



ORDINANCE NO. 2008-34

SEMINOLE COUNTY, FLORIDA
Z2007-50

AN ORDINANCE FURTHER AMENDING ORDINANCE NUMBER 91-13, AS PREVIOUSLY AMENDED, KNOWN AS THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF SMALL SCALE DEVELOPMENT AMENDMENT (LEGAL DESCRIPTION IS SET FORTH AS AN APPENDIX TO THIS ORDINANCE); CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM LOW DENSITY RESIDENTIAL TO PLANNED DEVELOPMENT; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM THE SEMINOLE COUNTY CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Board of County Commissioners of Seminole County enacted Ordinance Number 91-13 which adopted the 1991 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 Sections 163.3184 and 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Development Amendment; and

WHEREAS, the Board of County Commissioners has substantially complied with the procedures set forth in the Implementation Element of the Plan regarding public participation; and

WHEREAS, the Seminole County Local Planning Agency held a Public Hearing, with all required public notice, on May 7, 2008, for the purpose of

CERTIFIED COPY
MARYANNE MORSE
CLERK OF CIRCUIT COURT
SEMINOLE COUNTY, FLORIDA
BY *Claudia Cohen*
DEPUTY CLERK

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 a Public Hearing on June 24, 2008, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Local Planning Agency, other public agencies, and other jurisdictions prior to final action on the Plan amendment set forth herein; and

WHEREAS, the Board of County Commissioners hereby finds that the Plan, as amended by this Ordinance, is consistent and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes, the State Comprehensive Plan, and the Comprehensive Regional Policy Plan of the East Central Florida Regional Planning Council.

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

Section 1. RECITALS/LEGISLATIVE FINDINGS:

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

- (b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

Section 2. AMENDMENT TO COUNTY COMPREHENSIVE PLAN FUTURE LAND USE DESIGNATION:

(a) The Future Land Use Element's Future Land Use Map as set forth in Ordinance Number 91-13, as previously amended, is hereby further amended by amending the future land use designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Appendix "A" to this Ordinance:

- (b) The associated rezoning request was completed by means of Ordinance Number 08- 35.
- (c) The development of the property is subject to the development intensities and standards permitted by the overlay Conservation land use designation, Code requirements and other requirements of law.

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 shall 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 shall not be codified into the Seminole County Code, but that the Code Codifier shall 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 said 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, as amended.

Section 5. EFFECTIVE DATE:

(a) A certified copy of this Ordinance shall be provided to the Florida Department of State and the Florida Department of Community Affairs by the Clerk of the Board of County Commissioners in accordance with Section 125.66 and 163.3187, 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 herein shall be thirty-one (31) days after the date of adoption by the Board of County Commissioners or, if challenged within thirty (30) days of adoption, when a final order is issued by the Florida Department of Community Affairs or the Administration Commission determining that the amendment is in compliance in accordance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land use dependent on an

amendment may be issued or commence before an amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, the affected amendment may nevertheless be made effective by the Board of County Commissioners adopting a resolution affirming its effective status, a copy of which resolution shall be provided to the Florida Department of Community Affairs, Bureau of Local Planning, 2555 Shumard Oak Blvd., Tallahassee, Florida 32399-2100 by the Clerk of the Board of County Commissioners.

ENACTED this 24th day of June, 2008.

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By:  _____

Brenda Carey, Chairman

APPENDIX A

LEGAL DESCRIPTION

A tract of land being a portion of Lot 68 and Lot 67, SLAVIA COLONY COMPANY'S SUBDIVISION, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida, being more particularly described as follows:

