



ATTAINABLE HOUSING

Preserving, Creating, and Diversifying
Affordable and Workforce Housing

STRATEGIC PLAN



SEMINOLE COUNTY
COMMUNITY SERVICES DEPARTMENT
DEVELOPMENT SERVICES DEPARTMENT
FEBRUARY 2020

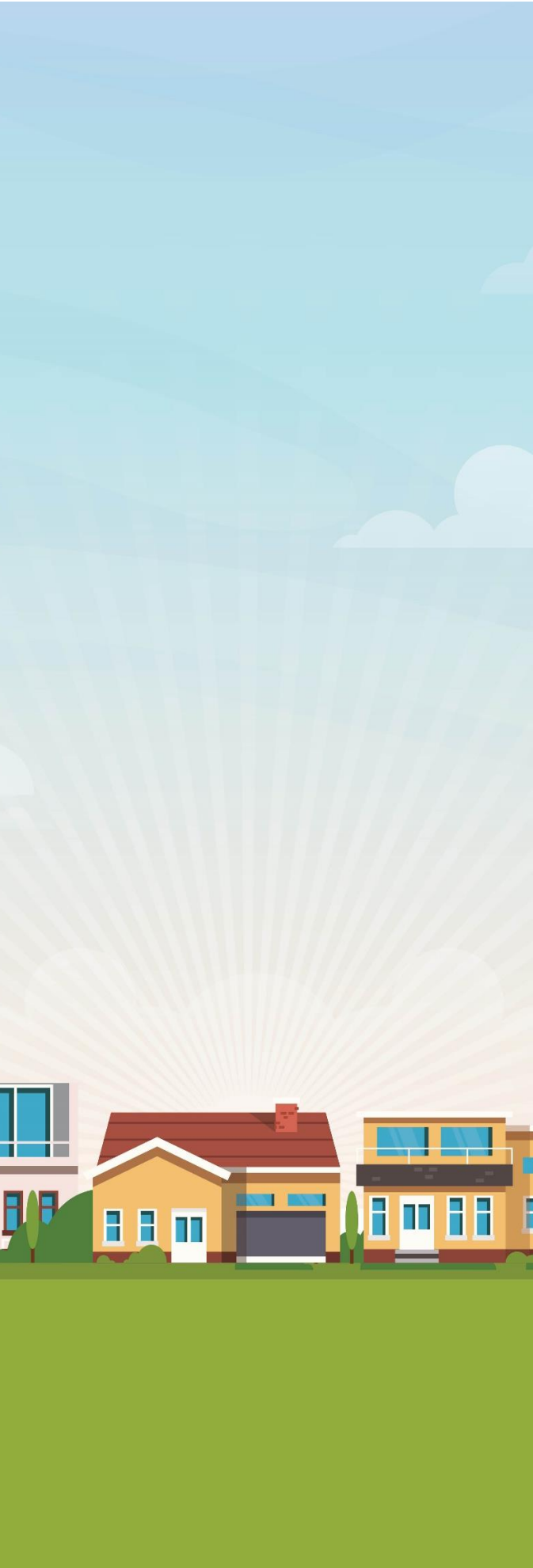


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EXECUTIVE SUMMARY

Seminole County along with the rest of the nation, is facing a growing affordable housing shortage as a result of legislative policy decisions, market forces, and shifting demographics. Home prices are rising at twice the rate of wage growth, and according to US Census data, have risen faster than inflation. In 1980, the typical home sold for about \$197,500, adjusted for inflation; today that same average home sells for more than \$325,000. Research from the advocacy group Home1, indicates that 11 million Americans spend more than half their paycheck on rent, and the National Low Income Housing Coalition found that a renter working 40 hours a week and earning minimum wage can afford a two bedroom apartment without being cost burdened “in exactly zero (0) counties nationwide” (Source: www.curbed.com: *The Affordable Housing Crisis Explained* by Patrick Sisson, Jeff Andrews, and Alex Bazeley). This lack of affordable housing leads to community instability and in some cases homelessness.

In an effort to address the affordable housing crisis, Seminole County participated in a Regional Affordable Housing Initiative with Orange County, Osceola County, and the City of Orlando. This two year regional effort concluded that there is no one solution to this crisis and that many approaches with multiple policies and programs will be necessary to advance an effective affordable housing agenda.

The provision of sufficient attainable housing is a complex, multifaceted issue that impacts the entire community in various ways. Seminole County recognizes that an actionable strategic plan is needed to help address this issue.

“Stable Affordable Housing is Central to the Health of Individuals, Families and Communities.”

— ChangeLab Solutions



“Current housing production across the region is well below levels needed to support population growth”

— Regional Affordable Housing Initiative Executive Summary Report



“Access to decent, affordable housing provides critical stability for families, and lowers the risk that vulnerable families become homeless.”











- Enterprise- Impacts of Affordable Housing on Families and Communities



Executive Summary

ACTION PLAN RECOMMENDATIONS

Short Term (1-3 Years)

-  **Utilize Shimberg's Access and Opportunity Model-** Identify areas within the County that are most appropriate for affordable housing based on the model's criteria; direct efforts with respect to Community Land Trusts, Land Banking, and Pilot Projects to those identified areas.
-  **Adopt a Community Land Trust Ordinance-** Partner with community land trust organizations for development of suitable surplus County lands as affordable housing.
-  **Establish an Affordable Housing Trust Fund-** Create a local dedicated funding source to assist in underwriting the cost of developing affordable housing. A trust fund could be used for incentives; impact fee subsidies; and/or repairs and maintenance of existing subsidized units.
-  **Permit Accessory Dwelling Units (ADUs) in all Single-Family Residential Zoning Districts and establish Impact Fee Rates Specific to ADUs-** Adopt amendments to the Comprehensive Plan and Land Development Code to allow ADUs as one method of responding to the need for affordable housing for smaller, single-parent, and aging households.
-  **Incentives-** Establish an incentive program to 1.) Reduce or subsidize impact fees for affordable and workforce units; 2.) Leverage incentives such as expedited permitting, reduced parking requirements, and tax incentives; and 3.) Foster the creation and preservation of units.
-  **Remove Regulatory Barriers/Promote Missing Middle Housing Types-** Update existing affordable housing policies within the Seminole County Comprehensive Plan and Land Development Code in a manner that encourages a diversity of housing types and mixed-income housing.
-  **Preservation-** Extend required housing affordability periods and create first right of refusal/first right of sale contract language for units receiving County funds.
-  **Housing Finance Authority-** Explore the Creation of a Housing Finance Authority to provide the opportunity for bond financing for affordable housing developments.
-  **Engage, Educate and Inform –** Engage stakeholder groups and create marketing and education tools including a webpage and informational documents such as brochures and pamphlets that outline all incentives, regulatory tools, and programs the County offers to encourage the development of attainable housing. Combat NIMBYism (Not in My Backyard) negative perceptions of affordable and workforce housing through education and community outreach.
-  **Create an Attainable Housing Program Manager Position -** Create a position within the Community Services Department to manage the Attainable Housing Program put forth by this Strategic Plan.



