



SECTION 30. ECONOMIC AND COMMUNITY DEVELOPMENT SERVICES

30.20 COMPREHENSIVE PLAN AND AMENDMENTS PROCEDURES

A. PURPOSE. To provide clear and comprehensive procedures relative to the Comprehensive Plan, land use, and related decisions made by the Board of County Commissioners including, but not limited to, land use designation and text amendments to the Seminole County Comprehensive Plan, the rezoning of property to new zoning classifications, and said actions when associated with development-of-regional impact decisions.

In addition, procedures of the Board of County Commissioners of Seminole County relative to amendments to the Seminole County Comprehensive Plan should be such that the actions of the Board are clear to the general public and such that pertinent, full, and effective public participation is encouraged and enhanced.

B. VOTING PROCEDURES. The procedures for votes on proposed amendments to the Seminole County Comprehensive Plan shall be as follows:

(1) A group of applications for amendments to the Seminole County Comprehensive Plan which are approved by the Board of County Commissioners at a public hearing shall form and constitute one (1) Plan amendment cycle within the guidelines of Chapter 163, Florida Statutes. The approved amendment applications shall be contained in one (1) ordinance enacting the amendments and shall form and constitute one Plan amendment.

The rejection of an application for an amendment to the Seminole County Comprehensive Plan shall be and constitute a denial of any associated application for rezoning unless the Board affirmatively considers and takes a separate vote on such rezoning application at the same public hearing at which the Plan amendment application was denied. A separate motion and vote on an application for rezoning which is associated with a Plan amendment application shall not be required or necessary.

(2) A motion to approve and the vote in favor of the ordinance enacting the approved Plan amendment applications as an amendment to the Seminole County Comprehensive Plan shall be, include and constitute a motion and vote to transmit the enacted ordinance to the Florida Department of Community Affairs in accordance with State law with the findings that the internal consistency of the Seminole County Comprehensive Plan has been maintained and that the collective amendment is consistent with State law including, but not limited to, the State Comprehensive Plan as set forth in Chapter 187 of the Florida Statutes and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council adopted consistent with the provisions of Chapter 186 of the Florida Statutes. An affirmative vote at a transmittal public hearing (the first public hearing on those Plan amendments requiring two (2) public hearings) shall also serve as an approved motion to continue the associated rezoning action to the second public hearing on the Comprehensive Plan amendment application.



C. AMENDMENT PROCEDURES. Procedures relative to amendments to the Seminole County Comprehensive Plan and associated applications for rezonings:

(1) The comprehensive planning process in Seminole County is a legislative process. The procedures used by the Board during its public hearings shall be consistent with the provisions relating to public participation set forth in the Seminole County Comprehensive Plan, and the chairperson of the Board shall control the order and methods by which presentations are made to the Board, subject to being overridden by a majority of the Board then sitting as to any particular matter.

(2) A group of applications for large scale amendments to the Seminole County Comprehensive Plan which are approved by the Board of County Commissioners at a public hearing shall form and constitute one (1) Plan amendment cycle within the guidelines of Chapter 163, Florida Statutes. The approved amendment applications shall be contained in one (1) transmittal package or ordinance enacting the amendments and, upon enactment of the ordinance, shall form and constitute one (1) amendment to the Seminole County Comprehensive Plan; provided, however, that each amendment application shall be referred to by an amendment number for compliance review purposes. Applications for amendments may be continued from an amendment cycle to another amendment cycle, when appropriate.

(3) The rejection of an application for an amendment to the Seminole County Comprehensive Plan (a vote against transmitting the proposed amendment at the transmittal public hearing, or a vote not to adopt the proposed amendment at the post State review public hearing, or the only hearing on small scale amendment) shall be and constitute a denial of any associated application for rezoning, including any proposed rezoning development order, unless the Board affirmatively considers and takes a separate vote on such rezoning application at the same public hearing at which the Plan amendment application was denied. Unless other findings are specifically stated, a motion to deny an application for an amendment shall include findings that the proposal was inconsistent with the provisions of the Seminole County Comprehensive Plan and with State law including, but not limited to, the State Comprehensive Plan as set forth in Chapter 187, Florida Statutes, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council adopted consistent with the provisions of Chapter 186, Florida Statutes. A separate motion and vote on an application for rezoning which is associated with a Plan amendment application shall not be required or necessary, although the Board may take action, with findings, as to any rezoning application separate from the vote pertaining to the proposed Comprehensive Plan amendment.

