

**SEMINOLE COUNTY GOVERNMENT  
LOCAL PLANNING AGENCY/PLANNING & ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Comprehensive Plan Amendment from Low Density Residential to Commercial or Planned Development and rezoning from A-1 (Agriculture) and C-2 (Retail Commercial) to PUD (Planned Unit Development) – (Thomas E. Norrell)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Matthew West <sup>MW</sup> **CONTACT:** Cindy Matheny <sup>CM</sup> **EXT.** 7430

<b>Agenda Date</b> <u>03/06/02</u> <b>Regular</b> <input type="checkbox"/> <b>Consent</b> <input type="checkbox"/> <b>Work Session</b> <input type="checkbox"/> <b>Briefing</b> <input type="checkbox"/>
<b>Public Hearing – 1:30</b> <input type="checkbox"/> <b>Public Hearing – 7:00</b> <input checked="" type="checkbox"/>

**MOTION/RECOMMENDATION:**

Approval of a small-scale comprehensive plan amendment from Low Density Residential to Planned Development for a 2.5-acre site located west of U.S. 17-92, east of Fairy Lake, and 400 feet north of Kathryn Drive.

Approval of the rezoning from A-1 (Agriculture) and C-2 (Retail Commercial) to PUD (Planned Unit Development) with development standards per the attached Development Order.

District 4 - Henley

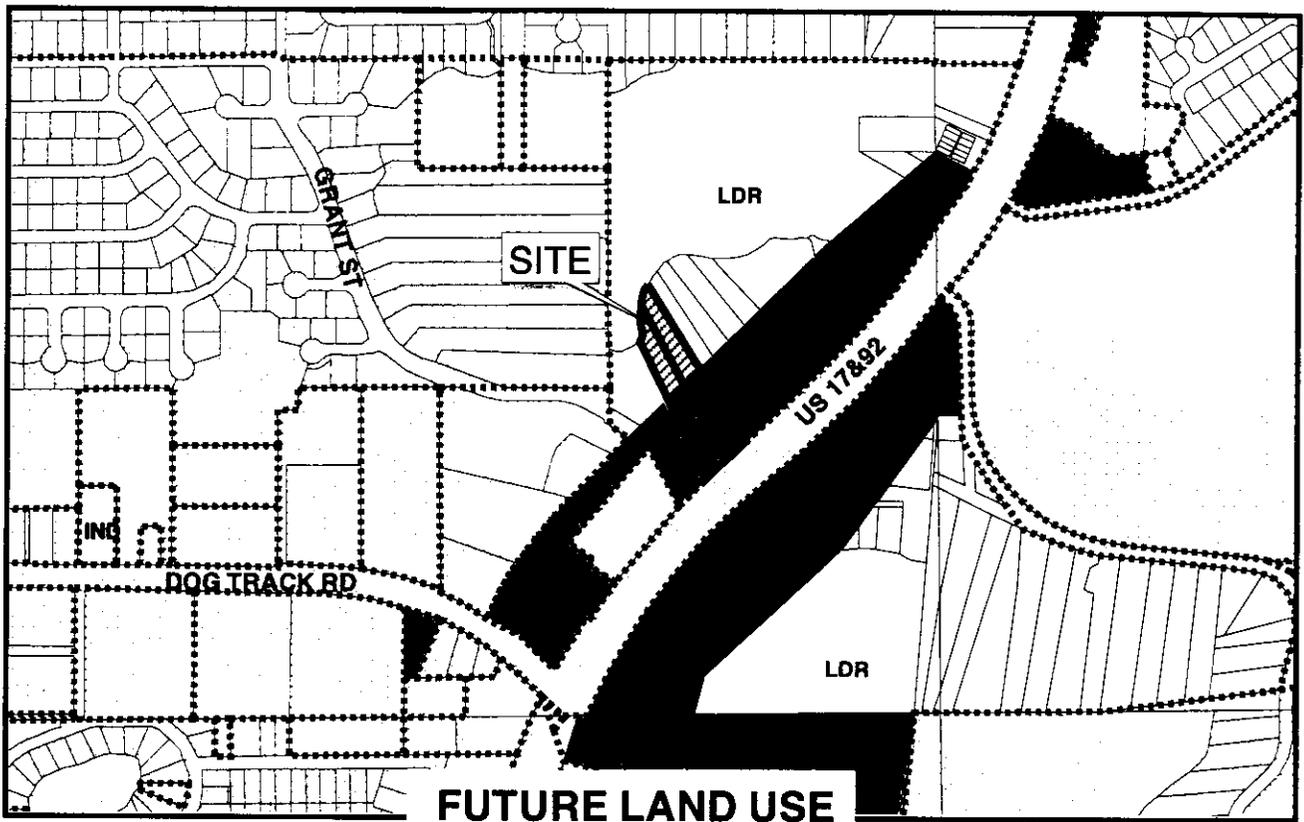
Cindy Matheny, Senior Planner

**BACKGROUND:**

The applicant is requesting a large-scale land use amendment from Low Density Residential to Commercial and a rezoning from A-1 and C-2 to PUD in order to develop commercial uses on the rear of two lots abutting Fairy Lake. Staff recommends Planned Development land use rather than the requested Commercial land use.

The proposed PUD consists of limited C-2 uses and would address development standards related to buffering, lighting, and design in order to minimize impacts to residential areas across the lake.