Executive Summary





Long Term: (4-10 Years)

-  **Land Banking** - Establish a Land Banking Program by identifying appropriate County-owned properties; directly purchasing suitable property and/or foreclosing on problem properties. Offer those lands at low cost to developers to build affordable and workforce housing.
-  **Leveraging County Development Rights** - Transfer of Development Rights from County owned undevelopable property to affordable housing development projects. Explore private/public partnerships to integrate live-work units within County owned buildings.
-  **Pilot Projects** - Explore pilot projects whereby the County develops attainable housing on County owned land through private/public partnerships.
-  **Purchase Assistance Program** - Research and pursue a locally funded purchase assistance program for “Essential Service Personnel”, including County employees, and Public Safety professionals.





FUNDING RECOMMENDATIONS

Financial Resource and General Fund Budget Needs:

Short Term (1-3 Years)

-  **\$500k- Affordable Housing Trust Fund**- Fund the new affordable housing trust fund with \$500,000 in seed money from the General Fund to pay a percentage of impact fees, subsidize units with expiring affordability requirements, and fund maintenance and repair of affordable units.
-  **\$100k- Direct revenues from certain program fees to Affordable Housing Trust Fund**- For example, direct revenues from the Foreclosure Registry, which generates approximately \$100,000 - \$125,000 annually in revenue.
-  **\$50k FY 20/21 Nexus Study**- Participate in a region-wide Nexus Study for Linkage Fees.
-  **\$80k FY 20/21 Attainable Housing Program Manager**- Budget \$80,000 in Fiscal Year 20/21 for salary and benefits for a new program manager in the Community Services Department.

Long Term (4-10 Years)

-  **Fund Affordable Housing Trust Fund**- Based on determined need and utilization of the Affordable Housing Trust Fund within the Short Term Implementation Phase, inject the appropriate amount of new capital each budget year to provide continued support to programs and services.
-  **Adopt Linkage Fee**- Based on results of the Nexus Study, consider adoption of a Linkage Fee to create new financial resources to support affordable housing.
-  **Purchase Assistance Program**- Determine a needed funding amount and adopt a budget for a Purchase Assistance Program.
-  **Dedicate other Program Fees**- Identify other program revenues to be allocated to the Affordable Housing Trust Fund.



ATTAINABLE HOUSING CHALLENGES

Cost Burdened Households

Affordable housing is that in which the occupant(s) is/are paying no more than 30% of his/her income for gross housing costs, including utilities (*Source: 2018 Regional Affordable Housing Initiative*). Households spending more than that are considered “cost burdened”.

The Regional Initiative found that, of Seminole County’s 167,549 households, 44,750, were cost burdened.

High Number of Cost Burden Households:

- 89% of households with income under \$20,000
- 73% of households with income \$20,000-\$34,999
- 57% of households with income \$35,000-\$49,999

Housing Stock/Inventory

- Currently there are 5,421 units in Seminole County that are required to maintain affordability through the Low-income Tax Credit (LIHTC) Program.
- From 1997 through 2012 a total of 2,225 units were released from the affordability requirement and converted to market rate rents.
- Approximately 1,500 units are at risk of conversion to market rent rates over the next five (5) years due to the 15 year “opt out” provision.

Funding Limitations

- The funding program currently available to the County (Federal, State) are limited to households with incomes 30% to 120% of Area Median Income (AMI);
- Instability of the State Housing Incentives Partnership (SHIP Funds); and
- There is no current Federal funding assistance for households at 140% of AMI. SHIP has been used in some jurisdictions, but these funds are subject to set-aside requirements.

Impacts from a Lack of Affordable Housing

- Housing instability that leads to frequent moves, negative educational outcomes and health problems in adults and children;
- Reduced ability for individuals and families to afford critical necessities such as healthcare, education, and food;
- Economic instability by restricting labor mobility and intensifying inequality; and/or
- Increases in homelessness. (*Source: Enterprise- Impacts of Affordable Housing on Families and Communities*)



BACKGROUND

After reviewing the results of the Regional Affordable Housing Initiative and many months of workshop discussions, the Board of County Commissioners established the following priorities to help address the affordable housing crisis in Seminole County:

- Create 1) more attainable housing by increasing the housing supply to meet the needs of current and future residents; and 2) more funding resources to support and incentivize attainable housing stock;
- Diversify housing types; and
- Preserve existing affordable housing stock.

Affordable Housing is defined by the Seminole County Comprehensive Plan as, “A Dwelling Unit for which monthly rents or monthly mortgage payments, including taxes, insurance, and utilities, do not exceed 30 percent of that amount which represents the percentage of the median adjusted gross annual income for households or persons indicated in Section 420.0004, Florida Statutes (i.e. Low income, moderate income, and very low income households or persons defined herein). Affordable housing definitions that are prescribed by housing programs administered by the US Department of Housing and Urban Development or the State of Florida may also be used by Seminole County when implementing such programs”.

Workforce Housing is defined by the Seminole County Comprehensive Plan as, “Housing affordable to Seminole County working households that earn up to 140 percent of the Area Median Income (AMI). Seminole County further defines Workforce Housing to include households in which one or more of the wage-earners, employed by either the private or the public sector, are compensated for provision of services essential to Seminole County, including but not limited to: teachers and educators, police and fire personnel, government employees, healthcare personnel, and skilled building trade’s personnel”.

Area Median Income (AMI) is the household income for the median or middle household in a region. Seminole County is part of the Orlando-Kissimmee-Sanford metropolitan statistical area (MSA). The Area Median Income for the Orlando-Kissimmee-MSA is \$65,100. The median income for Seminole County is \$67,470.

The County acknowledges there is a need to have a strategic plan that speaks to various housing needs, but places emphasis on providing services to households and individuals with modest financial means. The County also seeks to examine ways to incorporate private investment and initiatives to assist workforce housing needs for the service sector. The following Action Plan recommendations strive to create, diversify and preserve affordable and workforce housing, as defined above, so that housing is attainable for current and future Seminole County residents. Attainable housing is the adequate supply of housing at all price points for all income levels.



ACTION PLAN

Based on the goals established by the Board of County Commissioners (BCC), to Create, Diversify, and Preserve attainable housing, staff has developed the following Action Plan. The Action Plan contemplates two phases, a Short Term Implementation Plan and a Long Term Implementation Plan.

