

ITEM # _____

**SEMINOLE COUNTY GOVERNMENT
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION
AGENDA MEMORANDUM**

SUBJECT: Monroe Commerce Center South, Phase 2, Rezone from A-1
(Agriculture) to PCD (Planned Commercial Development)
(Howard Schiefer-Decker, applicant)

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

AUTHORIZED BY: Matthew West **CONTACT:** Jeff Hopper **EXT** 7431

Agenda Date 09/03/03 Regular Work Session Briefing
Special Hearing – 6:00 Public Hearing – 7:00

MOTION/RECOMMENDATION:

1. Recommend APPROVAL of the request for rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development), located at the southeast corner of Church Street and N. Elder Road (Howard Schiefer-Decker, applicant) or
2. Recommend DENIAL of the request for rezoning from A-1 (Agriculture) to PCD (Planned Commercial Development), located at the southeast corner of Church Street and N. Elder Road (Howard Schiefer-Decker, applicant) or
3. CONTINUE the public hearing until a time and date certain.

(District 5 – Comm. McLain)

(Jeff Hopper, Senior Planner)

BACKGROUND:

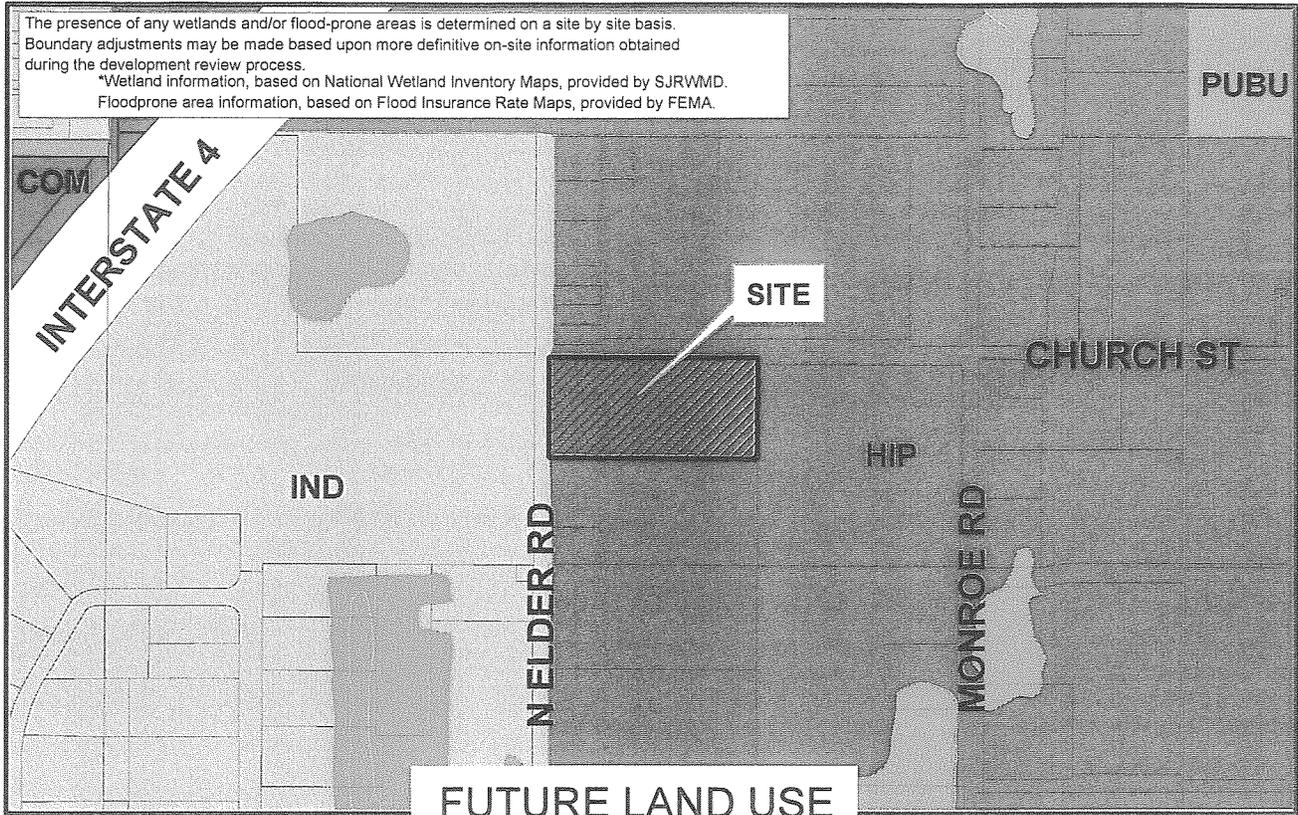
The applicant, Small Bay Partners LLC, requests approval of a rezoning from A-1 to PCD for this 4.25 acre parcel in order to develop an office-warehouse development. The subject property is currently vacant and has a Higher Intensity Planned Development (HIP) land use designation.

