

ORDINANCE NO. 2016-26

PD15-00019

An Ordinance of the Board of County Commissioners of Osceola County, Florida, changing the zoning designation from Residential Single Family (RS-1) to Planned Development (PD), on certain real property generally located north of Grandview Boulevard, west of Scotty's Road, and at the west end of Pine Island Road where it terminates at the eastern shore of Lake Tohopekaliga, and comprised of approximately 3.04 acres, more or less; amending the official zoning map; providing for correction of scrivener's errors; providing for severability; providing for conflict; and providing for an effective date.

WHEREAS, in accordance with the Local Government Comprehensive Plan and Land Development Regulation Act, Chapter 163, Florida Statutes, as amended, the Board of County Commissioners of Osceola County adopted the Osceola County Land Development Code; and

WHEREAS, the Land Development Code provides for the creation of zoning districts and rezoning of land; and

WHEREAS, Osceola County has been petitioned by the owner of the property described herein, or duly authorized agent of the owner, to rezone said property from Residential Single Family (RS-1) to Planned Development (PD); and

WHEREAS, the subject property consists of approximately 3.04 acres, more or less, and generally located north of Grandview Blvd., west of Scotty's Road, and at the west end of Pine Island Road where it terminates at the eastern shore of Lake Tohopekaliga, and more particularly described in **Exhibit A**, attached hereto and incorporated herein (the Property); and

WHEREAS, on April 7, 2016, the Osceola County Planning Commission held a duly advertised public hearing concerning the petition for rezoning of the Property; and

WHEREAS, at said hearing, the Planning Commission considered the recommendation of the Osceola County Community Development Department, the staff report, testimony from Osceola County staff and the applicant, as well as any comments, favorable or unfavorable from the public and surrounding property owners.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA, AS FOLLOWS:

SECTION 1. ZONING. Pursuant to the Osceola County Land Development Code, and after due notice and public hearing, the zoning designation for the Property described herein is hereby changed from Residential Single Family (RS-1) to Planned Development (PD), as illustrated in **Exhibit B**, attached hereto and incorporated herein. The findings, recommendations and conditions outlined in the Osceola County Community Development Staff Report for Item Number PD15-00019, dated April 18, 2016, which includes the recommendation of the Planning Commission, were presented to the Board of County Commissioners for consideration and are available upon request to the Clerk to the Board.

SECTION 2. AMENDMENT OF OFFICIAL ZONING MAP. The County Manager or designee is hereby authorized and directed to amend Osceola County's Official Zoning Map in accordance with this Ordinance.

SECTION 3. SCRIVENER'S ERRORS. The County Attorney is authorized to correct scrivener's errors found in this Ordinance by filing a corrected copy of this Ordinance with the Clerk to the Board.

SECTION 4. SEVERABILITY. If any section, sentence, clause or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 5. CONFLICT. All ordinances or parts of ordinances previously adopted and conflicting with this Ordinance are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective as provided by law.

DULY ENACTED this 18th day of April, 2016.



BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

By: *T. Swan Jones*
Chairwoman/Vice Chairwoman

ATTEST:
OSCEOLA COUNTY CLERK OF THE BOARD

By: *Diana M. Wallis*
Clerk/ Deputy Clerk of the Board

As authorized for execution at the Board of
County Commissioners meeting of:

April 18, 2016

Exhibit A

Legal Description

PORTION OF LOT 12, BLOCK 5, OF THE FLORIDA DRAINED LAND COMPANY'S SUBDIVISION NO. 1, AS RECORDED IN PLAT BOOK B, PAGES 65 AND 66 OF THE OFFICIAL RECORDS OF OSCEOLA COUNTY, FLORIDA.

