

SEMINOLE COUNTY GOVERNMENT
AGENDA MEMORANDUM

SUBJECT: Rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District)
(Jim Cooper, applicant)
DEPARTMENT: Planning & Development DIVISION: Planning
AUTHORIZED BY: Donald Fisher CONTACT: Jeff Hopper EXT 7431

Agenda Date 7/22/03 Regular Consent Work Session Briefing
Public Hearing – 1:30 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. Enact an ordinance to APPROVE the request for rezoning from A-1 (Agriculture) to PUD (Planned Unit Development District) on 17 acres on the west side of Hester Ave., ¼ mile south of CR 427, (Jim Cooper, applicant); or
 2. Enact an ordinance to APPROVE the request for rezoning from A-1 (Agriculture) to R-1A (Single Family Dwelling District) on 17 acres on the west side of Hester Ave., ¼ mile south of CR 427, (Jim Cooper, applicant); or
 3. DENY the request for rezoning from A-1 (Agriculture) to PUD (Planned Unit Development District) on 17 acres on the west side of Hester Ave., ¼ mile south of CR 427, (Jim Cooper, applicant); or
 4. CONTINUE the public hearing until a time and date certain.
- (District 5 – Comm. McLain) (Jeff Hopper, Senior Planner)

BACKGROUND:

The applicant, Jim Cooper, requests approval of PUD zoning on a 17-acre site south of CR 427. Located in the Low Density Residential future land use designation, the property is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. Originally requesting R-1A, the applicant now proposes a 44-unit single-family PUD in a Conservation Village concept similar to that associated with the Myrtle Street Special Study area. The proposed development plan establishes a minimum lot size of 6,600 square feet and minimum lot width of 55 feet. Density would be 3.11 units per net buildable acre.

P & Z RECOMMENDATION:

On June 4, 2003 the Planning & Zoning Commission voted 5-0 to recommend R-1AA zoning with a minimum house size of 1,600 square feet.

STAFF RECOMMENDATION:

Staff recommends APPROVAL of the R-1A zoning classification originally requested by the applicant, or an alternative PUD zoning classification subject to conditions listed in the staff report and Development Order.

Reviewed by: _____
Co Atty: ABC
DFS: _____
Other: MW
DCM: SS
CM: _____
File No. ph700pdp07

NOTE: Staff received a last-minute revision to the proposed Preliminary Master Plan with insufficient time to address it in this staff report. The new plan will be evaluated prior to the hearing and presented at that time.

Minutes for the Seminole County LPA/ P&Z Commission
Wednesday, June 4, 2003

Members present: Alan Peltz, Chris Dorworth, Ben Tucker, Thomas Mahoney, and Dudley Bates

Members absent: Dick Harris, and Beth Hattaway (Commissioner Peltz was not present at the meeting during the hearing on Item H.)

Also present: Denny Gibbs, Planner, Michael Rumer, Planner, Jeff Hopper, Senior Planner, Kathy Fall, Senior Planner, Matt West, Planning Manager, Cathleen Consoli, Senior Planner, Karen Consalo, Assistant County Attorney, and Candace Lindlaw-Hudson, Senior Staff Assistant

**F. Hester Avenue Rezone; Jim Cooper, applicant; 17 acres; rezone from A-1 (Agriculture) to R-1A (Single Family Dwelling District); located on the west side of Hester Avenue, ¼ mile south of Ronald Reagan Boulevard. (Z2003-013)
Commissioner McLain - District 5
Jeff Hopper, Senior Planner**

1. Jeff Hopper stated that the staff recommendation was for approval. The applicant is seeking to develop a single family subdivision consisting of approximately 45 lots on the subject property, and is requesting R-1A zoning to permit such a development.
2. Actual lot yield and lot sizes will be determined through the platting process if the rezoning is approved. The R-1A district allows lots at a minimum size of 9,000 square feet.
3. As the site is bordered on 3 sides by Agricultural zoning and by R-1AAA on the 4th side, compatibility with lower density properties is somewhat of a concern.
4. Allowable density drops to 1 unit per acre under Suburban Estates in much of the area south of the railroad tracks.
5. However, the Vision 2020 Plan does allow consideration of up to 4 units per acre on the applicant's property and most neighboring lots as well.
6. It should also be pointed out that the existing Autumn Chase subdivision was developed in R-1A at a greater distance from CR 427 and utility sources.