STAFF RECOMMENDATION:

Planning staff is recommending approval of the request, subject to conditions listed in the Development Order.

Reviewed by:
Co Atty: _____
DFS: _____
OTHER: _____
DCM: _____
CM: _____
File No. Z2003-033

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.

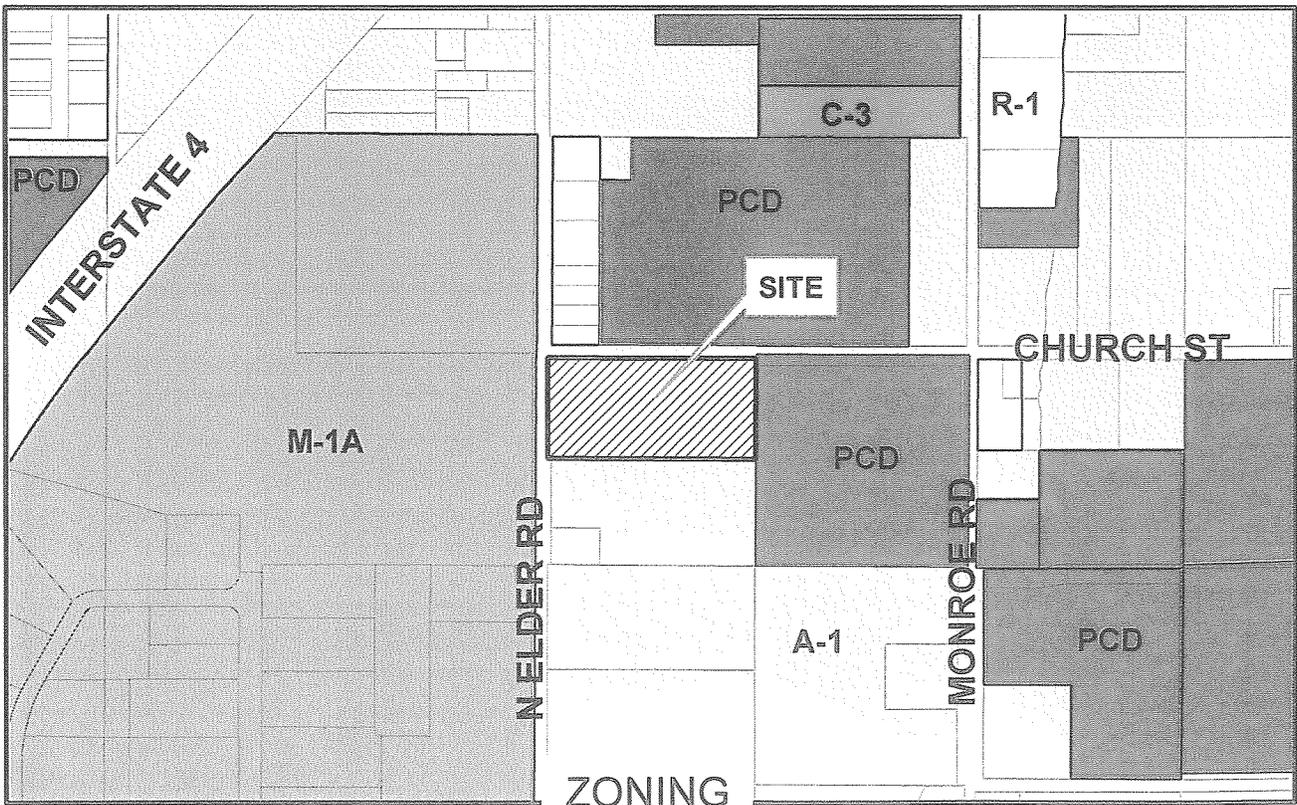


FUTURE LAND USE

Site
 MDR
 PUBU
 HIP
 IND
 COM
 CONS

Applicant: Small Bay Partners, LLC
 Physical STR: 16-19-30-5AC-0000-0520
 Gross Acres: 4.25 BCC District: 1
 Existing Use: Vacant Industrial
 Special Notes: None

