

AN ORDINANCE AMENDING, PURSUANT TO THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY, THE ZONING CLASSIFICATIONS ASSIGNED TO CERTAIN PROPERTY LOCATED IN SEMINOLE COUNTY; REZONING CERTAIN PROPERTY CURRENTLY ASSIGNED THE R-3A (MULTIPLE FAMILY DWELLING) 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 Lutheran Haven, dated February 14, 2023.

(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 R-3A (Multiple Family Dwelling) to PD (Planned Development) pursuant to the provisions contained in Development Order #21-20500027, 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. A certified copy of this Ordinance will 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 will be effective upon the latter of: (i) the recording date of the Development Order #21-20500027 in the Official Land Records of Seminole County; (ii) filing this Ordinance with the Department of State; or (iii) the companion Future Land Use Amendment Ordinance No. 2023-__ being deemed final in accordance with Florida Statutes Chapter 163, Part II.

ENACTED this 14th day of February, 2023.

BOARD OF COUNTY COMMISSIONERS
SEMINOLE COUNTY, FLORIDA

By: _____
Amy Lockhart, Chairman

EXHIBIT "A"

DEVELOPMENT ORDER

FILE NO.: PZ2021-35

DEVELOPMENT ORDER #

21-20500027

SEMINOLE COUNTY DEVELOPMENT ORDER

On February 14, 2023, 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: Lutheran Haven, Inc.

Project Name: LUTHERAN HAVEN SSFLUMA AND PD REZONE

Requested Development Approval: Consider a Small Scale Future Land Use Map Amendment from Medium Density Residential and Low Density Residential to Planned Development and a Rezone from A-1 (Agriculture) and R-3A (Multiple Family Dwelling) to PD (Planned Development) for forty (40) existing and eight (8) new duplex buildings residential subdivision and private clubhouse/administrative office on approximately 21.62 acres, located on the northeast corner of Woodpecker Lane and west Chapman Road.

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, 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:** Age-Restricted Duplex Buildings and Private Community Center.
- C. **Maximum Net Density:** 4.44 du/per net buildable acre
- D. **Maximum Number of Duplex units:** Ninety-Six (96)
- E. **Minimum Unit Size:** 1,100 square feet
- F. **Maximum Building Height:** Thirty-Five (35) feet one (1) story
- G. Building Setbacks:

Lots	
Front Yard (South from Chapman Road)	Twenty-Five (25) feet
Side Yard (East)	Twenty-Five (25) feet
Side Yard (West from Woodpecker Lane)	Twenty-Five (25) feet
Rear Yard (North)	Twenty-Five (25) feet

Internal setbacks will be determined at Final Development Plan.

- H. The development must provide a minimum of twenty-five (25) percent common usable open space, excluding buffers. Retention ponds that will be counted toward open space areas are subject to the pond being sodded or dressed in ground cover; and include aesthetic features and amenities such as benches.
- I. Landscape Buffers:
 - North: Fifteen (15) foot wide minimum landscape buffer; landscape components shall provide an opacity of 0.3.
 - South: Fifteen (15) foot wide minimum landscape buffer; landscape components shall provide an opacity of 0.4.
 - East: Fifteen (15) foot wide minimum landscape buffer; landscape components shall provide an opacity of 0.3.

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West: No Buffer Required.

The perimeter buffer may be widened at Final Development Plan if required per Chapter 30, Part 67 of the Land Development Code of Seminole County. In no case may the building setbacks be less than the required buffer. Buffer components will be established at Final Development Plan.

- J. The developer must provide a pedestrian circulation system giving access to all portions of the proposed development as well as connecting to existing sidewalks outside of the development.
- K. All project signage must comply with the Seminole County Land Development Code.
- L. A tree survey will be required at the time of the Final Development Plan to identify the tree preservation within the portion of parcel 21-21-31-300-0100-0000.
- M. The entire Planned Development for the existing and newly proposed duplex buildings are all age-restricted.
- N. An eight (8) foot golf cart/sidewalk path will be required to be installed to connect the connect the eight (8) duplex buildings and private clubhouse/administrative office to the existing duplex community.
- O. Any site lighting to be proposed on parcel 21-21-31-300-0100-0000 for the proposed development shall be fully shielded.
- P. The project will be developed in one (1) phase.
- Q. On parcel 21-21-31-300-0100-0000, the applicant is required to install a pre-cast screen wall no higher than eight (8) foot high pre-cast wall along the south facing Chapman Road that will connect to the existing wall on parcel 21-21-31-300-0090-0000. Along the northern and eastern portion of parcel 21-21-31-300-0100-0000 a six (6) foot pre-cast screen wall above grade will be required.
- R. All utilities internal to the Lutheran Haven PD shall be privately owned and maintained by Lutheran Haven, LLC except for the sanitary sewer pumping station located on parcel 21-21-31-300-009A-000, which will be owned and maintained by Seminole County.
- S. The stormwater design will be required to meet Seminole County and St. Johns River Water Management District (SJRWMD) requirements.
- T. The applicant will be required to install new park benches to amenities the existing open space on parcel 21-21-31-300-0090-0000.
- U. Parcel 21-21-31-300-009A-0000 owned by Seminole County Board of County Commissioners with an existing lift station, shall not be included within the #21-20500027 – Lutheran Haven SSFLUMA and PD Rezone.
- V. Lutheran Haven, Inc. will be required to maintain and manage all common areas and facilities.
- W. In the case of a conflict between the written conditions A through V in this Development Order and the Master Development Plan**

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attached as Exhibit (B), the terms of the written conditions A through V 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 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

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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. However, in no case will this Order be effective prior to the effective date of the associated comprehensive plan amendment enacted in association with Lutheran Haven SSFLUMA and PD Rezone (as referenced in Exhibit A), on February 14, 2023.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Amy Lockhart, Chairman

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EXHIBIT A

Legal Description

Parcel 21-21-31-300-0090-0000 Legal Description:

The South 1/2 of the Southwest 1/4 of the Southwest 1/4 of Section 21, Township 21 South, Range 31 East (LESS the East 50 feet of the West 65 feet of the North 50 feet of the South 100 feet), Seminole County, Florida.