Jim Cooper stated that he agreed with Mr. Hopper's staff report.

Nancy Jasmine, Jean Michaels, and Lolie DeHaven all submitted comment sheets voicing their objection to the application.

Commissioner Mahoney read the comments concerning this application from Dianne Kramer of the Seminole County School Board office into the record:

- Item VI F will add 45 single family homes and generate approximately 11 elementary students, 5 middle school students, and 6 high school students. The actual impact on the system should be minimal. The schools that currently serve this area are as follows:

Northeast Cluster for elementary		
Hamilton	670 enrollment	11 portables
Pine Crest	680 enrollment	7 portables
Midway	407 enrollment	9 portables
Millennium Middle	1745 enrollment	8 portables
Seminole High	2596 enrollment	18 portables

No capacity improvements are currently planned for the northeast cluster until school year 2008 / 9. Capacity will be added at the middle school level in school year 2006/07. A 28 classroom building is currently under construction at Seminole High School and another high school in the Oviedo area will open in school year 2005/06. High school attendance zones will be adjusted at that time.

Frances Lord of 4835 Hester Avenue said that she lives 200 feet from the subdivision. The area is agricultural and she does not want small houses there.

Danny DeCirian of North Lake Jesup Community, Inc., is vice president. He stated that in the last 2 years he had worked in Myrtle Street conservation area. He wanted to know why the conservation village concept was not being used here.

Lois DeCirian of 1581 Silk Tree Circle said that she would like to see a conservation village. She felt that 45 lots is too high a density for here.

Lois Dickerson stated that she is opposed to the project.

Alex Dickerson of 4851 Hester Avenue lives across from the proposed site and asked why this is located at the gates of the Myrtle Street study area. The estimates of students is not good. 45 homes will have young families. This is good land which drains down onto his land. He would like to see water retention on the site. He asked to have R-1AAA at least here. He was concerned about the traffic light or lack of one on Hester.

Peter Butt of 5906 Autumn Chase Circle was opposed to the application. Hester is a narrow road with no sidewalks. He suggested a lower density, not R-1A.

B.J. Simons of 1550 Myrtle Street owns 12 acres in the area and is concerned about runoff. Ditches have been cleaned out and it is not enough to deal with the water problem. Infrastructure should be put in before expanding in the area. It will be a mistake to have small, dense housing in this site.

Carol Rogier of 4850 Hester Avenue lives next door (on north side) to the parcel and will be boarding horses on her property. She has dogs, chickens, and horses on her land. She is concerned about the lack of fencing.

Mac Thorn of 1400 Myrtle Street is a North Lake Jesup Community member. He said that the conservation village concept had been agreed upon and this design is the opposite of that plan.

Jim Cooper said that the County Comprehensive Plan allows for 4 units per acre. It will have public utilities and will have a conservation easement. The site will retain a 25 year storm. The price point of the houses will be about \$200,000.00. He is not opposed to a 1,600 to 1,700 square foot minimum for house size. During the DRC meeting it was said that he must contribute to the placement of a traffic light.

There were no comments from the floor. The public hearing was now closed.

Commissioner Tucker asked Matt West if he knew how the school board got their figures that are used in the meetings.

Mr. West said that a figure was used from national or state averages, based on number of dwelling units. He added that traffic lights are determined by the county or state engineers. The county gets payment from the developer to pay for part of the light.

Commissioner Tucker asked about how the drainage would be addressed.

Mr. West said that according to the county code the rate of water discharged cannot be increased from the rate of discharge prior to development. This site is just outside of the Myrtle Street area. This is LDR (low density residential) and in the urban service area. Staff feels that this zoning with 9,000 square foot lots is appropriate.