COMMENCE AT THE SOUTHEAST CORNER OF THE AFORESAID LOT 12, BLOCK 5; THENCE RUN N 89 DEGREES 51 MINUTES 20 SECONDS W ALONG THE NORTH RIGHT-OF-WAY OF PINE ISLAND ROAD, 277.49 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE N 89 DEGREES 51 MINUTES 20 SECONDS W ALONG SAID NORTH RIGHT-OF-WAY LINE, 649.21 FEET TO THE SOUTHWEST CORNER OF SAID LOT 12; THENCE RUN N 89 DEGREES 51 MINUTES 20 SECONDS W 125.68 FEET TO THE EASTERLY SHORE OF LAKE TOHOPEKALIGA; THENCE RUN NORTHERLY ALONG SAID SHORE LINE 210 FEET, MORE OR LESS (WITNESS LINE OF SAID SHORE LINE BEARS N 28 DEGREES 25 MINUTES 53 SECONDS E 209.57 FEET); THENCE DEPARTING SAID SHORE LINE RUN S 85 DEGREES 36 MINUTES 49 SECONDS E 378.03 FEET; THENCE RUN S 89 DEGREES 51 MINUTES 20 SECONDS E 298.59 FEET; THENCE RUN S 00 DEGREES 08 MINUTES 40 SECONDS W 156.58 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

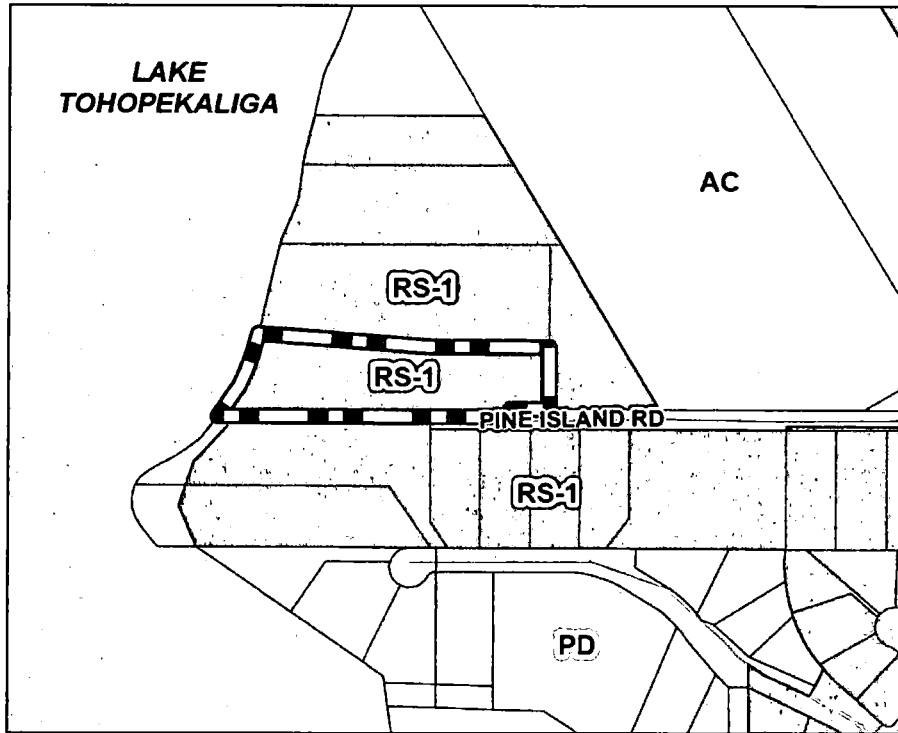
A PORTION OF A PLATTED 40 FOOT ROAD RIGHT OF WAY AS SHOWN ON THE PLAT OF "THE FLORIDA DRAINED LAND COMPANY'S SUBDIVISION NO. 1" AS RECORDED IN PLAT BOOK "B" PAGES 65 AND 66 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA; TOGETHER WITH A PORTION OF A 10 FOOT DEDICATED RIGHT OF WAY, AS SHOWN ON THE PLAT OF "REGAL POINT-UNIT TWO", AS RECORDED IN PLAT BOOK 11, PAGE 166 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA, ALL LYING IN SECTION 2, TOWNSHIP 26 SOUTH, RANGE 28 EAST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF LOT 12, BLOCK 5, OF "THE FLORIDA DRAINED LAND COMPANY'S SUBDIVISION NO.1" AS RECORDED IN PLAT BOOK "B" PAGES 65 AND 66 OF THE PUBLIC RECORDS OF OSCEOLA COUNTY, FLORIDA; THENCE N 89°51'20" W, ALONG THE SOUTH LINE OF SAID LOT 12, AND THE NORTH RIGHT OF WAY LINE OF A 40 FOOT PLATTED ROAD, AS SHOWN ON SAID PLAT, A DISTANCE OF 377.44 FEET, TO THE POINT OF BEGINNING; THENCE CONTINUE ALONG SAID SOUTH LINE AND SAID NORTH RIGHT OF WAY LINE, N 89°59'58" W, A DISTANCE OF 616.77 FEET, TO A POINT ON THE SAFE UPLAND LINE OF WEST LAKE TOHOPEKALIGA, AS DETERMINED BY THE FLORIDA DEPARTMENT OF ENVIRONMENTAL PROTECTION(56.5 CONTOUR); THENCE DEPARTING SAID SOUTH LINE AND NORTH RIGHT OF WAY LINE ON A BEARING OF S 40°10'25" W, ALONG SAID SAFE UPLAND LINE, A DISTANCE OF 26.18 FEET, THENCE S 89°51'20"E, A DISTANCE OF 633.66 FEET, THENCE N 00°08'40" W, A DISTANCE OF 20.00 FEET, TO THE POINT OF BEGINNING.

