

ORDINANCE NO. 05-2018

AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, GRANDFATHERING A CERTAIN NON-CONFORMING RESIDENTIAL USE KNOWN AS THE VILLAS OF CASA CELESTE ASSISTED LIVING FACILITY LOCATED AT 9225 82ND AVENUE; FINDING THE GRANDFATHERING CONSISTENT WITH THE COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, per Section 50-265 of the Land Development Code, the City Council is authorized to adopt an ordinance to grandfather any site specific use that was rendered non-conforming through the adoption of the Comprehensive Plan by Ordinance No. 03-99, as amended; and,

WHEREAS, the site contains the Villas of Casa Celeste, a one-hundred (100) bed assisted living facility (ALF), which has been found to qualify for site specific grandfathering; and,

WHEREAS, the City Council reviewed the issue of providing for the specific grandfathering of the existing one-hundred (100) bed ALF residential use, and directed that an ordinance grandfathering the Villas of Casa Celeste ALF use be prepared; and

WHEREAS, the proposed ordinance will allow for the grandfathering of a non-conforming ALF use to protect private property rights and to further compliance with Policy 1.7.1 of the Future Land Use Element of the Comprehensive Plan.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Seminole, Florida, that an ordinance is adopted as follows:

Section 1. The area, as shown located in Exhibit A and as more particularly described below, is hereby grandfathered subject to the following limitations:

- (1) The grandfathered residential use may not be expanded, i.e., no expansion of additional residential capacity or additional beds is allowed.
- (2) Should a structure containing a grandfathered residential use be destroyed, it may be reconstructed in compliance with the requirements of the Florida Building Code, the Florida Fire Protection Code, and FEMA regulations, as may be applicable.
- (3) Repairs and maintenance of the structures containing a grandfathered residential use are permitted irrespective of the cost of such repairs or maintenance. Nothing in this Ordinance shall be deemed to prevent the

strengthening, altering or restoring to a safe condition of any structure, or part thereof, containing a grandfathered non-conforming use.

- (4) The following area as identified by address, property ID number, and legal description is hereby grandfathered as to the existing one-hundred (100) bed assisted living facility use:

9225 – 82nd Avenue: 26/30/15-70740-100-1200: PINELLAS GROVES NE 1/4, LOT 12 & THAT PT OF LOT 13 LYING W OF KAYWOOD GARDENS UNIT 2 & VAC R/W BETWEEN LOTS 12 & 13 LESS RD R/W ON S FOR 82ND AVE N

Section 2. Severability.

If for any reason a provision of this Ordinance or the application thereof to any person, group of persons, or circumstances is held invalid, the invalidity shall not effect other provisions or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are severable.

Section 3. Effective Date.

This Ordinance shall take effect immediately upon its adoption.

APPROVED ON FIRST READING: March 27, 2018

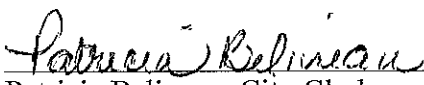
PUBLISHED: March 30, 2018

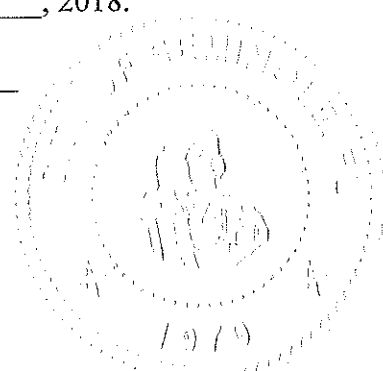
PASSED AND ADOPTED ON
SECOND AND FINAL READING AT PUBLIC HEARING: April 10, 2018


LESLIE WATERS, MAYOR

I, Patricia Beliveau, City Clerk of the City of Seminole, Florida, County of Pinellas, State of Florida, a municipal corporation do hereby certify the foregoing and hereto attached is a true and correct copy of Ordinance No. 05-2018 which is on file in the City Clerk's Office:

IN WITNESS WHEREOF, I hereunto set my hand and affixed the seal of the City of Seminole, Pinellas County, Florida, this 23 day of April, 2018.


Patricia Beliveau, City Clerk



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Stakkey Elementary

Ord.05-2018
9225 82nd Ave

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3/3/2018