses that can be appropriately elevated 1 to 3 steps above the sidewalk grade.

(3) No steps or railings shall be permitted to encroach within a sidewalk, public right-of-way, or utility easement.

(4) Corner lots may contain corner building entrances.

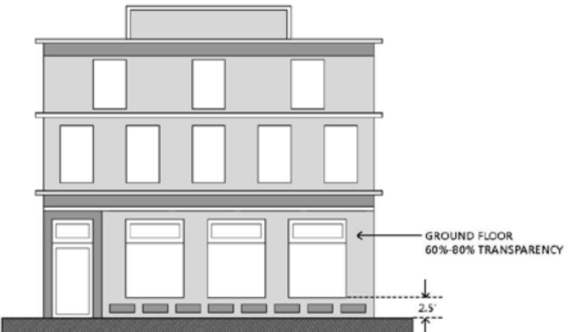
(5) Regularly spaced and similar-shaped windows with a decorative element above each window or trim for each story within a building.

(6) Buildings should be articulated through a change in architectural detail approximately every twenty (20) linear feet. Blank walls shall not occupy over fifty (50) percent of any building side and shall not exceed twenty (20) linear feet without being interrupted by a window or entry, or other fenestration element.

(c) Windows and Transparency. The following provisions shall be met for all non-residential buildings:

(1) The ground floor of all street-facing, park-facing, and plaza-facing structures, and facades facing a residential use, shall have windows covering a minimum of sixty (60) percent and a maximum eighty (80) percent of the ground floor of each storefront’s linear frontage, as shown on Figure 4. Mirrored glass, obscured glass, tinted glass, or spandrel glass cannot be used in meeting this requirement unless approved by the Planning Manager for good cause shown. Energy-saving window tinting with a minimum of forty (40) percent light transmittance shall be permitted. Display windows may be used to meet this requirement, but the window glass must be transparent and the display structure(s) shall be convertible to result in regular windows.

Figure 4: Windows and Transparency



(2) Opaque materials behind displays that hide the interiors of buildings are prohibited unless the window display volume is filled with changeable display merchandise.

(3) Display windows shall be lit at night.

(4) The lower edge of a ground floor window shall be no more than two and one-half (2.5) feet above finished floor level. The upper edge shall be no more than six and one-half (6.5) feet above finished floor level. Reflective glass is prohibited.

(c) Building Lighting. Exterior lighting shall be directed at the building itself without illuminating other areas of the site, preventing light pollution.

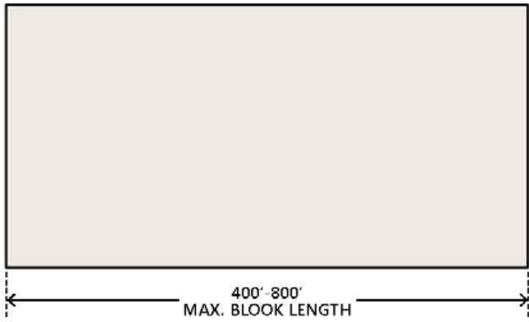
(d) Massing. Buildings taller than 35 feet in height shall display at least one (1) of the following designs for the top of the building: step backs at the top floor, a prominent projecting cornice, or a roof with a form such as a curve, slope, or peak.

30.10.12.12 Block standards and street layout.

(a) Block Design. The County shall support the subdivision of super blocks into smaller blocks to create walkable development sites. These smaller blocks may contain first-floor non-residential uses to support surrounding residential development and regional demand. New local streets must be designed to the following standards, except that alternate standards may be proposed as part of the development review process and are subject to approval by the County:

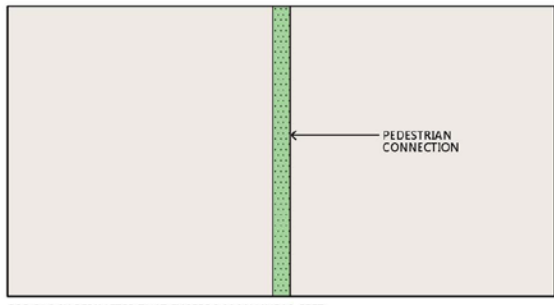
(1) New streets, whether public or private, shall divide the site into blocks. Block lengths shall be between four hundred and eight hundred feet, as shown on Figure 5.

Figure 5: Maximum Block Length



(2) The maximum block perimeter for new development is 2,300 linear feet. Where this measurement cannot be met, a pedestrian connection must be provided through the block to create additional pedestrian connectivity, as shown on Figure 6.

Figure 6: Maximum Block Perimeter



(3) The number of curb cuts should be limited to reinforce the continuity of the public realm. Ideally, only one curb cut at the mid-point of each block shall be allowed, except where this requirement results in unsafe or inefficient site circulation.

(4) Curb extensions shall be utilized to protect pedestrians and minimize crossing distances.

(5) On-street parking is encouraged with construction of new two lane local streets.

(6) Street trees shall be consistent with the Oxford Road Streetscape Design standards.

(7) Lighting and signage shall be consistent with the Oxford Road Streetscape Design standards.

(b) Cross Access Easements. All development shall provide cross-access easements for pedestrians and vehicles to the benefit of adjacent properties.

30.10.12.13 Open space, buffering, and landscaping.

(a) Open Space.

(1) Open space shall be provided at a minimum of 15% of the gross project site for each development parcel and in compliance with Section 30.14.2.4 of this Code unless otherwise stated.

(2) Open space areas shall not contain mechanical units and equipment, storage areas, or other service-related functions.

(3) For development west of Oxford Road open space areas may include up to seventy-five (75) percent of stormwater retention ponds subject to Section 30.14.2.4(f).

(4) Open Space within any development site must include continuous walkways linking buildings together and at least two (2) of the following features:

a. Outdoor patio/cafe seating areas;

b. Pedestrian plazas/kiosk areas;

c. Water features with seating areas;

d. Rain gardens and/or bioswales;

e. Stormwater planters.

(5) Open Space areas not containing hardscape, specific amenities, or landscaping shall be sodded.

(b) Buffering.

(1) Buffers within the Overlay District shall be required as follows:

a. On development sites adjacent to the District perimeter boundary not facing US 17-92 and SR 436, buffering shall be provided along the boundary in accordance with Chapter 30 Part 67, except that no such buffer shall have an opacity of less than 0.3 as specified in Section 30.14.5(b)(1).

b. On development sites adjacent to the District perimeter boundary facing US 17-92 and SR 436 shall provide the following buffering facing said roadways:

i Adjacent to overhead utilities:

5 understory trees per 100 feet of roadway frontage.

5 shrubs per 100 feet of roadway frontage.

3 foot tall continuous hedge.

Ii No overhead utilities:

5 canopy trees per 100 feet of roadway frontage.

5 shrubs per 100 feet of roadway frontage.

3 foot tall continuous hedge.

c. On any development site, including parcels internal to the District, buffering may be required by the Board of Adjustment as a condition of approval for a variance or by the Board of County Commissioners for a special exception pursuant to Section 30.3.1.5.

(c) General Landscaping.

(1) Landscaping not associated with buffers or parking lots shall be provided within required open space areas, and meet the following criteria:

a. Required plantings per 1,000 square feet of building footprint area:

1 canopy tree.

2 understory trees.

17 shrubs.

At the applicant's discretion, two (2) understory trees may be substituted for each one (1) required canopy tree.

b. General landscaping shall be provided on the ground, and/or in tree wells, pots or raised planter boxes, within a specified distance from a building as follows:

Canopy trees	20 feet
Understory trees	10 feet
Shrubs	10 feet

c. All general landscape plantings shall be visible from a public or private street, bicycle path, or pedestrian walkway.

30.10.12.14 Parking.

(a) Access. A unified access and circulation system that includes coordinated or shared parking areas is required when mixed development is on the same site.

(b) On-street Parking. On-street public parking contiguous to a development site in the Oxford Place Overlay District may count toward the development's minimum parking requirements.

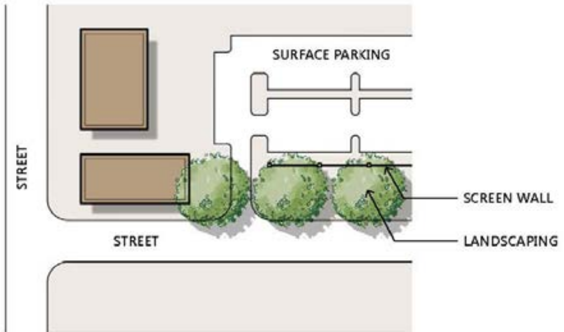
(c) Off-street Parking.

1. The following minimum parking standards shall apply in the Oxford Place Overlay District. Where specific land uses are not mentioned in the Table 1 below, the standards as provided in Section 30.11.3 of this Code will be applicable.

Table 1. Parking Requirements	
Land Use	Minimum Parking Requirements
Multi-Family1	One and one-half (1.5) spaces per unit
Hotels	One (1) space for each room plus one (1) space for each four hundred (400) square feet of gross floor area of meeting room and restaurant space.
Child care	One (1) space for each three hundred (300) square feet of gross floor area.
Office Buildings	One (1) space for each two hundred fifty (250) square feet of gross floor area.
Medical office	One (1) space for each two hundred (200) square feet of gross floor area.
General Business or Personal Service Establishments	One (1) space for each two hundred fifty (250) square feet of gross floor area.
Restaurant or Other Eating and drinking Establishments	One (1) space for each four (4) seats.
Cinemas	One (1) space for each four (4) seats.
1 The parking spaces per unit shall apply for all units in the first phase of multi-family development in the Overlay. Thereafter, the developer shall demonstrate the adequacy and feasibility of alternative minimum parking requirements for future multi-family development in the overlay through parking studies approved by Seminole County.	

(x) Surface Parking. Surface parking lots shall be buffered from the street by buildings, landscaping or screen walls, as shown on Figure 7, and include the principles of Crime Prevention Through Environmental Design (CPTED).

Figure 7: Surface Parking Lots



(1) A minimum of ten (10) percent of all parking area and entryways shall be landscaped. Parking lots shall be designed and landscaped with the tree and shrub species identified in Figure 1 of Part 11 – Off-Street Parking, Loading, and Landscaping Regulations of this Code. To encourage natural surveillance and visibility consistent with CPTED principles, shrubbery must be maintained under 30 inches in height and tree branches must be kept at least six (6) feet above the ground for internal parking areas. Perimeter landscaping may be allowed up to 60 inches in height to screen vehicles.

(2) Perimeter landscaped parking breaks shall be no less than two hundred (200) square feet in area, planted with one (1) canopy tree and a maximum of twenty (20) spaces apart.

(3) Internal landscaped breaks shall be a minimum of four hundred (400) square feet planted with one (1) canopy tree, two (2) to three (3) inches diameter breast height (dbh) for every landscape break and a minimum of three (3) shrubs for every landscaped break. Internal breaks shall be a maximum of twenty (20) spaces apart.

(4) Diamond landscaped breaks shall be placed every ten (10) spaces internally, shall be eight (8) feet by eight (8) feet and shall be planted with one (1) canopy tree.

(5) Existing vegetation shall be preserved to the maximum extent practicable.

(6) Parking lot lighting shall be designed in accordance with Part 15 – Outdoor Lighting Requirements of this Code.

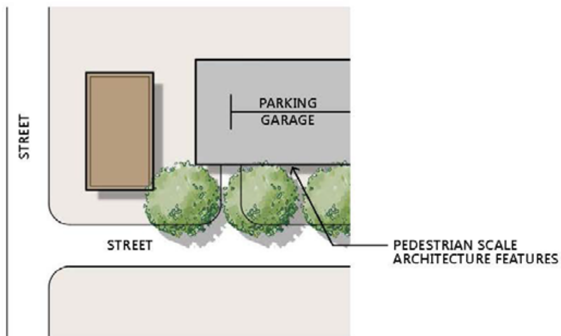
(e) Parking Garages. Structured parking decks and surface parking shall not be located on portions of the site adjacent to residential zoned property. Perimeter landscaping for parking garages shall be the same as for surface parking lots (Section 30.10.12.14.10(c)). However, no perimeter landscaping shall be required for any portion of the parking garage frontage that incorporates other ground floor uses. Parking structures shall comply with the following requirements:

(1) Parking garages, as shown on Figure 8, shall be designed on the interior of buildings, or finished with materials in such a way that it appears to be a residential or office building from the street. Pedestrian-scaled architectural features, such as openings representing windows, awnings, canopies, etc. are meant to blend in with the surrounding commercial and residential uses.

A. Parking garages with ground floor non-residential uses are permitted to front the street with direct access from the street.

b. Direct pedestrian access from parking garages to each adjacent street shall be provided.

Figure 8: Parking Garages



c. Vehicle entrances to parking structures shall be a maximum of twenty four (24) feet in width and shall be separated from other vehicle access to and from the structure or other parking structures on the same side of the block by a minimum distance of two hundred (200) feet. No vehicle entrances are permitted on Oxford Road.

(f) Bicycle Parking.

(1) Two (2) bicycle spaces are required for each ten (10) off-street parking spaces in each development, plus one (1) additional bicycle space for each additional ten (10) off-street parking spaces, up to a maximum of twelve (12) total bicycle spaces for residential uses and a maximum of twenty (20) total bicycle spaces for non-residential uses. Bicycle parking facilities shall be located less than fifty (50) feet from the primary building entrance in a lighted area and visible from the entrance.

(2) Where applicable, bicycle parking shall be provided within structured parking.

(3) For non-residential uses, parking may be short term (bicycle racks that are sturdy and well anchored to the ground).

(4) For residential uses, fifty (50) percent of bicycle parking may be provided by use of bicycle lockers (long term parking).

30.10.12.15 Signage.

(a) [Existing signs.] Business signs which conform to Part 65 Sign Regulations, SCLDC existing as of the effective date of the Oxford Place Overlay District Ordinance may continue in place and shall not require alternation or removal until such time as the property is redeveloped. Existing signs may be repaired, maintained or replaced in accordance with Part 65 Sign Regulations, SCLDC.

(b) [New signs.] New signs within the Oxford Place Overlay District shall comply with the following standards:

(1) Wall (building) Signs.

a. Wall signs may not be used in conjunction with blade signs;

b. Commercial uses (retail, office and restaurant): One sign per tenant space; area to be calculated at 0.5 square feet per linear foot of public street frontage with a maximum of thirty (30) square feet;

c. Second-floor commercial uses may also be permitted one second-floor wall sign per tenant space per public street frontage; area to be calculated at 0.25 square feet per linear foot of second floor frontage along that public street;

d. Live-work and home occupations: One sign limited to an area of eight (8) square feet maximum.

e. May encroach a maximum of twelve (12) inches over a sidewalk while maintaining a vertical clearance of eight (8) feet from the finished sidewalk;

f. Wall signs should not obscure windows, grill work, piers, pilasters, and ornamental features. Typically, wall signs should be centered on horizontal surfaces (i.e., over a storefront opening); and

g. Wall signs may be internally or externally lit. Cutoff fixtures shall be angled toward the face of the wall sign and shall complement the design of the building through style, material and color.

Figure 9: Wall (Building) Sign Illustrative Examples

(2) Window Signs.

a. Window signs may be used in conjunction with other signs;

b. Limited to thirty (30) percent of the window area; and

c. The following shall be exempt from this limitation:

i. Addresses, closed/open signs, hours of operation, credit card logos, real estate signs, and now hiring signs shall be limited to ten (10) percent of the window area.

Figure 10: Window Signs Illustrative Examples

(3) Blade Signs.

a. Blade signs may not be used in conjunction with wall signs;

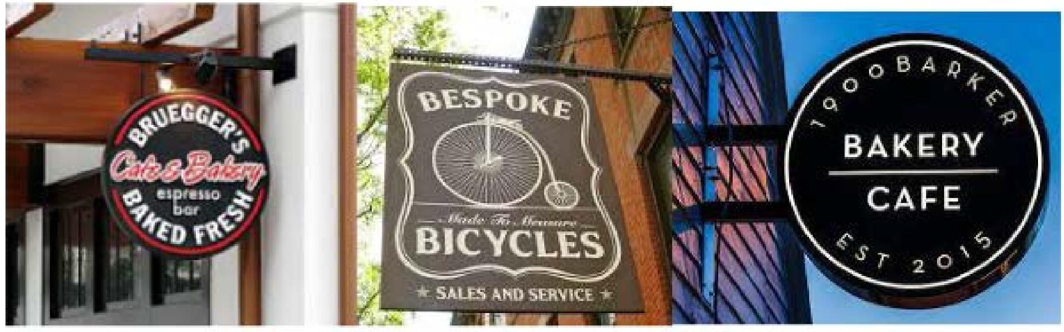
b. Shall be permitted for all commercial uses only (retail, restaurant, and office);

c. Maximum four (4) square feet per sign face;

d. May encroach a maximum of three (3) feet over a public sidewalk/R-O-W; and

e. Blade signs may be attached to the building or hung under the soffit of an arcade or under a canopy/awning while maintaining a vertical clearance of eight (8) feet from the finished sidewalk.

Figure 11: Blade Signs Illustrative Examples



(4) Awning Signs.

a. Awning signs may not be used in conjunction with canopy signs;

b. The character height shall not exceed two-thirds (⅔) of the height of the face (vertical or near vertical part) of the awning;

c. When possible, signs shall be horizontally and vertically centered on the face of the awning; and

d. The sign shall not exceed one square foot per linear foot of canopy face length.

Figure 12: Awning Signs Illustrative Examples

(5) Canopy Signs.

a. Canopy signs may not be used in conjunction with awning signs;

b. The placement of this type of sign shall be limited to the canopy face length;

c. No sign shall project beyond the perimeter of the canopy; and

d. The sign shall not exceed one square foot per linear foot of canopy face length.

Figure 13: Canopy Signs Illustrative Examples

(6) Menu Board Signs.

a. One menu board shall be allowed per street address;

b. Menu boards shall not exceed eight (8) square feet in size and shall be positioned so as to be adjacent to the restaurant or business listed on the board and information on the board shall advertise exclusively the goods and services of the business and be placed in a manner which is clearly visible to pedestrian traffic and in compliance with all Americans with Disabilities Act (ADA) regulations;

c. Menu boards shall not be placed in the right-of-way;

d. All standing menu signs shall be removed at the end of each business day; an

e. All wall menu signs shall be securely anchored to a wall.

Figure 14: Menu Board Signs Illustrative Examples

(7) Wayfinding Signs.

a. Internal development wayfinding signs may provide location maps, directions, general information and special notices to add liveliness of the development, as shown on Figure 15. The signs shall be designed to match the site architecture and be integrated into the layout of pedestrian circulation areas.

b. Wayfinding signs may be placed on private property or within public right-of-way with a Right-of-Way Use Permit but shall not block site lines or impede safe American with Disabilities Act (ADA) access.

Figure 15: Wayfinding Signs Illustrative Examples

(8) Gateway Feature Entrance Signs.

a. Gateway Feature Entrance signs are permitted at the main entrances of Oxford Place at the intersections of:

i. US Hwy 17-92 and the Fern Park Boulevard Extension;

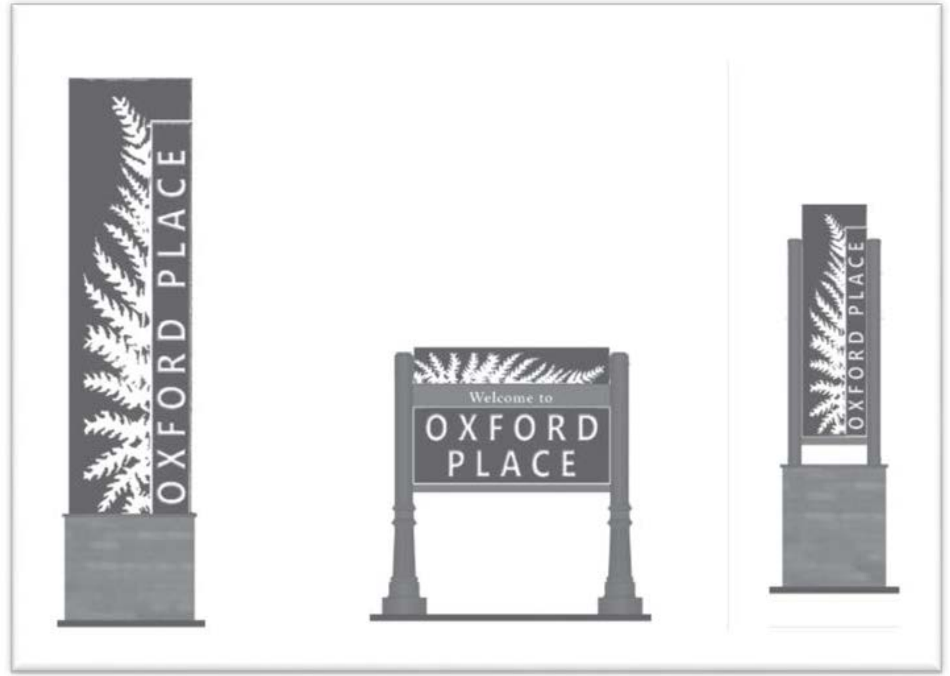
ii US Hwy 17-92 and Fernwood Boulevard; and

iii. SR 436 and Oxford Road

b. Gateway Feature Entrance Signs may be placed on private property or within public right-of-way with a Right-of-Way Use Permit.

c. Gateway Feature Entrance Signs shall not block site lines or impede safe American with Disabilities Act (ADA) access.

Figure 16: Gateway Feature Entrance Signs Illustrative Examples



30.10.12.15 Utilities.

(a) Utility Lines. All new or relocated utility lines within the overlay district shall be constructed and installed beneath the surface of the ground unless it is determined otherwise by the Board of County Commissioners in exercising the public's proprietary rights over publicly owned rights-of-way.

30.10.13 Urban Conservation Village Design.

30.10.13.1 Applicability.

The provisions of this Part may be applied only to detached single family residential development in the Myrtle Street Special Study Area, as described in the Future Land Use Element of the Seminole County Comprehensive Plan, which are designated as Suburban Estates on the Future Land Use Map. The provisions of this Part shall constitute an optional zoning overlay classification known as the "Urban Conservation Village Design." The provisions of this Part shall govern and control development implemented pursuant to the Urban Conservation Village Design, and in that regard, in the event of a conflict between the provisions of this Part and any other provisions of this Code, the provisions of this Part shall govern. However, any development matters not specifically addressed by this Part shall be governed by the applicable sections of this Code.

30.10.13.2 Purpose.

The purpose of Urban Conservation Village Design is to create a flexible and incentive based framework for development of communities harmonious with a rural setting, to preserve the ecological and aesthetic benefits of undeveloped land, and to encourage innovative development techniques. In that regard, an Urban Conservation Village should include cluster development of residential units fronting upon large open spaces

and greenways. More specifically, a Conservation Village design should promote the following values:

(a) Sense of a neighborhood community;

(b) High quality of life;

(c) Reduced infrastructure needs and costs;

(d) Protection, preservation and creation of attractive and easily accessible open spaces, greenways and outdoor recreational activities;

(e) Protection of floodplains, wetlands and wildlife habitats; and

(f) Preservation of natural drainage flows.

30.10.13.3 Development restrictions, incentive and flexibility.

An Urban Conservation Village development shall have design flexibility within the following technical framework:

(a) It is the intent of this Part to encourage clustering and other innovative design techniques in order to preserve large open spaces and greenway areas for the benefit of all Village residents. In that regard, lot sizes may be smaller than is commonly accepted; provided however, that such lot size must be sufficient to satisfy the purposes of this Part.

(b) It is the intent of this Part to encourage clustering and other innovative design techniques in order to preserve large open spaces and greenway areas for the benefit of all Village residents. In that regard, yard setbacks may be smaller and residential structures may be located closer to internal roads than is commonly accepted; provided however, that front, side and rear yard setbacks shall be of sufficient size that the purposes of this Part are satisfied and comply with the following standards:

(1) Residential structures, excluding privacy fences, must be set at least forty (40) feet back from the center line of Myrtle Street.

(2) Residential structures must be set at least thirty-five (35) feet back from the right-of-way line of any other rights-of-way external to the development.

(3) Residential structures must be set at least thirty-five (35) feet back from the boundaries with any external developments.

(c) A buffer of at least fifteen (15) feet, consisting of natural vegetation and landscape materials as approved in the Greenway Ownership and Management Plan, must be located along all external development boundaries (except for the boundary fronting on Myrtle Street.)

(d) Each lot shall provide at least four (4) off-street parking spaces. Garage parking spaces may be counted toward this requirement.

(e) The net density for a Conservation Village shall be calculated on the basis of the net buildable area as defined in Sec. 2.3, but further excluding Primary Conservation Areas and roads.

(f) A maximum of two (2) units per net buildable acre if all of the following conditions are met:

(1) The development is connected to central water and sewer.

(2) The development incorporates stormwater volume reduction by retaining on-site the difference between pre-development and post-development runoff volume for a 25-year/24-hour storm event with recovery of seventy-five (75) percent of volume within seventy-two (72) hours of the storm event.

(3) The development integrates stormwater quality treatment through an offline stormwater management system which incorporates sediment for bays equal to one-half (½) of the water quality volume, as required by St. John's River Water Management District, upstream of water quality treatment areas.

(4) The development implements a Greenway Ownership and Management Plan regarding its primary conservation and greenbelt areas.

(g) In order to implement the purposes of this Part, the following technical standards are required:

(1) That fences, pools and other residential structures be located no closer than twenty-five (25) feet from Secondary Conservation Areas.

(2) That the visual impact of houses on exterior lots be minimized by use of existing vegetation or planting of additional landscaping per the requirements of the approved Greenway Ownership and Management Plan.

(3) That residential lots be accessed from interior streets unless provision of such access cannot be reasonably provided.

(4) That at least sixty (60) percent of the residential lots abut, or be located across a street from, greenway land.

(5) No fences with opacity of greater than fifty (50) percent, nor any walls, nor any berms of over three (3) feet in height shall be allowed within one hundred twenty (120) feet of the Myrtle Street center line.

(6) That sidewalks be provided on at least one (1) side of all internal streets.

(7) Street lighting shall be designed such that there is no light spillage of greater than one-half (½) foot candle onto properties adjacent to the Conservation Village or onto conservation areas.

30.10.13.4 Required greenway.

The creation of greenways is a primary goal and feature of Urban Conservation Village development. In that regard, a minimum of fifty (50) percent of any Conservation Village development must be preserved under a conservation easement as greenway land. Calculation of this fifty (50) percent requirement shall be subject to the following conditions:

(a) Greenways shall be designed to:

(1) Foster an interconnected network of open space and trails, accessible to neighborhood residents, within the Conservation Village and connection to offsite open space.

(2) Afford convenient access to all Village residents, except so far as such access would damage ecologically sensitive areas or infringe upon active agricultural lands.