Short Term (1- 3 Years) Implementation Plan

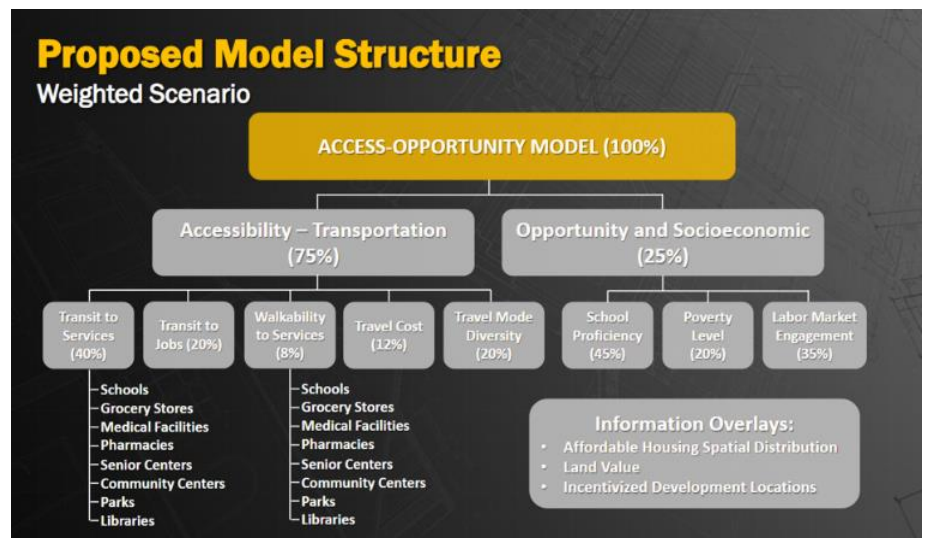
- **Utilize Shimberg's GIS Access and Opportunity Model**

In conjunction with the Regional Affordable Housing initiative, the Shimberg Center for Housing Studies at the University of Florida developed an Access and Opportunity Geographic Information System (GIS) model. This computer program helps to identify areas suitable for the development of affordable housing. The model takes areas that are conducive to

affordable housing development by using transportation accessibility and socioeconomic opportunity factors. For example, an area considered for affordable housing would be evaluated for distance from transit to services, proximity of transit to jobs, walkability to services, and transportation costs. The site would also be evaluated for school proficiency, poverty level, and labor market engagement. Using the Access and Opportunity Model, the Planning Division and Community Services staff will work with County GIS staff to identify areas within unincorporated Seminole County that are most suitable for affordable housing within year one (1) of this Action Plan.

- **Adopt a Community Land Trust Ordinance**

A community land trust (CLT) is a mechanism used to separate land from a house for the purpose of transferring title to the house without selling the land. It also denotes the nonprofit organization that holds title to the land and manages the ground leases on community land trust properties. Maintaining the land in a trust ensures that the housing will remain affordable permanently. (Source: Florida Housing Coalition CLT Primer, 2015).





A growing number of local governments recognize that CLTs can play an important role as stewards of community resources. Property and funds allocated to a CLT can benefit current and future residents of Seminole County. In addition to providing construction financing and down payment assistance to buyers of CLT homes, local governments can support CLTs by providing land on which the housing can be built, as well as ongoing administrative support to the nonprofit organization. Local government support can greatly enhance both the initial and long-term affordability for its residents (*Source: Florida Housing Finance Coalition CLT Primer, 2015*).

Seminole County Comprehensive Plan Housing Element (HSG) Policy 3.6 “County Owned Property”, supports the donation of County-owned property to a nonprofit housing organization for the construction of permanent affordable housing. Donation of appropriate surplus land to a CLT is one way in which the policy could be implemented.

Staff will bring forth a Community Land Trust Ordinance to the Board of County Commissioners for consideration and adoption within year one (1) of acceptance of this Action Plan, likely within the first quarter of 2020. A draft Ordinance is included in the Appendix to this document for review and comment by the BCC.

If the BCC chooses to adopt the Ordinance, County staff will utilize the data produced from Shimberg’s Access and Opportunity Model and coordinate with interested CLTs to identify lands within the County’s inventory that would be good candidates for donation.

In addition, the property located at 3500 Sanford Avenue, Sanford was acquired using the Community Development Block Grant (CDBG). The property consists of several platted lots. A portion of the property has a structure that is vacant and non-conforming with current City of Sanford regulations. The property is being examined for feasibility for development as housing units that are both affordable in price and functional for seniors and other households with limited financial means. In order to maintain its affordability for an extended period of time, Seminole County may consider using the site as an initial property for a CLT to own and operate.

- **Establish an Affordable Housing Trust Fund**

Affordable Housing Trust Funds are used to assemble financial resources to provide incentives to housing developers, nonprofit organizations, and local governments for the preservation and development of affordable and workforce housing. Affordable Housing Trust Funds require administrative oversight to collect and distribute funds. Trust funds are amassed through dedicated funding sources such as general revenue, linkage fees, and program proceeds. (*Source: Preserving, Protecting, and Expanding Affordable Housing/A policy Toolkit for Public Health- ChangeLab Solutions*)



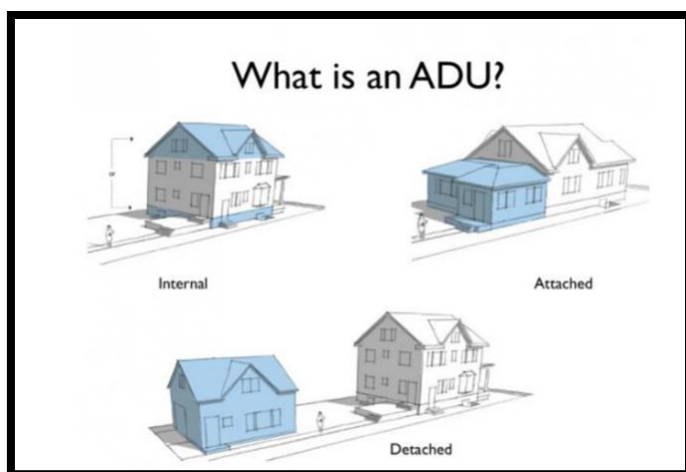
The County could utilize an Affordable Housing Trust Fund to subsidize units that are about to lose affordability and to underwrite impact fee payments for affordable and workforce housing units. An Affordable Housing Trust Fund enabling Ordinance will be brought forward for consideration to the BCC within in year one (1) of acceptance of this Action Plan, likely within the first quarter of 2020. A draft ordinance is included in the Appendix to this document for review and comment by the BCC.

- **Permit Accessory Dwelling Units (ADU) in all Single-Family Residential Zoning Districts and Establish Impact Fee Rates Specific to ADUs**

An Accessory Dwelling Unit (ADU), as defined by the Seminole County Land Development Code, is a dwelling unit attached to or included within a principal dwelling unit, or located on the same lot and having an independent means of access. These units may include a full kitchen. The Florida Statutes defines an ADU as an ancillary or secondary living unit that has separate kitchen, bathroom, and sleeping areas within the same structure or on the same lot as the primary dwelling unit.

ADUs are one method of responding to the need for affordable housing for smaller, single parent, and aging households. ADUs provide a different affordable housing option for low- and middle-income renters, and extra income for homeowners in addition to the following benefits:

- Use of existing lots and subdivisions, with no need to buy land to build a large scale affordable housing development;
- Potential proximity of the existing lots to existing public services such as roads, sidewalks, and utilities already serving the lot, as well as possible proximity to jobs and public transportation;
- Allows an aging homeowner on a fixed income to rent an ADU for additional income or live in the ADU while adult children live in the principal residence thus meeting housing needs while allowing current residents to 'age in place'; and
- With effective siting standards applied, neighborhood preservation can occur by meeting housing needs without having to build large scale apartment developments nearby (following a principal called 'scatter-site housing').