(4) An affirmative vote at a transmittal public hearing (the first public hearing on large scale Plan amendments requiring two (2) public hearings) shall also serve as an approved motion to continue the associated rezoning action to the second public hearing on the Comprehensive Plan amendment application. Such affirmative vote shall be deemed to include and constitute a motion and vote to transmit the proposed amendment to the Florida Department of Community Affairs in accordance with State law with the findings that the internal consistency of the Seminole County Comprehensive Plan has been maintained.



(5) An affirmative vote on the ordinance enacting the adopting Plan amendment application(s) as an amendment to the Seminole County Comprehensive Plan must occur subsequent to the vote(s) on each proposed Plan amendment in order for the ordinance amending the Comprehensive Plan to be enacted. Such affirmative vote shall be deemed to include and constitute a motion and vote to transmit the enacted ordinance to the Florida Department of Community Affairs in accordance with State law with the findings that the internal consistency of the Seminole County Comprehensive Plan has been maintained and that the collective amendment is consistent with State law including, but not limited to, the State Comprehensive Plan as set forth in Chapter 187, Florida Statutes, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council adopted consistent with the provisions of Chapter 186, Florida Statutes. Additionally, such vote shall be deemed to provide authorization for the filing of any proposed response to any Objections, Recommendations and Comments Report issued by the Florida Department of Community Affairs and issuance of any proposed findings of compliance or noncompliance with State law. The approval of an application for an amendment to the Seminole County Comprehensive Plan (a vote adopting the proposed amendment at the post State review public hearing or only hearing on small scale amendments) shall be and constitute an approval of any associated application for rezoning unless the Board affirmatively considers and takes a separate vote on such rezoning application at the same public hearing at which the Plan amendment application was approved. A separate motion and vote on an application for rezoning which is associated with a Plan amendment application shall not be required or necessary.

D. PUBLIC HEARING PROCEDURES. Procedures regarding all public hearings relative to applications for rezonings and other quasi-judicial land use decisions:

(1) The process of hearing applications for the proposed rezoning of property to a new zoning classification in Seminole County is a quasi-judicial process. The Board of County Commissioners will provide a fair and just forum for rezoning applications and for all other quasi-judicial land use decisions such as hearings related to special exceptions and variances. The procedures used by the Board shall be such that order is maintained, the public is encouraged to participate in rezoning decisions and other quasi-judicial land use decisions, the public's business is expeditiously accomplished, the rights of all citizens to instruct their representatives is respected, and all affected parties and interested citizens are provided an adequate opportunity to present their positions to the Board. The procedures used by the Board during its public hearings shall be consistent with the provisions relating to public participation set forth in the Seminole County Comprehensive Plan and the chairperson of the Board shall control the order and methods by which presentations are made to the Board, subject to being overridden by a majority of the Board then sitting as to any particular matter.

(2) The Board is very knowledgeable of the County in general. Accordingly, a part of the record of every quasi-judicial proceeding shall be the aerial photographs, land use maps, zoning maps, and other materials generally used by the County in making land use decisions or by County staff in making recommendations relative to land use matters.



E. GENERAL PROVISIONS.

(1) The procedures set forth herein shall be utilized by the Board unless and until alternative procedures are adopted by resolution.

(2) The Planning and Development Division of the Economic and Community Development Services Department and the Clerk to the Board of County Commissioners shall make efforts to insure that these procedures are made available to and understood by the public by posting a copy of this Resolution at all public hearings of the Board at which amendments to the Seminole County Comprehensive Plan, rezonings, or other land use matters involving quasi-judicial proceedings are considered by the Board.

F. AUTHORITY.

Resolution 94-R-122 adopted April 26, 1994
Resolution 95-R-74 adopted March 14, 1995
Resolution 2012-R-107 adopted June 12, 2012