(3) Incorporate and protect the following resources:

a. Stream channels, floodplains, swales, springs and other lowland areas.

b. Habitat of endangered, threatened, or species of special concern.

c. Groundwater recharge areas.

d. Woodlands, large individual trees of botanic significance, or other vegetation features representing the site's rural past.

e. Historic structures and sites.

g. Scenic viewsheds.

h. Trails which connect internal lots to open space and adjacent properties.

(4) Lack man-made structures except for historic buildings, approved walls and approved facilities associated with greenway use.

(5) Utilize at least sixty (60) percent of the required greenway in a single consolidated tract connected to other internal and external greenway tracks which may be of smaller size.

(b) The greenway requirement shall be calculated based upon the net acreage of the development exclusive of Primary Conservation Areas and water bodies.

(c) Only lands encumbered by perpetual conservation easements and active agricultural lands may be counted toward the greenway requirement. The terms of a conservation easement shall be flexible to allow for various uses and circumstances, provided that at a minimum, the conservation easement complies with the requirements of Section 704.06, Florida Statutes, as amended, and that the conservation easement include the following encumbrances:

(1) The easement shall be perpetual in nature and run with the land;

(2) The easement shall prohibit any development other than that listed in subsection (d) below;

(3) Except as required for permitted development, permitted landscaping, routine maintenance, removal of invasive species or as specifically provided otherwise, there shall be no removal, destruction, or cutting of trees, shrubs, or other vegetation within the easement area and the land within the easement area shall be allowed to grow in its natural state with

supplemental native flora as indicated in the Greenway Ownership and Management Plan;

(4) There shall be no advertising within the easement area;

(5) There shall be no dumping of soil, trash, ashes, garbage, waste or other unsightly or offensive material, except as necessary for fertilization;

(6) There shall be no excavation, dredging or removal of loam, gravel, soil, rock, sand, or other material, except as necessary for agricultural activities, landscaping within the easement area or construction of approved easement amenities and facilities;

(7) Unless specifically permitted otherwise, there shall be no activities, actions, or uses detrimental or adverse to water conservation, erosion control, soil conservation or fish, wildlife or habitat preservation; and

(8) The easement may only be released as provided by Section 704.06, Florida Statutes, as amended.

(d) In addition to maintenance of land in its natural state, the following uses are permitted in the greenway so far as specifically enumerated by the applicable conservation easement:

(1) Pasture for sport use of horses and equestrian facilities; provided however, that the aggregate greenway is at least twenty-five (25) acres in size and that such facilities utilize less than fifty (50) percent of the greenway;

(2) Neighborhood recreational uses such as village greens, open-space commons, picnic areas, community gardens, trails and similar low-impact natural uses;

(3) Neighborhood recreation areas, such as playing fields, playgrounds, bikeways, tennis courts, basketball courts and community pools; provided however, that such uses consume no more than five (5) acres or half of the minimum required greenway (whichever is less.) Further provided that tennis, basketball and pool amenities may not be larger than one (1) acre of the minimum greenway area requirement. Also provided that playing fields and courts shall be located at least fifty (50) feet away from all external boundaries and one hundred and forty (140) feet from the centerline of Myrtle Street.

(4) Stormwater retention areas which are designed and landscaped as an aesthetic asset to the greenway;

(5) Easements for drainage, access, sewer or water lines; and

(6) Bona fide agricultural activities.

(e) Utilities and streets may traverse the greenway as necessary for safe and efficient flow of traffic; provided however, that areas in which above-ground utility structures and streets traverse the greenway may not be counted toward the minimum required greenway land.

(f) Where the Conservation Village adjoins active recreational public parkland, a greenway buffer shall be provided along the boundary with the parkland. No

structures may be constructed within this buffer except as associated with pedestrian trails. Vegetative planting and/or removal of invasive exotic plants may be required within this buffer.

30.10.13.5 Ownership and maintenance of greenway land and common facilities.

(a) Greenway conservation easements may be dedicated to the following entities:

(1) A mandatory homeowners association which has authority and responsibility to assess membership fees for the maintenance of greenway and open space areas;

(2) A non-profit land trust or other conservation organization; or

(3) Seminole County, provided that the County approves of such dedication and that, unless specifically ordered otherwise, the County maintains no responsibility for the maintenance of any easement property or facilities.

(b) Regardless of what entity assumes the conservation easement, there may also be established concurrently with the easement a maintenance endowment to fund perpetual care and maintenance of the greenway, other open spaces and their associated facilities.

30.10.13.6 Application process.

The application process for the Urban Conservation Village overlay designation shall include approval of a Preliminary Plan, a Final Master Plan and a Developers Commitment Agreement. The requirements for each plan are as follows:

(a) During the Preliminary Plan approval process the applicant shall provide, in addition to the requirements of Section 35.43 of this Code, the following:

(1) A series of sketches to indicate the following aspects of the proposed development (to be designed in an overlay fashion such that each subsequent sketch incorporates the information contained in the prior sketch(es), creating a composite sketch of all foregoing information).

a. A sketch of the site (and to the extent possible, adjacent properties) including all of the following:

i. Primary and Secondary Conservation Areas;

ii. Easements, roads and trails located within the site and within two hundred (200) feet of the site;

iii. Prominent viewsheds; and

iv. Historically, ecologically or culturally significant sites.

b. A sketch of proposed greenways and other open space.

c. A sketch of proposed locations for structures.

(2) A vertical aerial photograph of the site to a scale of not less than one (1) inch equals four hundred (400) feet.

(3) An account of the total acreage to be placed under a conservation easement, the acreage available for development, the estimated total number of

residential units to be constructed and statement as to whether a density incentive will be sought.

(4) The Greenway Ownership and Management Plan, which shall detail the following:

a. What entity(ies) will own the dominant and/or servient estates under the conservation easement(s);

b. What entity(ies) will assume responsibility for operation and maintenance of the conservation easement areas and associated facilities;

c. The proposed schedule and estimated cost of operation and maintenance of the conservation easement areas and associated facilities;

d. The funding source or method for operation and perpetual maintenance of the conservation easement areas and associated facilities; and

e. The landscape architecture, vegetation to be used, placement of amenities (including but not limited to facilities and infrastructure) and best management practices for soil and water conservation techniques to be implemented within the conservation easement areas.

(b) The Preliminary Plan shall be reviewed by the Planning and Zoning Board for its recommendation then forwarded to the Board of County Commissioners for approval or denial.

(c) During the Final Master Plan approval process, the applicant shall provide a Final Master Plan and Developers Commitment Agreement incorporating a finalized proposal for the development, which should, at a minimum include a detailed analysis of all development issues addressed during the Preliminary Master Plan approval process.

(d) The Final Master Plan and Developers Commitment Agreement shall be approved or denied by the Board of County Commissioners.

PART 11. PARKING AND LOADING REGULATIONS

30.11.1 Applicability

30.11.1.1 Minimum parking with adequate provisions for ingress and egress shall be provided at the time of the erection of any main building or structure or at the time any main building is enlarged or increased in capacity by adding dwelling units, guest rooms or floor areas, in accordance with the requirements of this Section.

30.11.1.2 In addition to the above instance, bicycle parking shall be brought into compliance with this Part at the time of any change of use or substantial rehabilitation of a building requiring a building permit.

30.11.2 General provisions.

30.11.2.1 Permanent reservation. Areas reserved for off-street parking or loading in accordance with this Section shall not change to any other use unless the permitted use which it serves is discontinued or modified, or unless equivalent parking or loading space is otherwise provided. Site Plan approval is required for any modifications to an existing parking area.

30.11.2.2 Additional requirements.

(a) If the site is located within an Aquifer Recharge Overlay Zoning Classification see Part 10, Chapter 30.

(b) ADA parking spaces shall be as required and in accordance with the Americans With Disabilities Act and the operative Standard Building Code.

(c) All unpaved parking spaces shall be clearly delineated on the site plan and shall be organized using wheel stops or other physical markers indicating their designated use. Unpaved areas to be used for parking and/or traffic circulation shall have a gravel, mulch, grass, turf block or other durable dust-free surface acceptable to the Public Works Director, and shall be graded for drainage and maintenance. These areas shall not be counted as part of required buffers or open space, and the applicable on-site retention standard for stormwater drainage shall apply.

30.11.3 Quantities of Parking Required.

(a) The minimum amount of parking required shall be consistent with Table 11.3-A: Minimum Parking Required.

(b) Developments containing more than one use shall provide parking and loading spaces in an amount equal to the total of the requirements for all uses.

(c) Parking required may be reduced based on alternatives provided in Table 11.4: Parking Reductions and Exceptions.

(d) Where referenced, “employees” refers to the total number of employees on the largest shift.

(e) Proposed parking may not exceed two hundred (200) percent of the minimum parking required unless approved by the Development Services Director.

(f) Determining required off-street parking and loading and unloading space. When units or measurements determining the number of required off-street parking and off-street loading spaces result in a measurement of a fractional space, any fraction up to and including one-half (½) shall be disregarded and fractions over one-half (½) shall require one (1) off-street parking or off-street loading space; provided, however, that the waiver of fractional units of measurements shall not apply to the first off-street loading and unloading space. As required under the "off-street loading and unloading regulations," the space provided for loading and unloading purposes shall not be construed as providing required off-street parking spaces.

Table 11.3-A: Minimum Parking Required

Residential	(see below)
Residential Unit 1000 SF or greater Less than 1000 SF Studio Apartment / Efficiency	 2 spaces / dwelling unit 1.5 spaces / dwelling unit 1 space / dwelling unit
Dormitories, Boardinghouses	0.5 spaces / Bedroom
Hotels, motels, and other lodging	1 space / dwelling unit plus 2 additional spaces
Non-Residential	(see below)
General Business / Retail / Office (including Shopping Centers)	First 10,000 sq. ft 4 spaces / 1000 sq.ft. Above 10,000 sq ft 3 spaces/ 1000 sq. ft.
Libraries and museums (exhibit/public areas)	3 spaces / 1000 sq.ft.
Food and Beverage (free-standing)	5 spaces/ 1000 sq. ft.
Medical Office, Veterinarians, and Kennels First 3,000 SF Above 3,000 SF	 4 spaces / 1000 sq.ft. 3 spaces / 1000 sq.ft.
Furniture and appliance store First 10,000 SF Above 10,000 SF	 5 spaces / 1000 sq. ft. 1.5 spaces / 1000 sq.ft.
Manufacturing Concerns and Warehouses	1 space/ 2 employees Plus 1 space / company vehicle
Commercial - Non-Retail	1 space/ 2 employees Plus 1 space / company vehicle
Hospitals	1 space/bed
Residential facility, Assisted living	0.5 space/bed
Education Daycare, Preschool, and Kindergarten Elementary and Middle High School and Above	 1 space/employee 1.75 spaces/classroom 5 spaces/classroom
Recreation and Entertainment	1 space/7 rated patron capacity
Assembly Spaces	1 space/ 4 seats

30.11.4 Parking Reductions and Exceptions.

30.11.4.1 Administrative variances. Consistent with sound engineering practices or federal or state law, the Development Services Director may approve a variance to the following off-street parking standards under the following conditions:

(a) When granting such variance would protect and encourage the preservation of large canopy, specimen or historic trees, or significant areas of existing native vegetation or preserve existing historic buildings:

(1) Reduction of the number of required off-street parking spaces. A maximum reduction of one (1) parking space or five (5) percent of the total number of parking spaces required, whichever is greater, may be permitted.

(2) Reduction of the size of required off-street parking spaces. Up to fifty (50) percent of the total required two hundred (200) square feet with a minimum width of ten (10) feet and a minimum length of twenty (20) feet ninety-degree parking spaces may be reduced to a stall size of nine (9) feet by eighteen (18) feet to encourage the preservation of significant trees and native vegetation.

(3) Reduction of the amount of paved area. Paving requirements may be reduced up to twenty-five (25) percent of the total number of required parking spaces. All unpaved parking spaces shall be clearly delineated on the site plan and should be located at the periphery of the building site or otherwise located where such spaces are unlikely to be used on a continuing basis. The unpaved portion shall have a gravel, mulch, grass, turf block or any durable dust-free surface placed atop Geoweb or another structural component to ensure vehicles are supported as approved by the Public Works Director or County Engineer. The area waived from paving requirements shall not be credited as part of the required landscaped area or open space and stormwater management standards shall apply.

(b) For existing developed properties on small sites when granting such a variance would preserve existing infrastructure:

(1) For existing developed properties of less than three (3) acres: if complying with the requirements of this Part would render the property unusable for the continuation of uses similar to the historic use of the property or require demolition of existing buildings to achieve an economically viable use, the Development Services Director may grant a reduction in parking or parking lot landscaping requirements sufficient to continue economic viability of the property without the need to demolish buildings on the property or adjacent sites.

30.11.4.2 Parking Reductions:

(a) Notwithstanding paragraph (b) below, any combination of parking reductions which would result in an overall decrease in required parking of thirty (30) percent or more must be approved by the Development Services Director and may require a parking study.

(b) An applicant may seek a reduction in the required number of parking spaces based on the following criteria:

(1) Parking Study: Applicants may choose to submit a parking study, at their own cost, demonstrating a lower demand for parking than required by the standards of this Section. Development Services Director may approve the methodology and the study based on current editions of professionally accepted data sources.

(2) Car Share Program: One car share space may be provided in lieu of up to five (5) regular parking spaces. Reduction is limited to two car share (2) spaces. Approval requires an executed contract with a car share provider. Car share reduction is limited to residential or office uses in lots requiring at least twenty (20) parking spaces.

(3) Transit-Oriented Development:

a. Applicability:

i. Units or businesses within 2000 feet of a commuter rail or bus rapid transit station.

ii. Units within 800 feet of bus transit with headways of not less than fifteen (15) minutes from 7:00 am to 7:00 pm.

iii. The project must follow form and design standards for the MUCD zoning district.

b. Reduction:

i. Up to ten (10) percent of parking spaces.

ii. Up to twenty-five (25) percent of parking spaces for residential or office uses if parking spaces are “unbundled” (sold, leased, or rented with separate pricing and a separate lease / deed of ownership).

30.11.4.3 Shared parking.

(a) Required parking may be reduced with the use of a Shared Parking Agreement. Shared Parking may be combined with other reductions subject to approval by the Development Services Director provided that other reductions are applied before completing the shared parking calculation.

(b) Shared parking reductions are available for multiple uses on:

(1) Single or multiple adjacent sites under single ownership; or

(2) Multiple adjacent sites with a Shared Use Parking Agreement sharing parking facilities; or

(3) County-managed facilities.

(c) The number of minimum required parking spaces may be reduced according to "Table 11.4-A Shared Parking Table", calculated as follows:

(1) In the column titled “Minimum Required Parking” apply the minimum required parking spaces for each use as specified in this Section;

(2) For each following columns (time of day and day of week), multiply the amount in the "Minimum Required Parking" column by the percentage listed in that column. Enter the sum of each column in the bottom row;

(3) The revised minimum required parking is the highest value in the bottom row of "Table 11.4-A Shared Parking Table".

Table 11-4A – Shared Parking Table

Use Utilizing Shared Parking	Minimum Required Parking	Weekday Usage			Weekend Usage		
		Mon – Fri 8am–6pm	Mon – Fri 6pm–12am	Mon – Fri 12am–8am	Sat – Sun 8am–6pm	Sat – Sun 6pm–12am	Sat – Sun 12am–8am
Residential[1]	See Table 11-3A	60% #sp	100% #sp	100% #sp	80% #sp	100% #sp	100% #sp
Lodging[2]	See Table 11-3A	70% #sp	100% #sp	100% #sp	70% #sp	100% #sp	100% #sp
Commercial	See Table 11-3A	(see below)					
Food & Beverage	See Table 11-3A	70% #sp	100% #sp	10% #sp	70% #sp	100% #sp	20% #sp
Office[3]	See Table 11-3A	100% #sp	20% #sp	5% #sp	5% #sp	5% #sp	5% #sp
All Others[4]	See Table 11-3A	90% #sp	80% #sp	5% #sp	100% #sp	70% #sp	5% #sp
Manufacturing concerns and warehouses	See Table 11-3A	100% #sp	20% #sp	5% #sp	5% #sp	5% #sp	5% #sp
Assembly Spaces	See Table 11-3A	40% #sp	100% #sp	10% #sp	80% #sp	100% #sp	50% #sp
Total Required Spaces	**# sp**	**# sp**	**# sp**	**# sp**	**# sp**	**# sp**	**# sp**

1. Includes: Residential unit, Dormitories, Boardinghouses, Residential Facility, Assisted Living
2. Includes: Hotels, Motels, and Other Lodging
3. Includes: Medical Office, Veterinarians, and Kennels
4. Includes: General Business, Retail, Recreation and Entertainment, Libraries and Museums, Commercial Non-Retail, Furniture and Appliance Store, Education
5. Hospitals subject to a parking study

30.11.5 Electric Vehicle (EV) Readiness.

30.11.5.1 Purpose.

The requirements of this Part are intended to provide electric vehicle charging abilities distributed throughout the County to serve public mobility needs, prepare for emerging electric vehicle technologies, improve air quality, and achieve County sustainability goals.

30.11.5.2 Applicability.

The requirements of this Part shall apply to new development or substantial enlargement of structures. Only the new parking spaces added as part of a substantial enlargement are subject to the requirements of this Section.

30.11.5.3 General Requirements.

(a) EV Readiness requirements are categorized in two levels as follows:

(1) *EV Capable*: These parking spaces prepare for future Electric Vehicle Supply Equipment (EVSE) installation by providing dedicated electrical capacity sufficient for Level 2 charging or greater and conduit to the EV Capable space. These spaces do not require wiring to the space or a receptacle.

(2) *EVSE Installed*: These parking spaces are reserved for EVs and provide drivers the opportunity to charge electric vehicles using EV charging stations rated sufficient for Level 2 charging or greater. These spaces should be installed per the requirements of the National Electrical Code (NFPA 70) as adopted and amended by the State of Florida.

30.11.5.4 Number of Spaces Required.

(a) The EV parking requirements are based on a percentage of the minimum required parking spaces of this Part.

TYPE	EV Capable**	EVSE Installed (threshold)**
Certified Affordable Multi-Family Housing	20%	N/A
Structured Parking (except Certified Affordable Multi-Family Housing)	20%	2% (requirement begins at 50 spaces)
Surface Parking:		
Multi-Family and Hotel	20%	2% (requirement begins at 50 spaces)
Commercial* (office, retail, and public, recreational & institutional uses)	10%	2% (requirement begins at 250 spaces)
Industrial (employee parking only)	10%	2% (requirement begins at 250 spaces)
*Commercial projects for fuel retailers in which automotive services is the primary use are excluded from requirements contained in this Section. **All partial space requirements are rounded down. Percent of required parking spaces.		

30.11.5.5 Location.

(a) For Planned Developments and major PD amendments, the number of EV Capable and EVSE Installed required spaces must be indicated on the MDP and placement must be identified during the final engineering/site plan approval. For

all other projects the placement of the EV Capable and EVSE Installed required spaces must be identified during the final engineering/site plan approval process.

30.11.5.6 Design.

(a) Charging equipment must be mounted on the wall or on a structure at the end of the electric vehicle parking space provided.

(b) No charging devices may be placed within the dimensions of a space, on the sides, or entrance to a space.

(c) When cords and connectors are not in use, they shall be retracted or stored sufficiently high above the pedestrian surface and the parking lot as to prevent conflicts with pedestrians and vehicles.

(d) Cords, cables, and connector equipment shall not extend across the path of travel in any sidewalk or walkway.

(e) Equipment mounted on structures such as pedestals, lighting posts, bollards, or other devices shall be located in a manner that does not impede pedestrian, bicycle, or transit travel.

(f) Alternative designs may be approved by the Planning Manager.

(g) Additional landscape screening may be required for mechanical equipment such as transformers associated with charging equipment, consistent with mechanical equipment screening requirements.

30.11.5.7 Accessibility.

A minimum of one (1) EVSE Installed space must be ADA accessible. For projects with more than 25 EVSE installed spaces, additional accessible stations must be provided at a rate consistent with accessibility standards for general parking.

30.11.5.8 Signage.

All EVSE Installed parking spaces shall be designated with signage consistent with MUTCD standards.

30.11.6 Design of off-street parking spaces.

30.11.6.1 Landscaping of off-street parking areas.

Off-street parking areas must meet the landscape requirements of Chapter 30, Part 14.

30.11.6.2 Dimensional requirements of off-street parking spaces.

(a) Except where otherwise specified in this Code or Federal or State law, a minimum of twenty (20) percent of required off-street parking space shall consist of a minimum net area of two hundred (200) square feet with a minimum width of ten (10) feet and a minimum length of twenty (20) feet, exclusive of access drives or aisles thereto.

(b) Up to eighty (80) percent of spaces provided may have a minimum net area of one hundred and sixty-two (162) square feet, a minimum width of nine feet (9), and a minimum length of eighteen feet (18). Parallel parking spaces may be reduced to nine feet (9) in stall width.

(c) Curbs, Wheel Stops, and Encroachments.

(1) The maximum height of curbs shall be six (6) inches where the overhang of bumpers is anticipated. The maximum height of wheel stops shall be five (5) inches.

(2) Where the curb abutting the pedestrian walkway is used as a wheel stop, the walkway must be a minimum of seven (7) feet wide to accommodate up to two (2) feet of vehicle overhang.

(3) Where a curb or wheel stop is provided, the overhang of a motor vehicle past the curb or wheel stop may be counted as part of the required parking module. The adjacent parking stalls may be reduced by two (2) feet as measured from the face of the curb or wheel stop.

(d) Parking spaces for properties assigned the R-AH zoning classification and buildings with three (3) or more units shall have parking spaces with a minimum net area of one hundred and 162 square feet, a minimum width of nine (9) feet, and a minimum length of eighteen (18) feet.

(e) Off-street space requirements at various parking angles.

Except as otherwise provided in this Part, off-street parking areas shall be designed as to meet the minimum dimensions as shown in the following table:

Parking Angle (Degrees)	Stall Width (Feet)	Stall to Curb (Feet)	Access Aisle One-Way (Feet)	Curb Length (Feet)
0	10.0	10.0	12.0	22.0
30	10.0	18.7	12.0	20.0
40	10.0	20.5	13.0	15.6
45	10.0	21.2	13.0	14.1
50	10.0	21.8	13.0	13.1
60	10.0	22.3	18.0	11.6
70	10.0	22.2	18.0	10.6
80	10.0	21.4	24.0	10.2
90	10.0	20.0	24.0	10.0

(f) Required parking spaces may be reconfigured or redesigned to accommodate additional parking spaces for smaller vehicles including two-wheeled vehicles and neighborhood electric vehicles provided that:

(1) The reconfiguration does not exceed the greater of one (1) space or five (5) percent of the minimum required parking spaces except that the Development Services Director may approve the conversion of a larger number of spaces based on evidence provided by the applicant that site users will favor alternative vehicles.

(2) The conversion must be reversible to provide parking spaces meeting the requirements of this Part with restriping alone.

30.11.6.3 Circulation in Parking Areas:

(a) Minimum accessway shall be twelve (12) feet for one-way traffic, or twenty-four (24) feet for two-way traffic.

(b) Schools and Day Care Centers must provide adequate off-street space for loading and unloading of children.

(c) Off-street loading and unloading area requirements.

On the same premises with every building, structure, or part thereof, erected and occupied for manufacturing, storage warehouse, food processing or wholesale distribution plant, goods display, department store, wholesale store, market, hotel, office, hospital, mortuary, laundry, dry cleaning, or other uses similarly involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot adequate space for the maneuvering, standing, loading, and unloading services in order to avoid undue interference with public use of the streets or alleys.

(d) Off-street loading and unloading space defined. An open, hard-surfaced area, other than a street or public way, the principal use of which is for standing, loading and unloading of motor trucks, tractors, and trailers. Such space shall not be less than twelve (12) feet in width, fifty-five (55) feet in length and fourteen (14) feet in height, exclusive of access aisles and maneuvering space.

(e) Criteria specified. For every building or structure or part thereof having an area 5,000 square feet or more of building floor area and used for the purposes mentioned above, off-street loading and unloading spaces shall be provided in accordance with the following guidelines:

Category	(Square Feet)	Gross Floor Area Spaces Required
Manufacturing	5,000—20,000	1 Space Plus 1 Space Per Each Additional 50,000 Square Feet
Warehouse	5,000—20,000	1 Space Plus 1 Space Per Each Additional 50,000 Square Feet
Retail Sales	5,000—10,000	1 Space Plus 1 Space Per Each Additional 25,000 Square Feet
Service Establishments	5,000—20,000	1 Space Plus 1 Space Per Each Additional 50,000 Square Feet
Commercial Recreation	5,000—50,000	1 Space Plus 1 Space Per Each Additional 50,000 Square Feet
Restaurants	5,000—10,000	1 Space Plus 1 Space Per Each Additional 25,000 Square Feet
Office	10,000—150,000	1 Space Plus 1 Space Per Each Additional 150,000 Square Ft
Institutions	10,000—50,000	1 Space Plus 1 Space Per Each Additional 50,000 Square Feet
Public Buildings	5,000—50,000	1 Space Plus 1 Space Per Each Additional 50,000 Square Feet

30.11.7 Miscellaneous design standards.

(a) Hours of operation. Non-residential uses with after-hour deliveries or service for late-night customers can generate noise and light during evening hours which may adversely impact adjoining residences. When these activities occur on the side of a building site adjoining residences, the hours of operation may be limited during the development approval process to any combination of hours between 7:00 a.m. and 11:00 p.m. as determined on a case-by-case basis by the Planning Manager prior to issuance of any building permit for new construction, a building addition, or a change in use; provided that in no event shall the Development Services Director limit the hours of operation to less than twelve (12) consecutive hours. In the case of a rezoning to Planned Development (PD), the Board of County Commissioners shall make the appropriate findings for such limitations.

(b) Cross-access easements. All development except single-family residential and duplex uses, with parking lots or other direct access to a public road shall, as part of the development approval process, establish cross-access easements which provide for the internal connection of the parcel to adjacent parcels unless the Public Works Director makes a finding that such joint-access is not feasible or practicable based upon circumstances unique to the properties.

30.11.7.1 Bicycle Parking Requirements.

30.11.7.2 Applicability.

Bicycle parking shall be provided in accordance with the standards of this Part and shall be made available prior to the issuance of any Certificate of Occupancy/Completion for the use being served.

30.11.7.3 General Bicycle Parking Requirements.

(a) Bicycle parking shall consist of short-term bicycle parking and long-term bicycle parking as required.

(1) Short-term bicycle parking is generally intended to be used for less than two hours. Typical uses include visitors and customers of retail, restaurants, or medical offices. Short-term bicycle parking may include outdoor bicycle parking spaces and bicycle racks not protected from the weather. Short-term bicycle parking should be easily located and accessible to first-time visitors.