Parcel 21-21-31-300-0100-0000 Legal Description:

The West 337.406 feet of the Southeast 1/4 of the Southwest 1/4 of Section 21, Township 21 South, Range 31 East Seminole County, Florida, LESS the North 655.177 feet thereof and ALSO LESS the South 25 feet thereof for road right of way,

ALSO LESS AND EXCEPT the lands described in that certain Warranty Deed recorded April 23, 1990 in Official Records Book 2173, Page 1777, Public Records of Seminole County, Florida; said lands now being a portion of the plat of MAYFAIR OAKS, according to the plat thereof as recorded in Plat Book 44, Page(s) 12-13, Public Records of Seminole County, Florida,

ALSO LESS AND EXCEPT the lands conveyed to Seminole County as Parcel No. 144 and described in that certain Warranty Deed recorded February 12, 1998 in Book 3369, Page 1598, Public Records of Seminole County, Florida.

EXHIBIT B

Master Development Plan

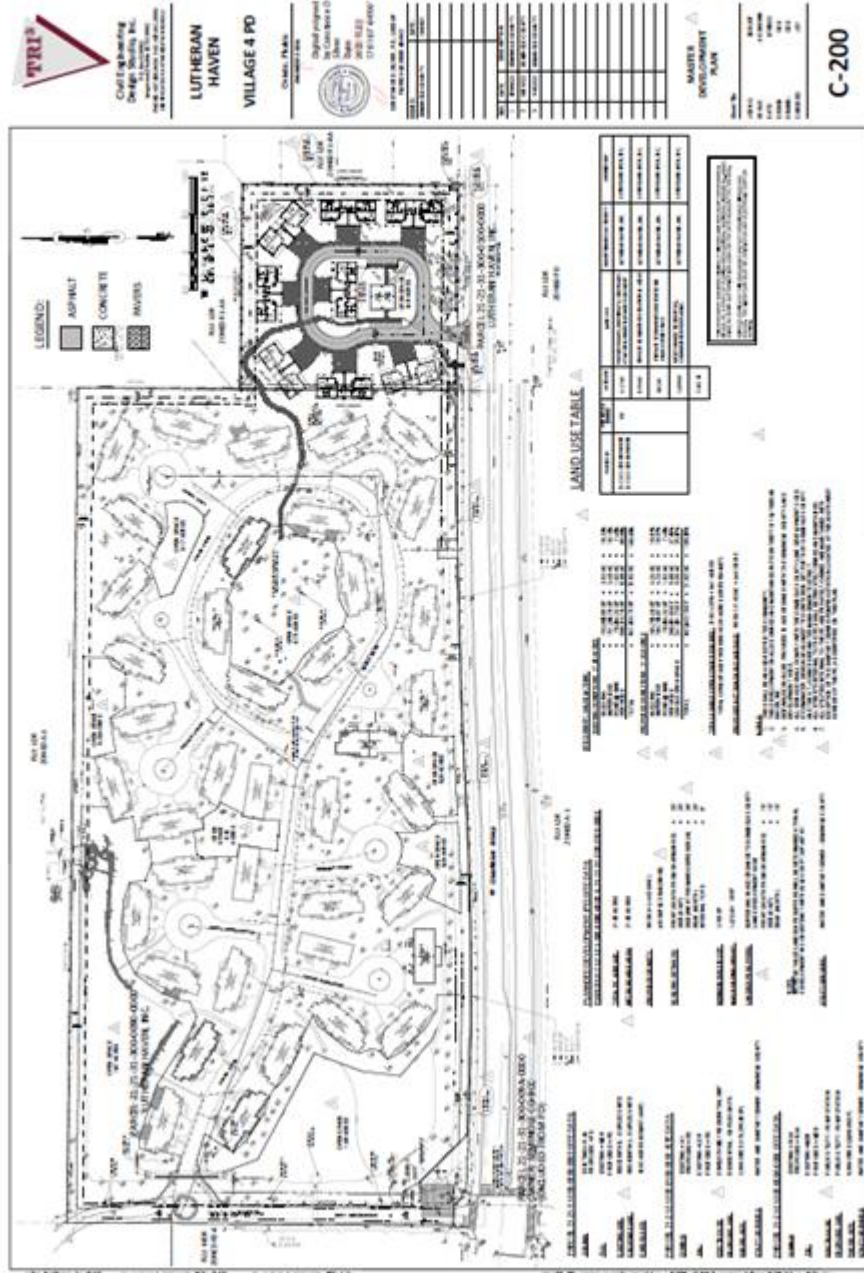


EXHIBIT "B"

LEGAL DESCRIPTION

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