Proposed ordinances amending the Comprehensive Plan and Land Development Code to permit accessory dwelling units in all single family residential zoning districts as a conditional use will be brought forward for consideration to the BCC in the first quarter of 2020. Draft ordinances are included in the Appendix of this Action Plan for review and comment by the BCC.

Another consideration associated with ADUs involves the assessment of impact fees. Currently, an accessory dwelling unit would be charged impact fees at the traditional single family home rate. Because of the relative scale, it is presumed that the actual impact generated by an ADU would be less than that of a single family residence; therefore, an impact fee rate specific to accessory dwelling units should be established. The County is in the process of reviewing a new mobility fee, connection fees; fire, and library impact fees. In addition, the School Board will be reviewing its impact fees within the next year. As part of these ongoing studies, staff will evaluate a separate impact fee rate for ADUs.

It is also important to note that there is a House Bill, HB 998, proposed in the 2020 Legislative Session that could impact local government's ability to regulate accessory dwelling units. The proposed Bill contains language that requires all local governments to adopt ordinances to allow accessory dwelling units for affordable housing in any area zoned for residential use. Staff will closely monitor HB 998 to assess its impact, if any, on this Strategic Plan and modify as needed.

- **Establish an Incentive Program to Reduce or Subsidize Impact Fees - The cost that impact fees add to housing development is one of the barriers to affordability**

Embark on a study to determine the feasibility of reducing impact fee rates for affordable and workforce housing or subsidize a percentage of impact fee rates for affordable and workforce housing similar to previous County rebate program that subsidized fifty percent (50%) of the impact fees for very low income households and twenty-five percent (25%) for low income households.

Presently, there are ongoing studies for a new mobility fee, water and sewer, fire and library impact fees. In addition, the School Board will be reviewing its impact fees within the next year. As part of these ongoing studies, staff will evaluate a separate impact fee rate for attainable housing or at the BCC's direction implement a subsidy of impact fees for affordable and workforce housing to be funded by the Affordable Housing Trust Fund. The subsidy percentage would be based on the type of attainable housing being provided. A higher subsidy would be given to units meeting the "Affordable Housing" definition and a lower subsidy would be given to units meeting the definition of "Workforce Housing".



Proposed HB 998, discussed above, also prohibits local governments from collecting impact fees, permit or inspection fees, tree mitigation fees, water and sewer connection fees or proportionate share contributions for the development or construction of housing that is affordable as defined in F.S. 420.0004. Again, staff will closely monitor HB 998 to assess its impact, if any, on this Strategic Plan and modify as needed.

- **Update and Strengthen Existing Affordable Housing Regulations**

As an incentive to encourage affordable housing, Comprehensive Plan Future Land Use Policy FLU 10.1 and Housing Policy HSG 3.3 allow up to seven (7) dwelling units/acre (du/ac) in Low Density Residential, up to twelve (12) du/ac in Medium Density, and up to 22 du/ac in High Density for affordable housing. However, these incentives are not widely utilized.

The Land Development Code currently contains provisions for affordable housing in Chapter 30 Part 16, R-AH Affordable Housing Dwelling and Chapter 30 Part 73, Alternative Density Option (ADO). In the R-AH zoning district 100% of the developed units must be available to low and moderate income households, and not less than 40% must be available for rental or purchase by low income households. The R-AH zoning district permits reduced lot sizes and authorizes the Board of County Commissioners to waive all permit and inspection fees. The ADO is not a separate zoning classification, but rather a development option meant to ensure mixed income development and prevent pockets of low-income concentration that:

- Allows a maximum density 7 du/ac; and
- Expedited development review time frames to facilitate the development process.

Neither the R-AH zoning district nor the Alternative Density Option is widely utilized throughout the County and are therefore ineffective. As part of the Land Development Code re-write with the County's consultant, Canin Associates Inc., staff will strengthen and improve these regulations to help encourage the development of affordable and workforce housing.

- **Adopt New Comprehensive Plan Policies and Land Development Code Regulations to Address Missing Middle Housing Types**

To respond to the need for affordable housing, the Regional Initiative reported that housing should be encouraged in multiple forms, densities, sizes, and locations. Through the Land Development Code (LDC) re-write process with the County's Consultant, staff will review and propose amendments to the LDC, and if necessary the Comprehensive Plan, to encourage a diversity of housing types such as tiny homes and missing middle housing types such as duplexes and triplexes.



- **Affordability Periods/Preservation**

The County will extend the length of affordability periods and create “First Right of Refusal”/ “First Right of Sale” contract language for units that receive local funds from Seminole County to preserve Affordable Housing.

State and Federal grants typically have timeframes in which units must house individuals who have incomes that are typically less than 80% of the area median income. Tax credit rental developments must rent to persons who generally make less than 65% of AMI. Depending on the funding source and amount of assistance, these affordability periods for multi-family rental units typically range from fifteen (15) to thirty (30) years. Some grants (HOME grants) have affordability periods that are outlined in HUD regulations. Seminole County uses restrictive use covenants that run with the property to ensure long-term affordability. The restrictive use covenants specify the income levels, and length of time the properties must be used for affordable housing. In addition, if a development receives funding from multiple sources, the funding source with the most restrictive requirements are followed.

If the County provides funds from a non-grant source, (i.e. local funding) the County can stipulate the terms of the agreement and the period of housing affordability. The County will seek longer affordability terms within its contracts. However, if affordability periods are extended, it is important to make sure there is adequate funding and staffing to provide the compliance monitoring required. Compliance monitoring is usually conducted annually to ensure the properties remain affordable.

In addition to requiring longer affordability term within its contracts, Seminole County will also include first right of refusal provisions within its agreement terms to allow Seminole County the right to consider purchasing a subsidized unit if the owner opts to stop participating in a subsidy program and sell the housing unit at market rate.

- **Housing Finance Authority**

Explore the establishment of a Housing Finance Authority for Seminole County. The County does not currently have a Housing Finance Authority, therefore, tax credit developers in the area have typically received bonds to finance their affordable housing developments from other finance authorities in the region. In addition, Seminole County currently has an agreement with the Orange County Housing Finance Agency (OHFA) that allows Seminole County residents to receive down payment assistance from OHFA. It may be beneficial for Seminole County to examine the costs, benefits, and feasibility of establishing its own Housing Finance Authority. It may also be beneficial to examine the current agreement Seminole County has with Orange County Housing Finance Authority to determine if expansion of the scope and range of the agreement would benefit Seminole County.



Seminole County will consider the establishment of its own Housing Finance Authority and explore expanding its current agreement with the Orange County Financing Authority within the Short Term Implementation phase of this action plan.

- **Engage, Educate and Inform Industry**

Staff will create a marketing and education campaign to increase awareness of affordable and workforce housing programs and incentives by creating a webpage and documents such as brochures and pamphlets that outline all incentives, regulatory tools, and programs offered to developers by the County to build workforce and affordable housing such as density bonuses, expedited permitting and tax incentives.