(2) Long-term bicycle parking is generally intended for use for four (4) or more hours. Typical users include residents and employees. Long-term bicycle parking must be in a format intended to provide security for longer term usage such as bicycle lockers, restricted access fenced areas or rooms, or continuously monitored indoor spaces. Where feasible, long-term parking spaces should be covered. Areas provided inside of multi-story office buildings for employees and visitors counted as long-term bicycle parking must be accompanied by an approved bicycle plan showing the access route and describing operational hours and security measures.

(b) Covered bicycle parking is encouraged wherever the design of the building or use being served accommodates such facilities.

30.11.7.4 Quantity of Bicycle Parking Required.

(a) The minimum number of bicycle parking spaces required is described in Table 11.7A.

Land Use	Long-Term (1)	Short-Term (1)
Residential		
Residential, Multi-Family	1:5 units (minimum 2)	1:10 units
Hotels, Motels and other Lodging	1:30 Rooms	4 spaces plus 1:25,000 sf of ballroom/function area
Non-Residential		
General Business / Retail	1:25,000 sf	1:7,500 sf (minimum 4)
Office	1:15,000 sf	1:25,000 sf (minimum 4)
Libraries and Museums (exhibit/public areas)	1:25,000 sf	1:10,000 sf (minimum 4)
Restaurant (free-standing)	1:25,000 sf	1:7,500 sf (minimum 4)
Medical Office, Veterinarians, and Kennels	1 per 5 employees	1:25,000 sf (minimum 4)
Furniture and appliance store	1 per 5 employees	4 spaces plus 1:50,000 sf
Manufacturing Concerns and Warehouses	1:30,000 sf	4 spaces plus 1:50,000 sf
Commercial - Non-Retail	1 per 5 employees	4 spaces plus 1:50,000 sf
Hospitals	1:50,000 sf	8 spaces plus 1:50,000 sf
Residential facility, Assisted Living	1 per 5 employees	1 per 5 employees
Education:		
Day Care, Preschool, and Kindergarten	1:5 classrooms	8 spaces plus 1:10,000 sf Assembly Space
Elementary, Middle, and High	3:1 classroom	8 spaces plus 1:10,000 sf Assembly Space
College, University, Adult	3:1 classroom	8 spaces plus 1:10,000 sf Assembly Space
Recreation and Entertainment	1:25,000 sf	1 / 40 rated patron capacity (minimum 8) (2)
Assembly Use	1:25,000 sf	1 / 20 rated patron capacity (minimum 8) (2)
sf = square feet		

Table 11.7A Minimum Number of Bicycle Parking Spaces Required

Table Notes:

“sf” indicates square feet.

Visitor spaces for assembly and entertainment uses typically host visitors for two (2) to four (4) hours constituting an intermediate step between short-term and long-term parking, for these uses design variations may be approved by the Development Services Director which increase security, improve weather protection, and provide reasonable wayfinding.

Maximum spaces. For uses requiring more than twenty (25) spaces for a single building, the Development Services Director may waive the excess provided that at least two (2) spaces are located near each public or employee entrance.

30.11.7.5 Location.

(a) Short-term spaces shall be located within fifty (50) feet of the main entrance to the building as measured along the most direct pedestrian access route. For a building with more than one entrance, the bicycle parking must be distributed along all facades with a main entrance, and located within fifty (50) feet of at least one main entrance, as measured along the most direct pedestrian access route. When more than six (6) spaces are required per entrance, additional parking may be provided at a secondary location, such as a parking garage, not more than 200 feet from the principal entrance with directional signage indicating its location.

(b) Long-term bicycle parking must be located on the same building site as the use being served. All long-term bicycle parking spaces must be located within 200 feet of a main, operational entrance to the building.

(c) Bicycle parking facilities may be located in the rear fifty (50) percent of any required front yard setback, but shall not be located in any vehicle parking space required under this Part, except where a vehicle parking space is specifically converted to bicycle parking spaces by approval of the Development Services Director.

(d) Bicycle parking located within a parking garage must be located within fifty (50) feet of a pedestrian access point which includes an elevator or first floor sidewalk connection. If the bicycle parking is located within an enclosed room within the parking structure, the distance requirement to an elevator or pedestrian entrance is no more than 200 feet.

30.11.8 Parking Garage Design Guidelines.

30.11.8.1 Intent and Purpose:

The intent of this Section is to provide for architectural appeal and compatibility of the size, scale, intensity/mass and image of the parking garage structures with adjacent buildings and with the context of the surrounding area/neighborhood.

Parking garages have significant visual impact with their large mass structures on the overall development and image of the community. Parking structures also consume land, interrupt the street wall, and can have a negative impact on the pedestrian realm if not integrated with other land uses, such as street level retail, residential and commercial activities. Parking structures can be visually overpowering if not well designed and sensitively sited.

30.11.8.2 Applicability:

(a) This Section is supplemental to the other regulations within the Land Development and Building/Fire/Life Safety Codes of the County.

(b) All future parking garages shall comply in their design to the maximum extent with these guidelines.

(c) These guidelines shall apply to parking garages (multiple levels) and parking decks (single level) but shall not apply to underground parking structures (at least half the floor height below grade) and shall not apply to parking garages within the interior of projects that are not visible on the exterior street.

30.11.8.3 General Requirements:

(a) Elevations shall be provided for all facades of a parking garage that are not screened with other buildings.

(b) A landscape plan shall be provided.

(c) A circulation plan shall be provided showing both vehicular and pedestrian circulation.

30.11.8.4 Design Principles:

(a) Parking structures shall complement the nearby buildings: Parking structures shall blend into style and scale of the context and not be designed as purely utilitarian structures.

(b) Respect pedestrian environment: Design shall respect the human scale incorporating building materials and details that add to or preserve the pedestrian experience.

(c) Minimal pedestrian/vehicular conflict: Vehicular access, entry, and circulation shall be designed to prioritize pedestrian movement and patterns.

(d) Architectural Integrity: Parking structures shall have features and building materials that complement the primary or adjacent structures.

(e) Integrate Landscaping: Substantial landscaping shall buffer views of parking structures, obstruct glare, and provide a transition in scale between the structure and the public realm around it.

30.11.8.5 Design Guidelines:

(a) Siting:

(1) Parking structures should be located away from public streets and high pedestrian use areas and screened by other buildings with habitable uses.

(2) Landscape setbacks with a minimum dimension of ten (10) feet shall be provided on all sides of the parking structure except where habitable building frontages are provided at the ground level. In zoning districts with larger street front setbacks, those larger setbacks shall apply.

(3) Parking Garages adjacent to plazas or squares are discouraged; if they must occur, they shall be lined with habitable building frontages.

(4) Locating parking structures adjacent to properties containing or designated for single-family residential uses, schools, or community parks is strongly discouraged. If other locations are not viable, consideration will be given to parking structures that are setback a minimum of twenty (20) feet from these areas, are limited to a maximum height of thirty (30) feet or three (3) stories, and contain buffer landscaping and/or architectural features to screen or minimize views of vehicular uses.

(5) Avoid garage vehicular exit locations where the glare of headlights on departing cars would illuminate uses across the street.

(6) Appurtenances (i.e., transformers, ventilation shafts, etc.) shall be located outside of any required setback and shall be screened from public view.

(b) Structure Design:

(1) Exterior elevations should incorporate design components and materials utilized and compatible with the primary building(s).

(2) Garage corners that are visible to the public realm should be treated with architectural features.

(3) Parapet walls. On all levels where parking is provided adjacent to an exterior wall, all façades shall have exterior opaque walls a minimum height of forty-two (42) inches above any finished grade and any finished floor.

(4) The sloping nature of the interior structure shall not be exposed, repeated, or revealed on the exterior façade. Ramping in parking structures shall be internalized or screened to avoid an angular geometry to the perimeter of the structure.

(c) Screening:

(1) Public façades of Structured Parking: When a parking structure façade is adjacent to or facing any public park or plaza, public right-of-way, public sidewalk, or private street, façades shall comply with the following:

a. Screening elements shall be designed in a structurally sound manner and have a gap of no more than eighteen (18) inches from the frame of the screening element to the wall opening. Alternative decorative elements which provide an equivalent level of screening may be allowed in an accessory parking structure where such elements are employed to match the architectural character of the main building. Mesh or decorative panels, louvers, green walls, tinted or sandblasted opaque spandrel glass, or similar screening elements shall be used. Where mesh or other materials containing openings are used in conjunction with the screening frame, no individual opening shall exceed four (4) square inches. Chain link fencing and similar screening elements shall be prohibited as an allowable mesh or similar screening element.

b. A total of at least fifty (50) percent of such exterior building wall, or portion thereof, with adjacent parking spaces shall consist of opaque

materials which may include permitted signs, graphic or sculptural art, decorative screening or latticework.

c. Perforated metal does not effectively prevent glare in all cases, and therefore shall not be used as the primary screening material. It can be used in combination with other screening techniques so that the light spill measured at the parcel line is not more than 0.5 footcandles.

(d) Lighting:

(1) Parking garages should utilize full spectrum lighting to increase safety and comfort. The placement of fixtures should be designed to minimize light pollution from the garage.

(2) Lighting shall be designed to reduce light spillage outside the parking structure according to the following:

a. Internal illumination shall be screened so that internal light sources shall not be visible from the adjacent public right-of-way or adjacent parcels. Light fixtures directly visible from the exterior of a parking structure shall be directed internally upward or shall contain shielded fixtures to prevent such visibility.

b. Rooftop lighting shall be located at an elevation height less than the top of the nearest exterior perimeter rooftop wall; or shall be setback a minimum of fifteen (15) feet from the exterior perimeter of the rooftop wall at a maximum mounted height of twelve (12) feet above finished floor with cutoff light fixtures that have a maximum 90-degree illumination.

c. Lighting levels measured at the property line of parcels adjacent to the structured parking deck shall not be greater than 0.5 footcandles.

(3) Interior walls and ceilings should be painted a light color to improve illumination and safety.

(4) All exposed mechanical equipment and piping should be painted to match the interior of the structure.

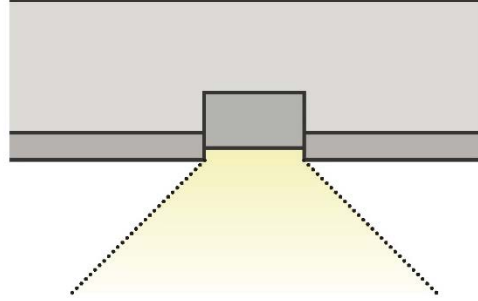
(5) Shielding:

a. Utilize shielded fixtures to minimize light pollution and glare from both within and outside the garage.

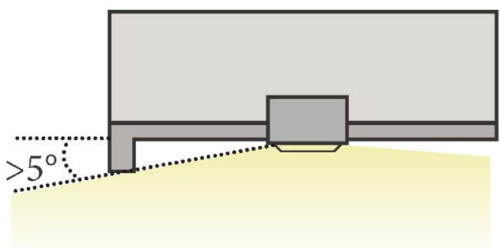
b. Structural shielding, Lighting fixture shielding, or Indirect lighting as depicted below can be used to prevent glare.

c. Acceptable lighting designs include the following:

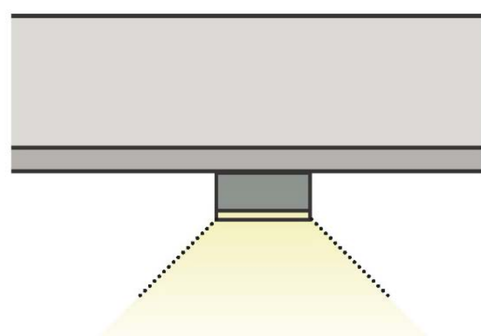
i. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy.



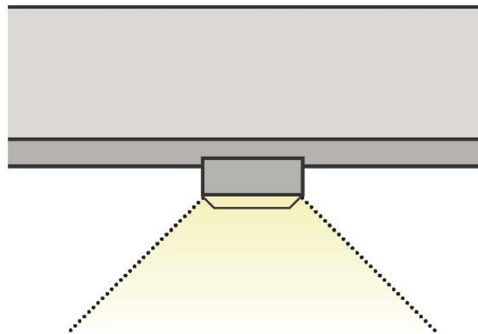
ii. Recessed fixture incorporating a lens cover that is either recessed or flush with the bottom surface of the canopy.



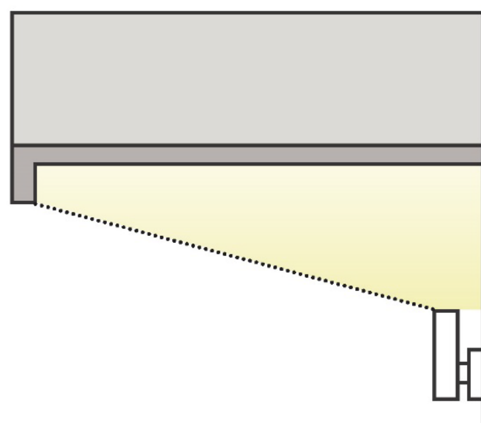
iii. Light fixture incorporating shields or is shielded by the edge of the canopy itself, so that light is restrained to five (5) degrees or more below the horizontal plane.



iv. Surface mounted fixture incorporating a flat glass that provides a cutoff design or shielded light distribution.



v. Surface mounted fixture measuring no more than two (2) feet by two (2) feet, with a lens cover that contains at least two (2) percent white fill diffusion material.



vi. Indirect lighting where light is beamed upward and then reflected down from the underside of the canopy, provided the fixture is shielded so that direct illumination is focused exclusively on the underside of the canopy.

(e) Pedestrian Safety:

(1) Pedestrian circulation should be delineated and separated from automobile circulation. Interior pedestrian paths should be visible to drivers and delineated to differentiate them from vehicle travel aisles.

(2) Landscaping, walkways, and decorative hardscape should be used to emphasize pedestrian areas.

(3) Elevator and stair shafts, mechanical rooms, and similar visual disruptions should be located to minimize the obstruction of views between drivers and pedestrians.

(4) Pedestrian access should be designed to safely avoid pedestrian entry and exit of the garage via vehicular ramps, and provide a minimum five (5)-foot wide pedestrian sidewalk associated with each vehicular access driveway.

(f) Bicycle Parking:

(1) Bicycle parking should be located on the level with the most convenient access, and adjacent to a vehicular entry or have a separate protected and signed entrance.

(2) Bicycle parking in a parking garage must be located within fifty (50) feet of a pedestrian access point which includes an elevator or first floor sidewalk connection. If the bicycle parking is located within an enclosed room, the distance requirement to an elevator or pedestrian entrance is no more than 200 feet.

(g) Noise:

(1) Locate all stationary noise-generating equipment, such as ventilation fans, air compressors, and portable power generators, as far away as possible from businesses, residences, or other noise-sensitive land uses.

(2) Paving surfaces within parking structures shall be used to reduce tire squeal.

(h) Special contextual guidelines:

(1) Office Parks and Multi-family Communities.

a. Direct, dedicated pedestrian connections shall be provided between parking structures and all buildings served. If these connections are adjacent to surface parking or other vehicular use areas, landscaping shall be provided.

(2) Mixed-Use Projects.

b. See additional standards for the MUCD Zoning District.

PART 12. FLOODPLAIN MANAGEMENT

30.12.1 Administration.

30.12.1.1 General.

(a) *Title.* These regulations shall be known as the Floodplain Management Ordinance of Seminole County (hereinafter referred to as "this Ordinance").

(b) *Scope.* The provisions of this Ordinance shall apply to all development that is wholly within or partially within any Flood Hazard Area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(c) *Intent.* The purposes of this Ordinance and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in Flood Hazard Areas to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(4) Manage the alteration of Flood Hazard Areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of Flood Hazard Areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations (C.F.R.), Section 59.22.

(d) *Coordination with the Florida Building Code.* This Ordinance is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(e) *Warning.* The degree of flood protection required by this Ordinance and the Florida Building Code, as amended by Seminole County, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside of mapped Special Flood Hazard Areas or that uses permitted within such Flood Hazard Areas will be free from flooding or flood damage. The Flood Hazard Areas and Base Flood Elevations contained in the Flood Insurance Study and shown on Flood Insurance Rate Maps and the requirements of Title 44 C.F.R., Sections 59 and 60, may be revised by the Federal Emergency Management Agency, requiring Seminole County to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this Ordinance.

(f) *Disclaimer of Liability.* This Ordinance shall not create liability on the part of the Board of County Commissioners of Seminole County or by any officer or employee thereof for any flood damage that results from reliance on this Ordinance or any administrative decision lawfully made thereunder.

30.12.1.2 Applicability.

(a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) *Areas to Which this Ordinance Applies.* This Ordinance shall apply to all Flood Hazard Areas established in Section 30.12.1.2 of this Ordinance.

(c) *Basis for Establishing Flood Hazard Areas.* The Flood Insurance Study for Seminole County, Florida, and Incorporated Areas dated September 28, 2007, and all subsequent amendments and revisions, and the accompanying Flood Insurance Rate Maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this Ordinance and shall serve as the minimum basis for establishing Flood Hazard Areas. Studies and maps that establish Flood Hazard Areas are on file at the Seminole County Building Division, 1101 E. 1st Street, Sanford, Florida 32771.

(d) *Submission of Additional Data to Establish Flood Hazard Areas.* To establish Flood Hazard Areas and Base Flood Elevations, pursuant to Section 30.12.1.5 of this Ordinance, the Floodplain Administrator may require the submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by Seminole County indicates that ground elevations:

(1) Are below the closest applicable Base Flood Elevation, even in areas not delineated as a Special Flood Hazard Area on a FIRM, the area shall be considered as Flood Hazard Area and subject to the requirements of this Ordinance and, as applicable, the requirements of the Florida Building Code.

(2) Are above the closest applicable Base Flood Elevation, the area shall be regulated as Special Flood Hazard Area unless the applicant obtains a Letter of Map Change that removes the area from the Special Flood Hazard Area.

(e) *Other Laws.* The provisions of this Ordinance shall not be deemed to nullify any provisions of local, State, or Federal law.

(f) *Abrogation and Greater Restrictions.* This Ordinance supersedes any ordinance in effect for the management of Development in Flood Hazard Areas. However, unless specifically mentioned, it is not intended to repeal or abrogate any existing ordinances, including, but not limited to, land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this Ordinance and any other ordinance, the more restrictive shall govern. This Ordinance shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this Ordinance.

(g) *Interpretation.* In the interpretation and application of this Ordinance, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of Seminole County; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes.

30.12.1.3 Duties and Powers of the Floodplain Administrator.

(a) *Designation.* The Building Official or designee is designated as the Floodplain Administrator. The Floodplain Administrator may delegate the performance of certain duties to other employees.

(b) *General.* The Floodplain Administrator is authorized and directed to administer and enforce the provisions of this Ordinance. The Floodplain Administrator shall have the authority to render interpretations of this Ordinance consistent with the intent and purpose of this Ordinance and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this Ordinance without the granting of a Variance pursuant to Section 30.12.1.7 of this Ordinance.

(c) *Applications and Permits.* The Floodplain Administrator, in coordination with other pertinent offices of Seminole County, shall:

(1) Review applications and plans to determine whether proposed new development will be located in Flood Hazard Areas;

(2) Review applications for modification of any existing development in Flood Hazard Areas for compliance with the requirements of this Ordinance;

(3) Interpret Flood Hazard Area boundaries where such interpretation is necessary to determine the exact location of boundaries;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue Floodplain Development Permits or Approvals for Development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures, and facilities exempt from the Florida Building Code, when compliance with this Ordinance is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the Building Official to assure that applications, plan reviews, and inspections for buildings and structures in Flood Hazard Areas comply with the applicable provisions of this Ordinance.

(d) *Substantial Improvement and Substantial Damage Determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the Floodplain Administrator, in coordination with the Building Official, shall:

(1) Estimate the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made and any appraisals shall be within one (1) year of the date of permit application;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; the determination requires evaluation of previous permits issued for improvements and repairs as specified in the definition of "Substantial Improvement"; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the Flood resistant construction requirements of the Florida Building Code and this Ordinance is required.

(e) *Modifications of the Strict Application of the Requirements of the Florida Building Code.* The Floodplain Administrator shall review requests submitted to the Building Official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a Variance pursuant to Section 30.12.1.7 of this Ordinance.

(f) *Notices and Orders.* The Floodplain Administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this Ordinance.

(g) *Inspections.* The Floodplain Administrator shall make the required inspections as specified in Section 30.12.1.6 of this Ordinance for Development that is not subject to the Florida Building Code, including buildings, structures, and facilities exempt from the Florida Building Code. The Floodplain Administrator shall inspect Flood Hazard Areas to determine if development is undertaken without the issuance of a permit.

(h) *Other Duties of the Floodplain Administrator.* The Floodplain Administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the Building Official, procedures for administering and documenting determinations of Substantial Improvement and Substantial Damage made pursuant to Section 30.12.1.3(d) of this Ordinance;

(2) Require that applicants proposing Alteration of a Watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency;

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to the Federal Emergency Management Agency the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses propose to change Base Flood Elevations, Flood Hazard Area boundaries, or Floodway designations. Such submissions shall be made within six (6) months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this Ordinance and the Florida Building Code to determine that such certifications and documentations are complete; and

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of Seminole County are modified.

(i) *Floodplain Management Records.* Regardless of any limitation on the period required for retention of public records, the Floodplain Administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this Ordinance and the flood resistant construction requirements of the Florida Building Code, including Flood Insurance Rate Maps; Letters of Map Change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this Ordinance; notifications to adjacent communities, the Federal Emergency Management Agency, and the State related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to Appeals and Variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this Ordinance and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Seminole County Building Division, 1101 E. 1st Street, Sanford, Florida 32771.

30.12.1.4 Permits.

(a) *Permits Required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this Ordinance, including buildings, structures, and facilities exempt from the Florida Building Code, which is wholly within or partially within any Flood Hazard Area shall first make application to the Floodplain Administrator, and the Building Official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this Ordinance and all other applicable codes and regulations have been satisfied.

(b) *Floodplain Development Permits or Approvals.* Floodplain Development Permits or Approvals shall be issued pursuant to this Ordinance for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures, and facilities exempt from the Florida Building Code. Depending on the nature and extent of the proposed d1evelopment that includes a building or structure, the Floodplain Administrator may determine that a Floodplain Development Permit or Approval is required in addition to a building permit.

(1) Buildings, structures, and facilities exempt from the Florida Building Code. Pursuant to the requirements of Federal regulation for participation in the National Flood Insurance Program (44 C.F.R., Sections 59 and 60), Floodplain Development Permits or Approvals shall be required for the following buildings, structures, and facilities that are exempt from the Florida Building Code and any further exemptions provided by law:

a. Railroads and ancillary facilities associated with the railroad.

b. Nonresidential farm buildings on farms, as provided in Section 604.50, Florida Statutes.

c. Temporary buildings or sheds used exclusively for construction purposes.

d. Mobile or modular structures used as temporary offices.

e. Those structures or facilities of electric utilities, as defined in Section 366.02, Florida Statutes, which are directly involved in the generation, transmission, or distribution of electricity.

f. Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials and that does not incorporate any electrical, plumbing, or other non-wood features.

g. Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on-site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

h. Temporary housing provided by the Department of Corrections to any prisoner in the State correctional system.

i. Structures identified in Section 553.73(10)(k), Florida Statutes, are not exempt from the Florida Building Code if such structures are located in Flood Hazard Areas established on Flood Insurance Rate Maps.

(c) *Application for a Permit or Approval.* To obtain a Floodplain Development Permit or Approval, the applicant shall first file an application in writing on a form furnished by the Floodplain Administrator. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address, or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in Section 30.12.1.5 of this Ordinance.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the Floodplain Administrator.

(d) *Validity of Permit or Approval.* The issuance of a Floodplain Development Permit or Approval pursuant to this Ordinance shall not be construed to be a permit for or approval of any violation of this Ordinance, the Florida Building Codes, or any other Seminole County ordinance, regulation, or requirement. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the Floodplain Administrator from requiring the correction of errors and omissions.

(e) *Expiration.* A Floodplain Development Permit or Approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing, and justifiable cause shall be demonstrated.

(f) *Suspension or Revocation.* The Floodplain Administrator is authorized to suspend or revoke a Floodplain Development Permit or Approval if the permit was issued in error, on the basis of incorrect, inaccurate, or incomplete information, or in violation of this Ordinance or any other Seminole County ordinance, regulation or requirement.

(g) *Other Permits Required.* Floodplain Development Permits and building permits shall include a condition that all other applicable State or Federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The St. Johns River Water Management District; Section 373.036, Florida Statutes.

(2) Florida Department of Health for onsite sewage treatment and disposal systems; Section 381.0065, Florida Statutes, and Chapter 64E-6, Florida Administrative Code.

(3) Florida Department of Environmental Protection (FDEP) for activities subject to the Joint Coastal Permit; Section 161.055, Florida Statutes.

(4) FDEP for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(5) Federal permits and approvals.

30.12.1.5 Site plans and construction documents.

(a) *Information for Development in Flood Hazard Areas.* The site plan or construction documents for any Development subject to the requirements of this Ordinance shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of Flood Hazard Areas, Floodway boundaries, and Flood zone(s), Base Flood Elevation(s) (BFE), and ground elevations if necessary for review of the proposed Development. Identification of Flood zone(s), BFE(s), and ground elevations shall be prepared and sealed by a Florida licensed professional surveyor and shall be dated within two (2) years of application.

(2) Where Base Flood Elevations or Floodway data are not included on the FIRM or in the Flood Insurance Study, they shall be established in accordance with Section 30.12.1.5(b)(2) or (3) of this Ordinance.

(3) Where the parcel on which the proposed Development will take place will have more than fifty (50) lots or is larger than five (5) acres and the Base Flood Elevations are not included on the FIRM or in the Flood Insurance Study, such elevations shall be established in accordance with Section 30.12.1.5(b)(1) of this Ordinance.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation, including excavation identified for the purpose of providing compensating storage.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(7) Existing and proposed alignment of any proposed Alteration of a Watercourse.

(8) The Floodplain Administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this Ordinance but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed Development is

such that the review of such submissions is not necessary to ascertain compliance with this Ordinance.

(b) *Information in Flood Hazard Areas without Base Flood Elevations (approximate Zone A).* Where Flood Hazard Areas are delineated on the FIRM and Base Flood Elevation data have not been provided, the Floodplain Administrator shall:

(1) Require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices.

(2) Obtain, review, and provide to applicants Base Flood Elevation and Floodway data available from a Federal or State agency or other source or require the applicant to obtain and use Base Flood Elevation and Floodway data available from a Federal or State agency or other source.

(3) Where the Base Flood Elevation and Floodway data are not available from another source, where the available data are deemed by the Floodplain Administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a. Require the applicant to include Base Flood Elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the Base Flood Elevation is three (3) feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than three (3) feet.

