

SEMINOLE COUNTY DEVELOPMENT ORDER

On March 24, 2020, 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: Corporate Properties of Florida, LLC

Project Name: River Run Preserve LSFLUA and PD Rezone

Requested Development Approval: Large Scale Future Land Use Map Amendment from Suburban Estates to Planned Development and a Rezone from A-1 (Agriculture) to PD (Planned Development) for a ninety-four (94) lot single family residential subdivision on approximately 31.3 acres, located south of the Kentucky Street and Jessup Avenue intersection.

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: Danalee Petyk, AICP
Senior Planner
1101 East First Street
Sanford, Florida 32771

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 are detached single-family residential homes and their customary accessory uses as defined in the Seminole County Land Development Code.
- C. Maximum Net Density: 3.5 units/net buildable acre
- D. Maximum Number of Units: Ninety-four (94) units
- E. Maximum Building Height: Thirty-five feet (35') (Two (2) stories)
- F. Minimum Dwelling Size: 1,500 sq. ft.
- G. Minimum Lot Size: Fifty feet (50') x 120 feet (6,000 sq. ft.)
- H. Minimum Width at Building Line: Fifty feet (50')
- I. Building Setbacks:

Lots	Setback
Front Yard	Twenty (20) feet
Side Yard	Five (5) feet
Side Street	Fifteen (15) feet
Rear Yard	Twenty (20) feet

*A minimum five (5) foot side yard drainage easement shall be required on all lots; air conditioning units, pool equipment, water softeners and similar facilities shall not be permitted within the drainage easements or side yard setbacks.

J. The buffers will comply with the Master Development Plan attached as Exhibit B and as described below:

North: Ten foot (10') landscape buffer.

South: No landscape buffer adjacent to conservation lands.

East: Ten foot (10') landscape buffer.

West: Ten foot (10') landscape buffer/Five foot (5') buffer adjacent to Right-of-Way

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.

- K. The developer must provide a pedestrian circulation system giving access to all portions of the development as well as connecting to existing sidewalks outside of the development.
- L. Access to the property will be provided from Kentucky Street.
- M. A Signal Warrant Study at E. Lake Mary Boulevard and Skyway Drive must be submitted with the Final Engineering plan application for the proposed subdivision. The Signal Warrant Study will include proposed trips from the development and the vested development projects on Skyway Drive and Kentucky Street. If a signal is warranted following review and acceptance of the Signal Warrant Study by the County Engineer, the developer will be required to contribute a pro-rata share payment towards the cost of designing and constructing the near site improvement (i.e. The Traffic Signal). The amount of the pro-rata share payment, for the near site improvement, will be determined after further County analyses have been conducted at this intersection.
- N. Twenty-five percent (25%) usable open space, including buffers, must be provided on the subject property.
- O. A 15-foot minimum, 25-foot average buffer from the wetland boundaries must be provided.
- P. Wetland impacts and mitigation, if needed, must be approved and shall comply with St. Johns Water Management District and Florida Department of Environmental Protection requirements prior to Final Development Plan approval.
- Q. A conservation easement will be provided over all post-development wetlands and 100-year floodplains.
- R. The project shall comply with the requirements of Sub-Area Number 4 of the Seminole County/City of Sanford Joint Planning Area agreement.
- S. Subdivision plats establishing residential lots within the limits of the subject property will include a note (font size twelve point or larger) stating the following:

This property is located in proximity to an airport noise zone. The properties delineated on this plat are subject to aircraft noise that may be objectionable.

- T. The sale of each residential lot will include a deed containing the following language in bold type face:

NOTICE OF AIRPORT NOISE

This property is located in proximity to an airport noise zone. Residents will be subject to aircraft noise that may be objectionable.

In addition, the developer will record an avigation easement in a form acceptable to the County Attorney's Office of Seminole County and in compliance with the Seminole County/City of Sanford Joint Planning

Area agreement before issuance of a County building permit for any residential development. The avigation easement will apply to all property upon which any residential use is to be constructed.

- U. All project signage must comply with the Land Development Code of Seminole County.
- V. A mandatory homeowners' association must be created to provide for the management of all common areas and facilities.
- W. The development must comply with the advisory information and recommendations document (Exhibit C) provided by FWC in order to avoid or minimize negative wildlife interactions during the planning, construction, and operation phases of the project. The Homeowner's Association bylaws must require options for keeping garbage secure that include using bear-resistant garbage containers, modifying regular cans to be bear-resistant, or keeping cans secure in a garage or sturdy shed and then placing garbage on the curb the morning of pick-up instead of the night before.
- X. In the case of a conflict between the written conditions A through W in this Development Order and the Master Development Plan attached as Exhibit B, the terms of the written conditions A through W shall 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 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 the River Run Preserve LSFLUA and PD Rezone (as referenced in Exhibit A), on March 24, 2020.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD
OF COUNTY COMMISSIONERS**

By: _____
Jay Zembower, Chairman

EXHIBIT A**Legal Description****LEGAL DESCRIPTION:**

A portion of Section 16, Township 20 South, Range 31 East, Seminole County, Florida, being more particularly described as follows:

PARCEL 1:

Lots 7 and 8 in Block 1 of Cameron, according to the plat thereof recorded in Plat Book 1, Page 90, together with the west half of vacated alley adjoining on the east and the north half of vacated street adjoining on the south;