Commissioner Mahoney stated that he could not see R-1AAA. He was in favor of R-1AA zoning, with 90 foot wide lots.

Commissioner Mahoney made a motion to recommend denial of R-1A zoning and to make the recommendation for R-1AA zoning to the BCC.

Commissioner Dorworth seconded the motion.

In discussion, Commissioner Mahoney said that 70 foot lots are quite different. He would like to see a 1,600 square foot minimum house size and R-1AA zoning in the area.

Commissioner Tucker stated the criteria of 11,700 square foot minimum lot size, and setbacks of 25 feet in front, 10 feet side setbacks, and rear yard setback of 30 feet.

Commissioner Mahoney said that R-1AA standards are bigger, with 3 homes per acre.

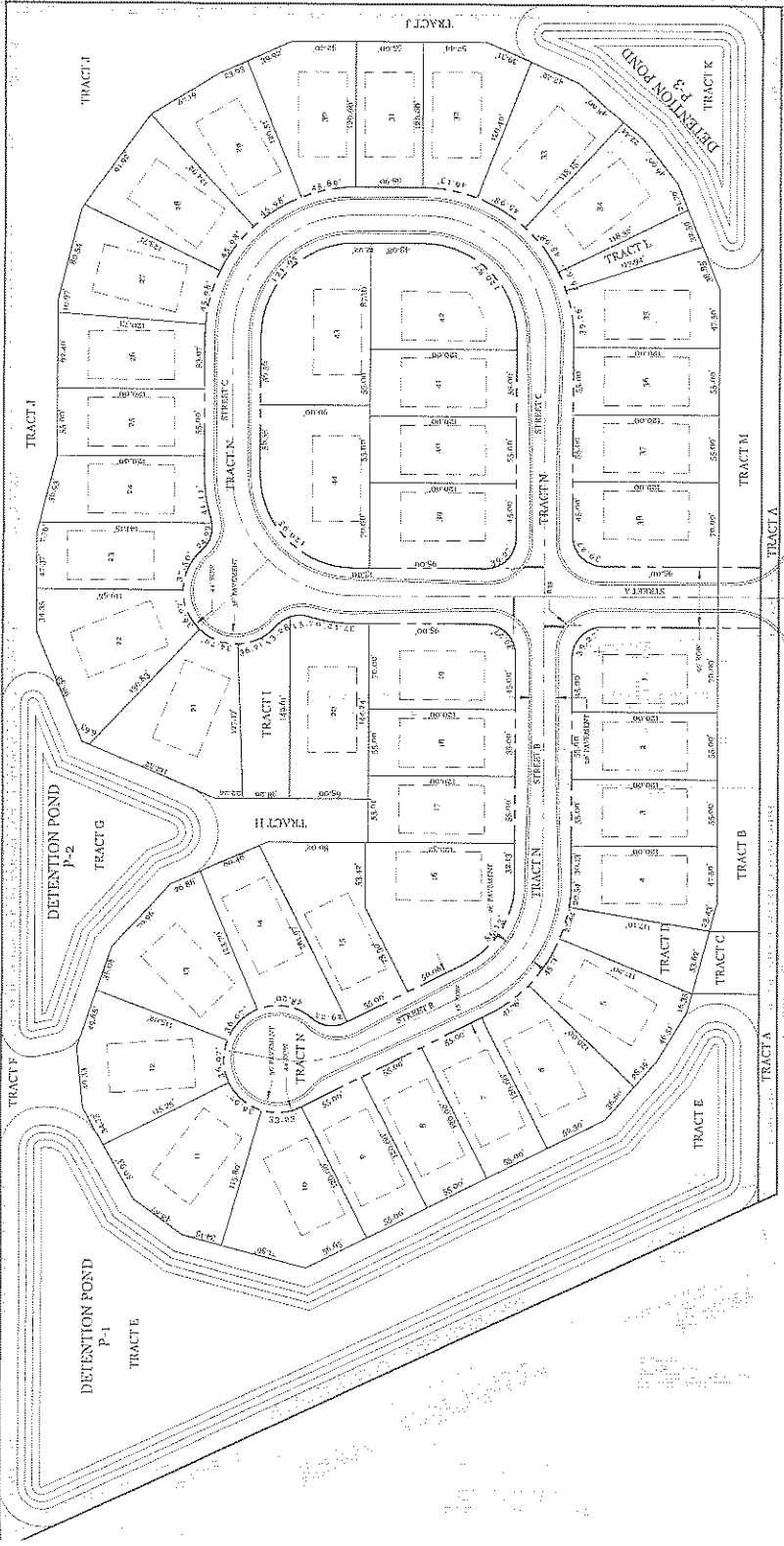
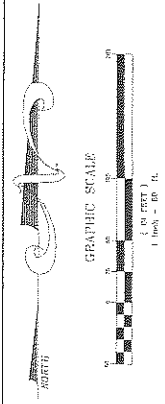
Mr. West said that there could be thirty-something lots with R-1AA zoning on 17 acres.