(4) Where the Base Flood Elevation data are to be used to support a Letter of Map Change from the Federal Emergency Management Agency, the analyses shall be prepared by a Florida licensed engineer in a format required by the Federal Emergency Management Agency. Submitted requirements and processing fees shall be the responsibility of the applicant.

(c) *Additional Analyses and Certifications.* As applicable to the location and nature of the proposed Development activity, and in addition to the requirements of this Section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For Development activities proposed to be located in a regulatory Floodway, a Floodway Encroachment Analysis that demonstrates that the encroachment of the proposed development will not cause any increase in Base Flood Elevations; where the applicant proposes to undertake development activities that do increase Base Flood Elevations, the applicant shall submit such analysis to the Federal Emergency Management Agency as specified in Section 30.12.1.5(d) of this Ordinance and shall submit the Conditional Letter of Map Revision, if issued by the Federal Emergency Management Agency, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine Flood Hazard Area for which Base Flood Elevations are included in the Flood Insurance Study or on the FIRM and Floodways have not been designated, hydrologic

and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated Flood Hazard Area Encroachments, will not increase the Base Flood Elevation more than one (1) foot at any point within the community. This requirement does not apply in isolated Flood Hazard Areas not connected to a riverine Flood Hazard Area or in Flood Hazard Areas identified as Zone AO or Zone AH.

(3) For Alteration of a Watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to the Federal Emergency Management Agency as specified in Section 30.12.1.5(d) of this Ordinance.

(d) *Submission of Additional Data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a Letter of Map Change from the Federal Emergency Management Agency to change the Base Flood Elevations, change Floodway boundaries, or change boundaries of Flood Hazard Areas shown on FIRMs, and to submit such data to the Federal Emergency Management Agency for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by the Federal Emergency Management Agency. Submittal requirements and processing fees shall be the responsibility of the applicant.

30.12.1.6 Inspections.

(a) *General.* Development for which a Floodplain Development Permit or Approval is required shall be subject to inspection.

(1) *Development other than buildings and structures.* The Floodplain Administrator shall inspect all development to determine compliance with the requirements of this Ordinance and the conditions of issued Floodplain Development Permits or Approvals.

(2) *Buildings, structures, and facilities exempt from the Florida Building Code.* The Floodplain Administrator shall inspect buildings, structures, and facilities exempt from the Florida Building Code to determine compliance with the requirements of this Ordinance and the conditions of issued Floodplain Development Permits or Approvals.

A. Buildings, structures, and facilities exempt from the Florida Building Code, lowest floor inspection. Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure, or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the Floodplain Administrator:

i. If a Design Flood Elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

ii. If the elevation used to determine the required elevation of the Lowest Floor was determined in accordance with Section 30.12.1.5(b)(3)b of this Ordinance, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

b. Buildings, structures and facilities exempt from the Florida Building Code, final inspectio,n. As part of the final inspection, the owner or owner's authorized agent shall submit to the Floodplain Administrator a final certification of elevation of the Lowest Floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentation shall be prepared as specified in Section 30.12.1.3(a)(2)(A) of this Ordinance.

(3) *Manufactured Homes.* The Floodplain Administrator shall inspect Manufactured Homes that are installed or replaced in Flood Hazard Areas to determine compliance with the requirements of this Ordinance and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the Floodplain Administrator.

30.12.1.7 Variances and appeals.

(a) *General.* The Board of County Commissioners of Seminole County shall hear and decide on requests for Appeals and requests for Variances from the strict application of this Ordinance. Pursuant to Section 553.73(5), Florida Statutes, the Board of County Commissioners shall hear and decide on requests for Appeals and requests for Variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

(b) *Appeals.* The Board of County Commissioners shall hear and decide Appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the administration and enforcement of this Ordinance. Any person aggrieved by the decision of the Board of County Commissioners may Appeal such decision to the Circuit Court, as provided by Florida Statutes.

(c) *Limitations on Authority to Grant Variances.* The Board of County Commissioners shall base its decisions on Variances on the considerations for issuance in Section 30.12.1.7(f) of this Ordinance, the conditions of issuance set forth in Section 30.12.1.7(g) of this Ordinance, and the comments and recommendations of the Floodplain Administrator and the Building Official. The Board of County Commissioners has the right to attach such conditions as it deems necessary to further the purposes and objectives of this Ordinance.

(1) Restrictions in Floodways. A Variance shall not be issued for any proposed Development in a Floodway if any increase in Base Flood Elevations would result, as evidenced by the applicable analyses and certifications required in Section 30.12.1.5(c) of this Ordinance.

(d) *Historic Buildings.* A Variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the Flood resistant construction requirements of the Florida

Building Code, Existing Building, Chapter 12, Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the Variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a Variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(e) *Functionally Dependent Uses.* A Variance is authorized to be issued for the construction or Substantial Improvement necessary for the conduct of a Functionally Dependent Use, as defined in this Ordinance, provided the Variance meets the requirements of Section 30.12.1.7(c), is the minimum necessary considering the Flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the Base Flood.

(f) *Considerations for Issuance of Variances.* In reviewing requests for Variances, the Board of County Commissioners shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this Ordinance, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the community;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and Floodplain Management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site;

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(g) *Conditions for Issuance of Variances.* Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this Ordinance or the required elevation standards;

(2) Determination by the Board of County Commissioners that:

a. Failure to grant the Variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b. The granting of a Variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The Variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) Receipt of a signed statement by the applicant that the Variance, if granted, shall be recorded in the Office of the Seminole County Clerk of Courts in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a Variance to allow construction of the Lowest Floor of a new building, or Substantial Improvement of a building, below the required elevation, a copy in the record of a written notice from the Floodplain Administrator to the applicant for the Variance, specifying the difference between the Base Flood Elevation and the proposed elevation of the Lowest Floor, stating that the cost of Federal Flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as twenty-five dollars ($25.00) for one hundred dollars ($100.00) of insurance coverage), and stating that construction below the Base Flood Elevation increases risks to life and property.

30.12.1.8 Violations.

(a) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this Ordinance that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this Ordinance, shall be deemed a violation of this Ordinance. A building or structure without the documentation of elevation of the Lowest Floor, other required design certifications, or other evidence of compliance required by this Ordinance or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(b) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this Ordinance and that is determined to be a violation, the Floodplain Administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(c) *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall, upon adjudication therefor, be fined not more than five hundred dollars ($500.00), and in addition, shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the Floodplain Administrator from taking such other lawful actions as is necessary to prevent or remedy any violation.

30.12.2 Flood Resistant Development.

30.12.2.1 Buildings and Structures.

(a) *Design and construction of buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to Section 30.12.14(b)(1) of this Ordinance, buildings, structures, and facilities that are exempt from the Florida Building Code, including Substantial Improvement or repair of Substantial Damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the Flood load and Flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of Section 30.12.2.1(g) of this Ordinance.

(b) *Subdivisions.*

(1) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

a. Such proposals are consistent with the need to minimize Flood damage and will be reasonably safe from flooding;

b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(2) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a Flood Hazard Area, the following shall be required:

a. Flood Hazard Areas, floodway boundaries and flood zones, and Design Flood Elevations, as appropriate, are to be shown on all preliminary and final subdivision plans. Delineation shall be based on current field survey signed and dated by a Florida licensed professional surveyor within two (2) years of submittal to County;

b. Where the subdivision has more than fifty (50) lots or is larger than five (5) acres and Base Flood Elevations are not included on the FIRM, the Base Flood Elevations determined in accordance with Section 30.965(b)(1) of this Ordinance; and

c. Compliance with the site improvement and utility requirements of Section 30.12.2.1(c) of this Ordinance.

(c) *Site Improvements, Utilities, and Limitations.*

(1) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

a. Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

b. All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure to flood hazards in Zones AH and AO. Adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(2) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be located and designed in accordance with the standards for on-site sewage treatment and disposal systems in Chapter 64E-6, Florida Administrative Code, and ASCE 24 Chapter 7 to minimize or eliminate infiltration of flood waters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(3) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in Chapter 62-532.500, Florida Administrative Code, and ASCE 24 Chapter 7, to minimize or eliminate infiltration of floodwaters into the systems.

(4) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements and land disturbing activity involving fill or regrading, shall be authorized in the regulatory Floodway unless the Floodway Encroachment Analysis required in Section 30.12.1.5(c)(1) of this Ordinance demonstrates that the proposed development or land disturbing activity will not result in any increase in the Base Flood Elevation.

(5) *Limitations on placement of fill.* Subject to the limitations of this Ordinance, fill shall be the minimum necessary and shall be designed to be stable under conditions of flooding, including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A and Zone AE only), fill shall comply with the requirements of the Florida Building Code. Compensating storage shall be provided for any fill placed within the Special Flood Hazard Area.

(d) *Manufactured Homes.*

(1) *General.* All manufactured homes installed in Flood Hazard Areas shall be installed by an installer that is licensed pursuant to Section 320.8249, Florida Statutes, and shall comply with the requirements of Chapter 15C-1, Florida Administrative Code, and the requirements of this Ordinance.

(2) *Foundations.* All new manufactured homes and replacement manufactured homes installed in Flood Hazard Areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code, Residential Section R322.2, and this Ordinance.

(3) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable State and local anchoring requirements for wind resistance.

(4) *Elevation.* All manufactured homes that are placed, replaced, or substantially improved in flood hazard areas shall be elevated such that the top of the foundation is at or above the higher of:

a. Thirty-six (36) inches above the highest adjacent grade; or

b. The elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R3222.2 (Zone A) or Section R322.3 (Zone V and Coastal A Zone).

(5) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322, for such enclosed areas.

(6) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, air conditioning equipment, and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

(e) *Recreational Vehicles and Park Trailers.*

(1) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in Flood Hazard Areas shall:

a. Be on the site for fewer than 180 consecutive days; or

b. Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks, and porches.

(2) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in Section 30.12.2.1(e)(1) of this Ordinance for temporary placement shall meet the requirements of Section 30.12.2.1(d) of this Ordinance for manufactured homes.

(f) *Tanks.*

(1) *Underground tanks.* Underground tanks in Flood Hazard Areas shall be anchored to prevent flotation, collapse, or lateral movement resulting from

hydrodynamic and hydrostatic loads during conditions of the Design Flood, including the effects of buoyancy assuming the tank is empty.

(2) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of Section 30.12.2.1(f)(3) of this Ordinance shall be permitted in Flood Hazard Areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the Design Flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(3) *Above-ground tanks, elevated.* Above-ground tanks in Flood Hazard Areas shall be attached to and elevated to or above the Design Flood Elevation on a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the Design Flood. Tank-supporting structures shall meet the foundation requirements of the applicable Flood Hazard Area.

(4) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

a. At or above the Design Flood Elevation or fitted with covers designed to prevent the inflow of Floodwater or outflow of the contents of the tanks during conditions of the Design Flood; and

b. Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the Design Flood.

(g) *Other Development.*

(1) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this Ordinance or the Florida Building Code, shall:

a. Be located and constructed to minimize Flood damage;

b. Meet the limitations of Section 30.12.2.1(c)(4) of this Ordinance if located in a regulated Floodway;

c. Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the Design Flood;

d. Be constructed of flood damage-resistant materials; and

e. Have mechanical, plumbing, and electrical systems elevated to a minimum of one (1) foot (twelve (12) inches) above the Base Flood Elevation, except that minimum electric service required to address life safety and electric code requirements is permitted below the Design Flood Elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(2) *Fences in regulated floodways.* Fences in regulated Floodways that have the potential to block the passage of floodwaters, such as stockade fences and

wire mesh fences, shall meet the limitations of Section 30.12.2.1(c)(4) of this Ordinance.

(3) *Retaining Walls, Sidewalks, and Driveways in Regulated Floodways.* Retaining walls, sidewalks, and driveways that involve the placement of fill in regulated Floodways shall meet the limitations of Section 30.12.2.1(c)(4) of this Ordinance.

(4) *Roads and Watercourse Crossings in Regulated Floodways.* Roads and Watercourse crossings, including roads, bridges, culverts, low-water crossings, and similar means for vehicles or pedestrians to travel from one side of a Watercourse to the other side, that encroach into regulated Floodways shall meet the limitations of Section 30.12.2.1(c)(4) of this Ordinance. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of Section 30.12.1.5(c)(3) of this Ordinance.

(h) *Critical Facilities.*

(1) Construction of new critical facilities shall be located outside the limits of the Special Flood Hazard Area and outside of the 500-year Floodplain.

(2) Construction of new critical facilities shall be permissible within the Special Flood Hazard Area or within the 500-year Floodplain if no feasible alternative site is available.

(3) Substantial Improvement of existing critical facilities and new critical facilities, if permitted, shall be elevated or protected to or above the Base Flood Elevation plus three (3) feet or the 500-year (0.2 percent chance) Flood elevation, whichever is higher.

(4) Flood proofing and sealing measures must be implemented to ensure that toxic substances will not be displaced by or released into floodwaters.

(5) Access routes elevated to or above the Base Flood Elevation shall be provided to all critical facilities to the maximum extent possible.

(6) Critical facilities shall be designed to remain operable during such an event.

(i) *Non-elevated accessory structures.* Accessory structures are permitted below elevations required by the Florida Building Code provided the accessory structures are used only for parking or storage and:

(1) If located in special flood hazard areas (Zone A/AE) other than coastal high hazard areas, are one-story and not larger than 600 sq. ft. and have flood openings in accordance with Section R322.2 of the Florida Building Code, Residential.

(2) Are anchored to resist flotation, collapse, or lateral movement resulting from flood loads.

(3) Have flood damage-resistant materials used below the base flood elevation plus one (1) foot.

(4) Have mechanical, plumbing, and electrical systems, including plumbing fixtures, elevated to or above the base flood elevation plus one (1) foot.

30.12.3.2 Technical amendments.

(a) The Florida Building Code, Building, is hereby amended by the following technical amendments to the Florida Building Code, Building:

Sec. 202, Florida Building Code, Building

Modify a definition as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition, or improvement of a building or structure taking place during a five (5) year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five (5) year period begins on the date of the first improvement or repair of that building or structure subsequent to September 28, 2007. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

(b) The Florida Building Code, Existing Building, is hereby amended by the following technical amendment:

Sec. 202, Florida Building Code, Existing Building

Modify a definition as follows:

SUBSTANTIAL IMPROVEMENT. Any combination of repair, reconstruction, rehabilitation, addition or improvement of a building or structure taking place during a five (5) year period, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the improvement or repair is started. For each building or structure, the five (5) year period begins on the date of the first improvement or repair of that building or structure subsequent to September 28, 2007. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

PART 13. SIGN REGULATIONS

30.13.1 Purpose, intent, and definitions.

(a) The regulations and requirements herein set forth shall be the minimum requirements to promote the public health, safety, and general welfare and to protect the character of residential, business, and industrial areas throughout the County.

(b) It is intended that signs placed on land or on a building for the purpose of identification or for advertising a use conducted thereon or therein shall be deemed to be accessory and incidental to the subject land, building, or use. With respect to signs advertising business uses, it is specifically intended, among other things, to avoid excessive competition and clutter among sign displays in demand for public attention. Therefore, the display of signs should be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement.

(c) Signs commonly referred to as outdoor advertising, billboards, or poster panels which advertise products or businesses not connected with the site on which they are located are deemed by this Part to constitute a separate use. The control and regulation of the display of such advertising is deemed to be appropriate to the character and sound development of the County, and it is intended that such advertising be confined to certain commercial and industrial properties.

(d) For the definitions of terms as used in this Part, refer to Chapter 2, Definitions, of this Code.

30.13.2 Substitution of noncommercial speech for commercial speech.

Notwithstanding anything contained in this Part, Chapter, or Code to the contrary, any sign erected pursuant to the provisions of this Part with a commercial message may, at the option of the owner, contain a noncommercial message unrelated to the business located on the premises where the sign is erected. The noncommercial message may occupy the entire sign face or any portion thereof. The sign face may be changed from commercial to noncommercial messages, or from one noncommercial message to another, as frequently as desired by the owner of the sign, provided that the sign is not a prohibited sign or sign type and provided that the size, height, setback, and other dimensional criteria contained in this Part have been satisfied.

30.13.3 Sign standards.

(a) On-premise.

(1) Permanent.

a. *Point of sale.*

1. Maximum allowable copy area, unless otherwise specified, shall be a total sign area of two (2) square feet for each linear foot of building frontage, unless located within a special outlay district.

2. The total point-of-sale copy area on any site shall be the sum of all wall signs, ground/pole signs, and window signs located on the subject property and designed to be viewed from off the premises.

3. Ground/Pole Signs.

aa. Only one ground/pole sign shall be allowed per parcel with four hundred (400) feet or less road frontage. If a parcel's road frontage exceeds four hundred (400) feet and is less than seven hundred (700) feet, then a maximum of two (2) ground signs shall be allowed, but no closer than three hundred (300) feet apart. If a road frontage of a parcel exceeds seven hundred (700) feet, then a maximum of three (3) ground/pole signs shall be allowed, but no closer than three hundred (300) feet apart. Ground/pole signs shall not be placed on lots with less than forty (40) feet of road frontage.

bb. The maximum height of the entire ground/pole sign structure shall be fifteen (15) feet above the elevation of the crown of the road that the sign is facing and intended to be viewed from including highways (e.g., Interstate 4).

cc. No ground/pole sign nor its parts shall move, rotate, use animation or flashing lights. Electronic message centers, including time and temperature displays shall not display messages that give an illusion of motion and shall maintain each displayed message for a minimum of five (5) seconds.

dd. The sign structure may be erected at the property line provided no part of the sign projects over the line and is no closer than ten (10) feet to the property line.

4. Sign lights shall be focused, directed, and so arranged as to prevent glare or direct illumination or traffic hazard from said lights onto residential districts or onto the abutting roadways. No flashing or pulsating lights shall be permitted on any sign. Lights shall not exceed .5 foot candles at the property line.

b. *Subdivision signs.*

1. May be located in any district, provided the development is a permitted or approved use in such a district.

2. Such signs shall not be located nearer than twenty-five (25) feet from any intersection of the street right-of-way.

3. Subdivision entrance gates and walls used as subdivision signs may exceed the height limitations otherwise established when approved by the Board of County Commissioners, provided same does not create a traffic hazard.

4. In Residential Districts, there shall be no flashing or animated signs. Also, sign lights shall be so focused, directed, and so arranged as to prevent glare or direct illumination or traffic hazard from said lights onto abutting property or adjacent streets or roads. Lights shall not exceed .5 foot candles at the property line.

5. Subdivision signs shall not exceed forty-eight (48) square feet in area or a maximum height of fifteen (15) feet above the elevation of the crown of the road.

c. *Flags.* A maximum of four (4) flags may be placed on any parcel. The maximum size of each flag shall be thirty-five (35) square feet. Should the property owner desire, one (1) large flag, a flag not exceeding one hundred and forty (140) square feet may be flown in lieu of the four (4) smaller flags.

(2) *Temporary.*

a. *Trailer signs.*

1. Each property owner, or his properly licensed agent shall prior to displaying each sign upon any premise, secure a permit for each sign from the Building Division of Seminole County. A permit shall not be valid for longer than a period of thirty (30) days, after which time, the trailer sign shall be removed from the premises. A permit cannot be renewed nor can a permit be obtained for the same business within a period of sixty (60) days after the removal of a trailer sign from the premises. No more than three (3) permits may be issued to the same business location in any one calendar year. Any business failing to remove a trailer sign from their premises, within five (5) days after the expiration or revocation of their permit, will be prohibited from obtaining a permit for a trailer sign at that business location, for a period of one hundred and twenty (120) days following the removal of the sign.

2. Trailer signs may be placed at the property line provided no traffic hazard is created, in which case, they shall be set back a minimum of ten (10) feet, and providing they are no closer than ten (10) feet to the paved surface of the road.

3. The placement of a trailer sign in a parking space that is required to meet the minimum parking requirements shall be prohibited.

4. The placement of a trailer sign in the public right-of-way will be cause for the revocation of the permit.

5. Trailer signs, exclusive of the transportation mechanism, shall not exceed the exterior measurements of eight (8) feet in height or fourteen (14) feet in length, and shall not exceed a maximum of one hundred (100) square feet in area per face.

6. Trailer signs shall be limited to commercial and industrial districts.

7. There shall be a maximum of one (1) trailer sign per business location with a minimum spacing of two hundred (200) feet between any two (2) trailer signs on the same side of the road and no more than three (3) trailer signs every one thousand (1,000) feet on the same side of the road. Business location refers to a legally subdivided parcel of land on which there may be one or more separate businesses. By way of illustration, a shopping center with multiple tenants, is classified as one business location.

8. Each trailer sign, when in use, shall, in some manner, be securely fastened to a permanent structure or the ground; further, each trailer

sign shall have its wheels locked so that only the person renting, leasing, owning, or providing the sign shall have the capability of unlocking the wheels.

9. All incandescent bulbs in, on, or attached to any trailer sign shall be P.A.R.-rated outdoor lamps of not more than one hundred (100) watts; however, spot-type bulbs shall be prohibited on all trailer signs.

10. Each trailer sign shall have permanently affixed and prominently displayed the name, business address, and/or phone number of the owner of the sign.

11. The owner of any business location, with multiple tenants, may elect to provide the tenants a reasonable opportunity to utilize temporary advertising for special sales or promotions by entering into an agreement with Seminole County whereby all trailer signs would be restricted from the property and permanent changeable copy ground signs could be installed. In order to utilize this option, the owner of the business location shall sign a development order that would prohibit trailer signs from being placed on the property. The development order would permit the property owner to erect permanent, changeable copy reader board ground signs on the property. One (1) reader board ground sign, up to a maximum of three (3) signs per site may be authorized for each three hundred (300) feet, or fraction thereof, of the business location frontage along the primary road adjacent to the site. Each reader board ground sign shall be enclosed in a brick or masonry base, or other material as approved by the current Planning Division, whose exterior dimensions shall not exceed a height of eight (8) feet or a length of fourteen (14) feet. The copy area of the sign will not be counted against the allotted point-of-sale copy area, and the sign shall maintain a one hundred (100) feet separation from any ground/pole sign on the property.

b. *Real estate signs.*

1. In residential districts signs shall not exceed six (6) square feet in area unless the tract size is in excess of two (2) acres. If the tract size is in excess of two (2) acres, signs shall not exceed sixty-four (64) square feet.

2. In residential districts where a subdivision is being developed or offered for sale, a combination of real estate and subdivision sign, maximum size of two hundred (200) square feet, may be erected on the property which is being developed or offered for sale until such time as the subdivision is completed.

3. In residential districts, no sign over six (6) square feet shall be erected closer than one hundred (100) feet from the nearest existing house.

4. In commercial, agricultural, and industrial districts, real estate or combination real estate and subdivision signs shall not exceed three hundred (300) square feet.

5. No more than one (1) real estate sign or combination real estate and subdivision sign may be erected on any one road frontage for each tract or parcel of land offered for sale or lease.

6. The maximum height of the sign structure shall not exceed fifteen (15) feet above the elevation of the crown of the road.

c. *Construction signs.*

1. No more than two (2) signs denoting the owner, architect, engineer, financial institution, or contractor may be erected on a lot or parcel of land under construction. The total copy area of both signs shall not exceed one hundred (100) square feet. The sign must be removed prior to the issuance of the certificate of occupancy.

2. Such signs must be set back in accordance with the building setback requirements of the district.

d. *Banners, pennants, balloons, streamers, and similar displays.* Banners, pennants, balloons, streamers, and similar displays shall be allowed:

1. One (1) time only for a new business, from two (2) weeks prior to the opening/grand opening until one (1) month after the opening/grand opening.

2. For noncommercial activities on parcels or lots in residential districts, from one (1) month prior to the activity until two (2) weeks after the activity.

e. *Motor vehicle sign.* A motor vehicle sign as hereinbefore defined shall not be parked and left unattended when utilized primarily as a means of promotion or advertising.

f. *Inflatable advertisement.* Inflatable advertising signs shall be allowed only one (1) time per year for any business location or shopping center. The permit shall be valid for no more than seven (7) days, and said sign shall not exceed a height of thirty (30) feet nor exceed a maximum of three hundred (300) square feet of copy area.

g. *Signs to mitigate impacts of road construction projects.* Temporary signs shall be allowed on properties assigned a commercial or industrial zoning classification during the time period in which a road construction project impairs access to or visibility of a parcel and the commercial enterprise located thereon. Such signage shall be temporary in design and construction and shall not be permanently affixed to any structure of whatsoever type or nature. Such signage shall not exceed thirty-two (32) square feet in size per parcel and may consist of banners or trailer signs. The permit issued for such signage shall be valid for during the period which active road construction is occurring as determined by the Planning Manager in conjunction with the County Engineer. Such signage shall be removed not later than five (5) days after active road construction has permanently ceased for the road construction project as determined by the Planning Manager in conjunction with the County Engineer.

(b) *Off-premise.*

(1) *Permanent.*

a. *Outdoor advertising signs.*

1. Shall be permitted as specified in the applicable zoning classifications.

2. Shall be setback in accordance with the applicable building setback requirements for the zoning districts and shall not be located nearer than one hundred (100) feet to a residential district. All structures shall be of all steel construction and of a monopole design. The base of each structure shall be surrounded by a five (5) foot deep landscaped bufferyard. The landscaped bufferyard shall be planted with suitable landscaped material, and maintained so as to ensure a minimum landscape screen of six (6) feet in height and seventy-five (75) percent opacity with one (1) year of planting.

3. On all limited access roads, except the circumferential toll expressway, commonly referred to as The Beltway, such signs shall be no closer than two thousand (2,000) feet from any other outdoor advertising sign on the same side of the highway, one thousand (1,000) feet radial distance from any other outdoor advertising sign on the same road or within five hundred (500) feet of an exit or on ramp. Outdoor advertising signs, except for FDOT "Logo" format signs, shall not be permitted adjacent to the Beltway.

4. On all other state and County roads, such signs shall be no closer than two thousand (2,000) feet from any outdoor advertising sign on the same side of the road, one thousand (1,000) feet radial distance from any other outdoor advertising sign on the same road, nor closer than one hundred fifty (150) feet from any ground/pole sign on the same side of the road.

5. "V" signs are permitted, provided they are constructed with an inner angle not to exceed thirty (30) degrees.

6. No single-faced billboard shall have an interior angle from road to face of sign in excess of forty-five (45) degrees, and shall be installed to minimize a view of the rear of a sign.