<b>Reviewed by:</b> _____
<b>Co Atty:</b> <u>[Signature]</u>
<b>DFS:</b> _____
<b>Other:</b> _____
<b>DCM:</b> _____
<b>CM:</b> _____
<b>File No.</b> <u>Z2002-002</u>

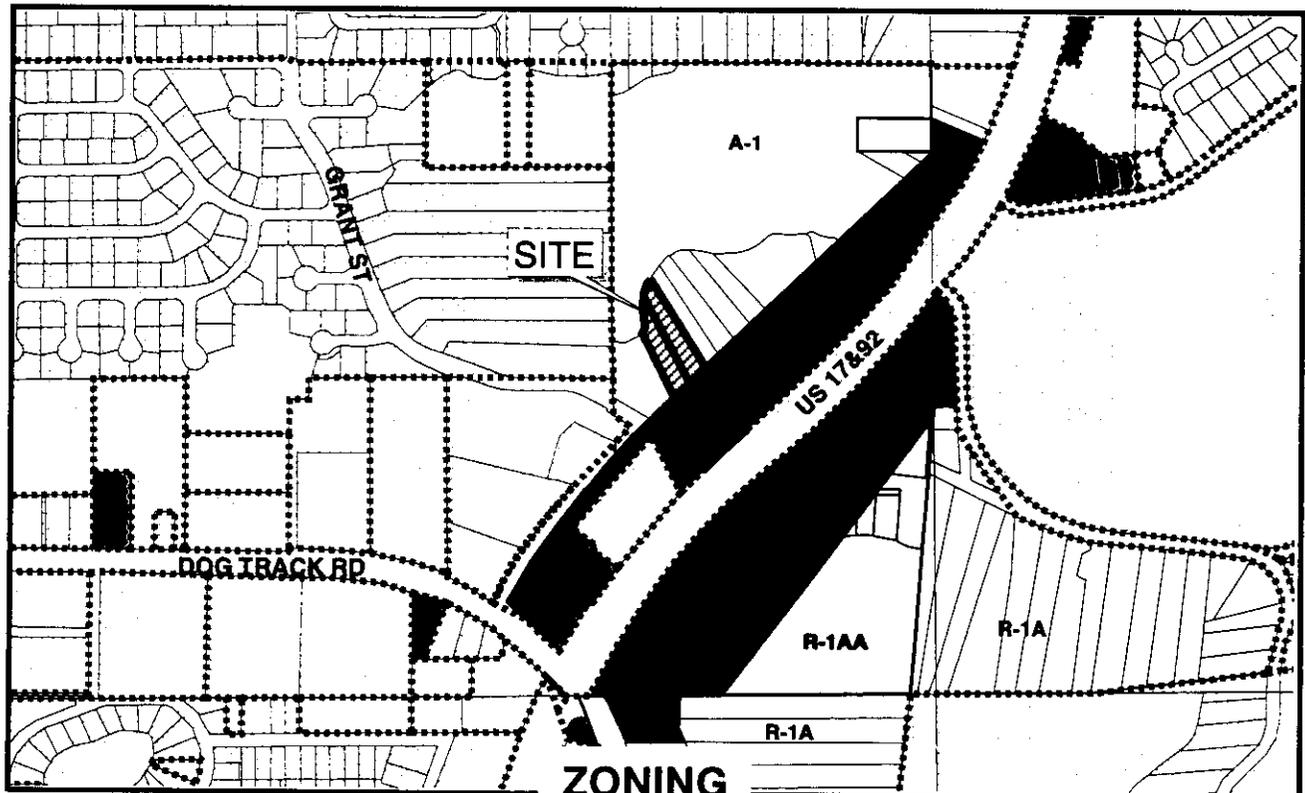


**FUTURE LAND USE**

Site    
 ..... Municipality    
  COM    
 LDR    
  HDR    
 IND

Applicant: Thomas E. Norrell  
 Physical STR: 05-21-30-523-0000-00A2 & 00A3  
 Gross Acres: +/-2.753     BCC District: 5  
 Existing Use: Office Building & Auto Sales  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU	03-02SS.1	LDR	COM
Zoning	Z2002-002	A-1	PUD