| | Amend/Rezone# | From | To |
|--------|---------------|------|-----|
| FLU | -- | -- | -- |
| Zoning | Z2003-033 | A-1 | PCD |



ZONING

Site
 A-1
 C-2
 PCD
 C-3
 M-1A
 R-1



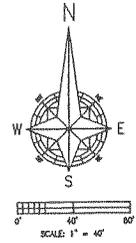
Rezone No: Z2003-033
From: A-1 To: PCD

-  Parcel
-  Subject Property



February 1999 Color Aerials

RECEIVED
 AUG 22 2003
 DEVELOPMENT
 REVIEW DIVISION
 SEMINOLE COUNTY



PROJECT DATA:

1. NAME OF PROJECT: **Marina Center/Center - PHASE B**
2. INTENDED USE: **MAIL-REVENUE OFFICE AND SHOWCASES**
3. BUILDING HEIGHT: **1 STORY, 14' HIGH**
4. PROPOSED NO. OF EMPLOYEES: **25 PEOPLE**
5. TOTAL AREA: **18,163 SF G.S. AREA**
7. EXISTING ZONING: **A-1 (SEMINOLE COUNTY)**
8. EXISTING LAND USE: **WASTE**
9. FUTURE LAND USE: **INDUSTRIAL/STORAGE (SAS OFFICE)**
10. PROPOSED LAND USE: **OFF AND CO. USE, MAIL STORAGE, RETAIL, GROUND COVERING, GROUND COVER OF VEHICLE**
11. IMPROVEMENTS AREA:
 - 18,000 SF
 - ASPHALT: 18,000 SF
 - CONCRETE: 1,160 SF
 - GRAVEL: 18,000 SF
12. TOTAL IMPROVEMENTS AREA: **18,160 SF (SAS)**
13. TOTAL FENCED AREA: **18,743 SF (21.72)**
14. OPEN SPACE PROVIDED: **41,714 SF (48.46)**
15. BUILDING SETBACKS REQUIRED:
 - CHURCH STREET: 20 FEET
 - ELDER STREET: 15 FEET
 - EAST: 20 FEET
16. PARKING REQUIRED:
 - 1 SPACE / 3 EMPLOYEES = EST. NO. OF EMPLOYEES = 25
 - 11 GARAGES = 11
 - 1 SPACE / 100 SF = 11,000 / 1000 = 11
 - 1 SPACE / 100 SF = 14,000 / 1000 = 14
 - TOTAL = 36
17. SOILS TYPE: **313 USABLE S/D**