Commence at the Northwest corner of the Southwest 1/4 of Section 20, Township 21 South, Range 31 East, Seminole County, Florida; thence North 89°46'33" East, along the North line of the Southwest 1/4 of said Section 20, a distance of 344.59 feet; thence South 00°56'08" East, along the Northerly extension of the West line of the East 1/2 of said Lot 68, a distance of 28.33 feet to a point on the Southerly right-of-way line of SLAVIA ROAD (Old Red Bug Lake Road), and the POINT OF BEGINNING; thence along the said Southerly right-of-way line of SLAVIA ROAD, the following (5) five, courses and distances; South 81°47'28" East, a distance of 43.17 feet; thence North 83°17'04" East, a distance of 85.42 feet thence North 89°46'33" East, a distance of 188.15 feet; thence South 00°41'27" East, a distance of 39.62 feet; thence North 89°18'33" East, a distance of 546.32 feet; thence South 42°15'13" West, along the West line of VILLAS AT LAKESIDE - A CONDOMINIUM, as recorded in Official Records Book 6297, Page 1290, of the Public Records of Seminole County, Florida, a distance of 665.71 feet; thence South 89°36'59" West, a distance of 406.29 feet to a point on the West line of the East 1/2 of said Lot 68; thence North 00°56'08" West, along the said West line of the East 1/2 of Lot 68, a distance of 524.01 feet to the POINT OF BEGINNING.

Containing 7.364 acres, more or less



FILE # Z2001-025

DEVELOPMENT ORDER # 1-20000016

SEMINOLE COUNTY DEVELOPMENT ORDER

On November 13, 2001, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

FINDINGS OF FACT

Property Owner: STONE JANET L TRUSTEE, 3320 N WESTMORELAND DR, ORLANDO, FL 32804

Project Name: C.A. STONE REZONING

Requested Development Approval: Rezoning from A-1 zoning classification to PCD zoning classification

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

RETURN TO SANDY McCANN

Prepared by: CINDY MATHENY, SENIOR PLANNER 1101 East First Street Sanford, Florida 32771

MARYANNE MORSE, CLERK OF CIRCUIT COURT CLERK OF SEMINOLE COUNTY BK 04354 PG 1331 FILE NUM 2002848120 RECORDED 03/18/2002 02:56:09 PM RECORDING FEES 24.00 RECORDED BY B Coatney

CERTIFIED COPY MARYANNE MORSE CLERK OF CIRCUIT COURT SEMINOLE COUNTY, FLORIDA BY [Signature] DEPUTY CLERK

Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

(1) The aforementioned application for development approval is **GRANTED**.

(2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.

(3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

- A. The west 200 feet of the site is limited to office or bank uses.
- B. Restaurants may only be located on the eastern half of the site with no outdoor seating, no outside amplification of sound, and the restaurant must be sit-down only (no drive-thru or "fast food").
- C. Signage shall be in accordance with the signage standards of the Lake Mary Boulevard Overlay Ordinance.
- D. Operating hours shall be limited to the hours between 7 a.m. and 11 p.m.
- E. The maximum building size shall be 30,000 square feet and no "strip" centers shall be developed. Building configuration shall be determined at the time of Final PCD Master Plan approval.
- F. Wet retention ponds shall be designed as amenities. They shall be aesthetically pleasing. All ponds shall be accented with natural form edges and native landscaping.
- G. Vegetation is encouraged where no natural plant communities exist. Landscaping shall rely on the use of native plant materials. Plant materials and types shall be determined at time of Final PCD Site Plan approval.
- H. Where feasible, parking shall be master planned and should be located at the rear or side of buildings. Shared property access and cross access easements between adjacent parcels shall be required to the east of the property unless staff determines it is not feasible.
- I. Decorative crosswalks should be utilized where sidewalks cross driveways or parking areas. Muted or natural colors shall be used.
- J. Extensive monotonous sections of fences shall be avoided by having breaks, incorporating landscaping and other natural features, and shall incorporate muted or natural colors.
- K. All service areas and mechanical equipment (ground or roof), including, but not limited to, air conditioning condensers, heating units, electric meters, satellite dishes, irrigation pumps, ice machines and dispensers, outdoor vending machines, propane tanks, displays and refilling areas shall be screened so that they are not visible from any public right-of-way. The screen shall consist of a solid wall, façade, parapet or other similar screening material which is architecturally compatible and consistent with the associated


