

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF SEMINOLE COUNTY, FLORIDA; AMENDING THE TEXT OF THE INTRODUCTION ELEMENT OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN; TO REVISE THE DEFINITION OF NET BUILDABLE ACRES; CREATING A SEPARATE PROPERTY RIGHTS ELEMENT OF THE COMPREHENSIVE PLAN IN ACCORDANCE WITH MANDATES SET FORTH IN CHAPTER 163, FLORIDA STATUTES; PROVIDING FOR RELATED AMENDMENTS TO PRESERVE INTERNAL CONSISTENCY; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION, AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Board of County Commissioners of Seminole County enacted Ordinance Number 2008-44 which adopted the Seminole County Comprehensive Plan (“the Plan”), which Plan has been subsequently amended from time-to-time and in accordance with State law; and

**WHEREAS**, the Board of County Commissioners has followed the procedures set forth in Section 163.3184, Florida Statutes, in order to further amend certain provisions of the Plan as set forth in this Ordinance relating to Text Amendment to the Plan; and

**WHEREAS**, the Board of County Commissioners desires to amend the procedures set forth in the Introduction Element of the Plan regarding the definition of net buildable acres; and

**WHEREAS**, the Board of County Commissioners has substantially complied with the procedures set forth in the Property Rights Element of the Plan in accordance with mandates set forth in Chapter 163 of the Florida Statutes; and

**WHEREAS**, the Seminole County Local Planning Agency held a public hearing, with all required public notice on August 04, 2021, for the purpose of

providing recommendations to the Board of County Commissioners with regard to the Plan amendment set forth herein; and

**WHEREAS**, the Board of County Commissioners held public hearings on October 12, 2021, and \_\_\_\_\_, 2021, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, required State reviewing agencies, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth in this Ordinance; and

**WHEREAS**, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is consistent and in compliance with the provisions of State law, including, but not limited to, Sections 163.3177, and 163.3184, Florida Statutes, and with the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council; and

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

**Section 1. Recitals/Legislative findings:**

The above recitals are true and correct and form and include legislative findings which are a material part of this Ordinance.

**Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN:**

The Introduction Element is hereby amended as set forth in Exhibit “A” and the Property Rights Element is hereby created as set forth in Exhibit “B” (attached to this Ordinance and incorporated in this Ordinance by this reference) as described in the following table:

Ord Exhibit	Amendment Number	Amended Element	LPA Hearing Date	Board Hearing Dates
A	2021.TXT.03	Introduction	08/04/2021	Transmittal 09/14/2021 Adoption (to be determined)
B	2021.TXT.04	Property Rights	08/04/2021	Transmittal 09/14/2021 Adoption (to be determined)

**Section 3. Severability:**

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

**Section 4. Exclusion from County Code/Codification:**

(a) It is the intent of the Board of County Commissioners that the provisions of this Ordinance will not be codified into the Seminole County Code, but that the Code Codifier will have liberal authority to codify this Ordinance as a separate document or as part of the Land Development Code of Seminole County in accordance with prior directions given to this Code Codifier.

(b) The Code Codifier is hereby granted broad and liberal authority to codify and edit the provisions of the Seminole County Comprehensive Plan to reflect adopted amendments to the Plan.

**Section 5. Effective Date:**

(a) A certified copy of this Ordinance will be provided to the Florida Department of State and the State Land Planning Agency in accordance with Section 125.66, and Section 163.3184, Florida Statutes.

(b) This Ordinance shall take effect upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners; provided, however, that the effective date of the Plan amendment set forth in this Ordinance, if the amendment is not challenged in a timely manner, will be no earlier than thirty-one (31) days after the State Land Planning Agency notifies the County that the Plan amendment package is complete. If challenged within the appropriate time period, the amendment will become effective on the date the State Land Planning Agency or the State Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits or land uses dependent upon the amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administrative Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution will be sent to the State Land Planning Agency.

**BE IT ORDAINED** by the Board of County Commissioners of Seminole County, this \_\_\_\_ day of \_\_\_\_\_, 2021

**ORDINANCE NO. 2021-**

**SEMINOLE COUNTY, FLORIDA**

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

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

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LEE CONSTANTINE, Chairman

## EXHIBIT A

### NET BUILDABLE ACRES

*Net Buildable Acres is defined as:*

- ~~1. Within the Urban Service Area of Seminole County – the total number of acres within the boundary of a development excluding natural lakes and wetlands or floodprone areas.~~
- ~~2. Within the East Rural Area as identified by Exhibit FLU: Special Area Boundaries – As of January 1, 2022, the total number of acres within the boundary of a development excluding areas devoted to road rights of way, transmission power line easements, natural lakes and wetlands or floodprone areas.~~

For purposes of this definition, a development is defined as:

1. For properties with PD (Planned Development) zoning – all property included within the legal description of the approved PD zoning ordinance and/or Development Order; or
2. For properties in all zoning districts other than PD (Planned Development) – all property included within the final subdivision plat or site plan.

~~Developments within the Urban Service Area of Seminole County with an unexpired Final Development Order or Preliminary Subdivision Plan approval approved before between December 31, 2014 and December 31, 2021, in which the Net Buildable Acres were calculated based on a prior definition of such term, may continue to utilize the prior definition of such term when calculating Net Buildable Acres. not subsequently apply the above definition of Net Buildable Acres if one or more residential lots or structures were conveyed, with the intention of owner occupation, December 31, 2014.~~

### NET RESIDENTIAL DENSITY

The number of dwelling units per net buildable acre.

### NOISE CONTOUR

The line encompassing an area exposed to the same noise level as measured by average day-night noise level (DNL). The 65 DNL noise contour, for example, encompasses the airport and surrounding area exposed a noise level of 65 DNL or higher. Noise contours for both existing and future airport conditions are depicted on the Orlando Sanford International Airport Master Plan.

### OBJECTIVE

A specific, measurable, intermediate end that is achievable and marks progress toward a goal. (Source: Section 163.3164, Florida Statutes).

### OPERATING CONDITIONS

Means the situation under which a road is performing. Operating conditions are determined by the traffic, roadway, and signalization characteristics of a road; and can be described by such factors as speed and travel time, freedom to maneuver, traffic interruption, comfort and convenience, and safety.

### ORDINARY HIGH WATER MARK

Generally, that line on the shore established by the fluctuations of water and indicated by physical characteristics such as a clear, natural line impressed on the bank, shelving, changes in the character of soil, destruction of terrestrial vegetation, the presence of litter and debris, or other appropriate means that consider the characteristics of the surrounding area, as determined by the applicable governing authority.

**OVERRIDING PUBLIC INTEREST**

A situation where an action is taken by Government after a finding that the public's health, safety and welfare clearly overrides the goals, objectives, policies, or provisions of the Comprehensive Plan.

## EXHIBIT B

### **PROPERTY RIGHTS ELEMENT**

### **GOALS, OBJECTIVES, AND POLICIES**

#### **GOAL PR 1:**

Seminole County shall ensure that private property rights are considered in local decision-making.

#### **OBJECTIVE PR 1.1:**

Seminole County shall continue to consider private property rights when considering future land use map amendments, rezones, and all other decisions that affect the regulation of property.

#### **POLICY PR 1.1.1:**

The following rights shall be considered in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.