Commissioner Tucker said that this project averages out at 1.7 units per acre. Autumn Chase should not set the precedent.

Commissioner Tucker said that he did not have a problem with 2 units per acre.

The vote was called. The motion passed by unanimous approval.

- SITE NOTES:**
1. This site plan is for the development of 100 residential units, consisting of 50 single-family detached units and 50 townhome units.
 2. The site is located on the east side of Hester Road, between the intersection of Hester Road and the intersection of the proposed streets.
 3. The site is zoned R-100, Single-Family Residential, 100 units per acre.
 4. The site is bounded to the north by Hester Road, to the south by the proposed street, to the east by the proposed street, and to the west by the proposed street.
 5. The site is bounded to the north by Hester Road, to the south by the proposed street, to the east by the proposed street, and to the west by the proposed street.
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 24. The site is bounded to the north by Hester Road, to the south by the proposed street, to the east by the proposed street, and to the west by the proposed street.
 25. The site is bounded to the north by Hester Road, to the south by the proposed street, to the east by the proposed street, and to the west by the proposed street.



TRACT TABLE

TRACT	AREA (AC)	TYPE	OWNERSHIP	ESCHEMENT TO
A	0.34	RECREATION	COUNTY	COUNTY
B	0.32	OPEN SPACE	HOA	COUNTY
C	0.31	UTILITIES	HOA	COUNTY
D	0.31	UTILITIES	HOA	COUNTY
E	2.54	RECREATION	HOA	COUNTY
F	0.28	OPEN SPACE	HOA	COUNTY
G	0.25	RECREATION	HOA	COUNTY
H	0.22	OPEN SPACE	HOA	COUNTY
I	0.23	UTILITIES	HOA	COUNTY
J	1.08	OPEN SPACE	HOA	COUNTY
K	0.27	UTILITIES	HOA	COUNTY
L	0.22	OPEN SPACE	HOA	COUNTY
M	1.98	PUBLIC ROW	COUNTY	COUNTY

HESTER AVENUE REZONE

REQUEST INFORMATION	
APPLICANT	Jim Cooper
PROPERTY OWNERS	Joseph K. Kelly and Robert L. Kelly Jr.
REQUEST	Rezone from A-1 (Agriculture) to PUD (Planned Unit Development District)
HEARING DATE(S)	P&Z: June 4, 2003 BCC: July 22, 2003
SEC/TWP/RNG	23-20-30-300-035B-0000
LOCATION	West side of Hester Ave., ¼ mile south of CR 427
FUTURE LAND USE	Low Density Residential (LDR)
FILE NUMBER	Z2003-013
COMMISSION DISTRICT	District 5 (McLain)

OVERVIEW

Zoning Request: The applicant, Jim Cooper, requests approval of PUD zoning on a 17-acre site south of CR 427. Located in the Low Density Residential (LDR) future land use designation, the property is programmed under the Vision 2020 Plan for a maximum of 4 units per net buildable acre. Originally requesting R-1A, the applicant now proposes a 44-unit single-family Planned Unit Development (PUD) in a “conservation village” concept associated with the Myrtle Street Special Study Area to the south. The proposed development plan establishes a minimum lot size of 6,600 square feet and minimum lot width of 55 feet. Density would be 3.11 units per net buildable acre.