**ZONING**

A-1    
  R-1A    
  R-1AA    
  C-2    
  C-3    
  CN    
  RP



Rezone No. Z2002-002

From: A-1 To: PUD

Amendment No. 03-02SS.1

From: LDR To: COM

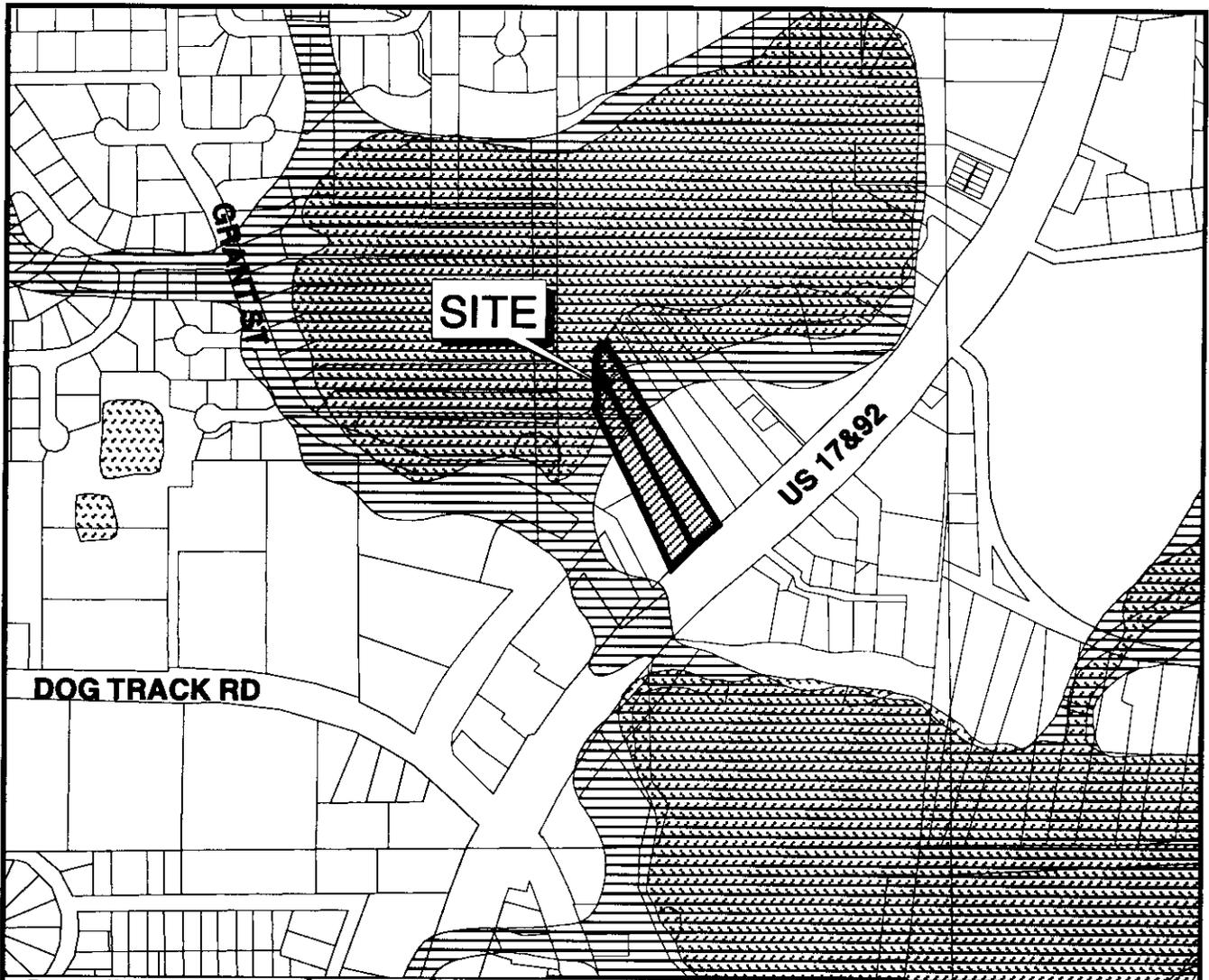
 Subject Property

 Parcelbase



February 1999 Color Aerials

# CONSERVATION



Rezone Z2002-002  
 From: A-1 To: PUD  
 Amendment No. 03-02SS.1  
 From: LDR To: COM  
 [Diagonal Hatching] Subject Property  
 [Solid Line] Municipality  
 [Dotted Hatching] Flood  
 [Cross-hatching] Wetlands