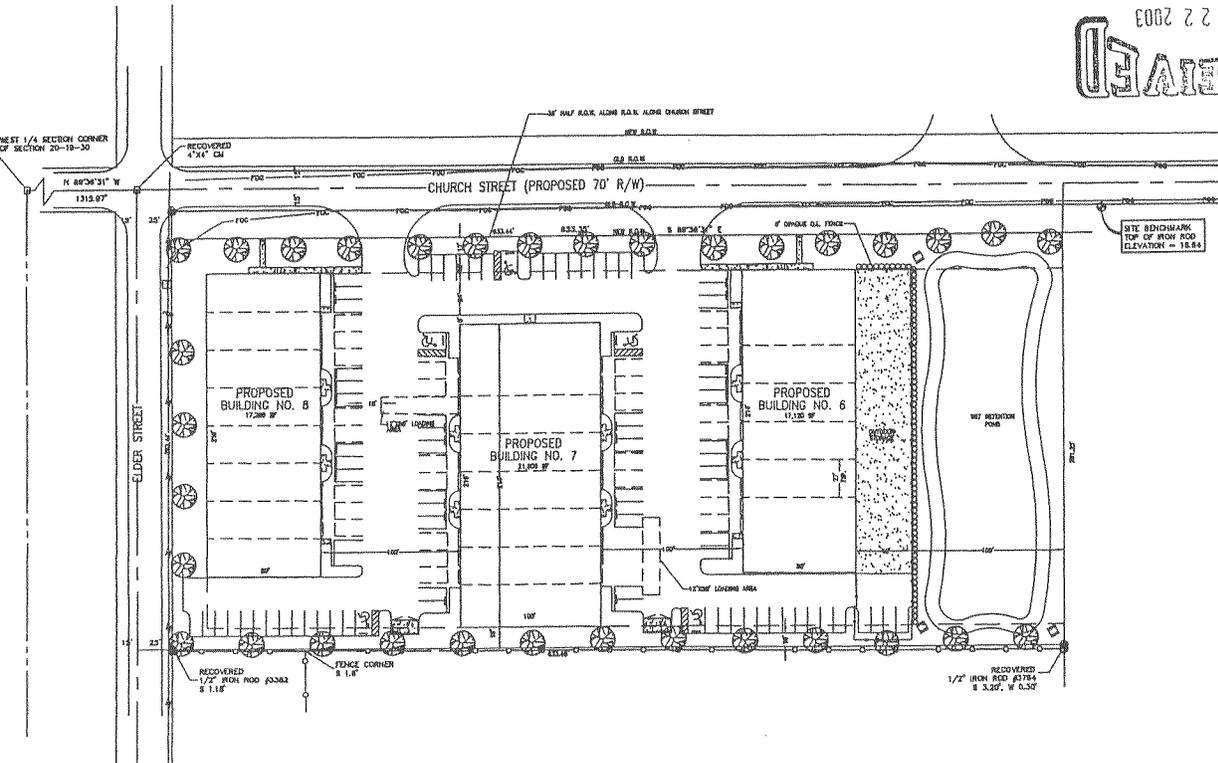
GENERAL DEVELOPMENT NOTES:

1. THE SETBACK SHALL COMPLY WITH THE FOLLOWING REQUIREMENTS:
 - a. ELEVATION OVER VARIOUS PROFILES TO THE GROUND SHALL EXCEED 3.0 FOOT OVERLAP.
 - b. ALL LOTTING PROFILES SHALL BE LOCATED AT A MINIMUM HEIGHT OF 10 FT.
2. ALL IMPROVEMENT AREAS IN FRONT OF EACH OVERSEAS ROAD TO BE UTILIZED AS DRIVEWAYS/ UNPAVED AREAS OR DRIVEWAY PAVING. DRIVE DRAINS WITH TRENCHES IN DRIVEWAYS/ UNPAVED AREAS SHALL BE LOCATED AT THE END OF THE DRIVEWAY/ UNPAVED AREA.
3. THE LOCATION OF UNPAVED DRIVEWAYS SHALL BE LOCATED AT THE END OF THE DRIVEWAY/ UNPAVED AREA. THE LOCATION OF UNPAVED DRIVEWAYS SHALL BE LOCATED AT THE END OF THE DRIVEWAY/ UNPAVED AREA. THE UNPAVED DRIVEWAYS SHALL BE MARKED WITH WHITE AND BLUE PAINT ACCORDING TO THE FLORIDA ACCIDENTAL CODE SECTION 4.4.1.
4. THE LOCATION OF THE DRIVEWAYS SHALL BE LOCATED AT THE END OF THE DRIVEWAY/ UNPAVED AREA. THE LOCATION OF THE DRIVEWAYS SHALL BE LOCATED AT THE END OF THE DRIVEWAY/ UNPAVED AREA. THE LOCATION OF THE DRIVEWAYS SHALL BE LOCATED AT THE END OF THE DRIVEWAY/ UNPAVED AREA.

NOTE: OFFICE SPACE SHALL NOT EXCEED 20% OF THE OVERALL FLOOR AREA.