PARCEL 2:

Lot 6 in Block 1 of Cameron, according to the plat thereof recorded in Plat Book 1, Page 90. LESS the North 36 feet thereof;

PARCEL 3:

Lots 1, 2, 3, 4, 5, and 6 in Block 3 of Cameron, according to the plat thereof recorded in Plat Book 1, Page 90, together with the south half of vacated street adjoining on the north and together with the platted right of way on the south;

PARCEL 4:

Lots 9 and 10 in Block 1 of Cameron, according to the plat thereof recorded in Plat Book 1, Page 90, together with the east half of vacated alley adjoining on the west and the north half of vacated street adjoining on the south;

AND:

All of Lot 82 of Sanford Celery Delta, according to the plat thereof recorded in Plat Book 1, Pages 75 and 76 together with the east half of platted right of way adjoining on the west;

All of Lot 91 of Sanford Celery Delta, according to the plat thereof recorded in Plat Book 1, Pages 75 and 76 together with the east half of platted right of way adjoining on the west. LESS the north half of platted right of way adjoining on the south;

All of Lot 90 of Sanford Celery Delta, according to the plat thereof recorded in Plat Book 1, Pages 75 and 76 together with the west half of platted right of way adjoining on the east and the north half of platted right of way adjoining on the south;

EXHIBIT C

FWC Technical Assistance – Florida Black Bear



Florida Fish and Wildlife Conservation Commission

Commissioners

Robert A. Spottswood
Chairman
Key West

Michael W. Sole
Vice Chairman
Tequesta

Rodney Barreto
Coral Gables

Steven Hudson
Fort Lauderdale

Gary Lester
Oxford

Gary Nicklaus
Jupiter

Sonya Rood
St. Augustine

Office of the
Executive Director

Eric Sutton
Executive Director

Thomas H. Eason, Ph.D.
Assistant Executive Director

Jennifer Fitzwater
Chief of Staff

850-487-3796
850-921-5786 FAX

Managing fish and wildlife resources for their long-term well-being and the benefit of people.

620 South Meridian Street
Tallahassee, Florida
32399-1600
Voice: 850-488-4676

Hearing/speech-impaired:
800-955-8771 (T)
800 955-8770 (V)

MyFWC.com

Technical Assistance Regarding the Florida Black Bear

Dear Applicant, Property Owner, and Interested Parties:

According to Florida Fish and Wildlife Conservation Commission (FWC) data, there is the potential for Florida black bears (*Ursus americanus floridanus*) to occur in the project area. The FWC has received a sufficient number of reports of human-bear conflicts, evidence of bears collected by researchers, reports of bears killed by vehicles surrounding the project, or other data to recommend measures be taken to prevent or reduce conflicts with bears.

While black bears tend to shy away from people, they are adaptable and will take advantage of human-provided food sources. This includes sources that are available near this site or may be available after construction, including unsecured garbage, pet food, and bird seed. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to private property and public safety.

During the construction phase, construction sites should be kept clean, with refuse that might attract bears kept separate from construction debris and stored securely in bear-resistant containers or removed daily from the construction site before dark. Refuse that might attract bears includes all food and drink-related materials, as well as any items with strong scents like cleaning agents. If a homeowners' association or community covenants are planned, bylaws that would require residents to take measures to prevent attracting bears into the neighborhood are recommended. By-law language used by other Florida communities is available at (<http://myfwc.com/wildlifehabitats/managed/bear/living/community-group/bylaw/>). Once the development is completed, residents should be provided with bear-resistant garbage cans as part of their regular waste service and any larger waste storage containers should also be bear-resistant. Providing residents with information on how to avoid human-bear conflicts is also recommended. This information can include:

- Options for keeping garbage secure which can include using bear-resistant garbage containers, modifying regular cans to be bear-resistant, or keeping cans secure in a garage or sturdy shed and then placing garbage on the curb the morning of pick-up rather than the night before (<http://myfwc.com/wildlifehabitats/managed/bear/living/attractants/>);
- Removing bird and wildlife feeders, or modifying them to exclude bears (<http://myfwc.com/wildlifehabitats/managed/bear/wildlife-feeders/>);
- Using electric fencing to secure outdoor attractants like fruiting trees/shrubs, gardens, compost, and small livestock (<https://myfwc.com/media/1886/ElectricFence.pdf>);
- Proper composting in bear range (<https://myfwc.com/media/1888/howtocompostinbearcountry.pdf>);
- Keeping pets safe (<https://myfwc.com/media/1892/protect-your-pet.pdf>); and
- Cleaning and securing barbeque grills.

Information should also include guidelines for how residents should respond to bears in the area, such as:

- what to do if they encounter a bear, whether from a distance or at close range (<https://myfwc.com/wildlifehabitats/wildlife/bear/living/encounter/>), and
- when and how to contact the FWC regarding a bear issue (<https://myfwc.com/wildlifehabitats/wildlife/bear/nuisance-contact/>).

FWC staff is always available to assist with residential planning to incorporate the above recommendations and reduce the potential for unwanted interactions between bears and humans. Please feel free to contact our office at Conservationplanningservices@myfwc.com for technical assistance. Further information can also be found on the FWC website at <http://www.myfwc.com/wildlifehabitats/managed/bear>.

Sincerely,

Jason Hight
Land Use Planning Program Administrator
Office of Conservation Planning Services

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