

**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 PD (PLANNED DEVELOPMENT) 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 Enclave at Alafaya Small Scale Future Land Use Map Amendment and PD Major Amendment, dated April 9, 2019.

(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 PD (Planned Development) to PD (Planned Development) pursuant to the provisions contained in Development Order #18-20500055, 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 #18-20500055 in the Official Land Records of Seminole County or upon filing this Ordinance with the Department of State, whichever is later.

ENACTED this 23rd day of April, 2019.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
BRENDA CAREY, CHAIRMAN

**EXHIBIT A****DEVELOPMENT ORDER**

FILE NO.: PZ2018-060

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18-20500055

**SEMINOLE COUNTY REVISED AND RESTATED DEVELOPMENT ORDER  
ENCLAVE AT ALAFAYA (FKA BEASLEY PROPERTY) PLANNED DEVELOPMENT**

On April 23, 2019, Seminole County issued this Addendum #1, which represents a revision to Development Order # 15-20500006, issued on June 9, 2015, and recorded in Seminole County Official Records Book 8487, Pages 1290-1294, relating to and touching and concerning the property described in Exhibit A. (plain text is current approved language, strikethroughs are deletions and underlines are additions)

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:** Suzanne H. Ebaugh Trustee FBO

**Project Name:** Enclave at Alafaya (FKA Beasley Property PD) Small Scale Future Land Use Map Amendment and PD Major Amendment

**Requested Development Approval:** Consider a Small Scale Future Land Use Map Amendment from Planned Development (PD) to Planned Development (PD), and a Rezone from PD (Planned Development) to PD (Planned Development) to allow for the addition of multi-family use on 4.61 acres, located on the northeast corner of Alafaya Trail and Beasley 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: Matt Davidson  
Principal 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. Assisted Living Facility (ALF) – Privately owned facilities that provide residents with assistance and basic activities of daily living (such as help with bathing, grooming, and dressing), provide meals, as well as access to available community services; provided, however, that no residential care facility will operate in a manner to provide services for the needs of mentally ill persons and dependent, foster homes, or group homes; the intent herein being that the use permitted is that of a residential care facility for the elderly.
    - b. Permitted uses allowed in the CN (Neighborhood Commercial) district, CS (Convenience Commercial) district, and C-1 (Retail Commercial) district and multi-family residential housing; excluding: ~~multi-family residential housing~~, furniture stores, appliance stores, laundrettes, and laundromats, plant nurseries, theatre, dry cleaners, veterinary clinics, communication towers, self-service laundries, physical fitness studios, and tobacco shops.
  - C. The Project Entitlements are as follows:
    - a. Assisted Living Facility or Commercial Development: maximum of 120 beds and/or maximum building square footage of 131,013 square feet.
    - b. Multi-family: Maximum of ninety-two (92) dwelling units.
  - D. Permitted multi-family residential housing will be developed in accordance with the Federal Private Activity Bond Program for Multi-family Mortgage Revenue Bonds (MMRB) and a Land Use Restriction Agreement will be recorded in the public records prior to the first Certificate of Occupancy restricting the development to occupancy in accordance with the MMRB requirements as defined in Florida Administrative Code Rule Chapter 67-21.

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- E. If any students are to reside in an apartment unit, at least one (1) resident of that unit must meet one (1) of the following eligibility requirements:
- Be married and eligible to file a joint tax return (person does not have to live with spouse, but spouse's income may be included in eligibility determination).
  - Be a single parent with dependent children.
  - Receive benefits from Aid to Families with Dependent Children "AFDC" or Temporary Assistance for Needy Families "TANF" (does not include Supplemental Nutrition Assistance Program "SNAP" or disability benefits from Social Security).
  - Be enrolled in a job training program under the Job Training Partnership Act (JTPA) or a similar program.
  - Be a person who was previously under the care and placement of the State agency responsible for Foster Care.
- F. The maximum allowable building height is forty-five feet (45'), 3-Stories. Balconies facing external property lines are prohibited.
- G. The maximum non-residential Floor Area Ratio (FAR) shall be 0.65 (131,013 square feet).
- H. The development must provide a minimum of ~~twenty-five (25%)~~ thirty-five percent (35%) common usable open space, which may include all buffers, green space, and retention areas.
- I. The setbacks from the external property boundaries shall be as follows:
- North: Twenty feet (20')
  - South: Fifty feet (50')
  - East: ~~Twenty feet (20')~~, Thirty feet (30')
  - West: Fifty feet (50')
- Internal building setbacks will be determined at Final Development Plan.
- J. The minimum buffers\* will be as stated below and as shown on the Master Development Plan (Exhibit A):
- North: Twenty (20') feet landscape buffer.
  - South: ~~Fifteen (15') feet landscape buffer.~~  
Property frontage adjacent to existing single-family homes on Beasley road: Twenty-five (25') feet undisturbed buffer with a six (6') foot wall or thirty-five (35') feet undisturbed buffer with a six (6') foot fence. Hand clearing of scrub undergrowth or invasive species is permitted within this portion of the buffer.  
Remaining property frontage on Beasley Road: Fifteen (15') feet with a six (6') foot wall or thirty-five (35') feet with a six (6') foot fence. Pond maintenance berm is permitted within this portion of the buffer.
  - East: ~~Ten (10') feet~~ Twenty (20') feet landscape buffer.
  - West: ~~Fifteen (15') feet landscape buffer~~ Fifteen (15') feet landscape buffer with a six (6') foot wall or thirty-five (35') feet landscape buffer

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with a six (6') foot fence. Pond maintenance berm is permitted within this portion of the buffer.