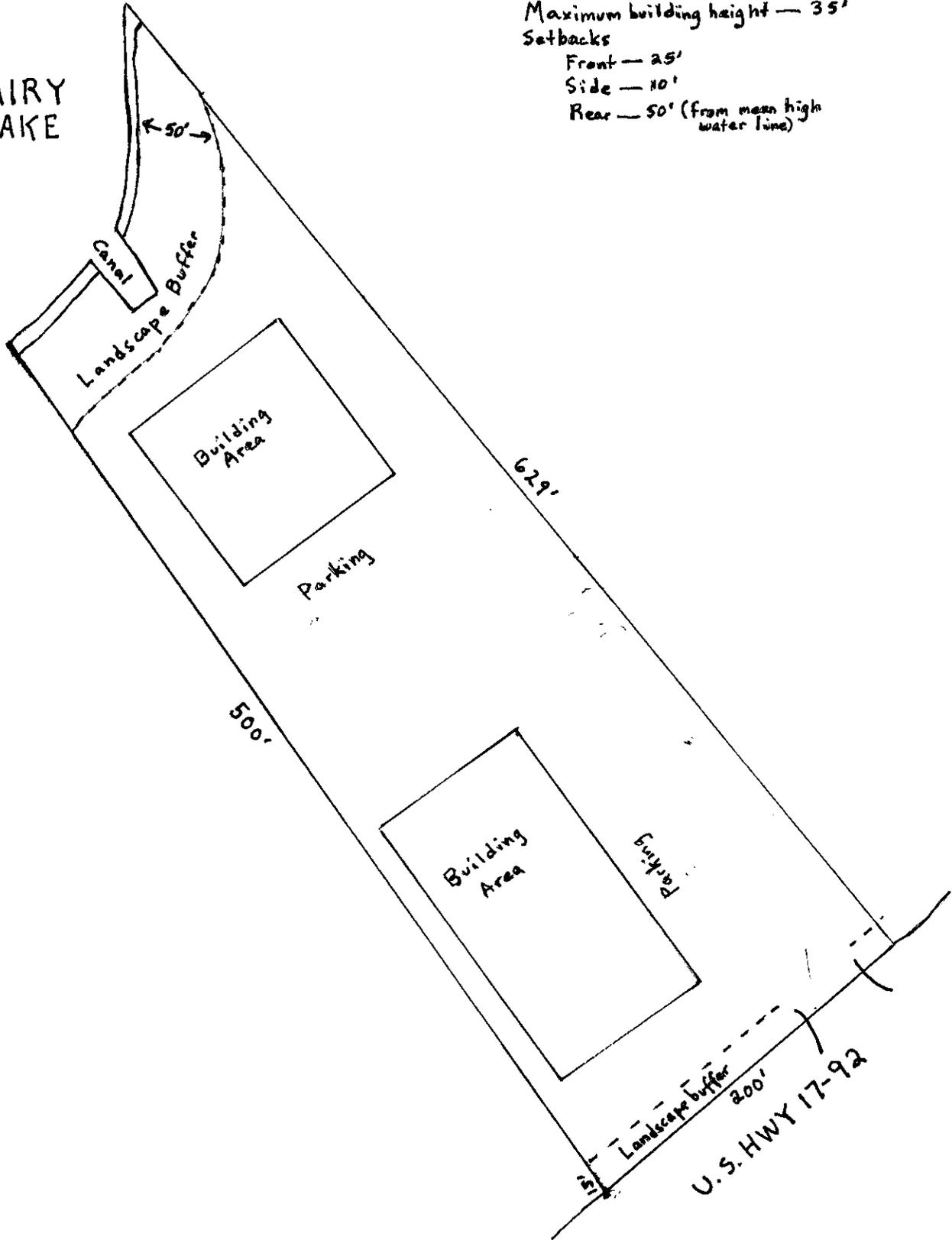


*The presence of any wetlands and/or flood-prone areas is determined on a site by site basis. Boundary adjustments may be made based upon more definitive on-site information obtained during the development review process.*

*\*Wetland information, based on National Wetland Inventory Maps, provided by SJRWMD. Flood-prone area information, based on Flood Insurance Rate Maps, provided by FEMA.*

# NORRELL/FAIRY LAKE PUD

FAIRY LAKE



Maximum building height — 35'

Setbacks

Front — 25'

Side — 10'

Rear — 50' (from mean high water line)

U.S. HWY 17-92

# EXECUTIVE SUMMARY

## Low Density Residential to Commercial or Planned Development

**Amendment  
03-02SS.1 &  
Z2002-002**

### REQUEST

<b>APPLICANT</b>	Thomas Norrell
<b>PLAN AMENDMENT</b>	Low Density Residential to Commercial or Planned Development
<b>REZONING</b>	A-1 and C-2 to PUD
<b>APPROXIMATE GROSS ACRES</b>	2.5
<b>LOCATION</b>	West side of US 17-92 approximately 400 feet north of Kathryn Drive
<b>SPECIAL ISSUES</b>	N/A
<b>BOARD DISTRICT</b>	4- Comm. Henley

### RECOMMENDATIONS AND ACTIONS

**STAFF  
RECOMMENDATION  
March 6, 2002**

**PLAN AMENDMENT:** Recommend approval of Planned Development land use with findings that Planned Development land use, as proposed, would be:

1. Consistent with Plan policies related to the Planned Development land use designation; and
2. Consistent with adjacent Commercial and Low Density Residential land use designations; and
3. Consistent with Plan policies related to development standards for transitional land uses; and
4. Consistent with existing development trends along the 17-92 corridor; and
5. Consistent with other Plan policies identified at this time.

**REZONE:** Based on the above analysis, staff recommends:

1. The request, as proposed, would be compatible with surrounding development; and
2. The request, as proposed, would be consistent with the Seminole County Land Development Code regarding PUD zoning.

(see next page)

**Low Density Residential to Commercial  
or Planned Development**

**Amendment  
03-02SS.1 &  
Z2002-002**

**RECOMMENDATIONS AND ACTIONS**

**STAFF  
RECOMMENDATION  
March 6, 2002**

Therefore, Staff recommends approval of PUD zoning on the site, subject to:

1. Permitted uses shall include all permitted and conditional uses in the C-2 (Retail Commercial) zoning district, except car washes, automobile repair (unless accessory to the main business on the parcel), and drive-thru businesses (except banks and drug stores shall be permitted with drive-thrus).
2. Passive recreational uses, such as a dock or gazebo, shall be permitted on Fairy Lake. However, there shall be no motorized watercraft or commercial uses on the lake.
3. There shall be a minimum of a 50-foot wide upland buffer from the mean high water line of the lake and associated wetlands.
4. The parking spaces may be reduced to 9' by 18', with only one row of double-loaded parking between any buildings and the lake.
5. For every ten parking spaces, there shall be one landscape break the size of a parking space, exclusive of curb and gutters.
6. There shall be a minimum 15 foot wide landscape buffer along 17-92.
7. Landscaping along the lakefront shall consist of four (4) canopy trees of three (3) inch caliper, supplemented with four (4) 30-gallon understory trees per 100 feet. Existing vegetation may fulfill the requirement as determined by the Planning Manager.
8. There shall be a six (6) foot wide foundation landscape buffer between parking lots and buildings.
9. All new or relocated utilities on site shall be installed underground.