Staff will also engage stakeholder groups such as the Greater Orlando Builders Association (GOBA), the Apartment Association of Greater Orlando (AAGO), and the Affordable Housing Advisory Committee (AHAC) for their input and assistance with the implementing this strategic plan. The education and marketing campaign will also strive to combat NIMBYism (Not in My Backyard) negative perceptions of affordable and workforce housing through education and community outreach.

- **Create Attainable Housing Program Manager Position**

Create a Program Manager Position within the Community Services Department to manage and monitor the new affordable housing programs, incentives, and the Affordable Housing would will facilitate the donation of land from the County's land inventory to Community Land Trusts and create and implement the marketing and education campaign discussed above. This position will also serve as the Attainable Housing Ombudsman to facilitate affordable and workforce housing development through the County's development review processes as well serve as the liaison with stakeholder groups.

Long Term (4 -10 Years) Implementation Plan

- **Establish a Land Banking Program**

A governmental agency may land bank by aggregating and/or collecting parcels of land creating an inventory of low-priced land for future sale or development. A land bank can return vacant, abandoned, and tax-delinquent properties to a productive use such as affordable housing. Surplus properties within the County's existing land inventory and lands within an established Land Bank can either be developed as affordable housing, sold for development as affordable housing, or sold to generate revenue for an Affordable Housing Trust Fund.

A land bank is established by Ordinance and could implemented by acquiring property or foreclosing on problem properties in the County to bank/reserve for affordable housing.



Property that once was a problem could then be transferred to responsible ownership through the sale of land banked properties to developers through the Request for Proposal (RFP) bid process to develop affordable housing.

Land banks require dedicated and recurring funding to purchase property and for staffing to manage the program. Such funding could come from an established affordable housing trust fund.

Seminole County will establish a Land Banking program that focuses on banking properties near public schools, public transportation and employment, and in areas identified by the Shimberg Access and Opportunity Model as most suitable for affordable housing. A Land Banking Program Ordinance will be brought forward for consideration to the BCC within the long term phase of this Action Plan.

- **Air Rights (Transfer of Development Rights)**

The County shall study and consider a program to allow the transfer of development rights (Air Rights) from undevelopable County-owned properties to suitable land for a developer

to build affordable housing. The transfer of development rights would normally be to a parcel nearby and/or with the same land use and zoning. The County will analyze the potential to transfer Development Rights from County owned, undevelopable, property within its land inventory to affordable housing development projects. The County will also investigate opportunities for private/public partnerships and partnerships with the School District to integrate live-work units within County and/or School District owned buildings as well as explore opportunities to co-locate workforce housing units on a shared lot. The County will explore these options within the Long Term Implementation phase of this Action Plan.



Source: The RCLCO Foundation- Maximizing Public Sector Air Rights as an Affordable Housing Solution by C. Kat Grimsley, PhD

- **Purchase Assistance Program**

Within the Long Term Implementation Research and pursue the establishment of a locally funded purchase assistance program to create workforce housing opportunities for public servants. There is a need to expand housing opportunities for essential service personnel



who provide vital services to the community; this could include County employees, School Board employees, law enforcement, and other professionals such as fire and rescue. Workers within these classifications often have incomes that exceed the limits of the grant funded purchase assistance program, however, they may still need assistance in securing a down payment for a home. If funded and available, it could be offered as a benefit to help attract and retain employees.

- **Pilot Projects**

Explore pilot projects whereby the County develops affordable housing on County-owned land through private/public partnerships to create needed units. Pilot projects could include the concept of Air Rights as discussed above.



FINANCIAL PLAN

Create New Funding Resources and General Fund Budget Needs

In order to implement this Strategic Plan, and make meaningful strides in creating, protecting and diversifying affordable housing, dedicated funding sources are fundamental to this effort. Below are recommendations to create new funding sources and set budgetary priorities to implement the programs, policies, and approaches proposed for execution over the next ten years.

Short Term (1- 3 Years)

- **Finance the Affordable Housing Trust Fund-** One of the most significant investments the BCC can make is funding an Affordable Housing Trust Fund that would need to be supported by potential dedicated funding sources to include general fund revenue, linkage fees, Federal and State grant dollars, and program fees such as the foreclosure registry fees. For example, Orange County as part of its 10-Year Action Plan intends to set aside ten \$10 million dollars in general fund revenue annually over the next ten (10) years with a 10% incremental increase per year for its affordable housing trust fund.

If the BCC elects to pursue the strategies outlined in this strategic plan, staff recommends that it finances the Seminole County Affordable Housing Trust Fund with an initial infusion of \$500,000 in General Fund revenue over the next three (3) years. This \$500,000 could fund each of the following or a portion thereof:

- 50% subsidy of impact fees for approximately 172* single family residential units depending on proposed lot size; or
- 50% subsidy of impact fees for approximately 170** multi-family apartments; or
- Repairs and renovation for subsidized units;
- Rental subsidies; or
- Incentives for affordability preservation due to expiring tax credits.

* Assumes a lot size of less of 50' in width. **Assumes an apartment size of 850 square feet or less.

- **Perform a Commercial Linkage Fee Nexus Study-** A linkage fee is a dedicated funding source from fees assessed to commercial and office development. A commercial linkage fee, sometimes called a jobs to housing linkage fee, is charged to developers of new office and commercial development such as retail establishments, hotels and offices that create low paying employment. The fees are used to fund or subsidize the development of affordable housing. Linkage fees are usually charged on a per square foot basis. In order to adopt a linkage fee, a nexus study is required to clearly demonstrate a link between fees and impact and show that the linkage fee directly mitigates the impact of



new non-residential development (Source: *Preserving, Protecting, and Expanding Affordable Housing/A policy Toolkit for Public Health- ChangeLab Solutions*).

- **Attainable Housing Program Manager-** Budget \$80,000 in Fiscal Year 20/21 for salary and benefits for a new program manager in the Community Services Department.
- **Program Fee Revenues-** Direct revenues from certain program fees to Affordable Housing Trust Fund- For example, allocate revenues from the Foreclosure Registry, which generates approximately \$100,000 - \$125,000 annually in revenue into the Affordable Housing Trust Fund.

Long Term (4- 10 Years)

- **Fund Affordable Housing Trust Fund-** Based on utilization of the Affordable Housing Trust Fund within the Short Term Implementation Phase and analysis of need, inject the appropriate amount of new capital each budget year into the fund to support programs and services.
- **Adopt Linkage Fee-**Based on results of Nexus Study consider adoption of a Linkage Fee to create new financial resources to support affordable housing.
- **Purchase Assistance Program-** If the County desires to implement a purchase assistance program for public servants, a budget would need to be determined and adopted to support the program.
- **Dedicate Additional Program Fees into the Affordable Housing Trust Fund-** Identify other program revenues to be deposited in the Affordable Housing Trust Fund.