RECEIVED
 AUG 25 2003

- LEGEND**
- PROPERTY LINE
 - LOT LINE
 - PROPOSED BUILDING
 - SETBACK LINE
 - WATER SERVICE
 - PROPOSED E.A.P.
 - PROPOSED 6" DIA. CONC. CURB
 - PROPOSED 24" WIDE CURB
 - PROPOSED ASPHALT PAVEMENT
 - PROPOSED CONCRETE PAVEMENT
 - PROPOSED GRAVEL/SHELL PAVEMENT
 - SANITARY MANHOLE
 - SANITARY SERVICE MAIN
 - SANITARY SERVICE CONNECTION
 - FINISHABLE WATER MAIN
 - SINGLE WATER SERVICE
 - DOUBLE WATER SERVICE
 - WATER METER VALVE
 - FIRE HYDRANT
 - TEMPORARY 6" DIA. FENCE
 - CONCRETE RETAINMENT WALL
 - PROPOSED STOP SIGN
 - PROPOSED UNPAVED SPACE



| | |
|---|--|
| <p>PRELIMINARY DEVELOPMENT PLAN</p> <p style="text-align: center;">Monroe Center</p> <p style="text-align: center;">SEMINOLE COUNTY, FLORIDA</p> | <p style="writing-mode: vertical-rl; transform: rotate(180deg);"> AMERICAN CIVIL ENGINEERING CO. 1001 N. W. 10TH AVE., SUITE 100 MIAMI, FL 33136 </p> |
| <p>DATE: _____</p> <p>SCALE: _____</p> <p>PROJECT NO.: _____</p> <p>CLIENT: _____</p> <p>DESIGNER: _____</p> <p>CHECKED: _____</p> <p>APPROVED: _____</p> | <p>DATE: _____</p> <p>SCALE: _____</p> <p>PROJECT NO.: _____</p> <p>CLIENT: _____</p> <p>DESIGNER: _____</p> <p>CHECKED: _____</p> <p>APPROVED: _____</p> |

Seminole County Land Development Code Requirements
 All setbacks shall comply with the following requirements:
 1. ELEVATION OVER VARIOUS PROFILES TO THE GROUND SHALL EXCEED 3.0 FOOT OVERLAP.
 2. ALL LOTTING PROFILES SHALL BE LOCATED AT A MINIMUM HEIGHT OF 10 FT.
 3. ALL IMPROVEMENT AREAS IN FRONT OF EACH OVERSEAS ROAD TO BE UTILIZED AS DRIVEWAYS/ UNPAVED AREAS OR DRIVEWAY PAVING. DRIVE DRAINS WITH TRENCHES IN DRIVEWAYS/ UNPAVED AREAS SHALL BE LOCATED AT THE END OF THE DRIVEWAY/ UNPAVED AREA.
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MONROE COMMERCE CENTER SOUTH, PHASE 2

| REQUEST INFORMATION | |
|---------------------|---|
| APPLICANT | Howard Schiefer-Decker |
| PROPERTY OWNERS | Paul and Myrice Lukas |
| REQUEST | Rezone from A-1 (Agriculture) to PCD (Planned Commercial Development) |
| HEARING DATE(S) | P&Z: September 3, 2003 BCC: September 23, 2003 |
| SEC/TWP/RNG | 16-19-30-5AC-0000-0520 |
| LOCATION | Southeast corner of Church Street and N. Elder Road |
| FUTURE LAND USE | High Intensity Planned Development |
| FILE NUMBER | Z2003-033 |
| COMMISSION DISTRICT | District 5 (McLain) |

OVERVIEW

Zoning Request: The applicant is requesting approval of a PCD (Planned Commercial Development) consisting of 56,000 square feet of floor area on a 4.25 acre site. The proposal consists of 3 buildings ranging in size from 17,120 to 21,600 square feet. According to the applicant, use of the property will be limited to multi-tenant offices and warehouses, and an outdoor storage area. Storage bays would not be used for retail or service businesses with high rates of traffic generation.

Staff believes that the request is compatible with surrounding development. The subject property is located in the Higher-Intensity Planned Development (HIP) land use designation, as are adjoining properties to the north, south and east. Industrial land use lies across Elder Road to the west. The proposed project is similar to the applicant's previously approved project on adjacent property to the east. The first phase of Monroe Commerce Center South received Final Master Plan approval in June 2002 and is now under construction.

