

Ordinance No. 2024-4809

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 4.87 acres in size located at 2340 Celery Avenue within the City Limits (maps relating to the property are attached) (Tax Parcel Identification Number 29-19-31-300-0120-0000) said property being more specifically described in this Ordinance; providing for legislative findings and intent; providing for assignment of the land use designation for the property; providing for the adoption of maps by reference; 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 the implementation of the statutory expedited State review process and an effective date.

Whereas, Dave's House At Celery, LLC of Winter Park which has no named manager, but whose registered agent is Elena Norman is the owner of certain real property which land totals approximately 4.87 acres in size; and

Whereas, the applicant on behalf of the Property Owner is Laurence Poliner, P.E., of RCE Consultants, LLC located in Altamonte Springs; and

Whereas, the subject real property is assigned the following Tax Parcel Identification Number 29-19-31-300-0120-0000, as assigned by the Seminole County Property Appraiser; and

Whereas, the subject real property is addressed as 2340 Celery Avenue which real property is located off Celery Avenue, between the Celery Farm and Celery Park Estate Subdivisions; and

Whereas, a Citizens Awareness and Participation Plan (CAPP) meeting was held on March 27, 2024 by Mr. Poliner and the CAPP report has been found to be

satisfactory to the City; and

Whereas, Section 163.3184(3), *Florida Statutes*, relates to the amendment of adopted local government comprehensive plans and sets forth certain requirements relating to an expedited process of State review of proposed amendments to local government comprehensive plans and relates to processes and actions relating thereto; and

Whereas, the City's Planning and Development Services Department has conducted a thorough review and analysis of the demands upon public facilities and general planning and land development issues should the subject application be approved and has otherwise reviewed and evaluated the application to determine whether it comports with sound and generally accepted land use planning practices and principles as well as whether the application is consistent with the goals, objectives and policies set forth in the City's *Comprehensive Plan* and determined that the proposed amendment of the City's *Comprehensive Plan* relative to the subject property as set forth in this Ordinance is internally consistent with the *Comprehensive Plan of the City of Sanford* and is consistent with the controlling provisions of State law; and

Whereas, the PD property is located sub-area 1 of the County/City Joint Planning Agreement (JPA) for all lands east of the line described as the eastern $\frac{3}{4}$ line of Sections 29 and 32, Township 19, Range 31 (the western boundary line of the University of Florida Agricultural Experimental Station, and shown on Exhibit "D" of the JPA as the dashed line) density generally shall not exceed 2.5 dwelling units per net buildable acre although a maximum of 3.5 dwelling units per net buildable acre is allowed in a clustering pattern with a minimum of 15% of gross site area set aside for

common open space and subject to one of the following conditions (a). perimeter lots being a minimum of 9,000 square feet in size; or, (b). lots less than 9,000 square feet in size shall be separated from the site boundary by an open space tract not less than 25' in width, but for all lands west of said line, density shall not exceed 4 dwelling units per net buildable acre; and

Whereas, the City of Sanford's Planning and Zoning Commission (P&ZC), as the City's local planning agency, held a public hearing October 3, 2024, in order to consider amending the Future Land Use Map of the Future Land Use Element of the *City of Sanford Comprehensive Plan* and unanimously recommended approval of the proposed Future Land Use Map amendment to the *Comprehensive Plan* for the subject property as requested by the Property Owners; and

Whereas, the City Commission concluded that the overall goals, objectives and policies of the City's *Comprehensive Plan* and the controlling State law support the approval of the application; 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 163.3184, *Florida Statutes*, as well as other controlling law; and

Whereas, additionally, this Ordinance is enacted pursuant to the home rule powers of the City of Sanford as set forth at Article VIII, Section 2, of the *Constitution of the State of Florida*; Chapter 166, *Florida Statutes*, and other applicable controlling law; and

Whereas, the Applicant has submitted a companion, post annexation,

rezoning application to rezone the subject property from Seminole County Agriculture (A-1) to City PD which application is currently pending.

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

Section 1. Legislative findings and intent.

(a). The City Commission of the City of Sanford hereby adopts and incorporates into this Ordinance the City Commission agenda memorandum relating to the application relating to the proposed amendment to the *City of Sanford Comprehensive Plan* pertaining to the subject property.

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

(c). This Ordinance is internally consistent with the goals, objectives, and policies of the *Comprehensive Plan of the City of Sanford*.

(d). The exhibits to this Ordinance are incorporated herein as if fully set forth herein verbatim.

Section 2. Amendment to Future Land Use Map/Future Land Use Designation.

(a). The Future Land Use Plan Element of the *Comprehensive Plan of the City of Sanford* and the City's Future Land Use Map are hereby amended by from the Suburban Estates (SE) (Seminole County future land use designation) to the Low Density Residential – Single Family (LDR-SF), future land use designation under the City's *Comprehensive Plan*, with regard to 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 more specifically defined, described, and depicted in the exhibits to this Ordinance.

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. Incorporation Of Maps. The maps attached to this Ordinance are hereby ratified and affirmed and incorporated into this Ordinance as a substantive part of this Ordinance.

Section 5. 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 6. 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 7. Conflicts. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

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 *Comprehensive Plan* amendment set forth herein shall not become effective, in accordance with Section 163.3184(3), *Florida Statutes*, until 31 days after the State land planning agency (Florida Department of

Economic Opportunity) notifies the City that the Plan amendment package is complete. If timely challenged, the Plan amendment shall not become effective until the said State land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

Passed and adopted this __ day of _____, 2024.

Attest:

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

Traci Houchin, MMC, FCRM
City Clerk

Art Woodruff
Mayor

Approved as to form and legality:

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.

Comprehensive Plan Amendment of Property Address: **2340 Celery Avenue**

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): Not Applicable

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