ONGOING EFFORTS

Ongoing efforts and continued support of existing programs play an important role in the Attainable Housing Strategic Plan. Seminole County implements several programs to address housing for homeowners, renters, elderly, homeless, and others with special housing needs. The goal of each of the program is to create, stabilize, and preserve the affordable housing stock in Seminole County. It is imperative to have ongoing support for these vital programs.

- **Property Appraiser Tax Incentive Program**

In accordance with Section 196.1978, of the Florida Statutes, the Seminole County Property Appraiser offers a tax exemption for affordable housing properties. The program is available to affordable housing developments with seventy (70) or more units and the owners must have an agreement with the Florida Housing Finance Corporation recorded in public records. The agreement confirms that the development provides affordable housing to families or individuals meeting low, very-low, or extremely low income ranges. Property owners that agree to keep the units affordable for these income brackets, receive a 50% reduction in property taxes. The discount terminates if the property no longer serves as affordable housing. This program is most effective for properties that have the option to go market rate after fifteen (15) years as it provides an incentive to preserve affordable housing units. Seminole County began the program in 2018. There are a total of 14 apartment complexes currently participating in the program.

- **Housing Repair Programs for Homeownership**

Seminole County currently uses State and federal grants to provide home repairs to low income homeowners. In addition to meeting income eligibility, homeowners must be current on their property taxes, have a homestead exemption, and demonstrate clear ownership of the property. The repair programs seek to preserve the existing housing stock, by facilitating repairs to major systems such as air conditioning, roof replacement, plumbing, electrical systems, and accessibility for persons with disabilities. Seminole County has two other repair programs to rehabilitate houses with more extensive damage. The housing rehabilitation and reconstruction program seeks to bring houses up to current building code. Houses are only reconstructed in cases where the damage is so severe, it is cost prohibitive to repair the unit. Homeowners must own their houses free and clear and agree to have a deferred payment mortgage with Seminole County for the cost of the reconstruction.

- **Programs for Rental Units**

Seminole County has the ability to use State and federal grants to fund renovations to existing rental units. Federal grants such as the Community Development Block Grant (CDBG) is also available to non-profit organizations who own rental units. A limited amount of SHIP funds can

also be used to support the renovation of rental units. The SHIP dollars can assist both non-profit and for profit entities.

- **Rental Assistance Programs**

- Seminole County uses the Home Investment Partnerships Grant (HOME) to provide tenant based rental assistance. The program provides rent subsidies to extremely low income persons and is targeted to assist the elderly, disabled, and homeless. Currently, the County's program provides assistance to 40 individuals. The HOME Tenant Based Assistance Program exists to help provide an option for relief for those on the Section 8 waiting list. Increased rents can impact this program. As rents rise, the number renters assisted decreases.
- Seminole County also receives Shelter Plus Care funds from the Continuum of Care (COC). The Shelter Plus Care Program provides housing for persons with mental health or substance abuse challenges. This program is currently at capacity, and served 53 individuals last year. Increasing rents impact this program. As rents rise, the number of renters assisted decreases.
- Seminole County coordinates with the Seminole County Housing Authority whenever possible for tenant referrals when openings become available for Housing Choice Vouchers.
- The County also uses State and federal funds to provide rapid re-housing assistance to formerly homeless families. In addition to an internal program administered by the Community Services Department, Seminole County partners with Embracing Families to provide rapid- rehousing services and case management.

- **Addressing Homelessness**

Seminole County works diligently to address the needs of homeless and precariously housed individuals and families. While homelessness isn't the primary focus of this report, it is a significant associated issue that the County has been working aggressively to address for several years. Seminole County currently funds or directly implements the following Homeless Programs:

- SHIP Rapid Re-Housing (RRH) provides rental subsidy/moving expenses through Embrace Families;
- Emergency Services Grant Rapid Re-Housing provides rental subsidy/moving expenses through Embrace Families;
- CDBG Rapid Re-Housing provides Case Management services for the SHIP RRH clients with Embrace Families;

- State ESG Rapid Re-Housing- funded by Housing Services Network to provide Case Management and rental subsidy for families;
- Continuum of Care Case Management- funded by HSN to provide Case Management for the State ESG clients;
- Continuum of Care Permanent Supportive Housing (Shelter + Care) provides rental subsidy and supportive services for chronically homeless individuals;
- Aspire provides Case Management and Outreach to chronically homeless individuals;
- Impact Project provides Case Management for chronically homeless individuals and Housing Location services for all Seminole County homeless. The County funds Healthcare Center for the Homeless, Pathway Homes, and Homeless Services Network;
- The County funds provide 1st month rental assistance to homeless households; and
- SHIP funds provide deposit assistance for homeless households.

CONCLUSION

As the population of the County continues to increase and the need to promote the economic health of the County remains essential, the availability of affordable and workforce housing will be crucial for the County to flourish.

The Seminole County Attainable Housing Strategic Plan is not a panacea but a good first step to put in motion a program to diminish the lack of affordable housing that threatens the stability of the County and the region.

The goal of the Plan is to increase the supply of affordable and workforce housing and to preserve the existing supply through a variety of regulatory tools and programs so that housing is attainable to current and future residents of Seminole County. Attainable housing is achieved by providing a full range of housing options at all price points providing a greater quality of life for all.

The Plan is a living document that will be modified and updated as goals are achieved, methods and programs vetted, and new approaches identified. This will be a continuous effort that will take collaboration between local government and many sectors of the community.



APPENDIX

ORDINANCE NO. 2020-____

SEMINOLE COUNTY, FLORIDA

2 **AN ORDINANCE OF THE SEMINOLE COUNTY CODE; CREATING**
3 **SEMINOLE COUNTY A GENERAL HOUSING TRUST FUND FOR THE**
4 **EXPRESS PURPOSE OF RECEIVING FUNDS NOT REQUIRED TO BE**
5 **PLACED IN THE HOUSING TRUST FUND ESTABLISHED FOR THE**
6 **PURPOSES OF RECEIVING CDBG AND SHIP FUNDS; FUNDS**
7 **RECEIVED AND MAINTAINED IN THE GENERAL HOUSING TRUST**
8 **FUND WILL BE USED AT THE DISCRETION OF THE BOARD OF**
9 **COUNTY COMMISSIONERS TO ASSIST IN THE PRODUCTION OF**
10 **AFFORDABLE HOUSING BY FOR-PROFIT AND NONPROFIT**
11 **DEVELOPERS AND ORGANIZATIONS; PROVIDING FOR**
12 **REGULATIONS; PROVIDING FOR CODIFICATION IN THE**
13 **SEMINOLE COUNTY CODE; PROVIDING FOR SEVERABILITY; AND**
14 **PROVIDING AN EFFECTIVE DATE.**

15 **WHEREAS,** there is a need for the production of affordable housing in the urban
16 service/infill areas in order to provide rental and homeownership opportunities for Seminole
17 County’s workforce including teachers, firefighters, law enforcement, nurses, and a wide range of
18 service industry employees; and

19 **WHEREAS,** the Board of County Commissioners has determined that it is in the public’s
20 best interest to assist for-profit and nonprofit developers, and organizations in the production of
21 affordable housing; and

22 **WHEREAS,** the Board of County Commissioners has determined that establishment of a
23 general affordable housing trust fund will serve as a permanent and renewable source of revenue
24 to meet, in part, the housing needs of Seminole County’s urban service/infill areas; and

25 **WHEREAS,** it is a further intent of the Board of County Commissioners to foster and
26 encourage the private sector to join with the public sector and the nonprofit sector to further the
27 goals of this Ordinance; and

28 **WHEREAS**, the Board of County Commissioners finds that the production of affordable
housing in the urban service/infill areas will help very low, low, and moderate income individuals
30 and families find a place to live close to economic, transportation, and community services; and

WHEREAS, the creation of a general affordable housing trust fund will promote the
32 health, safety, and welfare; and

WHEREAS, the authority for the establishment of a general affordable housing trust fund
34 is derived from Article VIII, of the Florida Constitution, Chapter 125, Florida Statutes, and the
Seminole County Charter.

