

Ordinance No. 2024-4803

An Ordinance of the City of Sanford, Florida amending the *City of Sanford Comprehensive Plan*, as previously amended; providing for amendment of the Future Land Use Map of the Future Land Use Element of *the City of Sanford Comprehensive Plan* relative to certain real property, approximately 12.53 acres in size, owned by Seminole Storage Units 3 LLC (Tax Parcel Identification Numbers 03-20-31-5AY-0000-27A0, 03-20-31-5AY-0000-27A1 and 03-20-31-5AY-0000-27A2), said property being addressed as 3922 East Lake Mary Boulevard; providing for the future land use designation to be amended from Industrial (IND) (Seminole County) To Airport Industry And Commerce (AIC) (City); providing for legislative findings and intent; providing for assignment of the land use designation for the property; providing for severability; providing for ratification of prior acts of the City; providing for conflicts; providing for codification and directions to the code codifier and providing for an effective date.

Whereas, the fee simple title owner of the real property that is the subject of this Ordinance is Seminole Storage Units 3 LLC whose managers are James H. Hodges and Magie S. Hodges (the "Property Owner"); and

Whereas, the applicant on behalf of the Property Owner is Maverick VonHerbulis of McKee Construction located in Sanford; and

Whereas, the subject real property is assigned Tax Parcel Identification Numbers 03-20-31-5AY-0000-27A0, 03-20-31-5AY-0000-27A1 and 03-20-31-5AY-0000-27A2, as assigned by the Seminole County Property Appraiser; and

Whereas, the subject real property is a site 12.53 acres in size and is addressed as 3922 East Lake Mary Boulevard which real property is located between Cameron Avenue on the west and East Lake Mary Boulevard on the east, and approximately 0.5 mile south of their intersections with State Road 46; and

Whereas, a Citizens Awareness and Participation Plan (CAPP) meeting was held on July 2, 2024 and the CAPP report has been found to be satisfactory to the City;

and

Whereas, the applicant's request is to amend the for the subject property from the Industrial (IND) future land use designation (Seminole County) to the Airport Industry and Commerce (AIC) future land use designation (City); and

Whereas, the Property Owner also has submitted a companion application to rezone the subject property; and

Whereas, the City of Sanford's Planning and Zoning Commission, as the City's local planning agency, held a public hearing on August 1, 2024, to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Sanford Comprehensive Plan* and recommended approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property; and

Whereas, Section 163.3187, *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to small scale amendments, and which are related to proposed small scale development activities and provides, among other things, that such amendments may be approved without regard to statutory limits on the frequency of consideration of amendments to the *City of Sanford Comprehensive Plan*; and

Whereas, the City of Sanford has complied with all requirements and procedures of Florida law in processing this amendment to the *City of Sanford Comprehensive Plan* including, but not limited to, Section 163.3187, *Florida Statutes*; and

Whereas, the City of Sanford has complied with Florida's *Community Planning Act* which was amended during the 2021 Legislative Session by the passage of Committee Substitute for Committee Substitute for Committee Substitute for House

Bill Number 59 (initially codified as Chapter Number 2021-195, *Laws of Florida*) to require every city and county within the State “to include in its comprehensive plan a property rights element” (Section 163.3177(6)(i)1, *Florida Statutes*).

Now, therefore, be it enacted by the People of the City of Sanford, Florida:

Section 1. Legislative Findings and Intent.

(a). The City of Sanford has complied with all requirements and procedures of Florida law in processing and advertising this Ordinance.

(b). The City Commission of the City of Sanford adopts the recitals (whereas clauses) of this Ordinance as legislative findings.

(c). This Ordinance is internally consistent with the goals, objectives and policies of the *Comprehensive Plan of the City of Sanford* and the proposed *Comprehensive Plan* amendment does not trigger any urban indicators and adoption of this amendment will discourage the proliferation of urban sprawl within the City of Sanford.

Section 2. Amendment to Future Land Use Map; Incorporation of Maps, Sketches and Legal Descriptions.

(a). The Future Land Use Plan Element of the *Comprehensive Plan of the City of Sanford* and the City’s Future Land Use Map is hereby amended by changing the future land use designation from the Industrial (IND) future land use designation (Seminole County) to the Airport Industry and Commerce (AIC) future land use designation (City) regarding the real property which is the subject of this Ordinance as set forth herein.

(b). The property which is the subject of this *Comprehensive Plan* amendment is assigned Tax Parcel Identification Numbers 03-20-31-5AY-0000-27A0, 03-20-31-

5AY-0000-27A1 and 03-20-31-5AY-0000-27A2 by the Seminole County Property Appraiser.

(c). Any maps, sketches and legal descriptions attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance, but the land which is the subject of this Ordinance consists of Tax Parcel Identification Numbers 03-20-31-5AY-0000-27A0, 03-20-31-5AY-0000-27A1 and 03-20-31-5AY-0000-27A2 as assigned by the Seminole County Property Appraiser.