The applicant’s original request for a conventional R-1A zoning classification was subject to the lot compatibility analysis required under Ordinance 98-53, which supports a zoning classification of R-1AAA. While this analysis recommends a lower density than requested by the applicant, Planning staff feels that other factors should be taken into account in evaluating this request. The site is on a paved road and has access to water and sewer service, meeting the public facility criteria established by the Vision 2020 Plan for development in LDR. It is situated approximately ¼ mile from CR 427, classified by Vision 2020 as a Minor Arterial. Also, it is more accessible from CR 427 than Autumn Chase, an existing subdivision zoned R-1A located to the south of the subject parcel and an abutting railroad right-of-way.

In weighing these factors against the semi-rural nature of neighboring properties in the immediate vicinity of the applicant’s parcel, the Planning & Zoning Commission elected to recommend a zoning classification of R-1AA, authorizing lots of a minimum of 11,700 square feet in size. The R-1A zoning requested by Mr. Cooper would permit 9,000 square foot lots.

Making use of a provision of the Vision 2020 Plan that establishes an equivalency between certain zoning classifications, the applicant has since converted his request to PUD and proposed a configuration of clustered development on the site. While the lots would be as little as 55 feet in width and 6,600 square feet in size, all development on the site would be buffered from neighboring properties by open space tracts which would be maintained as common areas by a Homeowners' Association.

This concept is intended to be consistent with the Conservation Village style of development which is being encouraged in the Myrtle Street Special Study Area a short distance to the south. The relatively small size of the project makes it difficult to implement the objectives of a true Conservation Village, which include preserving wetlands and other natural features, and setting aside sufficient open space to maintain a rural character. The subject property has no wetlands to preserve, and open space as shown on the plan would not be adequate to foster a rural appearance. However, the PUD as proposed complies with the LDR density limit and could be approved as a viable alternative to the original request of R-1A.

Existing Land Uses: The existing zoning designations and land uses are as follows:

	Zoning	Future Land Use	Existing Land Use
North	A-1	LDR	SF residential
South	A-1	SE	vacant
East	R-1AAA	LDR	vacant
West	A-1	LDR	SF residential

For more detailed information regarding zoning and land use, please refer to the attached map.

SITE ANALYSIS

Facilities and Services:

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. Seminole County will provide water and sewer service to the site.
4. Information on stormwater capacity and outfall will have to be provided prior to Final Subdivision approval.

Compliance with Environmental Regulations: At this time there are no concerns regarding compliance with environmental regulations.

Compatibility with surrounding development: Subject to the submitted Preliminary Master Plan, the proposed PUD zoning classification is compatible with the Low Density Residential land use designation.

P & Z RECOMMENDATION

On June 4, 2003 the Planning & Zoning Commission voted 5-0 to recommend R-1AA zoning with a minimum house size of 1,600 square feet.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the R-1A zoning classification originally requested by the applicant, or an alternative PUD zoning classification subject to the following conditions:

- a. Density shall not exceed 3.2 units per net buildable acre.
- b. The following minimum building setbacks shall be required:

<i>Residential Units</i>	
front	25'
side	7.5'
side street	20'
rear	25'

<i>Accessory Buildings and Pool Screen Enclosures</i>	
side	10'
side street	20'
rear	10'

- c. The developer shall dedicate sufficient property along Hester Avenue to provide a 40' half right-of-way.
- d. Minimum lot sizes and widths shall be as follows:
 - 6,600 square feet
 - minimum 55' width at building line
- e. Maximum building height shall be 35'.
- f. Minimum house size shall be 1,600 square feet.
- g. Existing trees within proposed buffer areas shall be preserved.
- h. The site shall include 25% usable common open space, to be evaluated at Final Master Plan approval.
- i. Where counted toward required open space, all retention ponds shall be configured as site amenities per Section 30.1344. This shall be evaluated at Final Master Plan approval.