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

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

40 **Section 2.** There is hereby established the Seminole County General Affordable Housing
Trust Fund.

42 **Section 3.** Sources of revenue for the General Affordable Housing Trust Fund will be
designated by the Board of County Commissioners through the adoption of standard resolutions
44 or Budget Amendment Resolutions at regular meetings of the Board.

Section 4. The administration of the General Affordable Housing Trust Fund will be under
46 the auspices of the Development Services Department, unless otherwise directed by resolution of
the Board of County Commissioners.

48 **Section 5.** The Resource Management Department and County Attorney shall establish
guidelines and procedures for the implementation of the General Affordable Housing Trust Fund.

50 The guidelines and procedures are to be complied into a policy handbook that must be approved
by the Board of County Commissioners.

52 **Section 6.** The revenue deposited into the General Affordable Housing Trust Fund can
only be used to assist in the production of housing for individuals and families that meet the thirty
54 percent (30%), fifty percent (50%), eighty percent (80%), one hundred twenty percent (120%), or
one hundred forty percent (140%) median area income as established by the either the United
56 States Department of Housing and Urban Development and Florida Statutes for the current year
in which the application for the funds are requested to be utilized. On an annual basis starting
58 January 1 of each year:

(1) Not less than ten percent (10%) of the revenue must be expended to provide
60 transitional housing for households who lack permanent housing.

(2) Not less than eighty percent (80%) of the funds must be expended to provide
62 housing to very low, low, or moderate income households.

Section 7. Revenue from the General Affordable Housing Trust Fund must be utilized for
64 affordable rental or housing units that are deed restricted requiring that the units remain affordable
for at least twenty (20) years from the date of the certificate of occupancy. The deed must be
66 approved by the County Attorney's Office and must be recorded in the public records and filed
with the Development Services Department.

68 **Section 8.** All developers' agreements that include utilization of revenue for the General
Affordable Housing Trust Fund must be approved by the County Attorney's Office prior to
70 submission to the Board of County Commissioners. These agreements also must require the
recordation of all deed restrictions.

Section 9. The Development Services Department shall make periodic reports and appearances before the Board of County Commissioners, in substantially the following manner:

(1) At least quarterly, submit a written report containing at least the following information:

(a) Single-family and multifamily bond issues, including but not limited to, dates of TEFRA hearings, all bond parties, amounts, covenants and terms.

(b) Federal grant program activity, including but not limited to grant administration activity, expenditures, program income, and project updates.

(c) Contractual arrangements, or modifications to contracts, with other entities, including but not limited to the following: local governmental jurisdictions; tax exempt nonprofit organizations; other housing finance authorities; or other funding entities.

(d) Updated financial records and instruments relating to all activities, including but not limited to the following: expenditures; income and disbursements; creation, modification or assignments of instruments or mortgages; and creation, elimination or modification of land trusts, including but not limited to the transfer of property to or from a trust, or changes to trustees or beneficiaries.

(2) Not less than annually, appear before the Board of County Commissioners to present and answer questions relating to the annual report (which may be combined with one of the written quarterly reports required above), which must include in addition to the matters covered in each quarterly report the following:

(a) Certified financial audits of the General Affordable Housing Trust Fund, which must include appropriate footnotes or other disclosures of any and all trusts established by the General Affordable Housing Trust Fund.

(b) Housing trust fund monitoring reports of local jurisdictions.

(c) Certified financial audits of all trustees of all land trusts created by the General Affordable Housing Trust Fund.

(d) Certified financial audits of all direct named beneficiaries of all land trusts created by the General Affordable Housing Trust Fund.

Section 10. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Seminole County Code, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, except that Sections 1, 10, 11 and 12 of this Ordinance are not to be codified.

Section 11. Severability. If any provision or application of this Ordinance to any person or circumstance is held invalid, then it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 12. Effective date. This Ordinance will take effect upon filing a copy of this Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

_____ day of _____, 20____.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

JAY ZEMBOWER, Chairman

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ORDINANCE NO. 2020-____

SEMINOLE COUNTY, FLORIDA

2 **AN ORDINANCE OF THE SEMINOLE COUNTY CODE; CREATING**
3 **COMMUNITY LAND TRUST PROCEDURES; PROVIDING FOR**
4 **CERTIFICATION; PROVIDING FOR AN APPLICATION PROCESS;**
5 **PROVIDING FOR APPROVAL BY THE BOARD OF COUNTY**
6 **COMMISSIONERS; PROVIDING FOR COUNTY STAFF TO ASSIST**
7 **COMMUNITY LAND TRUSTS IN THE APPLICATION PROCESS;**
8 **PROVIDING FOR THE FINDING OF A PUBLIC PURPOSE IN THE**
9 **ESTABLISHMENT OF COMMUNITY LAND TRUSTS; PROVIDING FOR**
10 **CODIFICATION IN THE SEMINOLE COUNTY CODE; PROVIDING**
11 **FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

12 **WHEREAS,** the Seminole County Board of County Commissioners finds that there is a
13 need for affordable housing in the urban service/infill areas of Seminole County; and

14 **WHEREAS,** the Seminole County Board of County Commissioners finds that establishing
15 affordable housing in the urban service/infill areas of Seminole County provides the Seminole
16 County residents that qualify for affordable housing the necessary utilities, proximity to
17 transportation corridors, proximity to transportation services, job opportunities, and schools and a
18 feeling of belonging in a community, and

19 **WHEREAS,** the Seminole County Board of County Commissioners finds that establishing
20 affordable housing in the urban service/infill areas of Seminole County ensures lower living cost
21 for residents; and

22 **WHEREAS,** a community land trusts concept provides a system of home ownership or
23 rental availability that ensures long term sustainability of affordable housing, and

24 **WHEREAS,** County staff working with community land trust serves a valid public
25 purpose in helping create affordable housing options for Seminole County residents.

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

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

30 **Section 2. Definitions.** The following definitions apply to this Chapter:

Affordable Housing. Living Units that cost thirty percent (30%), fifty percent (50%),
32 eighty percent (80%), one hundred twenty percent (120%), or one hundred forty percent (140%)
of the area median income as defined by the United States Department of Housing and Urban
34 Development and Florida Statutes.