**Low Density Residential to Commercial  
or Planned Development**

**Amendment  
03-02SS.1 &  
Z2002-002**

**RECOMMENDATIONS AND ACTIONS**

**STAFF  
RECOMMENDATION  
March 6, 2002**

10. The Owner shall be encouraged to construct pedestrian connections (a sidewalk) from sidewalks within the public rights-of-way (US 17-92) to internal sidewalks to provide for pedestrian paths to building entrances.
11. No outdoor amplification of sound shall be permitted.
12. All sides of buildings shall have uniform architectural style, detail, trim, features, and roof treatments. No side shall have the appearance of a loading/service area. Quality of design shall be similar to "Shoppes at Oakmonte" as it appears as of March 28, 2002.
13. Roofs shall appear to be hip or gable. Rooflines and features shall be consistent with the building's mass and scale.
14. Mechanical units, whether ground or roof-mounted, shall be screened from view.
15. All meter boxes, dumpsters, and loading/service areas shall be enclosed with an eight (8) foot wall on three (3) sides, with a metal or wood gate on the fourth side. The access side shall be oriented away from the adjacent residential/lakefront properties. The material and color of the enclosure(s) shall match the proposed building(s), except meter boxes shall be subject to local code issues.
16. No neon lights shall be utilized on buildings or signs. No billboards or electronic message type signage shall be permitted.
17. The building façade facing the lake front shall not contain any commercial signage.
18. All signage for the site shall adhere to the Lake Mary Boulevard Overlay standards.
19. All retail businesses shall be closed from 12 a.m. to 6 a.m.
20. Trash pickup shall be limited to the hours between 7 a.m. and 5 p.m.

**Low Density Residential to Commercial  
or Planned Development**

**Amendment  
03-02SS.1 &  
Z2002-002**

**RECOMMENDATIONS AND ACTIONS**

**STAFF  
RECOMMENDATION  
March 6, 2002**

21. On-site building lighting on the lake side of buildings shall be limited to wall-washer or up-light fixtures that do not produce spillover lighting; floodlight fixtures mounted on building walls, roofs, or poles are prohibited.
22. If the stormwater retention areas are to be fenced, they shall be aesthetically pleasing. No barbed wire, razor wire, or plain chain-link fencing shall be permitted.
23. No off-site signage (billboards) shall be permitted.

# STAFF ANALYSIS

## Low Density Residential to Commercial or Planned Development

Amendment  
03-02SS.1 &  
Z2002-002

1. **Property Owners:** Thomas E. Norrell
2. **Tax Parcel Numbers:** 05-21-30-523-0000-00A2; 05-21-30-523-0000-00A3
3. **Applicant's Statement:** None.
4. **Development Trends:** Development trends along 17-92 consists primarily of retail commercial uses, including marine sales, restaurants, motels, and other small retail uses on individual lots. Around Fairy Lake, development consists primarily of single-family residential uses within the City of Longwood, except where lakefront parcels abut US 17-92.

## SITE DESCRIPTION

### 1. EXISTING AND PERMITTED USES:

a. The existing Low Density Residential land use permits single-family residential development at a maximum net density of four units per acre. The existing A-1 zoning permits single-family residential and limited agricultural uses, as well as non-residential uses such as churches and day cares.

b. The site consists of two lots which currently have split zoning and land uses. The front of the lots is designated as Commercial and zoned C-2. The rear of the lots, abutting Fairy Lake, has a Low Density Residential land use and A-1 zoning. The lots are within a tier of lots abutting 17-92 and Fairy Lake which all have the split zoning and land uses. The site is currently developed with retail uses abutting 17-92. The rear of the site is well-wooded.

Location	Future Land Use*	Zoning*	Existing Use
Site	Low Density Residential and Commercial	A-1 and C-2	Retail
North	Low Density Residential and Commercial	A-1 and C-2	Retail
South	Low Density Residential and Commercial	A-1 and C-2	Retail
East	Commercial	C-2	Retail
West	City of Longwood across Fairy Lake	City of Longwood across Fairy Lake	Single-family residential across Fairy Lake

\* See enclosed future land use and zoning maps for more details.

## **COMPREHENSIVE PLAN CONSISTENCY**

**2. PLAN PROGRAMS** - Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction. Each application for a land use designation amendment will include a description and evaluation of any Plan programs (such as the affect on the timing/financing of these programs) that will be affected by the amendment if approved.

**Summary of Program Impacts:** The proposed amendment 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. The amendment request would not be in conflict with the Metroplan Orlando Plan or the Florida Department of Transportation's 5-Year Plan (Transportation Policy 14.1).

A. **Traffic Circulation - Consistency with Future Land Use Element:** *In terms of all development proposals, the County shall impose a linkage between the Future Land Use Element and the Transportation Element and all land development activities shall be consistent with the adopted Future Land Use Element (Transportation Policy 2.1).*

Access to the subject property is via US 17-92, an arterial road. The existing Level of Service (LOS) on this portion of 17-92 is "D", with an LOS standard of "D".

B. **Water and Sewer Service – Adopted Potable Water and Sanitary Sewer Service Area Maps:** *Figure 11.1 and Figure 14.1 are the water and sewer service area maps for Seminole County.*

The subject properties are within the City of Casselberry water and sewer service area. Water and sewer service are not currently available to the site.