- j. Offsite roadway improvements to Hester Avenue will be made along the frontage of the property.
- k. Sidewalks shall be provided on at least one side of all streets.

FILE # Z2003-013

DEVELOPMENT ORDER #3-2000002

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On July 22, 2003, 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 Owners: JOSEPH K. KELLY
ROBERT L. KELLY JR

Project Name: HESTER AVENUE REZONE

Requested Development Approval: Rezoning from A-1 to PUD (Planned Unit Development)

The Development Approval sought is consistent with the Seminole County Vision 2020 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.

Prepared by: JEFF HOPPER
1101 East First Street
Sanford, Florida 32771

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. Density shall not exceed 3.2 units per net buildable acre.
- b. The following minimum building setbacks shall be required:

<i>Residential Units</i>	
front	25'
side	7.5'
side street	20'
rear	25'

<i>Accessory Buildings and Pool Screen Enclosures</i>	
side	10'
side street	20'
rear	10'

- c. The developer shall dedicate sufficient property along Hester Avenue to provide a 40' half right-of-way.
- d. Minimum lot sizes and widths shall be as follows:
 - 6,600 square feet lot size
 - minimum 55' lot width at building line
- e. Maximum building height shall be 35'.
- f. Minimum house size shall be 1,600 square feet.
- g. Existing trees within proposed buffer areas shall be preserved.
- h. The site shall include 25% usable common open space, to be evaluated at Final Master Plan approval.
- i. Where counted toward required open space, all retention ponds shall be configured as site amenities per Section 30.1344, Seminole County Land Development Code. This shall be evaluated at Final Master Plan approval.

(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: _____
Daryl G. McLain
Chairman
Board of County Commissioners

Attest:

Maryanne Morse
Clerk to the Board of County Commissioners

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, JOSEPH K. KELLY, on behalf of himself and his 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.

Witness

_____ By: _____

Print Name JOSEPH K. KELLY
Property Owner

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared JOSEPH K. KELLY, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, ROBERT L. KELLY JR, on behalf of himself and his 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.

Witness

_____ By: _____
Print Name ROBERT L. KELLY JR
Property Owner

Witness

Print Name

STATE OF FLORIDA

COUNTY OF SEMINOLE

I HEREBY CERTIFY that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared ROBERT L. KELLY JR, and is personally known to me or who has produced _____ as identification and who acknowledged and executed the foregoing instrument.

WITNESS my hand and official seal in the County and State last aforesaid this _____ day of _____, 2003.

Notary Public, in and for the County and State
Aforementioned

My Commission Expires:

EXHIBIT A

Section 23, Township 20S, Range 30E ½ of SE ¼ of NW ¼ NW of RR.

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY (LENGTHY LEGAL DESCRIPTION ATTACHED AS EXHIBIT); ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT DISTRICT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:

Section 1. LEGISLATIVE FINDINGS.

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the documents titled "Hester Avenue Rezone."

(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. REZONINGS. The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to PUD (Planned Unit Development District):

LEGAL DESCRIPTION ATTACHED EXHIBIT A

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

Section 4. SEVERABILITY. If any provision of this Ordinance or the application thereof 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 5. EFFECTIVE DATE. A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon the date of filing by the Department of State and recording of Development Order #3-20000002 in the official land records of Seminole County.

ENACTED this 22nd day of July, 2003.

