



# CITY OF WINTER SPRINGS

COMMUNITY DEVELOPMENT DEPARTMENT

1126 STATE ROAD 434

WINTER SPRINGS, FL 32708

407-327-5966

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## APPLICATION FOR CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT

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### *What is an Accessory dwelling unit (ADU)?*

An ADU is an ancillary or secondary dwelling unit that is clearly subordinate to the principal dwelling, which has a separate egress/ingress independent from the principal dwelling, and which provides complete independent living facilities for one (1) or more persons and which includes provisions for living, sleeping, eating, cooking, and sanitation. It is located on the same parcel or lot as the principal dwelling and shall be subject to the required setbacks of the principal structure and may be either attached to or detached from the principal dwelling. (See Sec. 6-85. Accessory Dwelling Units).

### *What is the Approval Process for an ADU?*

Two public hearings are held, one at a Planning and Zoning Board meeting and the other at a City Commission meeting. Meetings are noticed to all property owners within 150 feet of the subject property. An ADU will NOT be approved if prohibited by the declarations, covenants, conditions and restrictions of a homeowners' association.

The CITY COMMISSION shall render all final decisions regarding the conditional use request and may impose reasonable conditions on any approved conditional use to the extent deemed necessary and relevant to ensure compliance with applicable criteria and other applicable provisions of the City Code and Comprehensive Plan. All formal decisions shall be based on competent substantial evidence and the applicable criteria as set forth in Sec. 20-33(d) and Sec. 6-85. APPLICANTS shall be afforded minimal due process as required by law, including the right to receive notice, be heard, present evidence, cross-examine witnesses, and be represented by a duly authorized representative. APPLICANTS are advised that if, they decide to appeal any decisions made at the meetings or hearings with respect to any matter considered at the meetings or hearings, they will need a record of the proceedings and, for such purposes, they will need to ensure that a verbatim record of the proceedings is made, at their cost, which includes the testimony and evidence upon which the appeal is to be based, pursuant to Section 286.0105, F.S.

If the Conditional Use approval is granted, PRIOR to receiving a building permit, the APPLICANT must file a Declaration of Restrictions with the Seminole County Clerk of the Court public records containing a reference to the legal description of the property and the deed under which the property was conveyed to the present owner stating:

1. The ADU shall not be sold or conveyed separate from the principal residence;
2. The ADU is restricted to the approved size;
3. The use permit for the ADU shall be in effect only so long as either the principal residence or the ADU is occupied by the owner of record as their principal residence;
4. The declarations shall run with the land, shall be binding upon any successor in ownership of the property and that noncompliance shall be cause for code enforcement and/or revocation of the conditional use permit;
5. The deed restrictions shall only be removed with the express written approval of the City but shall lapse upon removal of the accessory unit; and
6. The ADU shall not be used for commercial purposes other than being leased for residential purposes.

As with all Conditional Use approvals, if a building permit has not been issued within two (2) years for the ADU, the approval becomes null and void, unless extended by action of the City Commission. If the building permit subsequently expires and the subject development project is abandoned or discontinued for a period of six months, the Conditional Use shall be deemed expired and null and void. (Sec 20-36.)

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APPLICATION FOR CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT

**INFORMATION**

APPLICANT: \_\_\_\_\_  
*Last First Middle*

MAILING ADDRESS: \_\_\_\_\_

PHONE & EMAIL \_\_\_\_\_  
*City State Zip Code*

*If Applicant does NOT own the property:*

PROPERTY OWNER: \_\_\_\_\_  
*Last First Middle*

MAILING ADDRESS: \_\_\_\_\_

PHONE & EMAIL \_\_\_\_\_  
*City State Zip Code*

*This request is for the real property described below:*

PROPERTY ADDRESS: \_\_\_\_\_

TAX PARCEL NUMBER: \_\_\_\_\_

Property's ZONING CLASSIFICATION: \_\_\_\_\_

Is the Property subject to Declarations, Covenants, Conditions and Restrictions of a Homeowners' Association?

YES, \_\_\_\_\_  NO  
*Name of Homeowners Association*

If YES, is Verification that the ADU has been Approved by the Homeowners' Association included with this Application?  YES  NO *If NO, Do Not Submit Application until Obtained.*

SIZE OF LOT/PARCEL/PROPERTY: \_\_\_\_\_  
*Square Feet (Required to be at least 6600 SF)*

SIZE OF RESIDENCE (Air Conditioned Area Only): \_\_\_\_\_  
*Square Feet (Required to be at least 1350 SF)*

SIZE OF PROPOSED ADU (Air Conditioned Area Only): \_\_\_\_\_  
*Square Feet (At Least 400 SF; BUT Not larger than 30% of Residence Size stated above OR 800 SF, whichever is less)*

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**ADU CONDITIONAL USE PERMIT QUESTIONNAIRE** *Code of Ordinances, Section 6-85 & 20-33(d):*