C. **Public Safety – Adopted Level of Service:** *The County shall maintain adopted levels of service for fire protection and rescue...as an average response time of five minutes (Public Safety Policy 12.2.2).*

The property is served by the Seminole County EMS/Fire Rescue Fern Park Station (Station # 22). Response time to the site is less than 5 minutes, which meets the County's average response time standard of 5 minutes.

**3. REGULATIONS** - The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Vision 20/20 Plan, but are not applied in detail at this stage.

A. **Preliminary Development Orders: Capacity Determination:** *For preliminary development orders and for final development orders under which no development activity impacting public facilities may ensue, the capacity of Category I and Category III public facilities shall be determined as follows...No rights to obtain final development orders under which development activity impacting public facilities may ensue, or to obtain development permits, nor any other rights to develop the subject property shall be deemed to have been granted or implied by the County's approval of the development order without a determination having previously been made that the capacity of public facilities will be available in accordance with law (Implementation Policy 1.2.3).*

A review of the availability of public facilities to serve this property indicates that there would be adequate facilities to serve this area, and that the proposed Plan amendment would create no adverse impacts to public facilities.

B. **Flood Plain and Wetlands Areas - Flood Plain Protection and Wetlands Protection:** *The County shall implement the Conservation land use designation through the regulation of development consistent with the Flood Prone (FP-1) and Wetlands (W-1) Overlay Zoning classifications...(Policy FLU 1.2 and 1.3). Approximately 5% of the site is wetlands and less than 2% is floodprone. The applicant will be required to meet the standards of the FP-1 and W-1 overlay districts.*

C. **Protection of Endangered and Threatened Wildlife:** *The County shall continue to require, as part of the Development Review Process, proposed development to coordinate those processes with all appropriate agencies and comply with the US Fish and Wildlife Service and the Florida Fish and Wildlife Conservation Commission Rules as well as other applicable Federal and State Laws regarding protection of endangered and threatened wildlife prior to development approval (Conservation Policy 3.13).*

A threatened and endangered species report shall be required prior to final engineering approval for the subject property.

**4. DEVELOPMENT POLICIES** - Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the use, intensity, location, and timing of the proposed amendment.

A. **Compatibility:** When the County's Future Land Use Map (FLUM) was developed in 1987, land use compatibility issues were evaluated and ultimately defined through a community meeting/hearing process that involved substantial public comment and input. When amendments are proposed to the FLUM, however, staff makes an initial evaluation of compatibility, prior to public input and comment, based upon a set of professional standards that include, but are not limited to criteria such as: (a) long standing community development patterns; (b) previous policy direction from the Board of County Commissioners; (c) other planning principles articulated in the Vision 2020 Plan (e.g., appropriate transitioning of land uses, protection of neighborhoods, protection of the environment, protection of private property rights, no creation of new strip commercial developments through plan amendments, etc.).

Based upon an initial evaluation of compatibility, Planned Development land use, as proposed, would be consistent with Plan policies identified at this time and therefore is consistent with the Seminole County Comprehensive Plan.

Applicable Plan policies include, but are not limited to, the following:

- 1. Transitional Land Uses:** *The County shall evaluate plan amendments to insure that transitional land uses are provided as a buffer between residential and non-residential uses, between varying intensities of residential uses, and in managing the redevelopment of areas no longer appropriate as viable residential areas. "Exhibit FLU: Appropriate Transitional Land Uses" is to be used in determining appropriate transitional uses. (Policy FLU 2.5)*

The applicant proposes to develop a PUD which would consist of most permitted and conditional C-2 uses. The C-2 (Retail Commercial) district is the predominant zoning district along 17-92 in both directions.

The split land use and zoning on the site and adjacent properties provided for a buffer of Low Density Residential land use and A-1 zoning between commercial properties along the roadway, and Fairy Lake to the rear. Other than along the 17-92 corridor, Fairy Lake is surrounded by single-family homes within the City of Longwood. The retention of non-commercial uses along the east side of the lake minimized any potential impacts on the single-family areas from the commercial operations.

In order to provide for compatibility with residential uses around Fairy Lake, Planning staff and the applicant have developed a number of standards which would apply to the PUD rezoning and would minimize impacts on adjacent areas, and would

provide for a more aesthetically pleasing site. The proposed standards are listed under the Staff recommendation at the beginning of this report, and in the attached Development Order. They address such issues as operating hours, buffering and landscaping, orientation of site-specific uses, lighting, and noise. Staff is of the opinion that the PUD, as proposed, would be an appropriate transitional use at this location.

Staff is recommending that Planned Development land use would be the appropriate land use designation at this location.

Other applicable plan policies include:

- Conservation Land Use (Policy FLU 1.1)
- Flood Plain Protection (Policy FLU 1.2)
- Wetlands Protection (Policy FLU 1.3)
- Determination of Compatibility in the PUD Zoning Classifications (Policy FLU 2.11)
- On-site Traffic Flow (Policy FLU 2.12)

**B. Concurrency Review - Application to New Development:** *For purposes of approving new development subsequent to adoption of this Comprehensive Plan, all adopted public safety level of service standards and schedules of capital improvements...shall be applied and evaluated...consistent with policies of the Implementation Element... (Capital Improvements Policy 3.2).*

This policy provides for the adoption of level of service (LOS) standards for public facilities and requires that final development orders be issued only if public facilities meeting the adopted LOS are available or will be available concurrent with the development. Additionally, preliminary development orders shall only be issued with the condition that no rights to obtain final development orders or development permits, nor any other rights to develop the subject property are granted or implied by the County's approval of the preliminary development order.

