



**CITY OF WINTER SPRINGS  
COMMUNITY DEVELOPMENT DEPARTMENT**

1126 East State Road 434

Winter Springs, Florida 32708

[customerservice@winterspringsfl.org](mailto:customerservice@winterspringsfl.org)

**Application – ADU (Conditional Use)**

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The Community Development Director reserves the right to determine whether this application is complete and accurate. An incomplete application will not be processed and will be returned to the applicant. The application shall be reviewed per [Chapter 20–Zoning Sec.20-33](#) and [Chapter 6–Sec.6-85](#). Applications shall be reviewed for sufficiency (completeness) within thirty (30) calendar days per [FL Statue 166.033](#). Once the application is deemed sufficient, the applicant shall move forward with the Community Workshop, required per [Chapter 20–Zoning Sec.20-29.1](#).

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).

Two public hearings are held, one at a Planning and Zoning Board (PZB) meeting and the other at a City Commission (CC) 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.

All 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 further advised that a Conditional Use is quasi-judicial in nature. Therefore, APPLICANT ACKNOWLEDGES and AGREES, by signing below, that he or she:

- May be sworn-in as a witness in order to provide testimony to the City Commission;
- Shall be subject to cross-examination by party intervenors (if requested); and
- Shall be required to qualify expert witnesses, as appropriate.

Applicants are encouraged to familiarize themselves with [Chapter 2 – Administration Sec. 2-30](#) of the Winter Springs City Code relating to Quasi-Judicial Rules and Procedures of the City Commission. All Conditional Use recommendations shall be based from the required information/documentation provided, the Winter Springs Code of Ordinances, and the Winter Springs Comprehensive Plan (to the extent applicable).

The City Commission (CC) shall render all final decisions regarding Conditional Uses 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 Winter Springs Code of Ordinances and the Winter Springs Comprehensive Plan. All formal decisions shall be based on competent substantial evidence and the applicable criteria as set forth in Chapter 20, Zoning. 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 insure 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, per [Florida Statute 286.0105](#).



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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.

A Conditional Use which may be granted by the City Commission shall expire two (2) years after the effective date of such approval by the City Commission, unless a building permit based upon and incorporating the Conditional Use, is issued by the City within said time period. Upon written request of the property owner, the City Commission may extend the expiration date, without public hearing, an additional six (6) months, provided the property owner demonstrates good cause for the extension. In addition, if the aforementioned building permit is timely issued, and 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, per [Chapter 20 – Sec.20-36](#).

**REQUIRED INFORMATION**

Applicant(s): \_\_\_\_\_ Date: \_\_\_\_\_

Mailing address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Property Owner(s): \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Property Address: \_\_\_\_\_

Parcel ID(s): \_\_\_\_\_



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**How is the Conditional Use (density, height, scale and intensity, hours of operation, building and lighting design, setbacks, buffers, noise, refuse, odor, particulates, smoke, fumes and other emissions parking and traffic generating characteristics, number of persons anticipated using, residing or working under the conditional use, and other offsite impacts) compatible and harmonious with adjacent land uses?**

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**Will the Conditional Use adversely impact land use activities in the immediate vicinity? If no, why not?**

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**Demonstrate the size and shape of the site, the proposed access and internal circulation, and the design enhancements to be adequate to accommodate the proposed density, scale and intensity of the conditional use requested. The site shall be of sufficient size to accommodate design amenities such as screening, buffers, landscaping, open space, off-street parking, safe and convenient automobile, bicycle, and pedestrian mobility at the site, and other similar site plan improvements needed to mitigate against potential adverse impacts of the proposed use.**

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**Will the proposed use have an adverse impact on the local economy, including governmental fiscal impact, employment, and property values? If no, why not?**

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**Will the proposed use 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? If no, why not?**

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**Will the proposed use have an adverse impact on historic, scenic and cultural resources, including views and vistas, and loss or degradation of cultural and historic resources? If no, why not?**

