

AN ORDINANCE FURTHER AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP DESIGNATION OF CERTAIN PROPERTY BY VIRTUE OF A SMALL SCALE FUTURE LAND USE MAP AMENDMENT; CHANGING THE FUTURE LAND USE MAP DESIGNATION ASSIGNED TO CERTAIN PROPERTY FROM SE (SUBURBAN ESTATES) TO PD (PLANNED DEVELOPMENT); PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM CODIFICATION; AND PROVIDING 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 163.3187, Florida Statutes, in order to further amend certain provisions of the Plan as set forth herein relating to a Small Scale Future Land Use Map 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 December 2, 2015, 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 a public hearing on January 12, 2016, 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 in compliance with the provisions of State law, including, but not limited to, Sections 163.3177 and 163.3187, Florida Statutes, and

with the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council

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 FUTURE LAND USE MAP DESIGNATION:

(a) The Future Land Use Element’s Future Land Use Map as set forth in Ordinance Number 2008-44, as previously amended, is hereby further amended by amending the Future Land Use Map designation assigned to the following property and which is depicted on the Future Land Use Map and further described in the attached Exhibit “A” to this Ordinance:

Ord Exhibit	Name	Amendment Number	Future Land Use Change From-To	LPA Hearing Date	Board Hearing Date
A	Serenity Cove	06.15SS.06 (Z2015-031)	Suburban Estates to Planned Development*	12/02/2015	1/12/2016

*Maximum density 2.5 units per net buildable acre

(b) The associated rezoning request was completed by means of Ordinance Number 16- 5.

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 to reflect adopted amendments to the Plan.

Section 5. Effective Date:

(a) The County shall provide a certified copy of this Ordinance to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, 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, if the amendment is not challenged in a timely manner, shall be no earlier than thirty-one (31) days after the adoption date of the amendment. If challenged within the appropriate time period, this amendment shall 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 this amendment may be issued or commence before it has become effective.

ENACTED this 12th day of January, 2016

BOARD OF COUNTY COMMISSIONERS
OF SEMINOLE COUNTY, FLORIDA

By: _____

John Horan, CHAIRMAN

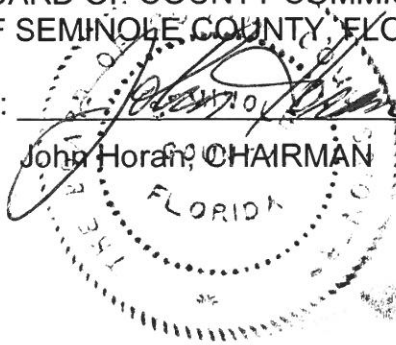


EXHIBIT A

Amendment 06.15SS.06

LEGAL DESCRIPTION

A PORTION OF GOVERNMENT LOT 1, SECTION 36, TOWNSHIP 19 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 19 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN S 00°05'59" E ALONG THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 36, A DISTANCE OF 689.00 FEET; THENCE DEPARTING THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 36, RUN N 89°56'04" W, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD AND THE POINT OF BEGINNING; THENCE RUN S 00°05'59" E ALONG THE WEST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD, A DISTANCE OF 199.00 FEET; THENCE DEPARTING THE WEST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD RUN N 89°56'04" W, A DISTANCE OF 1082.00 FEET; THENCE RUN N 00°05'59" W, A DISTANCE OF 199.00 FEET; THENCE RUN S 89°56'04" E, A DISTANCE OF 1082.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 4.94 ACRES MORE OR LESS.

SEMINOLE COUNTY DEVELOPMENT ORDER

On January 12, 2016, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

FINDINGS OF FACT

Property Owner: ZDA Land Investments, LLC

Project Name: Serenity Cove

Requested Development Approval: Adopt the Ordinance enacting a Small Scale Future Land Use Map Amendment from Suburban Estates to Planned Development and adopt the Ordinance enacting a Rezone from A-1 (Agriculture) to PD (Planned Development)

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 development conditions and commitments stated below shall run with, follow and perpetually burden the aforescribed property.