Community Land Trust. A nonprofit community based organization created to establish
36 affordable housing units that remain affordable for no shorter than ninety-nine (99) years.

Urban Service/Infill Areas. Any area within the Seminole County Urban Service/Infill
38 Area.

Section 3. Application and Certification. In order to establish and operate a Community
40 Land Trust in the unincorporated areas of Seminole County, a Community Land Trust and an
application for such use must first be submitted to the County Manager or his or her designee. The
42 application must include the following:

 (1) Certification from the Florida Housing Coalition.

44 (2) A copy of the property grounded lease agreement and riders approved by the
County Attorney's Office that will be utilized in all transactions.

46 (3) Proof of an established education program that must be taken by all potential
homeowners or renters prior to purchasing or renting a unit.

48 (4) A financial report demonstrating that the Community Land Trust is able to maintain
it's operation in Seminole County.

50 (5) The names, addresses, and titles of all officers and board members.

(6) A summary of the Community Land Trust’s history and a list of all other jurisdictions that it has been approved to operate in.

Section 4. The Board of County Commissioners, after staff submits its approval based on a review of the application by a Community Land Trust, will have final approval or rejection of the Community Land Trust application. The approval or rejection will constitute a legislative decision

Section 5. The Community Land Trust must file an annual report on September 1st of each year detailing the operation and management over the previous year, which must specifically demonstrate that all homes within the Community Land Trust are affordable as defined by the Department of Housing and Urban Development, Seminole County or the State of Florida.

Section 6. Applicability. This Ordinance is applicable in all Urban Service/Infill areas in unincorporated Seminole County.

Section 7. Codification. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will become and be made a part of the Seminole County Code, and that the word “ordinance” may be changed to “section”, “article”, or other appropriate word or phrase and the sections of this Ordinance may be renumbered or re-lettered to accomplish such intention, except that Sections 1, 7, 8 and 9 of this Ordinance are not to be codified.

Section 8. Severability. If any provision or application of this Ordinance to any person or circumstance is held invalid, then it is the intent of the Board of County Commissioners that such invalidity will not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application and, to this end, the provisions of this Ordinance are declared severable.

Section 9. Effective date. This Ordinance will take effect upon filing a copy of this

74 Ordinance with the Department of State by the Clerk to the Board of County Commissioners.

BE IT ORDAINED by the Board of County Commissioners of Seminole County, this

76 _____ day of _____, 20____.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

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

JAY ZEMBOWER, Chairman

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EXHIBIT A

INTRODUCTION ELEMENT

ACCESSORY DWELLING

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

DWELLING UNIT, ACCESSORY (ADU)

A dwelling unit, subordinate in size to a principal dwelling unit, attached to a principal dwelling unit, or located on the same lot, and having an independent means of access. An accessory dwelling unit shall not exceed 35% of the gross floor area of the principal dwelling unit, or 1,000 square feet, whichever is less. There shall be a maximum of one (1) accessory dwelling unit per single family lot or parcel.

DWELLING UNIT, PRINCIPAL

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

CAPITAL IMPROVEMENTS ELEMENT

OBJECTIVE CIE 3 LOS AND DEVELOPMENT AND REDEVELOPMENT APPROVALS

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

Policy CIE 3.8 Accessory Dwelling Units (ADUs)

As regulated under this Comprehensive Plan and the Land Development Code, ADUs shall be considered to have negligible impacts on available capacities of all public facilities, and shall not be counted toward maximum permitted densities under any applicable future land use designation. This policy shall be re-evaluated at five (5) year intervals to determine whether revisions are required to maintain adopted Levels of Service.

FUTURE LAND USE ELEMENT

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

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

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

Policy FLU 5.18 Accessory Dwelling Units (Generally)

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

Policy FLU 5.19 Accessory Dwelling Units (East Rural Area)

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

HOUSING ELEMENT

OBJECTIVE HSG 12 COMMUNITIES FOR DIVERSE POPULATIONS

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

Policy HSG 12.1 Accessory Dwelling Units ADUs

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

ACCESSORY DWELLING UNITS – DRAFT LDC AMENDMENTS

Section 1. Amendments to Chapter 2, Definitions. Chapter 2 of the Land Development Code of Seminole County is amended as follows (underlines are additions, strikethroughs are deletions, and remaining text is unchanged):

Sec. 2.3 – Definitions

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

Dwelling unit, accessory: A dwelling unit, subordinate in size to a principal dwelling unit, attached to a principal dwelling unit or located on the same lot and having an independent means of access. An accessory dwelling unit shall not exceed 35% of the gross floor area of the principal dwelling unit, or 1,000 square feet, whichever is less. There shall be a maximum of one (1) accessory dwelling unit per single family lot or parcel.

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

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

Sec. 30.43. – Board of Adjustment

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

- (5) Limitation of powers. Under no circumstances shall the Board of Adjustment grant a special exception or variance to permit a use not generally or by special 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.

PART 7. - A-1 AGRICULTURE

Sec. 30.123. - Limited uses.

It is the intent of this section that ~~uses listed herein~~ subparagraphs (a) through (d) be of a temporary nature, ~~and but all uses listed herein~~ may be allowed, after review by the ~~Growth Management Director~~ Planning & Development Division Manager, subject to the terms and conditions contained herein. The ~~Director~~ Manager may impose additional conditions and limitations in furtherance of the public health, safety, and welfare. Limited uses are as follows:

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

PART 10. - RC-1 COUNTRY HOMES DISTRICT

Sec. 30.170 – Limited Uses

It is the intent of this section that the following use may be allowed, after review by the Planning & Development Division Manager, subject to the terms and conditions contained herein. The Manager may impose additional conditions and limitations in furtherance of the public health, safety, and welfare.

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

Secs. 30.470171—30.180. - Reserved.

PART 25. - PD PLANNED DEVELOPMENT

Sec. 30.442. - Permitted uses—(PD).

Except as provided herein, ~~No~~ 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.

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

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

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

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

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

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

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

(e) Any detached accessory building exceeding two hundred (200) square feet in size and/or twelve (12) feet in height, and any accessory dwelling unit, regardless of size, shall be required to meet all of the setback requirements applicable to the main residential structure located on the parcel.

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

(g) (1) Accessory dwelling units (ADUs), as defined in Section 2.3, shall be permitted in all R-1 districts, RC-1, and A-1, subject to administrative approval by the Planning & Development Division Manager. In addition, ADUs as defined in Section 2.3 shall be permitted in the PD zoning district, subject to administrative approval by the Planning & Development Division Manager, on lots designated for single family residential use, having a minimum lot area of 5,000 square feet and 50 feet in width.

(2) 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.

(3) ADUs shall be architecturally compatible with the principal dwelling unit and subject to the same building code requirements.

(4) 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.

(5) 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.

(6) ADUs shall not be permitted in association with nonconforming residential development in the Industrial, Commercial, and Office future land use designations.

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

(8) 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.