Section 3. Implementing Administrative Actions. The City Manager, or designee, is hereby authorized to implement the provisions of this Ordinance as deemed appropriate and warranted.

Section 4. Ratification of Prior Actions. The prior actions of the City Commission and its agencies in enacting and causing amendments to the *Comprehensive Plan of the City of Sanford*, as well as the implementation thereof, are hereby ratified and affirmed.

Section 5. Severability. If any section, sentence, phrase, word, or portion of this Ordinance proves to be invalid, unlawful or unconstitutional, it shall not be held to impair the validity or effect of any other action or part of this Ordinance.

Section 6. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 7. Scrivener's Errors. Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Manager, or designee, without the need for a public hearing.

Section 8. Codification/Instructions to Code Codifier. It is the intention of the City Commission of the City of Sanford, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the codified version of the *City of Sanford Comprehensive Plan* and/or the *Code of Ordinances of the City of Sanford*, Florida in terms of amending the Future Land Use Map of the City.

Section 9. Effective Date. The small scale *Comprehensive Plan* amendment set forth herein shall not become effective, in accordance with Section 163.3187(5)(c), *Florida Statutes*, until 31 days after the enactment of this Ordinance. If challenged within 30 days after enactment, the small-scale amendment set forth in this Ordinance shall not become effective until the State land planning agency or the Administration Commission, respectively, issues a final order determining that the subject small-scale amendment is in compliance with controlling State law; provided, however, that this Ordinance shall not take effect until the annexation ordinance annexing the property that is the subject of this Ordinance is final.

Passed and adopted this ____ day of _____, 2024.

Attest:

**City Commission of the City of
Sanford, Florida**

By: _____
Traci Houchin, MMC, FCRM
City Clerk

By: _____
Art Woodruff
Mayor

Approved as to form and legality:

By: _____
William L. Colbert, Esquire
City Attorney



Business Impact Estimate

This form should be included in agenda packet for the item under which the proposed ordinance is to be considered, and must be posted on the City's website by the time notice of the proposed ordinance is published.

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The City is of the view that the following exception(s) to the Business Impact Estimate requirement, that are checked off in a box below, apply to the above-referenced proposed ordinance. Although, the City is implementing the procedure required by statutory law to ensure that no inadvertent procedural issue could impact the enactment of the proposed ordinance.

- The proposed ordinance is required for compliance with Federal or State law or regulation;
- The proposed ordinance relates to the issuance or refinancing of debt;
- The proposed ordinance relates to the adoption of budgets or budget amendments, including revenue sources necessary to fund the budget;
- The proposed ordinance is required to implement a contract or an agreement, including, but not limited to, any Federal, State, local, or private grant, or other financial assistance accepted by the
- The proposed ordinance is an emergency ordinance;

- The ordinance relates to procurement; or
- The proposed ordinance is enacted to implement the following:
 - a. Part II of Chapter 163, *Florida Statutes*, relating to growth policy, county and municipal planning, and land development regulation, including zoning, development orders, development agreements and development permits;
 - b. Sections 190.005 and 190.046, *Florida Statutes*, regarding community development districts;
 - c. Section 553.73, *Florida Statutes*, relating to the *Florida Building Code*; or
 - d. Section 633.202, *Florida Statutes*, relating to the *Florida Fire Prevention Code*.

In accordance with the provisions of controlling law, even notwithstanding the fact that, an exemption noted above may apply, the City hereby publishes the following information:

1. Summary of the proposed ordinance (must include statement of the public purpose, such as serving the public health, safety, morals, and welfare):
 This is a rezoning ordinance which was enacted upon application of the property owner.

 This is a ordinance which was enacted upon application of the property owner.

2. Estimate of direct economic impact of the proposed ordinance on private, for-profit businesses in the City:
 Not Applicable

3. Estimate of direct compliance costs that businesses may reasonably incur: Not Applicable

4. Any new charge or fee imposed by the proposed ordinance:
 Not Applicable

5. Estimate of the City's regulatory costs, including estimated revenues from any new charges or fees to cover such costs:
 Not Applicable

6. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance:
 Not Applicable

7. Additional information (if any, but may wish to include the methodology used to derive information for #1 and #2, above. For example: City staff solicited comments from businesses in the City as to the potential impact of the proposed ordinance by contacting the chamber of commerce, social media posting, direct mail or direct email, posting on City website, public workshop, etc. You may also wish to include efforts made to reduce the potential fiscal impact on businesses based on feedback from businesses. You may also wish to state here that the proposed ordinance is a generally applicable ordinance that applies to all persons similarly situated (individuals as well as businesses) and, therefore, the proposed ordinance does not impose costs only upon businesses.):

Not Applicable