Prepared by: Brian Walker
1101 East First Street
Sanford, Florida 32771



MARYANNE MORSE, SEMINOLE COUNTY
CLERK OF CIRCUIT COURT & COMPTROLLER
BK 8622 Pgs 1950-1956 (7Pgs)
FILE NUM 2016009367
RECORDED 01/27/2016 11:55:00 AM
RECORDING FEES \$61.00
RECORDED BY Jeckenro

CERTIFIED COPY
MARYANNE MORSE
Clerk of Circuit Court and Comptroller
SEMINOLE COUNTY, FLORIDA
BY *Devi Porter*
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 to the extent they do not conflict with this Development Order.
- (3) The conditions upon this development approval and the commitments made as to this development approval are as follows:
 - A. Development shall comply with the Master Development Plan attached as Exhibit (B).
 - B. The project shall have a maximum allowable net density of 2.5 units.
 - C. Minimum lot size is 9,750 square feet with a minimum width at the building line of seventy-five feet (75').
 - D. Permitted Uses:
 - a. Detached single-family homes and their customary accessory uses as defined in the Land Development Code of Seminole County.
 - E. The maximum allowable building height is thirty-five feet (35').
 - F. Maximum Impervious allowed shall be 7,300 square feet.

The aggregate building footprint; accessory structures; patio and pool area; or any combination thereof, shall not exceed a maximum of 7,300 square feet per lot.
 - G. All driveways will be pervious, using pervious pavers or pervious concrete. In the event that the driveway is not pervious, the impervious area of the driveway shall be included in the maximum impervious surface area allowed of 7,300.
 - H. The setbacks shall be as follows:

Front Yard - Garage: Twenty feet (20') from the back edge of sidewalk.*

Front Yard - Porch: Ten feet (10') from the back edge of sidewalk.*

Rear: Twenty feet (20') from the rear lot line.

Side: Five feet (5') from the side lot line.

Side Street: Fifteen feet (15') from the ROW line.

Rear Yard Pool and Accessory Buildings: Ten feet (10') from rear lot line.

*The back edge of the sidewalk is the edge closest to the house.
 - I. The buffers shall be as follows:

North: Thirteen-foot (13') landscape buffer.

South: Ten-foot (10') landscape buffer.

East: Twenty-foot (20') landscape buffer.

West: Wetland buffer as shown on the Master Development Plan
The wetland buffer shall also extend along parts of the north and south property line as shown on the Master Development Plan.

Buffer components will be established at Final Development Plan.

- J. The developer shall provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside of the development.
- K. In the case of a conflict between the written conditions A through J in this Development Order and the Master Development Plan attached as Exhibit (B), the terms of the written conditions A through J shall apply.

(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.

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

(6) All applicable state or federal permits must be obtained before commencement of the development authorized by this Development Order.

(7) Issuance of this Development Order does not in any way create any rights on the part of the Applicant and/or Property Owner to receive a permit from a state or federal agency, and does not create any liability on the part of Seminole County for issuance of the Development Order if the Applicant and/or Property Owner fails to obtain requisite approvals or fulfill the obligations imposed by a state or federal agency or undertakes actions that result in a violation of state or federal law.

(8) This Development Order becomes effective upon recording with the Seminole County Clerk of the Court. However, in no case shall this Development Order be effective prior to the effective date of the associated comprehensive plan amendment enacted in association with SERENITY COVE (as referenced in Exhibit A), on January 12, 2016.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____

John Horan, Chairman



**Exhibit A
Legal Description**

Parcel ID Numbers:

36-19-29-515-0000-0010
36-19-29-515-0000-0020
36-19-29-515-0000-0030

Legal Description:

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COMMENCE AT THE NORTHEAST CORNER OF SECTION 36, TOWNSHIP 19 SOUTH, RANGE 29 EAST, SEMINOLE COUNTY, FLORIDA; THENCE RUN S 00°05'59" E ALONG THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 36, A DISTANCE OF 689.00 FEET; THENCE DEPARTING THE EAST LINE OF THE NORTHEAST ¼ OF SAID SECTION 36, RUN N 89°56'04" W, A DISTANCE OF 40.00 FEET TO A POINT ON THE WEST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD AND THE POINT OF BEGINNING; THENCE RUN S 00°05'59" E ALONG THE WEST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD, A DISTANCE OF 199.00 FEET; THENCE DEPARTING THE WEST RIGHT-OF-WAY LINE OF ORANGE BOULEVARD RUN N 89°56'04" W, A DISTANCE OF 1082.00 FEET; THENCE RUN N 00°05'59" W, A DISTANCE OF 199.00 FEET; THENCE RUN S 89°56'04" E, A DISTANCE OF 1082.00 FEET TO THE POINT OF BEGINNING.

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Exhibit B
Master Development Plan