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**Will the proposed use have an adverse impact on public services, including water, sewer, stormwater and surface water management, police, fire, parks and recreation, streets, public transportation, marina and waterways, and bicycle and pedestrian facilities? If no, why not?**

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**Will the proposed use have an adverse impact on housing and social conditions, including a variety of housing unit types and prices, and neighborhood quality? If no, why not?**

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**Will the proposed use avoids significant adverse odor, emission, noise, glare, and vibration impacts on adjacent and surrounding lands regarding refuse collection, service delivery, parking and loading, signs, lighting, and other sire elements? If no, why not?**

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**Demonstrate that the conditional use and associated site plan have been designed to incorporate mitigative techniques and plans needed to prevent adverse impacts addressed in the criteria stated herein or to adjacent and surrounding uses and properties.**

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**If the proposed conditional use is a residential use, whether the elementary, middle and high schools (K-12) that will be initially assigned to the residential project by the School District at the time the city commission considers final approval of the conditional use have both sufficient capacity, are in close proximity to the project so as to make each of the assigned schools accessible and convenient (e.g., walking distance, travel time, private and public transportation, and quality of route environment) to the majority of the school population that will be drawn from the project, and promote and support the integration of future residents of the project into the existing city of Winter Springs community in a sustainable manner.**

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**List all witnesses that the applicant intends to present to the City Commission to provide testimony:**

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**Describe with specificity any evidence which the applicant intends to present to the City Commission, including oral factual testimony, maps, photographs, records or reports and/or expert testimony:**

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Attach all documentary evidence which the applicant intends to present to the city commission to the back of this application. The Applicant has a continuing duty to update the list of witnesses, description of evidence, and documentary evidence throughout the application process. Additional witnesses or evidence will not be admitted at the city commission hearing if not submitted at least seven (7) days prior to such hearing.

**REQUIRED DOCUMENTATION (PDF):**

- A complete Application and Fee
- A general description of the relief sought under this division
- A brief explanation, with applicable supporting competent substantial evidence and documents, as to why the application satisfies the relevant criteria set forth in this division
- A Legal Description accompanied by a certified survey or the portion of the map maintained by the Seminole County Property Appraiser reflecting the boundaries of the subject property (To scale).
- Site plan illustrating location of buildings, vehicular circulation, and onsite parking
- Detailed floor plan of ADU with dimensions
- Building elevations (color) illustrating both primary residence and ADU from all sides
- Identification of materials, textures, & colors on both primary residence and ADU
- A Certified Tree Survey (If Applicable)
- Verification of Homeowners' Association Approval (If Applicable)



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**CITY LIMITED RIGHT OF ENTRY:** By submitting this Application you hereby grant temporary right of entry for City Officials to enter upon the subject property for purposes of evaluating this Application and posting on the subject property.

**APPLICANT’S AUTHORIZATION:** I desire to make Application for a Conditional Use for the aforementioned project and have read and agree to the terms contained herein. In addition, if the Applicant is a corporate entity, the undersigned hereby represents and warrants that he/she is authorized to act on behalf of, and bind, the corporate entity.

Applicant Name (Print): \_\_\_\_\_

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Business Name: \_\_\_\_\_

Address: \_\_\_\_\_ Parcel ID: \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

\_\_\_\_\_ Date: \_\_\_\_\_ (seal):

Notary Public Signature: \_\_\_\_\_

My Commission expires: \_\_\_\_\_

**Note: The Property Owner shall sign and have their signature notarized below if the Applicant is not the owner of the subject property.**

Property Owner’s Name (Print): \_\_\_\_\_

Property Owner Signature: \_\_\_\_\_ Date \_\_\_\_\_

STATE OF \_\_\_\_\_ COUNTY OF \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_ who is personally known to me or who has produced \_\_\_\_\_ as identification and who did/did not take an oath.

\_\_\_\_\_ Date: \_\_\_\_\_ (seal):

Notary Public Signature: \_\_\_\_\_

My Commission expires: \_\_\_\_\_