1. Does a Single Family dwelling currently exist on the property OR Will a single family dwelling be constructed in conjunction with the ADU?       YES       NO
2. Is the proposed ADU attached to OR detached from the Principal Dwelling?  
    ATTACHED       DETACHED
3. Will the property owner occupy either the principal dwelling or the ADU?  
    YES       NO
4. Does the ADU meet the front, side and rear yard zoning regulations (setbacks)?  
    YES       NO
5. What is the proposed height of the ADU? \_\_\_\_\_ Does it meet the building height zoning regulations?  
    YES       NO
6. Does the sum of the principal dwelling and the ADU meet the zoning district's lot coverage regulations?  
    YES       NO
7. How many on-site parking spaces are provided? \_\_\_\_\_ Has at least one (1) parking space been provided on-site for the ADU in addition to the required off-street parking spaces required for the principal residence?  
    YES       NO
8. Is the ADU served by the same driveway as the principal residence?  
    YES       NO
9. Does the design of the ADU replicate the design of the principal dwelling by use of similar exterior wall materials, window types, doors and window trims, roofing materials and roof pitch and is this illustrated in the submitted materials?       YES       NO
10. Is the orientation of the ADU such that it considers the privacy of the adjacent properties?  
    YES       NO
11. Does landscaping provide for the privacy and screening of adjacent properties from the ADU?  
    YES       NO
12. Are any existing trees required to be removed? (If yes, please specify number and size.)  
    YES       NO
13. Is the proposed scale and intensity, traffic generating characteristics, and offsite impacts of the ADU compatible and harmonious with adjacent land uses?  
    YES       NO
14. Is the size and shape of the property, the proposed access and internal circulation, and the design enhancements adequate to accommodate the scale and intensity of the ADU and design amenities such as screening, buffers, landscaping, open space off-street parking, and other similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use?  
    YES       NO
15. Will the ADU have an adverse impact on the local economy, including governmental fiscal impact, employment and property values?       YES       NO

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16. Will the ADU have an adverse impact on natural environment, including air, water, and noise pollution, vegetation and wildlife, open space, noxious and desirable vegetation, and flood hazards?

YES       NO

17. Will the ADU have an adverse impact on historic, scenic and cultural resources, including views and vistas, and loss or degradation of cultural and historic resources?

YES       NO

18. Will the ADU have an adverse impact on public services, including water, sewer, surface water management, police, fire, parks and recreation, streets, public transportation, marina and waterways, and bicycle and pedestrian facilities?

YES       NO

19. Will the ADU have an adverse impact on housing and social conditions, including types and prices, and neighborhood quality?

YES       NO

**THE FOLLOWING ITEMS ARE TO BE SUPPLIED WITH THIS APPLICATION:**

- A copy of the most recent SURVEY of the subject property;
- SITE PLAN illustrating location of buildings, vehicular circulation, and onsite parking;
- FLOOR PLAN of ADU with dimensions;
- BUILDING ELEVATIONS (B&W) illustrating both Primary Residence and ADU from all sides;
- IDENTIFICATION of MATERIALS, TEXTURES, & COLORS on both Primary Residence and ADU;
- JUSTIFICATION for the Request: Provide documentation in support of the answers given on page 4; For example, how the size and shape of the site, the proposed access and internal circulation, and the design enhancements are adequate to accommodate the scale and intensity of the ADU;
- OTHER architectural and engineering data as may be requested to clarify the application;
- 11 x 17 MAP showing ADJACENT STREETS and PROPERTIES within 150' of the Subject Property;
- NAMES and ADDRESSES of each property owner within 150 ft. of each property line; (Note: This information is available from the Seminole County Property Appraiser.)
- Verification OF HOMEOWNERS' ASSOCIATION APPROVAL (If Applicable);
- Notarized AFFIDAVIT of the Applicant (see next page);
- Notarized Authorization of the OWNER if the Applicant is not the Owner or Attorney for the Owner (see next page);
- SUBMITTED DRAWINGS:
  - For Staff review: Twelve (12) 11x17 copies, PLUS One (1) pdf electronic copy, then
  - For P&Z Board: Twelve (10) 11x17 copies, PLUS One (1) pdf electronic copy, then
  - For City Commission: Twenty-one (21) 11x17 copies, PLUS One (1) pdf electronic copy.
- APPLICATION FEE- CONDITIONAL USE Review and Consideration-      \$ 500

FEES are as SHOWN plus ACTUAL COSTS incurred for ADVERTISING or NOTIFICATION, and for REIMBURSEMENT for TECHNICAL and/or PROFESSIONAL SERVICES which may be required in connection with the review, inspection or approval of any development (based on accounting submitted by the City's Consultant) , payable prior to approval of the pertinent stage of development.

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**APPLICANT'S AFFIDAVIT**

This is to certify that I am the APPLICANT for the Conditional Use Request described within this Application and that ALL THE INFORMATION IS ACCURATE.

By submitting this application I hereby grant temporary right of entry for City officials to enter upon the subject property for purposes of evaluating this application.

\_\_\_\_\_  
Signature of APPLICANT

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires:

\_\_\_\_\_ Personally Known  
\_\_\_\_\_ Produced Identification:  
(Type) \_\_\_\_\_  
\_\_\_\_\_ Did take an Oath  
\_\_\_\_\_ Did Not take an Oath

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**IF APPLICANT IS NOT OWNER OF THE SUBJECT REAL PROPERTY**

I, \_\_\_\_\_ do hereby, with my notarized signature, allow  
(Property OWNER)

\_\_\_\_\_ to represent me in this Application related to my  
(APPLICANT)

property identified as: Tax Parcel Number(s) \_\_\_\_\_

Located at \_\_\_\_\_

\_\_\_\_\_  
Signature of OWNER(S)

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
Notary Public  
My Commission expires:

\_\_\_\_\_ Personally Known  
\_\_\_\_\_ Produced ID: (Type) \_\_\_\_\_  
\_\_\_\_\_ Did take an Oath  
\_\_\_\_\_ Did Not take an Oath

END OF DOCUMENT

\_\_\_\_\_