7. Maximum size of outdoor advertising signs along limited access roads shall not exceed a maximum gross area of six hundred seventy-two (672) feet, and the maximum height of the sign structure shall not exceed thirty (30) feet above the crown of the road which the sign is designed to serve. On all other state and County roads, the maximum size of outdoor advertising signs shall not exceed four hundred (400) square feet and the maximum height of the structure shall exceed thirty (30) feet above the crown of the road on which the sign is designed to serve.

b. *Public information signs.* Directional signs for public facilities, non-profit organizations, and civic assembly may be erected on private property in the

OP district and any commercial or industrial district. Such signs may also be placed in the A-1 district, if approved by the Board of County Commissioners, upon determination that the signs would not be incompatible with the character of the area or neighborhood. Placement of such signs must be in accordance with the following restrictions:

1. A maximum of two (2) signs per facility, organization, or church may be permitted. Each sign will be limited to six (6) square feet in area and six (6) feet in height, and may be located no closer than one hundred (100) feet to any other ground/pole sign.

2. Copy of such sign will be limited to the name of the facility, organization, or houses of worship (civic assembly), and direction to its location.

3. No such sign may be erected without verification from the Planning & Development Division that the sign and its proposed location comply with these regulations.

4. A public information sign will be removed when the County makes a determination that such sign is no longer compatible with adjacent land uses or otherwise not in conformity with this Part.

c. *Advertising benches and shelter*. Benches and shelters, with or without kiosks, that 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 maintained in Seminole County for the use and convenience of the general public. The placement of such benches and shelters must be in accordance with a written agreement between the firm supplying the benches and shelters and Seminole County. Such agreement must include, but is not limited to:

1. Location, size, and construction of benches and shelters;

2. Permitting and removal procedures; and

3. Maintenance and insurance responsibilities of permit holder.

(2) *Temporary.*

a. *Special event signs*. Special event signs may be displayed a maximum of seven (7) days prior to and seven (7) days following the event.

30.13.4 General provisions.

(a) Setback distance for all signs is the shortest horizontal distance from the property line to the nearest point of the sign, or its supporting members, whichever is nearest to the property line.

(b) All signs shall be properly maintained to present an acceptable appearance. Dilapidated signs shall be repaired or removed within thirty (30) days after notice from the Planning Division.

(c) Any sign, of which the rear portion is visible from adjacent property, shall have the rear screened to present an acceptable appearance. Screening may consist of landscaping,

latticework, or any material that will cover exposed structural cross members in a presentable manner.

(d) Sign lights shall be focused, directed, and so arranged as to prevent glare or direct illumination or traffic hazard from said lights onto residential districts or onto the highway. No flashing or pulsating lights shall be permitted on any sign. Lights shall not exceed .5 foot candles at the property line.

30.13.5 Prohibited signs.

The following signs are prohibited:

(1) Snipe signs.

(2) Freestanding signs.

(3) Any sign containing statements, words, or pictures of an obscene nature

(4) Any sign which obstructs the view in any direction at a street, road, or access drive.

(5) Any sign which advertises or announces any activity, business, product, service, special event, or issue which is no longer produced, conducted or at issue.

(6) Banners, pennants, flags, balloons and similar displays, unless otherwise provided for in this Part.

30.13.6 Nonconforming signs.

Any sign which conformed to the existing zoning regulations when erected and subsequently is declared nonconforming due to the enactment of this Part or any amendment to the zoning regulations may continue in place subject to the following provisions:

(a) *Outdoor advertising signs.*

(1) Signs that are nonconforming due to zoning may not be moved, structurally altered, or repair work accomplished that would require replacement of more than fifty (50) percent of any one (1) sign's supporting members without complying with all provisions of this Part.

(2) Signs that are nonconforming on the effective date of Ordinance 90-9 (April 24, 1990), due to size, height or construction requirements shall be brought into compliance with the size, height and construction standards set forth in this Code prior to February 1, 2001.

(3) Notwithstanding anything provided in subsection (2) to the contrary, in furtherance of Section 479.15, Florida Statutes, this Section shall not require the alteration or removal of any signs declared nonconforming by this Part that were lawfully erected along any portion of the interstate or federal-aid primary highway system. Provided, however, that an applicant for a permit to construct a new sign located adjacent to the interstate or federal-aid primary highway system or to rebuild a previously nonconforming sign located adjacent to the interstate or federal-aid primary highway system shall construct the sign in accordance with the standards of this Part.

(b) *Point of sale signs.*

(1) Any nonconforming sign must be removed when the business or use it advertises is discontinued. Any replacement sign must conform to all existing regulations.

(2) Any sign nonconforming due to height restrictions shall be brought into conformity with the height requirements prior to May 1, 1994. In any case where the owner of a sign or the owner of the property on which the sign is located alleges that the lowering of the sign would create a unique hardship, such an owner may request that a variance be granted by the Board of Adjustment. Such request must be filed within thirty (30) days of the sign owner or the property owner receiving written notice from the Planning Division directing that the sign be lowered. The Board of Adjustment shall hear the variance request at a public meeting and may grant a variance after finding that, based on competent and substantial evidence, the lowering of the sign would create a unique hardship on the owner of the sign or the property owner.

(3) Any sign nonconforming due to the utilization of movement or the illusion of motion shall be brought into conformity prior to December 1, 1990.

(4) All nonconforming banners, pennants, flags, balloons, streamers, wind driven devices and similar displays shall be removed prior to June 1, 1990.

(c) No sign shall be construed to be a nonconforming sign if it was erected without a building permit having been obtained and/or without the prior approval of the Planning Division.

30.13.7 Building permit required.

No person may erect, alter, repair, or relocate any sign, except as otherwise provided herein without first obtaining a building permit for such work from the Seminole County Building Division. No permit may be issued until the Planning & Development Division determines that such work is in accordance with the requirements contained in this Part and the Building Division determines such work will not violate the building or electrical codes of Seminole County.

(1) All signs, larger than six (6) square feet require a permit, except for (i) real estate signs, (ii) special event signs, and (iii) noncommercial "banners, pennants, balloons, streamers and similar displays" in residential districts.

(2) Real estate signs or special event signs larger than thirty-two (32) square feet require a permit.

(3) Noncommercial "banners, pennants, balloons, streamers and similar displays" in residential districts do not require building permits.

30.13.8 Outdoor advertising signs/adult entertainment establishments and sexually oriented businesses.

(a) The Board of County Commissioners has fully considered:

(1) The alternative sources and methods for adult entertainment establishments and sexually oriented businesses to advertise their locations and services and convey the message of the availability of their commercial enterprises.

(2) The adverse impacts of the outdoor advertising of such establishments and businesses upon children with particular consideration being given the coalescence of school bus routes and routes traversed to and from daycare

facilities and other facilities used by children and the locations of outdoor advertising signs (billboard).

(b) Based upon a weighing of the considerations set forth at subsections (a)(1) and (a)(2) of this Section, the Board has found and determined that the regulations set forth in subsections (c) and (d) of this Section are necessary and appropriate to protect the public health, safety, morals and welfare. Based upon the concern for children and the adverse impacts upon children the Board believes that the provisions of this Section are as narrowly tailored as possible with consideration to the protection of the public health, safety, morals and welfare and, in particular, children.

(c) It is unlawful to advertise an adult entertainment establishment or sexually oriented business on any outdoor advertising sign in Seminole County.

(d) It is unlawful to display any signage that uses any sexually explicit message that is viewable by the general public outside of the interior of the adult entertainment establishment or sexually oriented business. It is unlawful for a sign to portray, describe or depict a specified anatomical area or a specified sexual activity or the body parts and actions included in those terms as referred to in the vernacular. It is unlawful to use any terms on any signage that indicates that nude or sexually explicit conduct will be present at an adult entertainment establishment or sexually oriented business. All signage and other forms of exterior advertising shall be appropriate for children to view and discern and shall be designed to be the least offensive as possible to the general public using public rights of way, roads and streets.

(e) The provisions of this Section do not prohibit advertising in other forums that are appropriate for persons having attained the age of majority or at locations where children are not reasonably likely to be exposed to such advertising. It is the intent of this Section to regulate signage that is visible to the general public from rights of way, roads and streets. The Board of County Commissioners finds that adequate alternative methods of advertising are available for adult entertainment establishments and sexually oriented businesses that are not harmful to children.

30.13.9 Limitations on outdoor advertising signs.

(a) The total number of outdoor advertising signs located in the unincorporated areas of Seminole County shall be limited as specified herein, unless new outdoor advertising signs are constructed, reconstructed or relocated pursuant to Section 30.13.13 of this Code.

(b) The initial limitation on outdoor advertising signs is the one hundred eleven (111) outdoor advertising sign structures currently existing in the unincorporated areas of Seminole County (the "existing structures"). An inventory of these existing structures dated May 8, 2001, as amended, and on file in the code enforcement office is incorporated herein by this reference. The Planning Manager may administratively adjust the number of existing signs upon presentation of evidence sufficient to show that an outdoor advertising sign existed on the effective date of Sections 30.13.9—30.13.12 and was not included in the inventory dated May 8, 2001, as amended.

(c) The limit stated in subsection (b) above shall be correspondingly reduced upon the occurrence of any of the following:

(1) The property containing an existing structure or structures is annexed into a municipality; or

(2) An existing structure is removed incident to a road widening or other public works project; or

(3) An existing structure is removed incident to the development or redevelopment of the property upon which the existing structure is located; or

(4) An existing structure is removed incident to the expiration of the lease or other agreement authorizing placement of the existing structure on the property; or

(5) An existing structure which is non-conforming due to zoning is removed due to destruction, damage or other casualty which results in destruction of fifty (50) percent or more of the support structure for or of fifty (50) percent or more of the face of the sign.

(d) The intent of subsections (c)(3) and (c)(4) above is to prohibit the replacement of any existing structure that is removed by the agreements, actions or requirements of parties other than Seminole County, except when the County deals with property owned or managed by the County.

(e) At any point in time the then current limit on the number of outdoor advertising signs located in the unincorporated areas of Seminole County shall be the initial limit specified in subsection (b) above less the total number of existing structures which have been removed as specified in subsection (c) above.

30.13.10 Limitation on number, size and orientation of outdoor advertising sign faces.

In addition to the limitation specified in Section 30.13.9 above, there is hereby imposed a limitation upon the number, size and orientation of the sign faces located upon the existing structures. The number of sign faces on an existing structure may not be increased, either by adding an additional face oriented in a different direction or by changing the display mechanism to permit the display of multiple signs on a single sign face. No sign face on an existing structure may be increased in size and the orientation of each sign face located upon an existing structure may not be changed. The foregoing restrictions shall not apply to duly constructed cut-outs or to sign alterations conducted pursuant to an outdoor advertising sign agreement as authorized by Section 30.13.13 of this Code.

30.13.11 Reconstruction of damaged or destroyed existing structures.

Except for an existing structure which is nonconforming due to zoning (which cannot be replaced), an existing structure damaged or destroyed by flood, fire, earthquake, war, riot, act of God or other similar casualty loss may be reconstructed in the same location with the same (or smaller or fewer, as the case may be) size and number of sign faces provided that the reconstruction is accomplished in accordance with the current applicable provisions of the Land Development Code. An existing structure may not be relocated to another location.

30.13.12 Use of cut-outs on outdoor advertising signs.

(a) The use of cut-outs on outdoor advertising signs is permitted.

(b) The following criteria shall apply to the use of cut-outs on any outdoor advertising sign:

(1) Cut-outs may not increase the board face area by more than fifteen (15) percent.

(2) A cut-out may not extend more than five (5) feet above the top of any board face.

(3) A cut-out may not extend more than two (2) feet beyond either the right or left side of the board face.

(4) A cut-out may extend below the board face by no more than two (2) feet.

(5) A cut-out may not protrude or project perpendicularly from the board face to any distance greater than:

(A) Three (3) feet on board face of 400 square feet or less;

(B) Five (5) feet on a board face of more than 401 square feet.

30.13.13 Outdoor advertising sign agreements.

(a) Outdoor advertising signs may be constructed, reconstructed, or relocated pursuant to an Agreement executed between Seminole County and the property owner and the outdoor advertising sign owner.

(b) No outdoor advertising sign may be permitted within three hundred (300) feet of any trail corridor, except for such signs, and reconstruction of such signs, which existed prior to the enactment of this Section.

(c) Any consideration of an outdoor advertising sign agreement should include removal of at least four (4) existing outdoor advertising signs or faces in unincorporated Seminole County in exchange for one (1) sign to be reconstructed, constructed or relocated in unincorporated Seminole County. The permit applicant must specify the location and specifications of the outdoor advertising sign(s), the number of outdoor advertising signs to be removed and a description of what non-conforming structures would be removed and what non-conforming structures would be created. For the purposes of this Section, multi-vision signs may be treated as multiple faces based on the number of faces displayed during one complete advertising cycle. Nothing set forth herein shall prohibit the BCC from entering an outdoor advertising sign agreement at an alternate sign-removal-to-sign-replacement ratio if such alternate ratio is determined to be in the best interest of the public.

(d) Notwithstanding anything to the contrary elsewhere in this Code, except as found in Section 30.13.13(b), outdoor advertising signs may be permitted in any non-residential zoning district and/or may vary from code separation requirements if such location is found to be in the public interest.

(e) No outdoor advertising sign agreement may be entered unless it includes a written waiver and release by the sign owner, the property owner, and any sign lessees, to any claim against the County to further compensation or reimbursement regarding removal of the specified outdoor advertising signs.

(f) There shall be at least one (1) public hearing with due public notice before the Board of County Commissioners regarding any proposed outdoor advertising sign agreement.

30.13.14 Removal or trimming of trees and vegetation.

Except as specifically authorized by permit issued by or maintenance agreement with the State of Florida Department of Transportation no trees or vegetation shall be removed or trimmed from the property upon which an existing structure is located, from any right-of-way or other public property or from property adjacent thereto in order to enhance the visibility of the existing structure. Other than periodic mowing of groundcover, removal of vegetation and tree pruning shall be limited to maintaining existing and established lines of sight. Pruning shall be done in a

manner to promote healthy, uniform, and natural growth of the vegetation except where necessary to promote the health, safety and welfare of the public. All pruning shall be accomplished in accordance with the provisions of the National Arborist Association (1989) which are hereby adopted and incorporated herein by this reference. Violators of this Section may be compelled to replant vegetation of a similar size and type as that removed in order to mitigate the effects of a violation. Repeat violators may be prosecuted in accordance with law, including the imposition of such fines and imprisonment as may be allowed by law.

30.13.15 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 two (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 twelve (12) feet in height and thirty-two (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 Development Services Director.

(c) All signs shall be set back a minimum of fifteen (15) feet from any property line, and be no closer than three hundred (300) feet from any other ground or pole sign, either temporary or permanent.

(d) Agricultural signs shall be on display for a maximum of eight (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 30.13.5, 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 Development Services Director or their designee. 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 seven (7) days after notification by the Planning and Development Division, the deposit will be forfeited and Seminole County will take necessary action to ensure removal of the sign.

30.13.16 RP & OP Signage Regulations.

30.13.16.1 Each building lot shall be permitted one (1) identification sign, not to exceed sixteen (16) square feet in area. Such sign shall not exceed fifteen (15) feet in height and not be closer than ten (10) feet to any lot line. Except for a single identification sign and the usual address sign, no other signs shall be permitted.

30.13.17 Signage in Industrial Districts.

30.13.17.1 Signs, identification, directional, or which advertise products manufactured, processed, stored, or sold on the premises are permitted.

PART 14. LANDSCAPING, SCREENING, BUFFERING, AND OPEN SPACE

30.14.1 Purpose, intent, and definitions.

(a) The purpose of this Part, in general, is to provide for quality community character, to shade impervious surfaces, to protect against potential land use conflicts, and to define logical areas for pedestrian and vehicular circulation.

The purpose of the water-efficient landscaping criteria included herein is to establish minimum standards for the development, installation, and maintenance of all landscaped areas required by this Code without inhibiting creative landscape design. Specific water conservation measures are required, such as the preservation of existing natural vegetation when appropriate. The establishment of these minimum requirements and the encouragement of resourceful planning are intended to protect and preserve the appearance, environmental quality, character, and value of surrounding neighborhoods and thereby promote the public health, safety and general welfare of the citizens of Seminole County.

(b) Creative site development concepts shall be used in order to promote water conservation. Water-conserving site development concepts may include, but are not limited to:

(1) The preservation of existing plant communities;

(2) The use of native plant species;

(3) The re-establishment of native plant communities;

(4) The use of drought-tolerant plant species;

(5) The use of site-specific plant materials;

(6) The design, installation, and maintenance of irrigation systems that eliminate the waste of water due to over-application or loss from damage;

(7) The use of shade trees to reduce transpiration rates of lower-story plant materials;

(8) Placement of vegetation in such a way that promotes energy conservation through shading;

(9) The use of pervious paving materials;

(10) The use of water efficiency in landscaping;

(11) Other environmentally sensitive site development concepts.

(c) Vegetation protection and preservation objectives are intended to:

(1) Reduce the use of irrigation water in open space areas by promoting the preservation of existing plant communities;

(2) Prevent the removal of existing vegetation in advance of the approval of land development plans;

(3) Prevent the removal of existing vegetation when no replacement vegetation plan has been prepared for the site.

(d) To achieve the objectives of these land development regulations, this Code incorporates six (6) basic principles of water-efficient landscaping. These principles are set forth below for the purpose of giving guidance and direction for administration and enforcement:

(1) Planning and design;

(2) Appropriate plant selection;

(3) Practical turf areas;

(4) Efficient irrigation;

(5) Use of mulches;

(6) Appropriate maintenance.

(e) The provisions of this Part shall apply to all real property situated within the unincorporated areas of Seminole County that are required to be landscaped by this Code.

30.14.2 Open Space.

30.14.2.1 Purpose and Applicability.

(a) The purpose of this Part is to provide clear standards for the establishment, function, and maintenance of open space areas within all developments.

(b) Single-family residential development in any zoning district is exempt from this Section except in the Planned Development (PD) District or where specifically required by another Section of this Code. Nonresidential uses, where permitted in a single-family district (i.e., by Special Exception) shall be required to provide open space.

(c) The character of required open space shall be determined by development type. Open space within nonresidential developments shall meet the requirements of Section 30.14.2.2 while open space within residential developments shall meet the requirements of Sec. 30.14.2.3. Open space in redevelopment, infill development, or mixed-use developments shall meet the requirements of Sec. 30.14.2.4.

(d) The amount of open space required for development shall be determined by the zoning district, development order, or other provisions of this Code applicable to the subject property. If not otherwise specified, the minimum open space shall be twenty-five (25) percent of the gross site area.

30.14.2.2 Nonresidential Open Space.

(a) The purpose of open space in nonresidential developments is to set aside areas for landscaping, buffering, stormwater retention (subject to paragraph (d) below), recreation, aquifer recharge, and/or preservation of natural resources.

(b) Open space shall be located entirely within the boundaries of the project and may include required landscaped areas and buffers; recreational lands and facilities accessible to employees and visitors to a site; and areas providing natural

resource protection for floodplains, wetlands, aquifer recharge areas, wildlife habitat, and other natural features.

(c) Within a single-ownership development, open space shall be maintained to preserve its required function(s) by the property owner. Within a subdivision or other form of multiple-ownership configuration, open space shall be in common area tracts and maintained by a property owners association.

(d) Stormwater retention ponds may be counted toward the minimum required open space area subject to the following criteria:

(1) The pond shall be sodded or dressed with equivalent ground cover; and

(2) The pond shall be accessible to all employees and visitors and shall be landscaped and configured in a manner that results in a visual amenity for the site and shall include aesthetic features or amenities such as benches and/or picnic tables.

(3) For wet ponds, if reclaimed water is unavailable, then the pond shall be designed to be utilized for landscape irrigation.

(4) For wet ponds, littoral zones of ponds shall be vegetated with emergent native vegetation to the maximum extent possible, provided that maintenance of the pond is not impeded. Plans shall be reviewed and approved by the Natural Resource Officer or designee.

(e) Natural lakes may be counted toward the minimum required open space area subject to the limitation in paragraph (g) below and the following criteria:

(1) Only that portion of a lake that lies within the legal description of the project may count toward the required open space area; and

(2) The lake shall be accessible to all employees or visitors and shall include other amenities including, but not limited to, trail facilities, boardwalks, fountains, benches, and picnic tables.

(f) Conservation areas, defined for the purposes of this Part as 100-year floodplain and wetlands as delineated by the St. Johns River Water Management District, may be counted toward the minimum required open space area subject to limitations specified in paragraph (g) below.

(g) Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum of more than fifty (50) percent of the required open space.

(h) Site features noted in Sec. 30.14.2.5 may also be counted as open space.

30.14.2.3 Residential Open Space.

(a) Required open space in residential developments is intended to provide green space serving as a site amenity; areas for supplemental landscaping; stormwater retention facilities; uses for aquifer recharge; and/or the preservation of natural resources. Residential open space shall include only those lands available for the use and enjoyment of all residents of a development and shall have either an aesthetic or recreational function that shall not conflict with other site features required by this Code.

(b) Open space shall be located entirely within the boundaries of the project. In no case shall the required open space occupy any portion of a privately owned residential lot.

(c) Types and locations of open space, including recreational lands, recreational facilities, and natural resource protection areas, shall be clearly shown on a development plan prior to project approval.

(d) No dwelling unit shall be located more than seven hundred fifty (750) feet from designated open space. The Development Services Director may waive this distance requirement where the developer proposes a major recreational facility that will occupy at least fifty (50) percent of the required open space for the development. No more than thirty-five (35) percent of the dwelling units in the development may be occupied before this facility is completed and available for use.

(e) Where intervening properties separate a dwelling unit from an open space area, the Development Services Director may require an easement or other means of access for bicycle and pedestrian traffic to minimize the need to cross or travel on roads carrying motorized vehicles.

(f) Except as provided in this paragraph, no parcel of property or portion thereof, less than forty (40) feet wide and seven thousand five hundred (7,500) square feet in size, shall be counted toward the designated open space requirement. Open space areas less than forty (40) feet in width containing paved or stabilized paths for pedestrians and/or bicycles shall be exempt from this requirement if such paths are part of a comprehensive circulation system serving the entire development. Dog parks and tot lots that are a minimum of seventy-five (75) square feet per dwelling unit are also exempt from this requirement and may count towards open space. Dog parks must contain waste disposal receptacles and appropriate signage.

(g) Required open space within a subdivision shall be platted as a common area and shall be owned and maintained by a homeowners' association.

(h) Stormwater retention ponds may be counted toward the minimum area requirement subject to the following criteria:

(1) The pond shall be sodded or dressed with equivalent ground cover.

(2) The pond shall have no greater than a 4:1 slope with no fencing.

(3) The pond shall have a curvilinear shape simulating a natural water body.

(4) Canopy trees shall be provided at the rate of one (1) per fifty (50) feet of pond perimeter; however, the required number of trees may be clustered for an improved aesthetic effect.

(5) For wet ponds, if reclaimed water is unavailable, then the pond shall be designed to be utilized for landscape irrigation.

(6) For wet ponds, littoral zones of ponds shall be vegetated with emergent native vegetation to the maximum extent possible, provided that maintenance of the pond is not impeded. Plans shall be reviewed and approved by the Natural Resource Officer or designee.

(7) The pond shall be landscaped and configured in a manner that results in a visual amenity for the site and shall include other amenities such as a trail adjacent to the pond, boardwalks, picnic tables, fountains, pavilions, or gazebos. For wet ponds, a littoral zone with plantings is required. Other features in addition to or substituting for the aforementioned may be approved by the Development Services Director consistent with the intent of this Part. The pond and/or adjacent area shall include a minimum of two of the following features:

a. Fountain

b. Stabilized walking path

c. Exercise equipment

d. Benches for seating

e. Tot lot or mini-park

(i) Natural lakes may be counted toward the minimum area requirement subject to the limitations in paragraph (k) below and the following criteria:

(1) The lakeshore shall be accessible to all residents, and shall include one or more visual or recreational amenities including, but not limited to, trail facilities, boardwalks, fountains, and picnic tables.

(2) Only that portion of a lake that lies within the legal description of the project may count toward the required open space.

(j) Conservation areas, defined for the purposes of this Part as the 100-year floodplain or wetlands as delineated by the St. Johns River Water Management District, may be counted toward the minimum area requirement subject to limitations specified in paragraph (k) below.

(k) Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum area of more than fifty (50) percent of the required open space area.

(l) Required landscaped areas and buffers may not be credited toward the required open space area.

(m) Site features noted in Sec. 30.14.2.5 may also be counted as open space.

30.14.2.4 Infill, Redevelopment, and Mixed-Use Open Space.

(a) The purpose of open space in infill development, redevelopment, and mixed use developments is to provide areas for supplemental landscaping; buffering; recreational or aesthetic amenities; stormwater retention; aquifer recharge; and/or preservation of natural resources.

(b) Open space shall be located entirely within the boundaries of the project. Open space may include: landscaping and buffers; recreational facilities and amenities accessible to all users of the site; recreational facilities and amenities accessible only to residents; stormwater facilities; and areas providing for natural resource protection.

(c) Types and locations of open space shall be clearly shown on a development plan prior to approval by Seminole County.

(d) No dwelling unit shall be located more than seven hundred fifty (750) feet from designated open space. The Development Services Director may waive this requirement when the developer proposes a major recreational facility that will provide at least fifty (50) percent of the required open space for development.

(e) Open space areas shall not be fenced, unless necessary for safety reasons, and shall not contain mechanical units and equipment, storage areas, or other service-related functions.

(f) Stormwater retention ponds may be counted toward the minimum area requirement subject to the following criteria:

(1) The pond shall be sodded or dressed with equivalent ground cover; and

(2) The pond shall be landscaped and configured in a manner that results in a visual amenity for the site, and shall include other amenities such as a trail adjacent to the pond, boardwalks, picnic tables, fountains, pavilions, or gazebos. Other features in addition to or substituting for the aforementioned may be approved by the Development Services Director consistent with the intent of this Part.

(g) Required open space within infill development, redevelopment, or mixed-use development, which serves primarily the residential portion of a development, shall be platted as a common area and shall be owned and maintained by a homeowner association or other entity which is capable of maintaining the function of the open space, as determined by the Development Services Director. Required open space within infill development, redevelopment, or mixed-use development which serves primarily the nonresidential portion of the development shall be owned and maintained by a property owners' association.

(h) Natural lakes and/or conservation areas within a development site shall not be credited to a combined maximum of more than fifty (50) percent of the required open space area.

(i) Open space shall be continuous wherever possible, shall be accessible to all uses within a development when practical and safe, shall contain pedestrian amenities (including lighted, accessible walkways with shade trees), and shall include lighted public plazas serving structures that contain retail and/or office uses. Public plazas shall contain benches with shade trees or permanent coverings.

(j) Selected facilities located indoors or on rooftops may be permitted where they serve as amenities when available for use and enjoyment by all residents or users of a development. Excluded from eligibility as credited open space are theaters, restaurants, religious facilities, and retail, commercial uses.

(k) Site features noted in Section 30.14.2.5 may be counted as open space.

