

ORDINANCE NO. 05-2022

AN ORDINANCE OF THE CITY OF SEMINOLE, FLORIDA, GRANDFATHERING A CERTAIN NON-CONFORMING RESIDENTIAL USE KNOWN AS THE GARDENS CONDOMINIUMS, GENERALLY LOCATED AT 9401 PARK BOULEVARD; 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 Gardens condominiums, developed with Three Hundred Thirty-Six (336) condominium units, 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 Three Hundred Thirty-Six (336) condominium units, and directed that an ordinance grandfathering The Gardens condominium units be prepared; and

WHEREAS, the proposed ordinance will allow for the grandfathering of the non-conforming condominium units 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 Three Hundred Thirty-Six condominiums units located within the areas as shown located in Exhibit A and as more particularly described below, are 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 units is allowed.
- (2) Should a structure containing a grandfathered residential use be destroyed, it shall be reconstructed in compliance with the requirements of the Florida Building Code and the land development code.

- (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 residential use.
- (4) The following units located within the areas, as identified by condominium subdivision name, condominium subdivision property ID number, street name, and the applicable recorded condominium plat sheets as shown in Exhibit A, are hereby grandfathered as to the existing Three Hundred Thirty-Six (336) condominium units as follows:

The Gardens 101 Domicurculums A Condominium – 26/30/15-30266
(Aspen Circle)

The Gardens 102 Domicurculums A Condominium – 26/30/15-30267
(Buttonwood Circle)

The Gardens 103 Domicurculums A Condominium – 26/30/15-30268
(Cedarwood Circle)

The Gardens 104 “Domicurculums” A Condominium – 26/30/15-30269
(Dogwood Circle)

The Gardens 105 Domicurculums A Condominium – 26/30/15-30270
(Elmwood Circle)

The Gardens 106 Domicurculums A Condominium – 26/30/15-30271
(Fernwood Cir)

The Gardens 107 A Condominium – 26/30/15-30272
(Garden Drive)

The Gardens 108 A Condominium - Phase I and Phase II – 26/30/15-30273
(Heatherwood Drive)

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 affect 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.

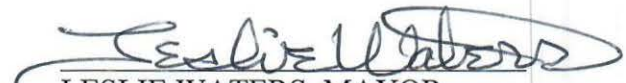
Section 3. Effective Date.

This Ordinance shall take effect immediately upon its adoption.

APPROVED ON FIRST READING: March 8, 2022

PUBLISHED: March 30, 2022

PASSED AND ADOPTED ON
SECOND AND FINAL READING AT PUBLIC HEARING: April 12, 2022


LESLIE WATERS, MAYOR

I, Ann Marie Mancuso, 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. 05-2022 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 12 day of April, 2022.



Ann Marie Mancuso, City Clerk

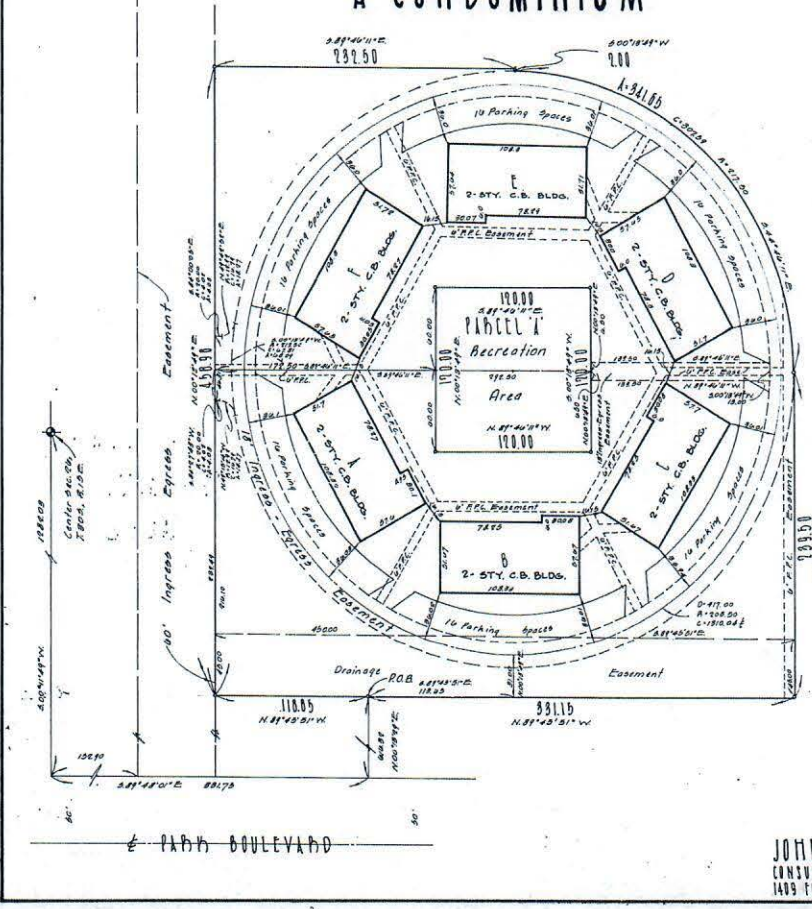


"CONDOMINIUM"
Book # 12 Page # 46

The Gardens ~ 101

"DOMICURCULUMS"