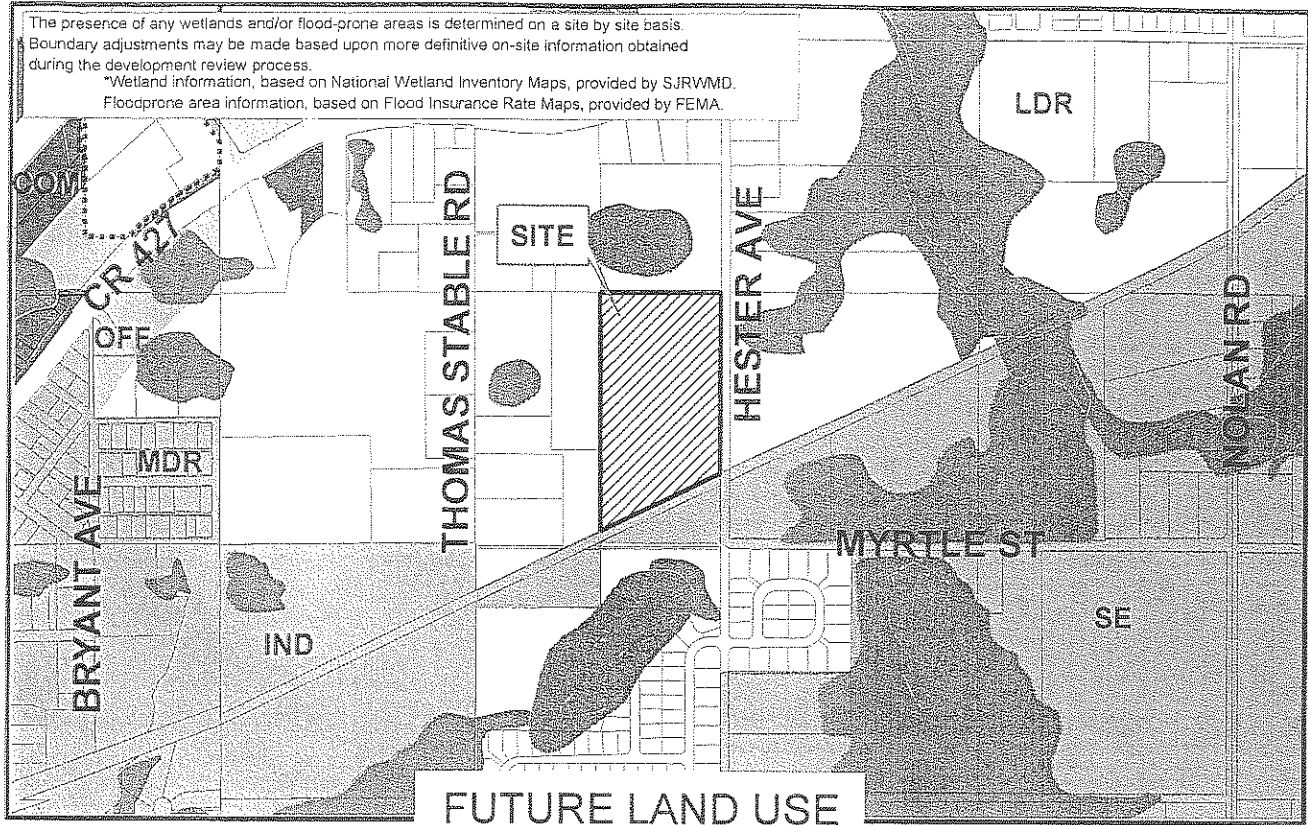
BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

EXHIBIT A
LEGAL DESCRIPTION

Section 23, Township 20S, Range 30E ½ of SE ¼ of NW ¼ NW of RR.

The presence of any wetlands and/or flood-prone areas is determined on a site by site basis.
 Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.
 *Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD.
 Floodprone area information, based on Flood Insurance Rate Maps, provided by FEMA.