30.14.2.5 Sec. Permitted Open Space Features.

Feature	Nonresidential Open Space	Residential Open Space	Mixed-Use Infill, Redevelopment
100-year floodplain	Y*	Y*	Y*
Borrow pits	Y**	Y**	Y**
Clubhouse/admin. Offices fitness center	N	Y	Y
Curated art museums/galleries	N	N	Y
Decorative fountain, Interactive fountain	Y	Y	Y
Fitness center internal to the residential portion of a development	N	N	Y
Lakes	Y*	Y*	Y*
Outdoor exercise trail	Y	Y	Y
Outdoor dining/seating areas not limited to patrons of a single business	Y	N	Y
Outdoor recreation facilities	Y	Y	Y
Outdoor sculpture garden	Y	Y	Y
Outparcels	N	N	N
Parking lots	N	N	N
Paved jogging and bicycling path	Y	Y	Y
Plant conservatory	N	N	Y
Platted residential lots	—	N	N

Feature	Nonresidential Open Space	Residential Open Space	Mixed-Use Infill, Redevelopment
Power line easements	Y	Y****	Y
Power line easements or R/W containing trails or similar rec. amenities	Y	Y	Y
Private roads	N	N	N
Public plazas with benches and shade trees	Y	Y	Y
Public road R/W	N	N	N
Required buffer areas	Y	N	Y
Retention (amenitized per Code)	Y	Y	Y
Retention (not amenitized)	N	N	N
Green roof or rooftop garden with pedestrian access, rooftop recreational features such as swimming pools	Y	Y***	Y
Upland common areas less than 40’ in width, without pedestrian, bicycle, or horse trails	Y	N	Y
Upland common areas less than 40’ in width developed with pedestrian, bicycle, or horse trails	Y	Y	Y
Upland common areas exceeding 40’ in width	Y	Y	Y
Utility easements	Y	Y	Y
Wetlands	Y*	Y*	Y*

Y = Permitted to be counted toward area requirements.

N = Not permitted to be counted toward area requirements.

* Floodplains, wetlands, and lakes, together or separately, shall be limited to fifty (50) percent of total open space requirement for any development.

** Borrow pits may count as open space only if sodded, landscaped, and/or configured as a water feature in compliance with Sec. 65.8(l).

*** Permitted in residential developments of five (5) or more units per net buildable acre, where such facilities are located on common property and accessible to all residents.

**** If allowed by utility company.

30.14.3 Buffering.

30.14.3.1 Plant groups.

Landscaping materials and configurations will vary depending on the purpose and intent of the landscape treatment. A plant group is a selection of plants that are intended to provide a standard volume of landscaping from ground level to the top of the canopy. When closely planted, a dense barrier is created. The following table shows the various plant groups that may be used to meet the landscaping requirements of this Part, including minimum size at the time of planting. Each plant grouping has the same screening potential in terms of total plant mass; however, some have limits on where they may be used.

Plant Group Options	Number	Plant Type
Plant Group A (Basic)	1	Canopy
	1	Understory
	1	Evergreen
	11	Shrubs
Plant Group B (Basic)	1	Canopy
	2	Understory
	17	Shrubs
Plant Group C (Height Restricted)	5	Understory
	16	Shrubs
Plant Group D (Basic)	3	Evergreen
	1	Understory
	13	Shrubs
Plant Group E (Low Level Visibility)	2	Canopy
	4	Shrubs

NOTE: See 30.14.16(b)(1) and (2) for minimum size at planting.

30.14.4 Buffering requirements in general.

(a) Buffers are described in terms of required opacity, or the degree of screening between two (2) adjoining uses or activities. An opacity of 0.1 screens ten (10) percent of an object, while an opacity of 1.0 completely obscures the object from view during summer months after all required plants have reached maturity.

(b) Buffers shall be located on the outer perimeter of a development site but entirely within the property bounds of such site and shall not include right-of-way or areas that will be dedicated as right-of-way. Buffers may be placed within utility easements, subject to verification that the dedicated use of the easement does not conflict with the function of the buffer. The owner of the property shall be responsible for replacement of landscape materials damaged or removed by the placement or maintenance of utilities within such easements.

(c) Required buffers shall not contain parking, including vehicle overhang areas in adjacent parking spaces. Driveways and other vehicular maneuvering areas shall not be permitted in a buffer, except that access points to adjacent roads may cross a buffer with minimum possible interference with the buffering function, as determined by the Development Services Director.

(d) Buffers are required for the following situations:

(1) For new development adjacent to existing development, required buffers shall be determined according to the land use intensity of the proposed use(s) as compared to the land use intensity of the adjacent use(s). Required opacities are shown in Section 30.14.7(a). Development on small or irregular sites, resource-limited sites, or infill sites shall be developed according to the criteria of Section 30.14.11.

(2) For new development adjacent to vacant land, required buffers shall be determined according to the land use intensity of the proposed use(s) as compared to the Future Land Use designation of the adjacent property as established by the Seminole County Comprehensive Plan. Required opacities are shown in Section 30.14.7(b). Development on small or irregular sites, resource-limited sites, or infill sites shall be developed according to the criteria of Section 30.14.11.

(3) For new development adjacent to roads and right-of-way, required buffers shall be determined according to the land use intensity of the proposed use(s) as compared to the functional classification of the road or right-of-way. An unimproved right-of-way shall be assumed to contain the most intense road classification for which it was designed. Required opacities are shown in Section 30.14.7(c). Development on small or irregular sites, resource-limited sites, or infill sites shall be developed according to the criteria of Section 30.14.11.

(4) Landscape buffers for parking lots shall be provided in accordance with Section 30.14.8.

(5) Landscape buffers for storage or loading areas that represent a special nuisance shall be provided in accordance with Section 30.14.9.

(e) Existing natural vegetation may be used in place of a required wall, fence, and/or landscaping where such vegetation consists of canopy and understory trees that meet the minimum buffer component requirements and is of sufficient density to provide one hundred (100) percent opacity to a height of six (6) feet. The landscape plan for the development shall include protection measures to preserve the natural buffer area during and after site development. Nothing provided in this paragraph shall prohibit the removal of invasive species.

(f) Buffer criteria varying from the requirements of this Part may be authorized by the Board of County Commissioners through approval of a Master Development Plan within the Planned Development (PD) zoning District in accordance with Sec. 30.8.5 or through approval of a special exception under Sec 30.3.1.5. Variations from the provisions of this Part may reduce or increase required opacities, or specify alternative buffer concepts, as appropriate to the site under consideration. In all cases, the relevant Board shall find that approved variations ensure compatibility between adjoining land uses and are consistent with the Comprehensive Plan.

30.14.5 Standard bufferyards and permitted adjustments.

(a) The criteria in the table below shall achieve required opacity levels for bufferyards specified in Section 30.14.7.

Opacity	Standard Bufferyard Width (ft.)	Number of Plant Units Groups per 100 feet	Structure Enhancement Required	Eligible for Adjustments**
0.1	10	1.00	None	No
0.2	10	2.00	None	No
0.2 (parking buffer)	10	1.00	3' masonry wall	No
0.3	15	2.60	None	Yes
0.4	15	2.25	3' hedge	Yes
0.5	25	2.70	6' masonry wall***	Yes
0.6	25	3.50	6' masonry wall***	Yes
0.7	40	2.90	6' masonry wall***	Yes
0.8	50	3.20	6' masonry wall***	No
0.9*	50	3.20	6' masonry wall	No
1.0*	50	3.80	6' masonry wall	No

* These buffers only occur where nuisance buffers are required by Section 30.14.9.

** Subject to approval by the Development Services Director.

*** Adjacent to a street, may be reduced to three (3) foot metal decorative fence and three (3) foot hedge. The Development Services Director may waive segments of any required fence or wall in order to ensure visibility of traffic for safety purposes.

(b) Required buffers may be adjusted to add or subtract land area, or to modify specific requirements for structures or landscape plantings. Such adjustments, where permitted, shall be assumed to maintain the required opacities under Sections 30.14.7. These adjustments may be made at the option of the applicant in order to make more efficient use of available land or to address other site design issues requiring greater flexibility in Code requirements; however, the Development Services Director may deny any proposed adjustment upon a finding that it would significantly impair the screening function of the required buffer.

Permitted bufferyard adjustments shall be as follows:

(1) Increased Buffer Widths. Bufferyards exceeding the standard widths established in paragraph (a) above shall permit a reduction in landscape planting requirements. This reduction shall be applied equally to all plant types specified within the formula for the applicable plant group. In certain cases, the required buffer enhancement may be reduced as a result of increased buffer width. Adjusted buffer enhancement and planting requirements are as shown below:

Opacity	Buffer Width (ft.)	Number of Plant Groups per 100 feet	Enhancement Required
0.4	20	2.00	None
0.5	35	2.25	3' hedge
0.6	35	2.70	3' hedge
0.7	55	2.25	3' hedge

(2) Reduced Buffer Widths. Buffers having less than the standard widths established in paragraph (a) above shall be subject to an increased landscape planting requirement. This increase shall be applied equally to all plant types specified within the formula for the applicable plant group. An upgrade in buffer enhancement features shall also be required. Adjusted buffer enhancement and planting requirements are as shown below:

Opacity	Buffer Width (ft.)	Number of Plant Groups per 100 feet	Enhancement Required
0.3	10	3.00	3’ hedge
0.4	10	2.50	3’ open metal fence and 3’ hedge
0.5	15	3.25	6’ masonry wall*
0.6	20	4.00	6’ masonry wall*
0.7	30	3.50	6’ masonry wall*
* May be reduced to 3’ open metal fence and 3’ hedge adjacent to a street.			

30.14.6 Determination of land use classifications and intensities.

(a) This Section classifies uses according to their potential impacts on surrounding properties. The impacts of higher intensity may include greater impervious surface coverage, causing increased stormwater runoff and reduced open space; increased bulk and height of buildings; increased traffic with associated noise and congestion; signs and exterior lighting visible from neighboring property;

and late hours of operation. Under these regulations, a developer may either build at a lower intensity that minimizes nuisances to neighbors, or provide a denser buffer if the land is developed at a greater intensity.

The range of intensity classes available to a use does not affect whether the use can locate on a site, but only how the use develops on that site. For example, an office use may meet the standards of any of intensity classes V through IX, depending on building and site design. Performance standards are specified for each intensity class. Exceeding any single standard in an intensity class moves a use to the next higher intensity class.

(b) All land uses permitted by this Code are assigned a land use category for the purpose of determining buffering requirements. This classification system separates uses on the basis of the type and degree of “nuisance” or negative impact a use is likely to impose on adjacent properties. All uses within a use category are considered to have an equivalent impact on neighboring uses.

(c) A particular development or proposed development shall be assigned an intensity rating according to the table in paragraph (d) of this Section. Each land use category established in the table has one or more possible intensity ratings, depending on the specific characteristics of the site. The intensity rating for any site shall be determined by the elements that most appropriately measure intensity for a given land use category, such as the impervious surface ratio (ISR), the floor area ratio (FAR), and density.

The most extreme value for any measurement shall determine the intensity rating of the site. For example, the table below shows that an office use has possible land use intensity ratings of V, VI, VII, VIII, and IX.

Land Use Category	**Land Use Intensity Rating**									
	I	**II**	**III**	**IV**	**V**	**VI**	**VII**	**VIII**	**IX**	**X**
Office										
FAR					0.20	0.25	0.50	0.75	0.75+	
Height (feet)					15	25	35	50	50+	
Height/Setback					0.66	1.0	2.0	— > 2.0		

A single-story office development having an FAR of no more than 0.20 would have an intensity rating of V. However, a site with the same FAR with a building height greater than twenty-five (25) feet and no more than thirty-five (35) feet would have an intensity rating of VII.

(d) A particular development or proposed development shall be assigned an intensity rating according to the table:

Land Use Category	**Land Use Intensity Rating**									
	I	**II**	**III**	**IV**	**V**	**VI**	**VII**	**VIII**	**IX**	**X**
Rural/Agricultural (East Rural Area Only)										
Gross Density	0.33									
Residential										
Gross Density		4.00				7.00	8.50	10.00	12.00	12.00+
Office										
FAR					0.20	0.25	0.50	0.75	0.75+	
Height (feet)					15	25	35	50	50+	
Height/Setback					0.66	1.0	2.0	—- > 2.0 —-		
General Commercial										
FAR					0.15	0.20	0.25	0.35	0.50	0.50+
Height (feet)					15	20	25	35	50	50+
Hours of Operation					7:00 a.m.—9:00 p.m.			Unlimited		
Height/Setback					0.5	0.66	1.0	2.0	> 2.0	—-
Heavy Commercial										
FAR							0.25	0.35	0.50	0.50+
Height (feet)							25	35	50	50+
Hours of Operation							7:00 a.m.—9:00 p.m.	Unlimited		
Height/Setback							1.0	2.0	> 2.0	—-
Light Industrial										
ISR								0.5	0.75	0.75
Height (feet)								35	50	50+
Hours of Operation								7:00 a.m.—9:00 p.m.		unlimited
Height/Setback								0.66	1.0	1.0+
Heavy Industrial										all
Outdoor Recreation										
ISR		0.20	0.35	0.50	0.60	0.70	0.75	0.75		
Height (feet)		15	20	25	35	45	50	50+		
Institutional & Group Living										
ISR				0.20	0.30	0.45	0.60	0.75		
FAR				0.10	0.15	0.20	0.25	0.25+		

Land Use Category	Land Use Intensity Rating									
	I	II	III	IV	V	VI	VII	VIII	IX	X
Height (feet)				15	25	35	45	45+		
Height/Setback				0.5	0.66	1.0	2.0	> 2.0		
Public Service										
ISR					0.20	0.35	0.50	0.60	0.65	0.75
FAR					0.10	0.25	0.40	0.60	0.75	0.75+
Height (feet)					15	25	35	45	60	60+

30.14.7 Required buffers.

(a) Buffers Adjacent to Developed Property. The standards in the table below address the opacity of the buffer required between proposed and existing uses. The rows show the proposed land use intensity of the subject property, while the columns contain the land use intensity of existing development on the adjoining parcel(s). Asterisks indicate that no buffer is required.

Required opacity shall be reduced by fifty (50) percent where the existing adjacent land use is a single-family home in a HIP, MXD, Industrial, Commercial, or Office future land use designation.

Required Opacity of Buffers Adjacent to Developed Sites											
		LUI Existing									
		I	II	III	IV	V	VI	VII	VIII	IX	X
LUI Proposed	I	*	*	*	*	*	*	*	*	*	*
	II	0.2	*	0.1	0.2	0.3	0.4	0.4	0.6	0.7	0.8
	III	0.2	0.1	*	0.1	0.2	0.3	0.4	0.4	0.6	0.7
	IV	0.3	0.2	0.1	*	0.1	0.2	0.3	0.4	0.4	0.6
	V	0.3	0.3	0.2	0.1	*	0.1	0.2	0.3	0.4	0.5
	VI	0.4	0.3	0.3	0.2	0.1	*	0.1	0.2	0.3	0.4
	VII	0.5	0.4	0.3	0.3	0.2	0.1	*	0.1	0.2	0.3
	VIII	0.6	0.5	0.4	0.3	0.3	0.2	0.1	*	0.1	0.2
	IX	0.7	0.6	0.5	0.4	0.3	0.3	0.2	0.1	*	*
	X	0.8	0.7	0.6	0.5	0.4	0.3	0.3	0.2	*	*

* No buffer required.

(b) Buffers Adjacent to Vacant Land. The standards in the table below address the opacity of the buffer required between proposed uses and vacant land. The rows show the proposed land use intensity of the subject property, while the columns contain the Future Land Use designation on adjoining parcel(s).

Vacant sites having approved, unexpired development plans shall be evaluated as developed sites.

Required Opacity of Buffers Adjacent to Vacant Land																
		FLU Designation of Vacant Land														
		R-10	**R-5**	**R-3**	**SE**	**LDR**	**MDR**	**HDR**	**COM**	**OFF**	**HIP**	**MXD**	**IND**	**REC**	**PUB**	**PD****
LUI Proposed	**I**	*	*	*	*	*	*	*	*	*	*	*	*	*	*	na
	II	0.2	0.2	0.2	0.2	*	*	*	*	*	*	*	*	*	*	na
	III	0.2	0.2	0.2	0.2	*	*	*	*	*	*	*	*	*	*	na
	IV	0.3	0.3	0.3	0.3	*	*	*	*	*	*	*	*	*	*	na
	V	0.3	0.3	0.3	0.3	0.2	*	*	*	*	*	*	*	*	*	na
	VI	0.4	0.4	0.4	0.4	0.3	*	*	*	*	*	*	*	*	*	na
	VII	0.5	0.5	0.5	0.5	0.4	*	*	*	*	*	*	*	*	*	na
	VIII	0.6	0.6	0.6	0.6	0.5	*	*	0.2	0.2	*	*	*	*	*	na
	IX	0.7	0.7	0.7	0.7	0.6	0.2	0.3	0.2	0.3	*	*	*	0.2	*	na
	X	0.8	0.8	0.8	0.8	0.7	0.3	0.4	0.3	0.4	*	*	*	0.3	*	na

* No buffer required.
** Refer to approved PD master development plan.

(c) Buffers Adjacent to Streets.

(1) Chuluota Overlay Area Buffers. Nonresidential uses adjacent to County Road 419 within the Chuluota Overlay Area, shall meet the buffering requirements. Residential uses within the Overlay area shall be consistent with Paragraph (2) below.

(2) Other Street Buffers. The standards in the table below address the opacity of the bufferyard that is required along arterial, collector and local streets or railroads.

Required Opacity of Buffers Adjacent to Roads					
		Arterial	**Collector**	**Perimeter Local**	**Railroad**
LUI Proposed	**I**	*	*	*	*
	II	0.1	*	*	0.6
	III	0.1	0.1	0.1	0.6
	IV	0.2	0.1	0.1	0.5
	V	0.3	0.2	0.1	0.4
	VI	0.3	0.3	0.1	0.2
	VII	0.4	0.3	0.1	0.1
	VIII	0.4	0.4	0.2	*
	IX	0.5	0.5	0.4	*
	X	0.5	0.5	0.5	*

* No buffer required.

(3) Landscape Materials. Plant Group "C," shall be used on all street buffers where overhead power lines are present. In the event that canopy trees are required adjacent to power lines under a previously existing development order, developer’s commitment agreement, PD master development plan, or other provision(s) of this Code, the Development Services Director may

allow the substitution of three (3) understory trees for each required one (1) canopy tree.

30.14.7.1 Buffer Requirements for M-2.

(a) Landscaping. As required by Sections 30.14.3-30.14.5 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 remain unpaved except for normal entrance drives and shall be landscaped as required in Part 14. 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 not less than 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.

(c) Buffering shall comply with Part 14. In any case, where the required buffer width exceeds a setback requirement noted in this Section, the greater standard shall apply.

30.14.8 Parking buffers.

A parking buffer shall be required where a parking lot, or parking structure, drive aisle, and/or loading dock is located within twenty-five (25) feet of the boundary of a residential district or Future Land Use designation. Such buffer shall be in addition to any buffer required under Section 30.14.7.

30.14.9 Nuisance buffer yards.

Additional buffering in excess of that required in the tables above shall be required for the following:

(a) Loading and Refuse Disposal. Where loading or refuse disposal abuts a residential district or is visible from the public right-of-way, an increase in opacity by 0.2 and a minimum six-foot wall shall be required as part of the applicable district boundary or street buffer.

(b) Outdoor Storage, Equipment Operation, or Material Handling. Where outdoor storage, exterior equipment operation, or material handling abuts a residential district or is visible from a public right-of-way, an increase in opacity by 0.2 and a berm or evergreen hedge of sufficient height to ensure that stored material is not visible shall be required as part of the applicable district boundary or street buffer.

30.14.10 Calculating the buffer planting.

(a) The table below provides the plant material for a sample bufferyard. To calculate a bufferyard on a site, take the actual length of the bufferyard and divide by one hundred (100). Then multiply the result by the number of plant groups per one hundred (100) feet required by the table in Section 30.14.5. A sample calculation for opacity 0.2 is shown below.

Total Linear Feet		Hundreds of Linear Feet	Plant Units Groups Per 100’	Total Plant Groups	Standard Plants in Plant Group B	Plant Type	Total Plants Required*
315	Divide by 100 =	3.15 ×	2.00 =	6.30 ×	1	Canopy Tree =	(6.30) 7
315	Divide by 100 =	3.15 ×	2.00 =	6.30 ×	2	Understory =	(12.60) 13
315	Divide by 100 =	3.15 ×	2.00 =	6.30 ×	17	Shrub =	(107.10) 108

* (calculated figure) / rounded to next whole number

(b) The width of roads, driveways, or cross-access easements that interrupt a bufferyard shall not be counted in determining the total linear feet of the bufferyard. In some cases, it may be necessary to locate stormwater retention, utility facilities, or pedestrian/bicycle trails within a required buffer area due to the size, shape, or other characteristics of the development site. In these instances, the Development Services Director may adjust the location and design of the buffer to maintain the required opacity while meeting the unique needs of the subject property.

30.14.11 Constrained site buffers.

Where a small or irregularly shaped site cannot feasibly meet the standard buffer requirements, the Development Services Director may authorize reduced buffers as follows:

The site shall meet one of the criteria listed below:

Constraint	Criteria
Small or Infill Site	The site is small enough that the installation of the standard buffers required under Section 30.14.7(a) would reduce the area available for development by 10 percent or more.
Resource Limited Site	The site has wetlands, flood-prone areas, or other natural constraints to development, and the use of standard buffers required under Section 30.14.7 would reduce the net buildable area of the site by 10 percent or more.
Tree Preservation	Compliance with Chapter 60, Arbor Regulations, reduces by 20 percent or more the density (dwelling units per net buildable acre) or intensity (Floor Area Ratio or other appropriate measure) that would otherwise be permitted.

Based on required opacity, each buffer shall meet the applicable standard listed below:

Required Opacity	Bufferyard Width (ft.)	Number of Plant Groups per 100 ft.	Type of Structure Enhancement Required
0.1	5	1.00	None
0.2	5	1.50	3 ft. hedge
Parking Buffer (0.2)	5	1.15	3 ft. masonry wall

Required Opacity	Bufferyard Width (ft.)	Number of Plant Groups per 100 ft.	Type of Structure Enhancement Required
0.3	5	1.40	5 ft. masonry wall **
0.4	10	2.15	6 ft. masonry wall **
0.5	15	2.45	6 ft. masonry wall **
0.6	15	2.60	6 ft. masonry wall **
0.7	25	3.65	4 ft. berm with 5 ft. hedge on top. **
0.8	30	4.35	5 ft. berm **
0.9*	40	4.20	6 ft. berm **
1.0*	40	4.85	6 ft. berm **

* These buffers only occur where nuisance buffers are required by Section 30.14.7.

** Where a required wall or berm is adjacent to a road, the Development Services Director may waive such wall or berm or determine an appropriate alternative based on site visibility, public safety, and similar concerns.

30.14.12 Maximum feasible buffer.

In cases of redevelopment or expansion of existing uses in which adequate site area for either the standard or constrained bufferyard is not available, the Development Services Director may require that the maximum feasible buffer be installed on any property line where a buffer is needed. The maximum feasible buffer shall consist of a selection of plants and other buffer enhancement features that provide the most effective buffering possible in a given location where the required opacity cannot be met. As part of the maximum feasible buffer determination, the Development Services Director may restrict the intensity of the development by limiting parking, employment, hours of operation, etc.

30.14.13 Parking lot landscaping.

(a) Landscaping required under this Section shall be installed in planting islands within a parking lot, or in adjacent planting areas not more than eight (8) feet from the edge of parking spaces or driveway aisles. All such planting areas shall be shown on required site plan(s) for the site.

(b) A total planting area of thirty (30) square feet per parking space shall be required for any parking area exceeding five (5) spaces. There shall be no more than twenty (20) parking spaces in a continuous row without one or more planting areas as required under this Section. Tree planting islands shall be a minimum of one hundred (100) square feet in size and eight (8) feet in width.

(c) Minimum landscaping shall consist of one (1) canopy tree or two (2) understory trees per two hundred (200) square feet of required planting area.

30.14.14 Pedestrian access.

Pedestrian access to neighboring uses through a required buffer may be provided at the option of the abutting property owner(s). Such access shall be designed not to interfere with the screening function of the buffer.

30.14.15 Screening.

(a) Screening of Refuse Facilities.

All solid waste containers, except approved recycling containers, shall be enclosed on at least three (3) sides with a six (6) foot screen. The screen shall consist of a brick or masonry wall, or other durable, low-maintenance material consistent with the finish of the primary building, as approved by the Development Services Director. Masonry walls shall have a finished surface on the exterior side. Refuse container enclosures shall have gates with spring-loaded hinges or the equivalent, and fasteners to keep them closed at all times except during refuse pick-up. The Development Services Director may require that a hedge or similar landscaping material surround the enclosure walls. The container and enclosure shall be oriented so that the opening faces away from public streets and adjoining properties. A concrete or asphalt pad of appropriate size and construction shall be provided as a base for the container. The container pad shall be at the approximate level of the service vehicle approach area so that the truck's loading mechanism can align with the container's sleeves. The screened enclosure shall not be located in any street right-of-way or required landscape buffer. Containers and enclosures shall be located to allow ease of access for collection trucks and direct access to drive areas. Straight-in or circular drives are encouraged to reduce truck maneuvering problems. No parking or other obstructions shall be permitted in front of such containers and enclosures. Hours of operation for emptying such containers may be specified during the site plan review process based on compatibility with adjacent properties to limit noise.

(b) Refer to Part 9 for Pool Screen Enclosure standards.

30.14.16 General provisions for all landscaped areas.

(a) Landscape Installation and Quality of plant material. When the construction upon or the development of a new site or the redevelopment, reconstruction, upgrading, expansion or change in use of a previously developed site is such that a landscape plan is required, the provisions of this Section shall be applied to all landscaped areas required by this Chapter consistent with the water-efficient landscaping standards established herein and the Florida Friendly Landscaping Program. All plant materials shall be Florida No. 1 grade, or better, according to the current "Grades and Standards for Nursery Plants," published by the State of Florida, Department of Agriculture, except when the Development Services Director finds that the existing native vegetation will provide the necessary visual screening. Existing trees situated in the required buffer may be used to satisfy the buffer tree requirement if they are sufficient in size and number.

(b) Tree planting standards.

(1) Canopy trees shall have a minimum height of eight (8) feet and minimum caliper of three (3) inches, measured one (1) foot above ground, immediately after planting. Canopy trees shall not be placed where they interfere with site drainage. Where utility lines are present, understory trees generally shall be substituted for canopy trees using Plant Group C or from Florida Friendly Landscaping Guide to Plant Selection & Landscape Design. Where canopy trees adjacent to utility lines are specified under a pre-existing development order, PD Master Development Plan, or other provision(s) of this Code, they may be waived by the Development Services Director subject to this Code. If they are used in buffers

adjacent to utility lines, canopy trees shall be placed at the edge of the buffer furthest from the utility lines. Evergreens, as provided in Plant Group A or from Florida Friendly Landscaping Guide to Plant Selection & Landscape Design shall also be eight (8) feet in height at time of planting.