**5. COORDINATION** - Each application for a land use designation amendment will be evaluated to assess how and to what extent any additional intergovernmental coordination activities should be addressed.

**A. Plan Coordination:** *The County shall continue to coordinate its comprehensive planning activities with the plans and programs of the School Board, major utilities, quasi-public agencies and other local governments providing services but not having regulatory authority over the use of land (Intergovernmental Coordination Policy 8.2.12). Seminole County shall coordinate its comprehensive planning activities with the plans and programs of regional, State and Federal agencies by...as the County is now a charter County (Intergovernmental Coordination Policy 8.3.3).*

The Vision 2020 Plan fully complies with the State Comprehensive Plan adopted pursuant to Chapter 187, Florida Statutes, and the Strategic Regional Policy Plan of the East Central Florida Regional Planning Council pursuant to Chapter 163, Florida

Statutes. Consistency with the State Plan and the Regional Policy Plan will be evaluated by individual review agencies during the Plan amendment review process.

## SEMINOLE COUNTY DEVELOPMENT ORDER

On April 9, 2002, Seminole County issued this Development Order relating to and touching and concerning the following described property:

(Legal Description attached as Appendix "A")

### FINDINGS OF FACT

**Property Owner:** NORRELL THOMAS E & KIM TR, PO BOX 623032, OVIEDO, FL, 32762

**Project Name:** NORRELL/FAIRY LAKE PUD REZONE

**Requested Development Approval:** REZONING FROM A-1 AND C-2 TO PUD

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.

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

## Development 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:

1. Permitted uses shall include all permitted and conditional uses in the C-2 (Retail Commercial) zoning district, except car washes, automobile repair (unless accessory to the main business on the parcel), and drive-thru businesses (except banks and drug stores shall be permitted with drive-thrus).
2. Passive recreational uses, such as a dock or gazebo, shall be permitted on Fairy Lake. However, there shall be no motorized watercraft or commercial uses on the lake.
3. There shall be a minimum of a 50-foot wide upland buffer from the mean high water line of the lake and associated wetlands.
4. The parking spaces may be reduced to 9' by 18', with only one row of double-loaded parking between any buildings and the lake.
5. For every ten parking spaces, there shall be one landscape break the size of a parking space, exclusive of curb and gutters.
6. There shall be a minimum 15 foot wide landscape buffer along 17-92.
7. Landscaping along the lakefront shall consist of four (4) canopy trees of three (3) inch caliper, supplemented with four (4) 30-gallon understory trees per 100 feet. Existing vegetation may fulfill the requirement as determined by the Planning Manager.
8. There shall be a six (6) foot wide foundation landscape buffer between parking lots and buildings.
9. All new or relocated utilities on site shall be installed underground.
10. The Owner shall be encouraged to construct pedestrian connections (a sidewalk) from sidewalks within the public rights-of-way (US 17-92) to internal sidewalks to provide for pedestrian paths to building entrances.
11. No outdoor amplification of sound shall be permitted.
12. All sides of buildings shall have uniform architectural style, detail, trim, features, and roof treatments. No side shall have the appearance of a loading/service area. Quality of design shall be similar to "Shoppes at Oakmonte" as it appears as of March 28, 2002.
13. Roofs shall appear to be hip or gable. Rooflines and features shall be consistent with the building's mass and scale.
14. Mechanical units, whether ground or roof-mounted, shall be screened from view.

**DEVELOPMENT ORDER # 2-22000001**

15. All meter boxes, dumpsters, and loading/service areas shall be enclosed with an eight (8) foot wall on three (3) sides, with a metal or wood gate on the fourth side. The access side shall be oriented away from the adjacent residential/lakefront properties. The material and color of the enclosure(s) shall match the proposed building(s), except meter boxes shall be subject to local code issues.
16. No neon lights shall be utilized on buildings or signs. No billboards or electronic message type signage shall be permitted.
17. The building façade facing the lake front shall not contain any commercial signage.
18. All signage for the site shall adhere to the Lake Mary Boulevard Overlay standards.
19. All retail businesses shall be closed from 12 a.m. to 6 a.m.
20. Trash pickup shall be limited to the hours between 7 a.m. and 5 p.m.
21. On-site building lighting on the lake side of buildings shall be limited to wall-washer or up-light fixtures that do not produce spillover lighting; floodlight fixtures mounted on building walls, roofs, or poles are prohibited.
22. If the stormwater retention areas are to be fenced, they shall be constructed of coated chain-link fencing or similar material with the intent to blend into the surroundings or provide a visual amenity. No barbed wire, razor wire, or plain chain-link fencing shall be permitted.
23. No off-site signage (billboards) shall be permitted.

(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 above.**

BOARD OF COUNTY  
COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

\_\_\_\_\_  
MARYANNE MORSE  
Clerk of the Board of  
County Commissioners of  
Seminole County, Florida.





APPENDIX A

DEED OF SURVEY FOR THOMAS E. NORRELL  
SEMINOLE COUNTY, FLORIDA  
DESCRIPTION

PARCEL A:

Begin 105 feet N.48°38'E. from the South Corner of Lot A, FAIRY LAKE PARK, according to the Plat thereof as recorded in Plat Book 7, Page 36 of the Public Records of Seminole County, Florida, thence run N.48°38'E., 100 feet along State Road 15 & 600, thence run N.34°43'W., 515 feet to Fairy Lake, thence run Southwesterly along Lake to Point N.32°29'W., of Beginning, thence run S.32°29'E., 500 feet to Beginning. All Bearings based on the South Line of Lot B as true East and West.