- building. If landscaping is utilized, then the plantings must be high enough within one year of planting to provide the required screening.
- L. Buildings over 20,000 square feet shall provide variations in the roofline and wall planes which may include architectural enhancements.
 - M. Pitched roofs shall be encouraged, and no roof shall be predominantly flat.
 - N. Awnings, if provided, shall be sensitive to the building height, size, materials and color. Awning colors should be muted or neutral.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

Done and Ordered on the date first written above.

By: _____


Board of County Commissioners
Daryl G. McLain, Chairman


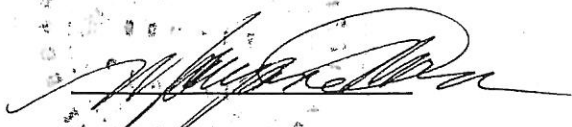


MARYANNE MORSE
Clerk of the Board of
County Commissioners of
Seminole County, Florida

EXHIBIT A

LEGAL DESCRIPTION

That part of Lots 82 and 83, THE SLAVIA COLONY CO.S, according to the plat thereof recorded in Plat Book 2, Page 71 of the Public Records of Seminole County, Florida described as follows:

COMMENCE at the Southeast corner of the West 1/2 of Lot 83 of THE SLAVIA COLONY CO.S, according to the plat thereof, as recorded in Plat Book 2, Page 71, of the Public Records of Seminole County, Florida; thence run N 01°02'35" W along the East line of said West 1/2 of Lot 83 for a distance of 214.65 feet to the POINT OF BEGINNING; thence run N 89°07'45" W for a distance of 985.96 feet to the East right-of-way line of Mikler Road, as recorded in Plat Book 6, Page 14, of said Public Records; thence run N 01°20'04" W along said right-of-way line for a distance of 300.22 feet to the Southerly right-of-way line of Red Bug Lake Road; thence run S 89°07'45" E along said right-of-way line for a distance of 805.88 feet to the point of curvature of a curve concave Northerly having a radius of 1377.26 feet; thence run Easterly along said curve and said right-of-way line through a central angle of 07°33'38" for a distance of 181.74 feet to a point of non-tangency; thence run S 01°02'35" E along said East line of the West 1/2 of Lot 83 for a distance of 312.15 feet to the POINT OF BEGINNING.

Containing 6.812 acres more or less and being subject to any rights-of-way, restrictions and easements of record.

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Janet L. Stone, Trustee, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

[Handwritten signature]

Witness

Janet L Stone Trustee

STONE JANET L TRUSTEE,
Property Owner

[Handwritten signature]

Witness

STATE OF FLORIDA)
COUNTY OF SEMINOLE - *ORANGE*

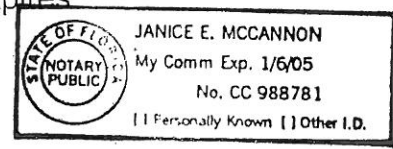
I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared Janet L. Stone who is personally known to me or who has produced Personally Known as identification and who did take an oath.

WITNESS my hand and official seal in the County and State last aforesaid this 20 day of February, 2002.

Janice E. McCannon

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:





PLANNING DIVISION - ZONING

March 29, 2002

C.A. Stone
3320 N Westmoreland Dr
Orlando FL 32804

Re: C.A. Stone rezoning

Dear Mr. Stone:

Attached for your files is a certified copy of the recorded Development Order for your rezoning.

Per the Seminole County Land Development Code, a final PCD plan and Developer's Commitment Agreement must be submitted within five (5) years of the date of approval of the preliminary PCD plan.

Please do not hesitate to contact me at (407)665-7430 should you have any questions.

Sincerely,

Cindy Matheny, AICP
Senior Planner