(2) Understory trees shall have a minimum height of six (6) feet and minimum caliper of one and one half (1½) inches measured one (1) foot above ground, immediately after planting. Understory trees shall not be placed where they interfere with site drainage.

(c) Required mix of tree species. When ten (10) or more trees are required to be planted to meet the requirements of this Chapter, a mix of tree species shall be provided, at least one (1) of which shall be native to the Central Florida region. The minimum number of species to be planted are indicated below.

REQUIRED MIX OF TREE SPECIES

Required Number of Trees Planted	Minimum Number of Species
10 - 20	2
21 - 30	3
31 - 40	4
41	5

(d) Shrubs and hedges. Shrubs shall be a minimum of two feet (2') in height immediately after planting. Hedges, where required, shall be planted and maintained so as to form a continuous and unbroken visual screen within a maximum of one (1) year after the time of planting.

(e) Ground cover. Ground cover plants include plant materials which reach a maximum height of not more than twenty-four (24) inches and may be used in lieu of grass. Ground cover plants must present a reasonably complete coverage at time of planting. Ground cover plants shall be a minimum of one (1) gallon size when planted and spaced a maximum of two (2) feet on center.

(f) Turfgrass. Grass areas shall be planted in species normally grown as permanent lawns in Seminole County. Grass areas may be sodded, plugged, sprigged or seeded; provided, however, that solid sod shall be used in swales or other areas that are found, by the Development Services Director, to be subject to erosion. Grass sod shall be clean and reasonably free of weeds and noxious pests or diseases. Turfgrass areas should be consolidated and limited to those areas on the site that receive pedestrian traffic, provide for recreational uses, provide soil erosion control such as on slopes or in swales; or where turfgrass is used as a design unifier, or other similar practical use.

(g) Mulch. In order to preserve soil moisture, all planting areas except annual beds shall be mulched with no less than two (2) inches of organic mulch, such as wood chips, pine needles or oak leaves. Mulch shall be placed directly on the soil or landscaping fabric and planting areas shall be properly edged to retain mulch.

(h) Installation. All landscaping shall be installed in accordance with professional and generally accepted commercial planting procedures. Soil that is free of limerock,

pebbles and other construction debris shall be used. Installation of landscape materials shall be accomplished .in accordance with the approved Landscape Plan.

(i) Required landscape design techniques.

Water use zones. Installed trees and plant materials shall be grouped together into zones according to their water use needs. The water use zones shall correlate with the water use zone designations identified in the Approved Plant Species list set forth in Figure 14.1 of this Part. The water use zones are based on drought tolerance and soil moisture categories listed in the Florida Friendly Plant List and database. There are three categories based on the following:

(1) High water use zone: A zone containing plants that are generally associated with low to no drought tolerance and wet soils;

(2) Moderate water use zone: A zone containing plants that are generally associated with medium drought tolerance and medium drained soils; and

(3) Low water use zone: A zone containing plants that are generally associated with high drought tolerance and well-drained soils.

(4) Plants with similar cultural (soil, climate, sun, and light) requirements should be grouped together and irrigated according to their water requirements. Turfgrass shall be irrigated in a separate zone from trees, shrubs, and groundcover beds. The proposed water use zones shall be shown on the landscape plan and the irrigation system plan.

a. Design standards. Low water use zone plant material shall comprise at least twenty (20) percent of the total regulated landscaped areas. High water use zone plant material, which includes most turf grasses, shall comprise no more than forty (40) percent of the total regulated landscape area.

b. Use of drought-resistant plant material. All new or replacement plantings required for any off-street parking area, landscape area or landscape buffer shall use, to the maximum extent possible, native plant material or other species with equivalent drought-resistant properties. The intent of this requirement is to promote and conserve the County's water resources.

c. Preservation of existing native plants and materials. Every reasonable effort shall be made in the design and construction of all site improvements and alterations to save existing healthy trees and native vegetation and maintain the existing topography. The Development Services Director may require alternate designs and construction techniques to better achieve tree and native vegetation preservation while still allowing the permitted use of the property. Every reasonable effort shall be made to preserve trees and native vegetation to act as visual and noise buffers along the perimeters of single-family subdivisions and all other developments. Existing native vegetation specified to remain shall be preserved in its entirety, with all trees, understory and ground cover left intact. Areas of existing natural vegetation should not be irrigated.

d. Irrigation. Irrigation systems, when required, shall be designed to correlate to the organization of plants into zones as described in subsection (1)

above. The water use zones shall be depicted on the irrigation plan and landscape plan. A temporary aboveground irrigation system may be used in areas where low-water use zone trees and plant materials are proposed. All permanent underground irrigation systems shall be automatic with cycling capacity and shall be designed to avoid irrigation of impervious surfaces. Irrigation systems shall be maintained to eliminate waste of water due to loss from damaged, missing; or improperly operating sprinkler heads, valves, pipes, or controllers. Irrigation systems are required to be designed, installed; and managed per best management practices as identified in the approved Florida Friendly Design Standards.

e. Approved Plant Species list. All plant material proposed to be installed on a site to meet the requirements of this Code shall be site appropriate and selected from the Approved Plant Species list set forth in Figure 14.1 of this Part or from Florida Friendly Landscaping Guide to Plant Selection & Landscape Design. Use of any other species shall require prior approval by the Development Services Director. The plants listed in Figure 14.1 of this Part have demonstrated the ability to grow and thrive in the Central Florida Area.

(j) The following trees are approved for plants as Canopy Street Trees:

(1) Acer rubrum - Red Maple, native

(2) Carya spp. - Hickories, native

(3) Elaeocarpus decipiens – Japanese Blueberry, not native

(4) Gordonia lasianthus - Loblolly Bay, native

(5) Liquidambar styraciflua – Sweetgum (use fruitless varieties as street trees), native

(6) Nyssa sylvatica – Black Gum, native

(7) Persea borbonia - Red Bay, native

(8) Pinus eliottii var. densa, var. elliottii - Slash Pine, native

(9) Pinus palustris - Longleaf Pine, native

(10) Pinus taeda - Loblolly Pine, native

(11) Platanus occidentalis – Sycamore, native

(12) Quercus shumardii - Shumard Oak, native

(13) Quercus virginiana and cvs. - Live Oak, native

(14) Tabebuia chrysotricha – Yellow trumpet Tree, not native

(15) Tabebuia heterophylla – Pink Trumpet Tree, not native

(16) Ulmus alata - Winged Elm, native

(17) Ulmus americana - American Elm, native

(18) Ulmus parvifolia and cvs. – Chinese Elm, Lacebark Elm, not native

(19) Taxodium distichum – Bald Cypress, native

(k) Canopy trees and root barriers: Canopy street trees located in planting strips less than ten (10) feet wide require the installation of a root barrier to protect the sidewalk or adjacent hard surface. The root barrier material must be 100 percent recycled polyethylene installed per the manufacturer's recommendations. The barrier is to be installed linearly directly adjacent to the sidewalk edge and to twenty-four (24) inches depth from finished grade. A total of six (6) feet in length of barrier is required, centered on the trunk of the tree. Vertical ribs are required and must face toward the tree.

(l) Prohibited plant species. The exotic and nuisance plant species set forth in Figure 14.2 of this Part or invasive and exotic plant species as identified in Section 581.091, Florida Statutes, Rule Chapter 5B-57 and the University of Florida IFAS Extension Invasive Plant List and database shall not be planted.

30.14.17 Landscaping and traffic circulation.

(a) Wheel stops/curbing. All landscaped areas shall be protected from vehicle encroachment by wheel stops or curbing. If curbing is raised above abutting landscaped areas, it shall be perforated to permit drainage from the paved ground surface area onto the landscaped area. Where a wheelstop or curb is utilized, the paved area between the curb and the end of the parking spaces may be omitted if the area is landscaped in addition to the required landscaping herein with a material such as ground cover, rock, or gravel, requiring minimal maintenance.

(b) Joint driveways. Whenever a joint driveway or cross-access easement configuration is required by the County or otherwise installed, the Development Services Director may adjust the location and design of landscape areas required on the building site(s).

(c) Intersection visibility. When an accessway intersects a public right-of-way, landscaping shall be used to define the intersection; provided, however, that all landscaping within the triangular areas described below shall provide unobstructed cross-visibility at a level between two (2) feet and six (6) feet. Trees may be trimmed if they create a traffic hazard. Landscaping, except grass and ground cover, shall not be located closer than three (3) feet from the edge of any accessway pavement. The aforementioned triangular areas are described as follows:

(1) The areas of property on both sides of an accessway formed by the intersection of each side of the accessway and the public right-of-way pavement line with two (2) sides of each triangle being ten (10) feet in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.

(2) The area of property located at a corner formed by the intersection of two (2) or more public streets with two (2) sides of the triangular area being measured thirty (30) feet in length along the abutting edges of pavement, from their point of intersection, and the third being a line connecting the ends of the other two (2) lines.

30.14.18 Landscape plan and irrigation plan submittal requirements.

(a) A landscape plan and irrigation plan, when required, shall be submitted by the applicant. The landscape plan shall graphically portray the layout of all landscape plant

materials, turf areas, walls, fences and buffers, pavement and parking areas, curbing, structures, signs, easements, existing or proposed utility service lines, and all other site improvements. The landscape plan shall list the common and botanical name, size, quantity and spacing of each item. The landscape plan and irrigation plan shall indicate the total regulated landscape area and size of each water use zone by square feet. In addition, the landscape plan shall clearly indicate the location of existing vegetation, which shall remain undisturbed. Any existing trees six (6) inches in diameter or larger proposed for removal shall be clearly indicated. Groups of trees in close proximity may be designated as "clumps" of trees on the plan.

(b) The irrigation plan shall be submitted showing a detailed layout and description of a permanent underground irrigation system providing one hundred (100) percent coverage of all landscaped areas. The irrigation plan shall include information such as sprinkler head type, pipe size, radius of throw, valve and backflow preventer, and rain sensor device locations.

(c) All water use zones shall be indicated on the landscape plan and irrigation plan. Turf areas shall be irrigated on separate zones from trees, shrubs, and ground cover beds. A rain sensor device or switch shall be required on any newly installed automatic irrigation system to prevent irrigation during periods of sufficient rainfall. The use of low-volume, emitter, or target irrigation is preferred for trees, shrubs, and ground cover. Significant irrigation overthrow onto impervious surfaces is prohibited. The use of irrigation systems shall comply with all water use restrictions imposed by law.

(d) The Development Services Director may permit the use of a temporary above-ground irrigation system in areas where drought tolerant/low water use zone plant material is proposed to be planted for the entire landscaped area. An irrigation plan shall not be required in such circumstances.

(e) When an effluent reuse system is available to serve the premises, and sufficient capacity exists, reclaimed water shall be used to irrigate any area required to be landscaped. The landscape and irrigation plan shall be exempt from the requirements of this Section.

(f) The landscape plan and irrigation plan shall be reviewed by the Development Services Director, and building permits shall not be issued until a landscape plan and irrigation plan is approved. Irrigation systems shall be installed according to manufacturer's specifications and the Florida Irrigation Society Standards and Specifications for Turf and Landscape Irrigation Systems.

(g) More restrictive landscaping requirements. When landscaping requirements are included as part of the regulations for any zoning classification, the more restrictive requirements shall govern. It is intended that these regulations be used in conjunction with other landscaping regulations.

(h) Enforcement. All landscaping required by this Section shall be installed prior to issuance of a certificate of occupancy by the Building Official.

(i) Maintenance. The property owner, tenant, and any agent of an owner or tenant shall be jointly and severally responsible for the proper maintenance of irrigation systems and all landscaping in good condition so as to present a healthy and orderly appearance, free of refuse and debris and to provide proper maintenance of the plant material in order that it will, at all times, conform to the provisions of this Code. This requirement

includes, but is not limited to, the replacement of plants damaged by insects, diseases, vehicular traffic, acts of God, and vandalism. Necessary replacements shall be made within forty-five (45) days after notification by the Development Services Director of a violation of this Section. Shrubs required by this Chapter as part of a hedge or durable landscape screen shall be maintained at the minimum required height or greater. Irrigation systems installed to meet the requirements of this Code shall be maintained in proper operating condition at all times to prevent waste of irrigation water.

(j) Waiver. The Board of County Commissioners, or designee, may grant a waiver from the provisions of this Section when such waiver is found to not be contrary to the public interest and furthers the intent and purposes of this Chapter.

(k) Administrative adjustments. The Development Services Director may approve reductions in setbacks and other requirements subject to the provisions of Section 5.19. Approval shall be conditioned on a finding that the administrative adjustment will protect and encourage the preservation of large canopy, specimen, or historic trees if the preservation of existing trees and vegetation can be assured during and after site development.

Figure 14.1

APPROVED PLANT SPECIES LIST

CANOPY TREES (Mature Size 40′ or more in Height)			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Bald Cypress	*Taxodium distichum*	L	Y
Black Cherry	*Prunus serotina*	M	Y
Black Gum/Swamp Tupelo	*Nyssa sylvatica*	H	Y
Chinese Elm	*Ulmus parvifolia*	L	N
Florida Elm	*Ulmus americana var. floridana*	M	Y
Florida Scrub Hickory	*Carya floridana*	L	Y
Green Ash	*Fraxinus pennsylvanica*	M	N
Live Oak	*Quercus virginiana*	L	Y
Loblolly Pine	*Pinus taeda*	L	Y
Longleaf Pine	*Pinus palustris*	L	Y
Pecan	*Carya illinoinensis*	M	N
Pignut Hickory	*Carya glabra*	L	Y
Pond Cypress	*Taxodium ascendens*	H	Y
Red Maple	*Acer rubrum*	H	Y
Sand Pine	*Pinus clausa*	L	Y
Shumard Oak	*Quercus shumardii*	L	Y
Slash Pine	*Pinus elliotti*	L	Y
Southern Magnolia	*Magnolia grandiflora*	L	Y
Sweetgum	*Liquidambar styraciflua*	L	Y

CANOPY TREES (Mature Size 40′ or more in Height)			
Sycamore	*Plantanus occidentalis*	H	Y
Tulip Tree	*Liriodendron tulipifera*	H	Y
Tupelo Gum	*Nyssa aquatica*	H	Y
Turkey Oak	*Quercus laevis*	L	Y
Winged Elm	*Ulmus alata*	L	Y

UNDERSTORY TREES (Mature Size 12′ to 35′ Height)			
Common Name	Botanical Name	Water Zone	Native (Y/N)
American Hornbeam	*Carpinus caroliniana*	H	Y
American Holly	*Ilex opaca (or x attenuata)*	L	Y
Carolina Ash	*Fraxinus caroliniana*	M	Y
Chickasaw Plum	*Prunus angustifolia*	L	Y
Crape Myrtle	*Lagerstroemia indica*	L	N
Dahoon Holly	*Ilex cassine*	M	Y
Decidous Holly	*Ilex decidua*	M	Y
Drake Elm	*Ulmus parviofolia "Drake"*	L	N
Eastern Red Cedar	*Juniperus virginiana*	L	Y
Eastern Hophornbeam	*Ostraya virginiana*	M	Y
Firethorn Pyracantha Tree	*Pyrancantha coccinea*	L	N
Flowering Dogwood	*Cornus florida*	L	Y
Fringetree	*Chionanthus virginicus*	M	Y
Glossy Tree Privet	*Ligustrum lucidum*	M	N
Green Hawthorn	*Crataegus viridis*	M	Y
Loblolly Bay	*Gordonia lasianthus*	H	Y
Loquat	*Eriobotrya japonica*	M	N
Mayhaw	*Crataegus opaca*	M	Y
Parsley Hawthorn	*Crataegus marshalli*	L	Y
Paw Paw	*Asimina triloba*	M	Y
Red Bay	*Persia borbonia*	L	Y
Saucer Magnolia	*Magnolia soulangeana*	M	N
Southern Juniper/Red Cedar	*Juniperus salicicola*	L	Y
Sweetbay	*Magnolia virginiana*	M	Y
Taiwan Flowering Cherry	*Prunus campanulata*	M	N
Trumpet tree	*Tabebuia spp.*	M	N
Waxleaf Privet	*Ligustrum japonicum*	M	N

UNDERSTORY TREES (Mature Size 12′ to 35′ Height)			
Wax Myrtle	*Myrica cerifera*	L	Y
Yaupon Holly	*Ilex vomitoria*	L	Y

PALMS (Mature Size 10′ to 90′ Height)			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Cabbage Palm	*Sabal palmetto*	L	Y
Canary Island Date Palm	*Phoenix canariensis*	L	N
Chinese Fan Palm	*Livistonia chinensis*	L	N
European Fan Palm	*Chamaerops humulis*	M	N
Pindo Palm	*Butia capitata*	L	N
Senegal Date Palm	*Phoenix reclinata*	L	N
Washington Palm	*Washingtonia robusta*	L	N
Windmill Palm	*Trachycarpus fortunei*	L	N

SHRUBS, SMALL PALMS, AND CYCADS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Abelia	*Abelia grandiflora*	M	N
Asian Butterfly Bush	*Buddleia asiatica*	M	N
Banana Shrub	*Magnolia figo*	M	N
Bear Grass	*Yucca smalliana*	L	Y
Beautyberry	*Callicarpa americana*	L	Y
Boxthorn	*Severinia buxifolia*	N	N
Camellia	*Camellia japonica*	M	N
Cardboard Plant	*Zamia furfuracea*	L	N
Cassia	*Cassia spp.*	M	N
Century Plant	*Agave americana*	L	N
Chinese Holly	*Ilex cornuta*	M	N
Chinese Witch Hazel	*Loropetalum chinese*	M	N
Chinese Juniper	*Juniperus chinensis*	L	N
Chinese Mahonia	*Mahonia fortunei*	M	N
Cleyera	*Ternstroemia gymnanthera*	L	N
Cleyera	*Cleyera japonica*	M	N
Common Buttonbush	*Cephalanthus occidentalis*	H	Y
Coontie	*Zamia floridana*	L	Y

SHRUBS, SMALL PALMS, AND CYCADS			
Crinum Lily	*Crinum asiaticum*	M	N
Croton	*Codiaeum variegatum*	L	N
Dahoon Holly	*Ilex cassine*	M	Y
Dwarf Azaleas	*Rhododendron obtusum*	H	N
Dwarf Yaupon Holly	*Ilex vomitoria "nana"*	L	Y
Dwarf Palmetto	*Sabal minor*	L	Y
Fatsia	*Buxus sempervirens*	M	N
Feijoa	*Fatsia japonica*	M	N
Fetterbush	*Feijoa sellowiana*	M	N
Firebush	*Lyonia lucida*	L	Y
Firethorn Pyracantha	*Hamelia patens*	L	Y
Florida Flame Azalea	*Pyracantha coccinea*	M	N
Florida Anise	*Sambucus simpsonii*	M	Y
Florida Privet	*Illicium floridanum*	M	Y
Fragrant Honeysuckle	*Forestifera segregata*	M	Y
Gallberry	*Photinia fraseri*	M	N
Garden Hydrangea	*Ilex glabra*	L	Y
Gardenia	*Hydrangea macrophylla*	H	N
Golden-Dewdrop	*Gardenia jasminoides*	M	N
Groundsel Tree	*Duranta repens*	M	N
Holly Malpighia	*Nandina domestica*	L	N
Indian Hawthorn	*Malpighia coccigera*	M	N
Indica Azaleas	*Raphiolepis indica*	L	N
Japanese Privet	*Buxus microphylla*	M	N
Junipers	*Ilex crenata*	M	N
Kurume Azaleas	*Fortunella japonica*	L	N
Lady Palm	*Rhododendron kurume*	H	N
Lantana	*Rhapis excelsa*	M	N
Leatherleaf Mahonia	*Viburnum tinus*	H	N
Leucothoe	*Mahonia bealei*	M	N
Nagi Podocarpus	*Leucothoe axillaris*	H	Y
Needle Palm	*Podocarpus nagi*	M	N
Oakleaf Hydrangea	*Rhapidohyllum hystrix*	M	Y
Oleander	*Hydrangea quercifolia*	M	Y
Pittosporum	*Nerium oleander*	L	N

SHRUBS, SMALL PALMS, AND CYCADS			
Plumbago	*Pittosporum tobira*	M	N
Podocarpus	*Plumbago auriculata*	L	N
Pygmy Date Palm	*Podocarpus macrophyllus*	L	N
Red Buckeye	*Phoenix roebelinii*	M	N
Rosemary	*Aesculus pavia*	L	Y
Sandankwa Viburnum	*Ceratiola ericoides*	L	Y
Sasanqua Camellia	*Viburnum suspensum*	H	N
Saw Palmetto	*Camellia sasanqua*	H	N
Scarlet Hibiscus	*Seronoa repens*	L	Y
Scrub Palmetto	*Hibiscus coccineus*	M	Y
Shiny Blueberry	*Vaccinum myrsinites*	M	N
Shrimp Plant	*Justicia brandegeeana*	L	Y
Spanish Bayonet	*Yucca aliofolia*	L	Y
Spanish Dagger	*Yucca gloriosa*	L	Y
Sparkleberry	*Vaccinum arboreum*	L	Y
Spice-Bush	*Hypericum spp.*	M	Y
Star Anise	*Eugenia uniflora*	M	N
Swamp Honeysuckle Azalea	*Rhododendron riscosum*	H	Y
Sweet Pepperbush	*Clethra alnifolia*	M	Y
Sweet Pinxter Azalea	*Rhododendron canescens*	H	Y
Sweet Viburnum	*Viburnum odoratissimum*	M	N
Sweetshrub	*Bumelia tenax*	M	Y
Walter Viburnum	*Viburnum obovatum*	M	Y
Witch Hazel	*Hamamelis virginiana*	M	Y
Yellow Anise	*Illicium parviflorum*	M	Y
Yellow Pineland Lantana	*Lantana depressa*	L	Y

GROUNDCOVERS			
Common Name	Botanical Name	Water Zone	Native (Y/N)
Algerian Ivy	*Hedera canariensis*	M	N
Asparagus Fern	*Asparagus spp. (Sprengeri)*	L	N
Beach Sunflower	*Helianthus debilis*	L	Y
Beach Morning Glory	*Ipomoea stolonifera*	L	Y
Bigleaf Periwinkle	Vinca major	M	N

GROUNDCOVERS			
Black Eyed Susan	Rudbeckia hirta	L	Y
Blazing Start Liatris	Liatris tenuifolia	L	Y
Blue Daze	Convolvulus "Blue Daze"	M	N
Blue Flag	Iris virginica	H	Y
Blue Lily of the Nile	Agapantus africanus	M	N
Bromeliad	Vriesea sppl.	H	N
Bugleweed	Ajuga reptans	H	N
Butterfly Iris	Dietes iridoides	H	N
Carolina Jessamine	Glesemium sempervirens	M	Y
Cast Iron Plant	Aspidistra elatior	L	N
Cinnamon Fern	Osmanda cinnamomea	H	Y
Confederate Jasmine	Trachelospermum asiatic	M	N
Coontie	Zamia floridana	L	Y
Cordgrass	Spartina spp.	L	Y
Coreopsis	Coreopsis gladiata (or tinctoria)	H	Y
Creeping Fig	Ficus pumila	L	
Creeping Juniper	Juniperus horizontalis	L	N
Creeping Phlox	Phlox nivalis	L	Y
Daylilly	Hemerocallis spp.	L	N
Dwarf Coreopsis	Coreopsis auriculata "Nana"	H	N
Dwarf Palmetto	Sabal minor	L	Y
Dwarf Pittosporum	Pittosporum tobira "Wheeleri"	M	N
English Ivy	Hedera helix	M	N
Fancyleaved Caladium	Caladium x Nortulanum	M	N
Gaillardia	Gaillardia pulchella	L	Y
Hall's Honeysuckle	Lonicera japonica "Halliana"	L	N
Holly Fern	Cyrtomium falcatum	M	N
Leatherleaf Fern	Rumohra adiantiformis	M	N
Lilly Turf	Liriope spp.	M	N
Mondo Grass	Ophiopogon japonicus	M	N
Moss Pink	Phlox subulata	M	N
Nick's Compact Juniper	Juniperus c.p. "Nick's Compacta"	L	N
Periwinkle, Vinca	Catharantus roseus	M	N
Plumbago	Plumbago auriculata	L	N
Prairie Iris	*Iris hexagona*	H	Y

GROUNDCOVERS			
Red Muhly Grass	*Muhlenbergia spp.*	L	Y
Florida Rosemary	*Ceratiola ericoides*	L	Y
Royal Fern	*Osmanda regalis*	H	Y
Saw Palmetto	*Serenoa repens*	L	Y
Shield Fern	*Thelyptris spp.*	M	Y
Shore Juniper	*Juniperus conferta*	L	N
Society Garlic	*Tulbaghia violacea*	L	N
Star Jasmine	*Jasminum nitidum*	M	N
Swamp Lily	*Crinium americanum*	H	Y
Sword Fern	*Nephrolepsis exalta.*	H	Y
Weeping Lantana	*Lantana montevidensis*	L	N
Wild Canna	*Canna flaccida*	H	Y
Yellow Pineland Lantana	*Lantana depressa*	L	Y

NON-NATIVE VINES		
Common Name	Botanical Name	Water Zone
Algerian Ivy	*Hedera canariensis*	M
Allamanda	*Allamanda cathartica*	M
Confederate Jasmine	*Trachelospermum asiaticum*	M
Downy Jasmine	*Jasminum multiflorum*	M
English Ivy	*Hedera helix*	M
Hall's Honeysuckle	*Lonicera japonica "halliana"*	L
Mexican Flame Vine	*Senecio confusus*	L
Star Jasmine	*Trachelospermum jasminoides*	M

Turfgrasses	
Common Name	Water Zone
Bahia Grass	M
Bermuda Grass	M
Centipede Grass	H
St. Augustine FX-10	M
St. Augustine Grass	H
Zoysia Grass	M

Water Zone Key:

H = High Water Use Zone - Plants which are associated with moist soils and require supplemental water in addition to natural rainfall to survive. This zone includes shallow rooted turfgrass varieties.

M = Moderate Water Use Zone - Plants which survive on natural rainfall with supplemental water during seasonable dry periods. This zone includes deep rooted turfgrass varieties.

L = Low Water Use Zone - Plants which, once established, survive on natural rainfall without supplemental water. Because of the relatively high water requirements of turfgrass, no presently available varieties are included in this category.

Sources: St. Johns River Water Management District Xeriscape Plant Guide South Florida Water Management District Xeriscape Plant Guide II.