PARCEL B:

Lot B, FAIRY LAKE PARK: Beginning 205 feet N.48°38'E. from the South Corner of Lot A, FAIRY LAKE PARK, as recorded in Plat Book 7, Page 36, Public Records of Seminole County, Florida, run N.48°38'E., 100 feet along State Road 15 & 600, thence run N.36°56'W., 570 feet to the shore of Fairy Lake, thence Southerly along the Lake to a Point N.34°43'W. of Beginning, thence S.34°43'E., 515 feet to beginning. All Bearings based on the South Line of Lot B as true East and West.

**AN ORDINANCE AMENDING THE SEMINOLE COUNTY COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND USE MAP OF THE SEMINOLE COUNTY COMPREHENSIVE PLAN BY VIRTUE OF A SMALL SCALE DEVELOPMENT AMENDMENT; CHANGING THE FUTURE LAND USE DESIGNATION ASSIGNED TO CERTAIN PROPERTIES 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 2001-21 which adopted the Vision 2020 Seminole County Comprehensive Plan (“the Plan”); 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 Land Planning Agency held a Public Hearing, with all required public notice, on March 6, 2002, 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 April 9, 2002, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public, the Land 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 internally consistent, 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 Strategic Regional Policy Plan of the East Central Florida Regional Planning Council, based upon the Staff Report "Executive Summary".

NOW, THEREFORE, BE IT 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 of County Commissioners 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 2001-21, as previously amended, is hereby further amended by amending the future land use designation assigned to the property which is depicted on the Future Land Use Map and further described below:

LEGAL DESCRIPTION ATTACHED AS APPENDIX "A"

<u>Amendment Number</u>	<u>Amendment</u>
03-02SS.1	Amendment from Low Density Residential to Planned Development

(b) The associated rezoning request was completed by means of Ordinance Number 2002- .

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 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 enactment by the Board of County Commissioners or, if challenged within thirty (30) days of enactment, 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

## APPENDIX A

DEPT OF SURVEY FOR THOMAS E. NORRILL  
SEMINOLE COUNTY, FLORIDA  
DESCRIPTION

PARCEL A:

Begin 105 feet N.48°38'E. from the South Corner of Lot A, FAIRY LAKE PARK, according to the Plat thereof as recorded in Plat Book 7, Page 36 of the Public Records of Seminole County, Florida, thence run N.48°38'E., 100 feet along State Road 15 & 600, thence run N.34°43'W., 515 feet to Fairy Lake, thence run Southwesterly along Lake to Point N.32°29'W., of Beginning, thence run S.32°29'E., 500 feet to Beginning. All Bearings based on the South Line of Lot B as true East and West.

PARCEL B:

Lot B, FAIRY LAKE PARK: Beginning 205 feet N.48°38'E. from the South Corner of Lot A, FAIRY LAKE PARK, as recorded in Plat Book 7, Page 36, Public Records of Seminole County, Florida, run N.48°38'E., 100 feet along State Road 15 & 600, thence run N.36°56'W., 570 feet to the shore of Fairy Lake, thence Southerly along the Lake to a Point N.34°43'W. of Beginning, thence S.34°43'E., 515 feet to beginning. All Bearings based on the South Line of Lot B as true East and West.

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 9<sup>th</sup> day of April 2002.

BOARD OF COUNTY COMMISSIONERS  
OF SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain,  
Chairman

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; ASSIGNING CERTAIN PROPERTY CURRENTLY ASSIGNED THE A-1 (AGRICULTURE) ZONING CLASSIFICATION THE PUD (PLANNED UNIT DEVELOPMENT) 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 "Executive Summary".

(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):

**SEE ATTACHED APPENDIX 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, and this Ordinance shall be effective on the recording date of the Development Order #2-22000001 in the Official Land Records of Seminole County.

ENACTED this 9<sup>TH</sup> DAY of APRIL, 2002.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

## APPENDIX A

PLAT OF SURVEY FOR THOMAS E. HORNELL  
SEMINOLE COUNTY, FLORIDA  
DESCRIPTION

PARCEL A:

Begin 105 feet N.48°38'E. from the South Corner of Lot A, FAIRY LAKE PARK, according to the Plat thereof as recorded in Plat Book 7, Page 36 of the Public Records of Seminole County, Florida, thence run N.48°38'E., 100 feet along State Road 15 & 600, thence run N.34°43'W., 515 feet to Fairy Lake, thence run Southwesterly along Lake to Point N.32°29'W., of Beginning, thence run S.32°29'E., 500 feet to Beginning. All Bearings based on the South Line of Lot B as true East and West.

PARCEL B:

Lot B, FAIRY LAKE PARK: Beginning 205 feet N.48°38'E. from the South Corner of Lot A, FAIRY LAKE PARK, as recorded in Plat Book 7, Page 36, Public Records of Seminole County, Florida, run N.48°38'E., 100 feet along State Road 15 & 600, thence run N.36°56'W., 570 feet to the shore of Fairy Lake, thence Southerly along the Lake to a Point N.34°43'W. of Beginning, thence S.34°43'E., 515 feet to beginning. All Bearings based on the South Line of Lot B as true East and West.