As is common in office/warehouse developments, adequate parking is an issue with the proposed project. It is not clear at the planning stage how much of the total project floor area will be used for office and how much will be used for warehousing purposes. Because office uses and storage uses have significantly different parking requirements, there is a wide range of possibilities as to how much actual demand there will be for parking on the site.

If the site were entirely in office use, the Code would require 224 spaces. If entirely warehouse, the requirement would be 56 plus 1 per 2 employees. Since the end product will be a combination of the two uses, it is necessary to create development criteria that limit office use to a proportion that meets Code based on the 111 parking spaces proposed on the site plan.

The applicant proposes a maximum of 20% office space. Based on that limitation, required parking would be as follows:

| | |
|--------------------------|------------|
| 11,200 s.f. office space | 45 spaces |
| 44,800 s.f. warehouse | 45 spaces |
| 24 warehouse employees * | 12 spaces |
| TOTAL | 102 spaces |

*estimated by applicant

Although the number of spaces noted on the site plan appears to exceed the Code requirement, this is not necessarily the case. Only 79 spaces are actually shown on the plan (the total of 111 is noted in the project data table). Under the applicant's proposal, the balance of required parking would be comprised of clear areas adjacent to bay doors. Collectively, these areas are large enough to provide the balance of the required parking, but the applicant also proposes to use them as bay door access for trucks and other large vehicles. Under such conditions, these dual-use areas may not be available for ordinary parking purposes. Without special criteria imposed through the PCD approval, up to 23 required parking spaces could be lost.

To address this problem, staff recommends that parking adjacent to bay doors be permitted with the following stipulations, to be included in the development order:

1. Parking spaces adjacent to bay doors should be striped, with a minimum depth of 20 feet;
2. Minimum width of spaces should be equal to the width of the doors themselves, but in no case less than 10 feet; and
3. Access to the site by semi-trucks and other vehicles too large to use ordinary parking spaces should be restricted. (The site plan notes that large trucks with trailers will use Monroe Commerce Center North on the opposite side of Church Street.)

The site contains adequate room for 39 such parking spaces, while only 23 are needed to comply with the Code. The remaining bay door approach areas could be left undesignated for flexibility in meeting the needs of individual tenants.

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

| | Zoning | Future Land Use | Existing Land Use |
|--------------|---------------|------------------------|--------------------------|
| North | R-1 / PCD | HIP | SF / office-warehouse |
| South | A-1 | HIP | agriculture |
| East | PCD | HIP | office-warehouse |
| West | M-1A | Industrial | vacant |

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 Site Plan approval.

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

Compatibility with surrounding development: The proposed PCD zoning classification is consistent with the Higher-Intensity Planned Development (HIP) future land use designation of the Vision 2020 Plan.

STAFF RECOMMENDATION

Staff recommends APPROVAL of the request subject to the following conditions:

- a. Permitted uses are limited to office, warehouse, assembling, light manufacturing, wholesale showrooms, and auto detailing as described herein. Detailing of vehicles, including truck bedliner installation, window tinting, pinstriping, and similar activities not constituting auto repair shall be permitted as determined appropriate by the Planning Manager.
- b. Office uses shall be limited to 20 percent of floor area for the development.
- c. Prohibited uses are mini-storage, retail, outdoor advertising, and on-site repair of vehicles.
- d. Storage bays shall not be used for retail uses involving on-site customer contact.
- e. Parking spaces adjacent to bay doors shall be permitted subject to the following conditions:
 1. No less than 23 such spaces shall be provided, or additional spaces as needed to meet Land Development Code parking requirements for the entire site.
 2. All required spaces shall be striped.
 3. Minimum dimensions shall be 20 feet in depth. Width of spaces shall be equal to that of adjoining bay door(s), but in no case less than 10 feet.

4. Semi-trucks and other vehicles exceeding 20 feet in length shall not use regular parking areas between 7 a.m. and 7 p.m. on weekdays.
- f. Pedestrian connections shall be provided between interior walkways and public sidewalks along Church Street and North Elder Road.
- g. At the time of Final Master Plan approval, additional right-of-way shall be dedicated along Church Street sufficient to provide a 35-foot half right-of-way.
- h. Lighting shall consist of cut-off/shoe box style fixtures.
- i. Outdoor storage shall be limited to the designated outdoor storage area and shall be used only by tenants of the development.
- j. The outdoor storage area shall be landscaped to the north, south and east with plantings providing 75% screening to a height of 3 feet. Along these sides, required plantings shall include 1 canopy tree per 25 linear feet, and further screening shall be provided using a 6-foot chain link fence with vinyl slats.