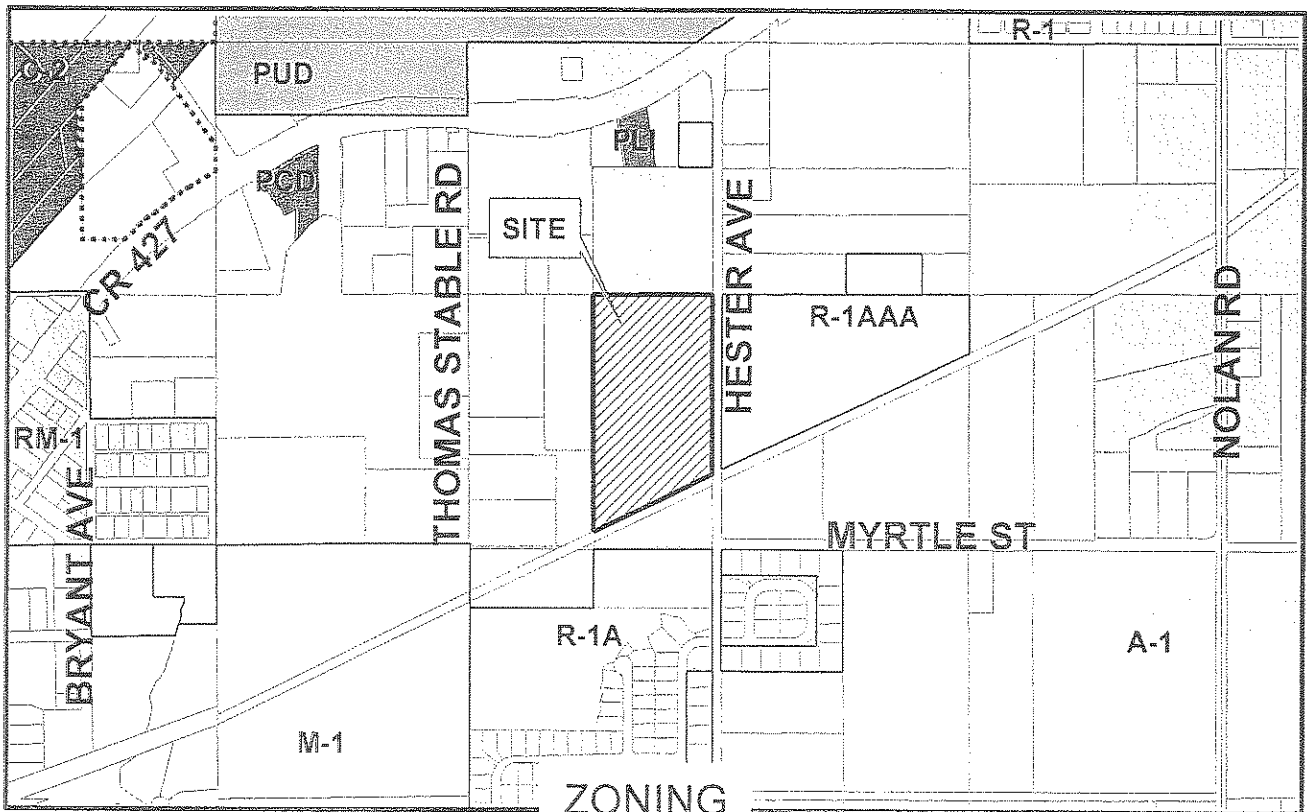


FUTURE LAND USE

- Site
- Municipality
- COM
- LDR
- OFF
- IND
- MDR
- SE
- CONS

Applicant: Jim Cooper
 Physical STR: 23-20-30-300-035B-0000
 Gross Acres: 17 BCC District: 5
 Existing Use: Single Family Residential
 Special Notes: None

	Amend/ Rezone#	From	To
FLU	--	--	--
Zoning	Z2003-013	A-1	R-1A



ZONING

- A-1
- C-1
- C-2
- M-1
- PUD
- R-1
- R-1A
- R-1AAA
- RM-1
- PLI
- Municipality



Rezone No: Z2003-013
From: A-1 To: R-1A

- Parcel
- Subject Property



NOT TO SCALE

February 1999 Color Aerials