FIGURE 14.2

PROHIBITED PLANT SPECIES LIST

Common Name	Botanical Name
Acacia	*Acacia spp.*
Air Potato Vine	*Dioscorea bulbifera*
American Mulberry	*Morus rubra*
Australian Pine	*Casuarina equisetifolia*
Brazillian Pepper Tree	*Schinus terebinthifolius*
Cajeput or Punk Tree	*Melaleuca leucdendra*
Camphor	*Cinnamomum camphora*
Castor Bean	*Ricinus communis*
Chinaberry	*Melia azedarach*
Chinese Tallow	*Sapium sebiferum*
Ear Tree	*Enterolobium cyclocarpum*
Eucalyptus	*Eucalyptus spp.*
Hydrilla	*Hydrilla verticillata*
Jacaranda	*Jacaranda acutifolia*
Kudzu Vine	*Paeraria lobate*
Mimosa	*Albizia julibrissin*
Paper Mulberry	*Broussonetia papyrifora*
Rice Paper Plant	*Tetrapanax papyriferus*
Rosewood	*Dalbergia sissoo*
Silk Oak	*Grevillea robusta*
Taro	*Colocasia esculenta*
Water Hyacinth	*Eichhornia spp.*
Any other plant species prohibited by Federal or State law including, but not limited to, those prohibited by the rules of the Florida Department of Environmental Protection and the Florida Department of Agriculture, and those listed in the most recent Florida Exotic Pest Plant Council's List of Invasive Plant Species.	

30.14.19 Fences.

(a) A building permit is required for any fence or wall to be erected, replaced, or needs major repair. A major repair shall be considered a segment of fence or wall on more than ten (10) percent of the total linear feet of the existing fence or wall, two (2) or more fence or wall panels, or more than eighteen (18) linear feet, whichever is less. Building permit applications must include a certified survey showing the location of the proposed fence or wall; however, the Planning Manager may waive this requirement and allow a plot plan or site plan when the survey corner markers will be made visible for inspection by the Building Inspector. If determination for compliance to approved plans cannot be made by exposed survey corner markers, the Building Inspector may require a string line from survey corner marker to survey corner marker to ensure compliance. If the Building Inspector is still unable to determine if compliance is met due to site conditions, it is the responsibility of the contractor or owner, if owner/builder permits, to provide a site built survey to verify compliance with the approved plans.

(b) Residential zoning classifications: fences and walls are limited to a maximum height of four (4) feet within the front yard and side street setbacks and six (6) feet six (6) inches within the side and rear yard setbacks except as provided in (f) of this Section. 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.

(c) Commercial or Industrial zoning classifications: fences and walls are limited to a maximum height of six (6) feet six (6) inches within the front setback and eight (8) feet within the side and rear yard setbacks except as required to maintain visibility per (c)(4) of this Section and Section 250.91, Code of Ordinances. Notwithstanding any other provisions of this Code, fences shall not be located within a designated buffer unless required under Chapter 30 Part 14.

(d) Agricultural zoning classifications: fences and walls are limited to a maximum height of five (5) feet and an additional one (1) foot for embellishments within the front yard setback; and eight (8) feet within the side and rear yard setbacks. Fences located within the front yard setback must be open split rail; steel woven wire may be used behind split rail fencing for animal containment, but no barbed wire is permitted. These regulations shall not apply to property having an agricultural classification from the Seminole County Property Appraiser.

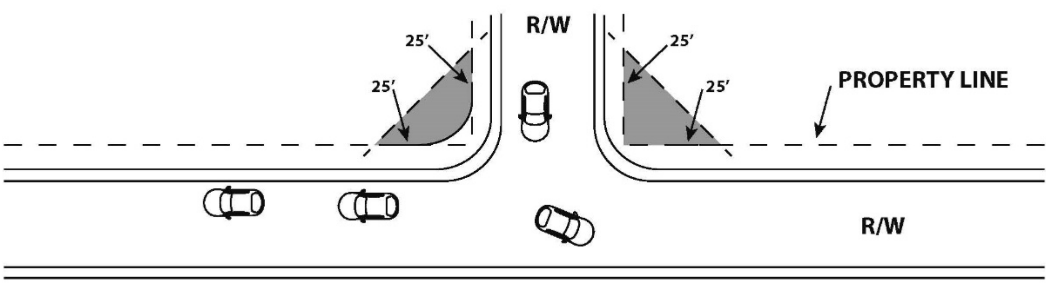
(e) Planned Developments: Unless otherwise stated in the recorded Development Order or Developer's Commitment Agreement, all fences or walls will comply with this Section.

(f) Setback distance requirements will be as follows:

(1) No side street setback will be required from any side property line adjoining railroad right-of-way or a limited access highway.

(2) For corner lots in residentially zoned properties, including residential Planned Developments unless otherwise stated in the development order, the secondary front yard or side street setback may be reduced to five (5) feet provided the visual clearance (sight line triangle) requirements of (c)(4) of this Section can be met and with approval by the Seminole County Traffic Engineering Division. Building permit applications requesting the reduction of the side street setback must include a certified survey indicating the adjacent rights-of-way.

(3) Fences, walls, hedges, plantings, or other obstructions must maintain visual clearance requirements at the intersection on corner lots. The visual clearance triangle must be fifteen (15) feet for residentially and agriculturally zoned property, or twenty-five (25) feet for commercially or industrially zoned property at a street intersection unless otherwise approved by the County Engineer. The visual clearance triangle is measured from the property corner adjoining the intersection of rights-of-way the distance described above with a line joining points on those lines.



(4) Any fence, wall, hedge, planting (except plants defined as shoreline vegetation in FAC 62-340-450), or other obstruction adjacent to a natural water body is limited to a maximum height of four (4) feet. Any fence or wall greater than four (4) feet must be located a minimum distance of thirty (30) feet from the normal high water elevation of a natural water body. Building permit applications for fences or walls adjacent to a natural water body must include a certified survey no less than five (5) years old indicating the Normal High Water Elevation.

(g) In all zoning districts, a chain link fence and other non-privacy fences (e.g., clear plastic and metal or aluminum picket fences) that are not opaque but function similarly to a chain link fence in that they do not obstruct the view with a maximum height of six (6) feet six (6) inches may be permitted on a vacant parcel, except as provided in (b) of this Section.

(h) Entrance walls to a subdivision may be erected closer to streets or roads only on approval of the Board of County Commissioners.

(i) No barbed-wire fence shall be erected in any residential district except for security of public utilities. Barbed wire may be used on security fences erected in any commercial or industrial district or for security of public utilities, provided such use is limited to three (3) strands, a minimum of six (6) feet above the ground.

(j) No fence or wall shall be erected or project beyond the property line or be located within required visual clearance areas.

(k) A fence shall be uniform in construction, design, material, color and pattern, and the fence material shall be a standard material conventionally used by the fence industry. Nontraditional materials, including, but not limited to, tires, mufflers, and hubcaps, are prohibited. Open split-rail fences shall be permitted.

(l) All fences shall be maintained in their original upright condition.

(m) Fences and walls designed for painting or similar surface finish shall be maintained in their original condition as designed. Any walls or fences which have been defaced shall be promptly restored to their original condition.

(n) Missing boards, pickets, posts or bricks shall be promptly replaced with material of the same type and quality, subject to permitting requirements in (a) of this Section.

(o) Gates and posts are limited to the same maximum heights and required setbacks for fences and walls provided in (b), (c), (d), and (e) of this Section, including architectural embellishments. Gates shall not swing into adjacent properties or encroach into the right-of-way.

(p) Where grade elevations along adjoining properties differ, fence/wall height shall be measured from the finished ground floor elevation of the property having the higher ground floor elevation.

(q) Any fence greater in height than provided in this Section or within the required yard setbacks shall not be erected without approval of the Board of Adjustment after a public hearing. Reductions to the side street setback as provided in (f)(2) will not require Board of Adjustment approval unless otherwise determined by the Planning Manager.

14.20 Open Space Easements.

The following open space easement form is adopted as an approved form consistent with the provisions of this Code:

OPEN SPACE EASEMENT

THIS INDENTURE, made this day of _______, 20___.

W I T N E S S E T H:

WHEREAS, ___________, whose address is ___________, (hereinafter, together with [his/her] heirs and assigns, called the "grantor"), is the owner in fee simple of certain real property described in and depicted on Exhibit A attached hereto (hereinafter called the "Protected Property");

WHEREAS, the grantor desires and intends to establish a limited range of allowable uses of the protected property to maintain a desirable environment for rural residential living at a low density of development [in conjunction with the preservation of a portion of the protected property for agricultural purposes];

WHEREAS, the grantor also desires and intends that the ecological and aesthetic values of the protected property including, without limitation, scenic views over a large open space, be preserved and maintained;

WHEREAS, the grantee (hereinafter, together with its successors and assigns, called the "County") is Seminole County, a political subdivision of the State of Florida, whose address is 1101 East First Street, Sanford, Florida 32771;

WHEREAS, the grantor and the grantee, by the conveyance to the grantee of an open space easement on, over, and across the protected property, desire to prevent the use or development of the protected property for any purpose or in any manner inconsistent with the terms of this open space easement;

WHEREAS, the grantee is willing to accept this open space easement subject to the reservations and to the covenants, terms, conditions, and restrictions set out herein and imposed hereby,

NOW, THEREFORE, the grantor, for and in consideration of the foregoing recitations and of the mutual covenants, terms, conditions and restrictions hereinafter contained, and as an absolute and unconditional gift, does hereby give, grant, bargain, sell and convey unto the grantee, forever, an open space easement in perpetuity on, over and across the protected property consisting solely of the following:

(a) The right of the grantee to view the protected property in its scenic and open condition at ground level from adjacent publicly accessible roadways and property;

(b) The right of the grantee to enforce, by proceedings at law or in equity, the covenants hereinafter set forth, it being agreed that there shall be no waiver or forfeiture of the grantee's right to ensure compliance with the covenants and conditions of this grant by reason of any prior failure to act; and

(c) The right of the grantee to enter the protected property at all reasonable times for the purpose of inspecting the protected property to determine if the grantor is complying with the covenants and conditions of this grant.

And in furtherance of the foregoing affirmative rights of the grantee, the grantor makes the following covenants which shall run with and bind the protected property in perpetuity, namely, that, except in connection with the uses expressly permitted by this open space easement, the grantor, without the prior written consent of the grantee, shall not do the following on the protected property:

(a) Construct or place buildings or other structures, camping accommodations or mobile homes, commercial advertising signs, billboards or other advertising material or make any other structures or improvements on the protected property;

(b) Excavate, dredge, fill, mine, dike, drill or change the topography of the protected property or its present condition in any manner except as may be required for agricultural uses expressly reserved by the grantor;

(c) Cut live trees or other non-agricultural vegetation, except as determined by the grantee to be necessary to protect the natural, scenic, open space and ecological values of the protected property, to prevent imminent hazard, disease, or fire or to restore natural habitat or native vegetation;

(d) Alter or manipulate ponds and water courses or remove water therefrom;

(e) Further subdivide the protected property in any manner;

(f) Pave or cover the protected property with concrete, asphalt, or any other impervious surface;

(g) Dump, place, or store ashes, trash, garbage, vehicle bodies or parts or other unsightly or offensive material; provided, however, that the grantor may employ sound conservation practices, such as prescribed burning and brush control, in order to restore and manage the natural resources on the protected property; or

(h) Permit or allow the operation of dune buggies, motorcycles, all terrain vehicles or any other type of motorized vehicle on the protected property.

TO HAVE AND TO HOLD the said open space easement unto the grantee forever.

Except as expressly limited herein, the grantor reserves all rights as owner of the protected property including, but not limited to, the right to use the protected property for [only those agricultural and grazing uses and the residential uses hereinafter described and agreed to by the County], and all other purposes not inconsistent with this grant.

NOTE:

The following uses are an example of uses that could be permitted consistent with the open space purposes of the open space easement. The uses reserved for the grantor would need to be adapted to the particular circumstances of each case.

The grantor may establish only the following uses on the protected property on those portions of the protected property depicted on Exhibit B attached hereto:

(a) Agriculture or grazing and accessory buildings or structures (the "agricultural use"); and

NOTE:

Depending on the nature of the agricultural use and the particular parcel of property involved, the agricultural use could be subject to further restrictions in terms of total area. Also, silviculture could be substituted for agriculture.

(b) Single-family residential detached dwellings and accessory buildings or structures (the "residential use").

Accessory means that which is of a nature customarily incidental and subordinate. With respect to the residential use, however, accessory buildings or structures shall include only the following: garages, storage sheds, swimming pools and accessory buildings, septic fields, wells, improved or unimproved roads, and rights-of-way to and between any permitted improvements, and exterior roads, and water retention and detention facilities.

NOTE:

These densities are hypothetical only and are only intended to illustrate the options available.

The density of single-family residential detached dwellings on the protected property shall not exceed one (1) single-family residential dwelling per ten (10) acres, or, if such dwellings are clustered, the gross density of such dwellings shall not exceed one (1) dwelling per five (5) acres. "Density" means the ratio between the total number of dwellings on the protected property and the land area of the protected property including interior streets and the centerlines of peripheral streets and common use areas. "Clustered" means a grouping of buildings such that all of the single-family residential dwellings and accessory buildings and structures are located at a single location on the protected property on lots of one (1) net buildable acre, which location must be approved by the grantee for its consistency with the purposes of this open space easement.

The protected property may be subdivided only to provide for the residential use and may be improved with fencing only if necessary to buffer the residential from the agricultural use.

By its acceptance hereof, the grantee agrees as follows:

(a) That, if its rights herein are assigned or transferred, to assign or transfer this open space easement only to an assignee or transferee who expressly agrees in the instrument of conveyance to continue to carry out the preservation purposes which this instrument was intended to advance and, in such event, only: (1) to an organization qualifying as an eligible donee under the Internal Revenue Code of 1954, as amended from time to time, and the regulations promulgated thereunder; or (2) to an agency of the State of Florida; or (3) to a unit of local government; or (4) to a not-for-profit corporation or trust whose primary purposes include the preservation of land, natural areas, open space or water areas, or the preservation of native plants or animals, or biotic communities;

(b) That in the event the grantee or its successors or assigns acquires the fee simple interest in and to the protected property, it shall not cause or permit the merger of such fee simple interest and the open space easement except for valid public purposes as determined by the grantee;

(c) That each subsequent instrument of conveyance shall expressly require the assignee or transferee to be bound by the terms and provisions hereof including, without limitation, the agreements of the grantee as set forth herein;

(d) That, if a subsequent unexpected change in the conditions surrounding the protected property makes impossible or impractical the continued use of the protected property for preservation purposes, and if this open space easement is extinguished by judicial proceeding, then all of the grantee's proceeds from the sale, exchange or involuntary conversion of the protected property shall be used by the grantee in a manner consistent with the preservation purposes which this open space easement was intended to advance and otherwise consistent with the public interest as determined by the grantee.

The grantor and the grantee each agree that the donation of this open space easement gives rise to a property right, immediately vested in the grantee. [Grantee acknowledges that grantor has independently obtained an appraisal of the protected property to which grantee has not been a party or participated therein.]

[The grantor agrees that for purposes of determining the distribution of proceeds in the event that this open space easement is extinguished by judicial proceedings, the grantee's share of such proceeds shall be _______% of the fair market value of the protected property, and the grantee is willing to accept such percentage.]

The grantor and, by acceptance hereof, the grantee, agree further as follows:

(a) Whenever the grantee's approval is required hereunder, such approval may be withheld only upon a reasonable determination by the grantee that the action as proposed would be inconsistent with the purposes of this open space easement.

(b) Nothing contained in this open space easement shall be construed to entitle the grantee to bring any action against the grantor for any injury to or change in the protected property resulting from causes beyond the grantor's control including, without limitation, fire, flood storm and earth movement, or from any action taken by the grantor under emergency conditions to prevent, abate or mitigate significant injury to the protected property resulting from such causes.

(c) No right of access by the general public to any portion of the protected property is conveyed by this open space easement, but this provision shall not be deemed to affect the right of the grantor to grant such access.

(d) The interpretation and performance of this open space easement shall be governed by the laws of the State of Florida.

(e) If any provision of this open space easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this open space easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(f) Exhibit A, attached hereto, a legal description of this open space easement, is hereby made a part hereof.

(g) The covenants, terms, conditions and restrictions set forth in this open space easement shall be binding upon the grantor and the grantee and their respective agents, personal representatives,

heirs, successors and assigns, and shall constitute a servitude running with the protected property in perpetuity. In addition to all other covenants of title, this conveyance includes the covenant of further assurances. (Additional covenant language follows).

(COVENANTS OF TITLE)

IN WITNESS WHEREOF the Grantor has set [his/her] hand the day and year first above written.

<table>
<tr><td></td><td>GRANTOR:</td></tr>
<tr><td>__________</td><td>__________</td></tr>
<tr><td>__________</td><td>__________</td></tr>
<tr><td></td><td></td></tr>
<tr><td>This instrument was prepared by:</td><td rowspan="2"></td></tr>
<tr><td>__________</td></tr>
</table>

____
____

(STANDARD ACKNOWLEDGMENT)

ACCEPTANCE

The foregoing open space easement is hereby duly accepted by the grantee, Seminole County, this _______ day of _______, 19___, and the grantee agrees to be bound by the terms and provision set forth herein.

(STANDARD COUNTY SIGNATURE BLOCK)

EXHIBIT A

Legal Description of Protected Property

[TO BE INSERTED]

PART 15. OUTDOOR LIGHTING REQUIREMENTS

30.15.1 Exterior lighting requirements.

All commercial, office, industrial and multi-family development shall comply with the following exterior lighting requirements:

(a) Light spillage: Illumination onto adjacent properties shall not exceed five-tenths (0.5) foot-candles.

(b) Height of lighting sources:

(1) Height of fixture will be measured at the vertical distance from the normal finished grade directly below the centerline of the luminaire to the top of the light fixture. Height of the pole will be measured at the vertical distance from the finished grade to the highest point inclusive of the pole, fixture, and mounting arm.

(2) All lighting on non-industrial zoned properties shall consist of cut-off fixtures mounted no higher than sixteen (16) feet. An exception to this requirement may be made if the applicant demonstrates that a greater height will not result in light spillage onto surrounding properties in excess of five-tenths (0.5) foot-candles; provided however, that in no event shall lighting exceed a maximum height of twenty-five (25) feet on a parcel adjacent to property with a Residential Future Land Use designation or a residential zoning classification.

(3) Lighting on industrial zoned properties (except that located within two hundred (200) feet of residential property) shall consist of cut-off fixtures mounted no higher than twenty-five (25) feet.

(4) On industrial property located within two hundred (200) feet of residential property, lighting shall be limited to cut off fixtures mounted no higher than sixteen (16) feet. An exception to this requirement may be made if the applicant demonstrates that a greater height will not result in light spillage onto surrounding properties in excess of five-tenths (0.5) foot-candles.

30.15.2 Lighting for football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, auto race tracks, horse race tracks or show arenas, and similar facilities may exceed the maximum height allowed herein upon written authorization of the Development Services Director. Such authorization may only be granted upon a finding that a greater height will not have a significant effect on the citizens of Seminole County.

30.15.3 Light fixtures. All light fixtures must conform to the following regulations:

(a) All fixtures, including security lighting, must be cutoff fixtures.

(b) All fixtures must be incorporated into the building or site as an integrated design element through the use of common or complementary style, material, and color.

(c) Fixtures may not be tilted towards adjacent properties.

(d) Sag lenses, convex lenses, and drop lenses are prohibited.

(e) Floodlighting is prohibited except for non-retail industrial uses where the floodlights internal to the site and cannot be seen form adjacent public right of way and neighboring residential uses or zoning district.

30.15.4 Time controls and motion detectors. Lighting on non-residential sites must include time controls. The time controls must dim all outdoor lights by at least fifty (50) percent of normal illumination levels within one hour of the close of business on the site. The lights must remain dimmed until the business reopens in the morning or the automatic light sensors switch the light off in the morning. Where a site includes more than one business, the time controls must dim the lights associated with each discrete place of business within the hour of the respective business closing to the public, but common area lighting may remain fully lit until the last onsite business closed. This requirement does not apply to business that operate twenty-four (24)-hours a day. Dimmed lights may return to full luminance for no more than thirty (30) seconds if triggered by a motion detector.

(a) Light sensors. All outdoor lighting must include light sensors that automatically turn lights off when daylight exceeds eighty-five (85) of the ground level luminance of the fixture.

(b) Manual controls. All electrical circuits for outdoor lighting must include manually controlled switches conveniently located for manual operations.

30.15.5 Lighting setback: Outdoor lighting fixtures shall be located no less than fifty (50) feet from any property having a residential future land use designation or a residential zoning classification.

30.15.6 Shielding requirements: Unless an exemption is granted by the Public Works Director, outdoor lighting fixtures shall be shielded in such a manner that no light is emitted above a horizontal plane passing through the lowest point of the light emitting elements, so that direct light emitted above the horizontal plane is eliminated. An exemption to this subsection may only be granted upon a finding that it will not create an adverse effect on the citizens of Seminole County.

30.15.7 Underground wiring: Electric power lines serving an outdoor light fixture shall be installed beneath the surface of the ground unless it is determined by the Development Services Director that soil, topographical, or any other compelling conditions, make the underground installation of such utility lines unreasonable or hazardous.

(a) Approved Alternate Materials and Methods of Construction or Installation/Operation. The Development Services Director may approve any lighting design, material, or method of installation or operation not specifically prescribed herein if he/she finds that:

(1) The alternative provides an approximate equivalence to the applicable requirements of this Section; and

(2) The alternative complies with the intent of this Section; or

(3) The alternative is necessary for the safety and security of people and property.

(b) Submission of Plans and Evidence of Compliance. An applicant for any permit required by Seminole County involving outdo or lighting fixtures must submit plans indicating how compliance with this Section will be accomplished. This submission shall include the following information:

(1) The location of all proposed or existing outdoor light fixtures on the property and the foot candle emissions of such fixtures onto any adjoining property.

(2) A description of all outdoor light fixtures or other illuminating devices proposed for use on the property. The description should include, but is not limited to, catalog cuts by manufacturers and drawings.

(3) Any other relevant information as may be reasonably required by Seminole County.

(4) The applicant may submit additional information, such as photometric plan data, to support use of the proposed lighting.

30.15.8 Prohibited Lights. The following lighting sources shall be prohibited:

(a) Laser lights or any similar high intensity light source which projects light above the horizontal plane of the light source.

(b) Flashing or animated lights located in or adjoining residential areas.

(1) Additional Requirements for Special Uses. Where permitted, light sources for the following special uses shall be designed and installed in accordance with the following requirements:

(2) Recreational Facilities. Lighting of outdoor recreational facilities such as football fields, soccer fields, baseball fields, softball fields, tennis courts, golf driving ranges, auto race tracks, horse race tracks or show areas and similar uses shall be fully shielded or designed with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

(3) Outdoor display lots. Lighting of outdoor display lots such as automobile sales lots, building material sales centers, garden centers and similar uses shall be fully shielded or provided with sharp cut-off capability, so as to minimize up-light, spill-light, or glare.

(4) Gasoline pump and drive-thru canopies. Light fixtures on the underside of gasoline pump and drive-thru canopies shall be recessed into the canopy ceiling so that the bottom of the fixture is flush with the canopy ceiling and is not visible from the horizontal plane.

30.15.9 Applicability. This Section shall apply to all development except the following:

(a) Residences built as single-family or two-family dwelling units.

(b) Outdoor light fixtures installed on and in connection with facilities and land owned or operated by the federal government or the State of Florida, or any department, division, or agency thereof.

(c) Outdoor light fixtures lawfully installed prior to the effective date of this Section, unless and until the property is rezoned or redeveloped (and the cost to retrofit existing outdoor light fixtures to achieve compliance with this Section is less than ten (10) percent of the total redevelopment cost).

(d) In the event of a conflict between this Section and any other provision of this Code, the more restrictive requirement shall apply.

PART 16. PERFORMANCE STANDARDS

30.16.1 Intent.

All uses conducted in commercial and industrial districts must conform to the standards of performance described below and must be so constructed, maintained, and operated in a manner not to be injurious or offensive to the occupants of adjacent and nearby premises by reason of emission or creation of noise, vibration, smoke, dust or other particulate matter, toxic or noxious waste materials, odors, fire, explosive hazard, or glare.

30.16.2 Noise.

Every use must be operated in a manner not to exceed the sound level limits described in Section 165.22 of the Seminole County Code. Objectionable noises due to intermittence, frequency, or loudness must be muffled or eliminated to an extent not to become a nuisance to adjacent and nearby uses. Sound levels may be measured as specified in Section 165.22 of the Seminole County Code.

30.16.3 Vibration.

Every use must be operated in a manner that ground vibrations that are inherently and recurrently generated are not perceptible without instruments at any point on the property line of the property on which the use is located.

30.16.4 Smoke.

Every use must be operated in a manner to prevent the emission of smoke, from any source whatever, to a density greater than described as Number 1 on the Ringelmann Chart, except that smoke equal to, but not in excess of, that shade of appearance described as Number 2 on the Ringelmann Chart may be emitted for a period or periods totaling four (4) minutes in any thirty (30) minutes. For the purpose of grading the density of smoke, the Ringelmann Chart, as published and used by the United States Bureau of Mines, and which is hereby made by reference a part of this regulation, is The Standard. All measurements must be made at the point of emission.

30.16.5 Dust and Dirt.

Every use must be operated in a manner to prevent the emission into the air of dust or other solid matter that may cause damage to property or discomfort to persons or animals at or beyond the lot line of the property on which the use is located.

30.16.6 Odors.

Every use must be operated in a manner to prevent the emission of objectionable or offensive odors in such concentration as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located.

30.16.7 Illumination levels.

Illumination levels may not exceed 0.5 foot candles at the property line where the neighboring property is a residential use or is zoned for a residential use. For all other uses, illumination levels may not exceed 1.0-foot candles at the property line. To avoid glare and light spilling onto neighboring properties, fixtures must be installed with shields and reflectors.

30.16.8 Toxic Matter.

Any operation or activity producing toxic matter must be conducted in a manner to ensure that the release of airborne toxic matter, beyond the district boundary line, does not exceed one-thirtieth (1/30) of the Threshold Limit Values (TLVs) permitted of those toxic matters currently listed in the Threshold Limit Values adopted by The American Conference of Governmental Industrial Hygienists. If a toxic substance is not contained in this listing, the applicant shall satisfy the Florida Department of Health that the proposed levels will be safe to the general population. The measurement of toxic matter must be made at ground level or habitable elevation and shall be the average of any twenty-four (24) hour sampling.

30.16.9 Electrical Disturbance and Radioactivity.

Each use must be operated in a manner to prevent the emission of quantities of radioactive materials in excess of limits established as safe by The United States Bureau of Standards.

30.16.10 Fire and Explosive Hazards.

All activities and all storage of flammable and explosive materials must comply with Seminole County's Department of Fire Protection and Building Codes.