FILE #

Z2003-033

DEVELOPMENT ORDER # 3-20500008

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On October 14, 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 Owner: PAUL AND MYRICE LUKAS

Project Name: MONROE COMMERCE CENTER SOUTH PH 2

Requested Development Approval: Rezoning from A-1 (Agriculture) zoning classification to PCD (Planned Commercial Development) zoning classification

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. Permitted uses are limited to office, warehouse, assembling, light manufacturing, wholesale showrooms, and auto detailing as described herein. Detailing of vehicles, including truck bedliner installation, window tinting, pinstriping, and similar activities not constituting auto repair shall be permitted as determined appropriate by the Planning Manager.
 - b. Office uses shall be limited to 20 percent of floor area for the development.
 - c. Prohibited uses are mini-storage, retail, outdoor advertising, and on-site repair of vehicles.
 - d. Storage bays shall not be used for retail uses involving on-site customer contact.
 - e. Parking spaces adjacent to bay doors shall be permitted subject to the following conditions:
 1. No less than 23 such spaces shall be provided, or additional spaces as needed to meet Land Development Code parking requirements for the entire site.
 2. All required spaces shall be striped.
 3. Minimum dimensions shall be 20 feet in depth. Width of spaces shall be equal to that of adjoining bay door(s), but in no case less than 10 feet.
 4. Semi-trucks and other vehicles exceeding 20 feet in length shall not use regular parking areas between 7 a.m. and 7 p.m. on weekdays.
 - f. Pedestrian connections shall be provided between interior walkways and public sidewalks along Church Street and North Elder Road.
 - g. At the time of Final Master Plan approval, additional right-of-way shall be dedicated along Church Street sufficient to provide a 35-foot half right-of-way.
 - h. Lighting shall consist of cut-off/shoe box style fixtures.
 - i. Outdoor storage shall be limited to the designated outdoor storage area and shall be used only by tenants of the development.
 - j. The outdoor storage area shall be landscaped to the north, south and east with plantings providing 75% screening to a height of 3 feet. Along these sides, required plantings shall include 1 canopy tree per 25 linear feet, and further screening shall be provided using a 6-foot chain link fence with vinyl slats.

FILE #

Z2003-033

DEVELOPMENT ORDER # 3-20500008

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

FILE # Z2003-033

DEVELOPMENT ORDER # 3-20500008

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Paul Lukas, 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

PAUL LUKAS

Print Name

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 PAUL LUKAS, 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:

FILE # Z2003-033

DEVELOPMENT ORDER # 3-20500008

OWNER'S CONSENT AND COVENANT

COMES NOW, the owner, Myrice Lukas, 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.

Witness

MYRICE LUKAS

Print Name

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 MYRICE LUKAS, 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:

FILE # Z2003-033

DEVELOPMENT ORDER # 3-20500008

EXHIBIT A

LEGAL DESCRIPTION

N 1/2 OF LOT 52 (LESS E 15 FT FOR RD) ST JOSEPHS PB 1 PG 114

AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTIES LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM THE A-1 (AGRICULTURE) DISTRICT TO PCD (PLANNED COMMERCIAL DEVELOPMENT) DISTRICT; PROVIDING FOR SPECIFIC DEVELOPMENT CONDITIONS BY MEANS OF A DEVELOPMENT ORDER; 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 document titled "Monroe Commerce Center South Phase 2."

(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) District to PCD (Planned Commercial Development) District:

Legal Description Attached as 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 on the recording date of the Development Order # 3-20500008 in the official land records of Seminole County.

ENACTED this 14th day of October, 2003.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Daryl G. McLain
Chairman

FILE # Z2003-033

**EXHIBIT A
LEGAL DESCRIPTION**

N 1/2 OF LOT 52 (LESS E 15 FT FOR RD) ST JOSEPHS PB 1 PG 114