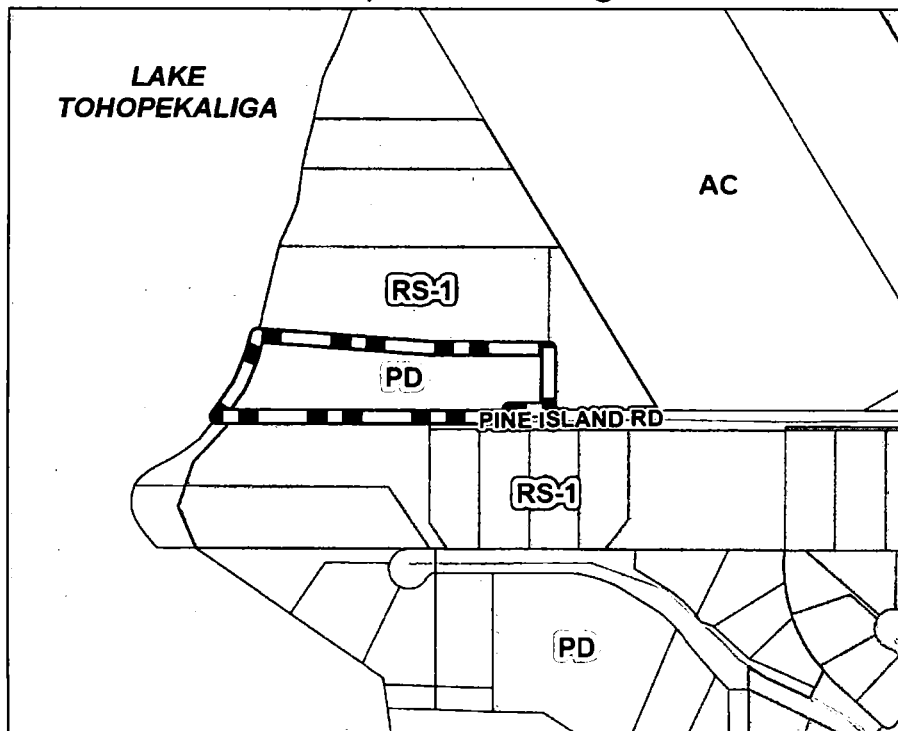
CONTAINING 3.04 ACRES +/-

Exhibit B

Existing Zoning



Proposed Zoning





FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 20, 2016

Ms. Paula J. Carpenter
Clerk of the Board
Osceola County
1 Courthouse Square, Suite 4400
Kissimmee, Florida 34741

Attention: Diane M. Wallis, Deputy Clerk

Dear Ms. Carpenter:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Osceola County Ordinance No. 2016-26, which was filed in this office on April 20, 2016.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb