

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATION ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; REZONING CERTAIN PROPERTY CURRENTLY ASSIGNED THE C-1 (RETAIL COMMERCIAL) ZONING CLASSIFICATION TO THE PD (PLANNED DEVELOPMENT) ZONING CLASSIFICATION; PROVIDING FOR LEGISLATIVE FINDINGS; PROVIDING FOR SEVERABILITY; PROVIDING FOR EXCLUSION FROM 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 IOA Properties PD Rezone, dated May 14, 2024.

(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. REZONING. The zoning classification assigned to the following described property is changed from C-1 (Retail Commercial) to PD (Planned Development) pursuant to the provisions contained in Development Order #23-20000013, attached to this Ordinance as Exhibit "A" and incorporated in this Ordinance by reference:

SEE ATTACHED EXHIBIT "B" FOR LEGAL DESCRIPTION

Section 3. CODIFICATION. It is the intention of the Board of County Commissioners that the provisions of this Ordinance will 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 will 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. The Clerk of the Board of County Commissioners shall provide a certified copy of this Ordinance to the Florida Department of State in accordance with Section 125.66, Florida Statutes, and this Ordinance shall be effective on the recording date of the Development Order #23-20000013 in the Official Land Records of Seminole County or upon filing this Ordinance with the Department of State, whichever is later.

ENACTED this 14th day of May 2024.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
JAY ZEMBOWER, CHAIRMAN

**EXHIBIT "A"
DEVELOPMENT ORDER**

FILE NO.: PZ2023-13 DEVELOPMENT ORDER # 23-20000013

**SEMINOLE COUNTY DEVELOPMENT
ORDER**

On May 14, 2024, Seminole County issued this Development Order relating to and touching and concerning the following described property:

See Attached Exhibit A

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

FINDINGS OF FACT

Property Owner: IOA Property, LLC

Project Name: IOA Properties PD Rezone

Requested Development Approval: Consider a Rezone from C-1 (Retail Commercial) to PD (Planned Development) on approximately 13.66 acres, located on the north side of W SR 434, east of Interstate 4.

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 will run with, follow and perpetually burden the above described property.

Prepared by: Annie Sillaway, AICP, Senior Planner
1101 East First Street
Sanford, Florida 32771

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Order

NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:

- (1) The subject application for development approval is **GRANTED**.
- (2) All development must 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, are as follows:
 - A. Development must comply with the Master Development Plan attached as Exhibit (B).
 - B. Permitted Uses:
 - a. C-1 (Retail Commercial) permitted uses.
 - b. Overnight Boarding of animals.
 - C. Prohibited Use: Outdoor Kennels
 - D. Maximum Floor Area Ratio: 0.35
 - E. Maximum Building Height: Thirty-Five (35) feet
 - F. Existing Open Space: Thirteen (13) percent
 - G. Hours of Operation:
 - a. Pet Daycare & Grooming Services: Monday – Sunday 7am – 7pm
 - Overnight Boarding Hours: Monday – Sunday 5am –9pm
 - H. Building Setbacks:
 - Front: Twenty-Five (25) feet
 - Side: Zero (0) feet
 - Side Street: Twenty-Five (25) feet
 - Rear: Ten (10) feet
 - I. Any building additions to the existing site, or site redevelopment will require compliance with the landscape buffer criteria per the Seminole County Land Development Code. If additional buffering is required, opacities may be met by utilizing a three (3) foot high opaque hedge in lieu of the code requirement of a six (6) foot high opaque wall along W SR 434 and Interstate 4, and the minimum open space requirement of twenty (20) percent.
 - J. Parking: The fully developed site currently provides 432 parking stalls measured at nine (9) feet by twenty (20) feet in size, and 226 parking stalls measured at ten (10) feet by eighteen (18) feet in size. Newly developed or redeveloped parking spaces on site will be required to maintain a minimum parking stall size of ten (10) feet by twenty (20) feet.

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- K. Any building additions or redevelopment of the site will require compliance with Chapter 40 of the Seminole County Land Development Code – Site Plan Approval.
- L. Existing Landscape buffers and parking buffers may count toward minimum open space calculations.
- M. All project signage must comply with the Seminole County Land Development Code.
- N. The owner/tenant is required to submit a building permit for the installation of a sound proofing system to prevent noise pollution from the Overnight Animal Boarding facility. The owner/tenant shall provide at the time of the building permit, the specification on the type of sound proofing system as well as show on the floor plan where they propose on installing the sound proofing system.
- O. Any newly proposed sidewalks will be constructed in compliance with Seminole County Land Development Code.
- P. The existing site must comply with Chapter 165 Noise Control of the Seminole County Land Development Code.
- Q. In the case of a conflict between the written conditions A through P in this Development Order and the Master Development Plan attached as Exhibit (B), the terms of the written conditions A through P will apply.

(4) This Development Order touches and concerns the above described property and the conditions, commitments and provisions of this Development Order will perpetually burden, run with and follow this property and be a servitude upon and binding upon this property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity with this Order.

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

(6) In the case of a conflict between the written conditions in this Development Order and the attached Master Development Plan, the terms of the written conditions shall apply.

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

(8) Issuance of this Development Order does not in any way create any rights on the part of the Applicant 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 or Property Owner fails to obtain requisite

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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.

(9) In approval of this Development Order by Seminole County, the property owner(s) understands that the County must receive a Final Development Plan within five (5) years of approval of the Master Development Plan, unless this time period is extended by the Seminole County Local Planning Agency / Planning and Zoning Commission. If substantial development has not begun within eight (8) years after approval of the Master Development Plan, the planned development will be subject to review by the Local Planning Agency / Planning and Zoning Commission and the Board of County Commissioners may move to rezone the subject property to a more appropriate zoning or extend the deadline for start of construction (see Sections 30.446 and 449, LDC).

(10) This Order becomes effective upon recording with the Seminole County Clerk of the Court.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
JAY ZEMBOWER, CHAIRMAN

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EXHIBIT A**Legal Description**

PARCEL I:

From the Southwest corner of Lot 1 Sleepy Hollow according to the plat thereof as recorded in Plat Book 15, Page 64 and 65, of the Public Records of Seminole County, Florida, said Southwest corner of Lot 1 also being on the Northwest right of way of State Road 434; run thence South 56'36'44" West along the Northwesterly right of way of State Road 434, 100.00 feet to the Point of Beginning; thence continue South 56'36'44" West along said

Northwesterly right of way 851.63 feet; thence run South 64'12'24" West along the Northwesterly right of way of said State Road 434, 90.59 feet; thence run North 25'47'36" West 150 feet; thence run South 89'34'02" West, 193.36 feet to the Easterly right of way of Interstate Highway No. 4 (State Road No. 400); thence run North 03'56'36" West along said Easterly right of way, 266.43 feet to the most Southerly corner of the Department of Transportation Water Storage Area; thence run North 56'36'44" East along the Southeasterly boundary of said Department of Transportation Water Storage Area, 448.51 feet; thence run North 33'23'16" West along the Northeasterly boundary of said Water Storage Area, 320 feet; thence run South 89'54'29" West along the North boundary of said Water Storage Area, 90 feet to the Easterly right of way of said Interstate Highway No. 4; thence run North

20'01'51" East along said Easterly right of way of Interstate Highway No. 4, 13.69 feet to the Northerly right of way of Irving Street, as shown on the Replat of Tracts 18, 19, 20 and 22, Sanlando Springs, according to the plat thereof as recorded in Plat Book 7, Page 3, of the Public Records of Seminole County, Florida; thence run North 89'53'29" East along said Northerly right of way of Irving Street, 508.76 feet; thence run North 89'41'16" East continuing on the said Northerly right of way of Irving Street 327.55 feet to a point 100 feet West of the West line of said Sleepy Hollow; thence run South 00'15'14" East, parallel to said Westerly line of Sleepy Hollow, 109.14 feet to the point of curvature of a curve

concave Northeasterly and having a radius of 440.0 feet; thence run Southeasterly along said curve 254.45 feet through a central angle of 33'08'02" to the point of tangency of said curve; thence run South 33'23'16" East, 85.60 feet to the Point of Beginning, subject to a Drainage Easement to the State of Florida Department of Transportation, 30 feet in width along the Westerly side of said property. LESS and except the portion of the legal description as recited in Order of Taking as recorded in O.R. Book 7659, Page 1899, Public Records of Seminole County, Florida.

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PARCEL II:

A non-exclusive easement for ingress and egress over and upon the following described parcel situate in Seminole County, Florida, viz:

Begin at the intersection of the North right of way line of Irving Street and the West line of Sleepy Hollow, according to the plat thereof as recorded in Plat Book 15, Pages 64 and 65 of the Public Records of Seminole County, Florida; run thence Southerly along the West line of said Sleepy Hollow Subdivision to the Southwest corner of Lot 1 of said Sleepy Hollow Subdivision; thence run Southwesterly along the North right of way line of State Road No.

434, a distance of 100 feet; thence Northwesterly and Northerly along a line parallel to and

100 feet West of the West line of said Sleepy Hollow Subdivision to a point on the North right of way line of Irving Street; thence East along the North right of way line of Irving Street to the Point of Beginning, all in Section 2, Township 21 South, Range 29 East.

Property surveyed and shown hereon is the same property as described in title commitment number 361765, dated September 6, 2016, prepared by Old Republic National Title Insurance Company.

EXHIBIT "B"

LEGAL DESCRIPTION**PARCEL I:**

From the Southwest corner of Lot 1 Sleepy Hollow according to the plat thereof as recorded in Plat Book 15, Page 64 and 65, of the Public Records of Seminole County, Florida, said Southwest corner of Lot 1 also being on the Northwest right of way of State Road 434; run thence South 56'36'44" West along the Northwesterly right of way of State Road 434, 100.00 feet to the Point of Beginning; thence continue South 56'36'44" West along said

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