\*The perimeter buffers 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 development will 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. The development will provide a stabilized trail connection along the northwestern portion of the site to the existing LYNX bus shelter on Alafaya Trail. The development will make known and market to the residents and surrounding businesses the programs that LYNX offers including carpool, van pool, ride share, and fixed route bus service.
- M. Final connection to Alafaya Trail must be approved by FDOT, and may include, subject to FDOT approval, a 175' deceleration lane and the extension of the southbound left turn lane on Alafaya Trail from 230' to 365'.
- N. All project signage must comply with the Land Development Code of Seminole County.
- O. Dark Sky Lighting will be provided as part of the development.
- P. A Property Owner's Association or Property Management Group must be created to manage all common areas and facilities.
- Q. Parking along the Beasley Road property frontage is prohibited.
- R. The minimum parking space size will be nine (9) feet by eighteen (18) feet and the minimum parking ratio will be 1.75 spaces per unit.
- S. In the case of a conflict between the written conditions A through R in this Development Order and the Master Development Plan attached as Exhibit (B), the terms of the written conditions A through R 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.

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(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 Enclave at Alafaya SSFLUA & PD Major Amendment (as referenced in Exhibit A), on April 9, 2019.

Done and Ordered on the date first written above.

**SEMINOLE COUNTY BOARD  
OF COUNTY COMMISSIONERS**

By: \_\_\_\_\_  
Brenda Carey, Chairman

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**EXHIBIT A**

**Legal Description**

THE SOUTH ½ OF THE SOUTHWEST ¼ OF THE NORTHEAST ¼ OF  
THE NORTHWEST ¼ OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE  
31 EAST, LESS THE WEST 50 FEET THEREOF FOR ROAD AND LESS  
THAT PORTION TAKEN BY THE STATE OF FLORIDA DEPARTMENT  
OF TRANSPORTATION AS SHOWN IN THAT CERTAIN WARRANTY  
DEED RECORDED IN OFFICIAL RECORDS BOOK 3985, PAGE 1601,  
OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.

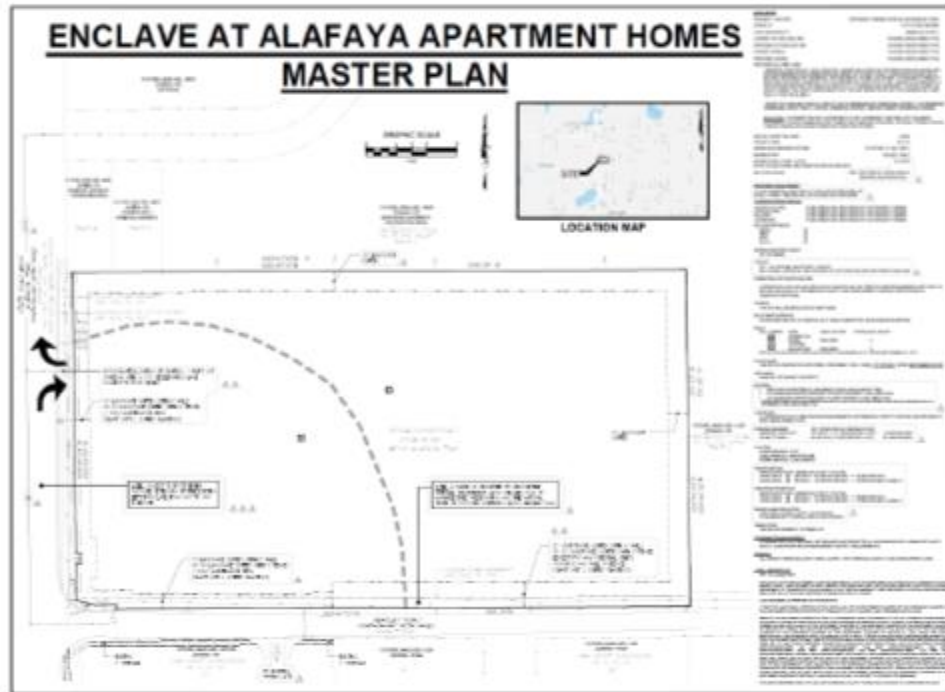


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EXHIBIT B

Master Development Plan



**EXHIBIT B**

**LEGAL DESCRIPTION**

THE SOUTH  $\frac{1}{2}$  OF THE SOUTHWEST  $\frac{1}{4}$  OF THE NORTHEAST  $\frac{1}{4}$  OF THE NORTHWEST  $\frac{1}{4}$  OF SECTION 27, TOWNSHIP 21 SOUTH, RANGE 31 EAST, LESS THE WEST 50 FEET THEREOF FOR ROAD AND LESS THAT PORTION TAKEN BY THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION AS SHOWN IN THAT CERTAIN WARRANTY DEED RECORDED IN OFFICIAL RECORDS BOOK 3985, PAGE 1601, OF THE PUBLIC RECORDS OF SEMINOLE COUNTY, FLORIDA.