A CONDOMINIUM



NOTE
 Florida Power Corporation Easements
 are recorded on separate instrument
 in O.R. Book 3913, Page 964.
 are shown here as
 ---Dashed---

Prepared By
JOHN C. BRENDA & ASSOCIATES
 CONSULTING ENGINEERS AND LAND SURVEYORS
 1409 FIFTH STREET SOUTH - ST. PETERSBURG, FLA.

Sheet 2 of 4

73055846

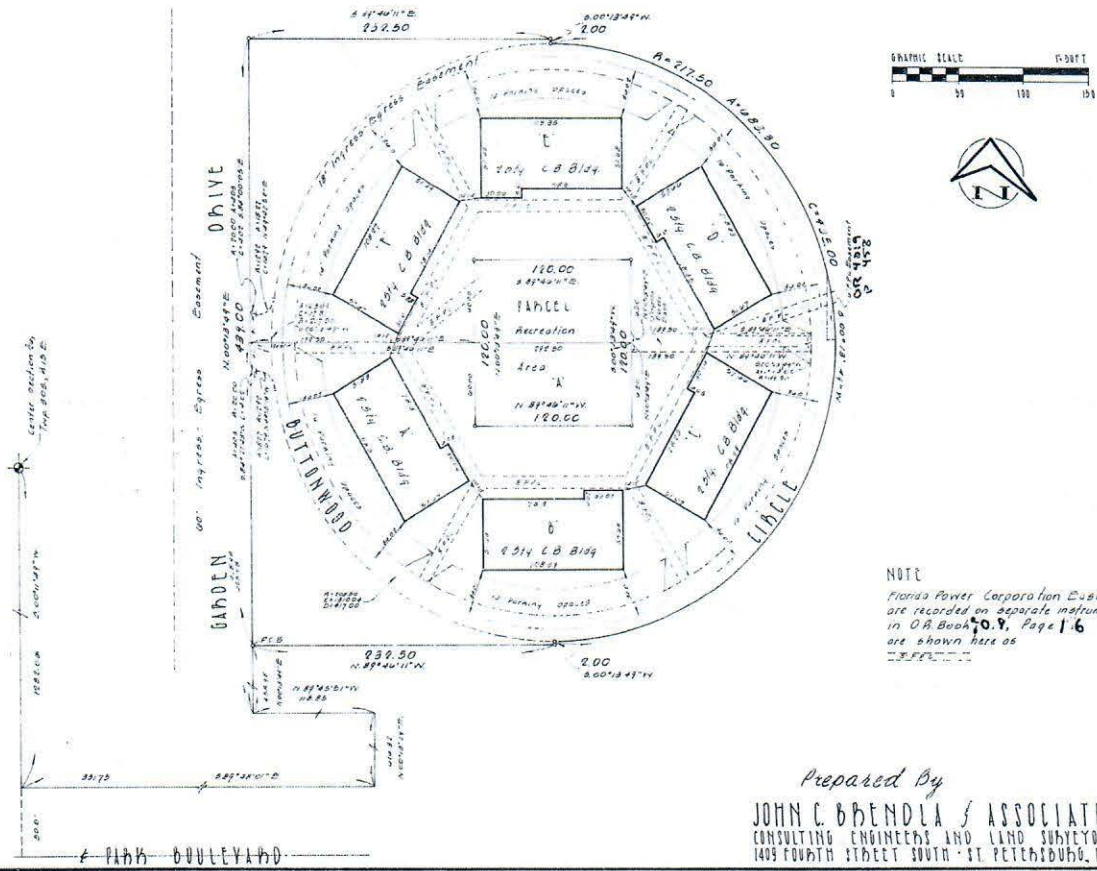
Book # 13 Page 88

The Gardens

"DOMICURCULUMS"

A CONDOMINIUM

102



NOTE
 Florida Power Corporation Easements
 are recorded on separate instrument
 in O.B. Book 50.9, Page 16
 are shown here as

Prepared By
JOHN C. BRENDA & ASSOCIATES
 CONSULTING ENGINEERS AND LAND SURVEYORS
 1409 FOURTH STREET SOUTH - ST. PETERSBURG, FLA.

Sheet 2 of 4

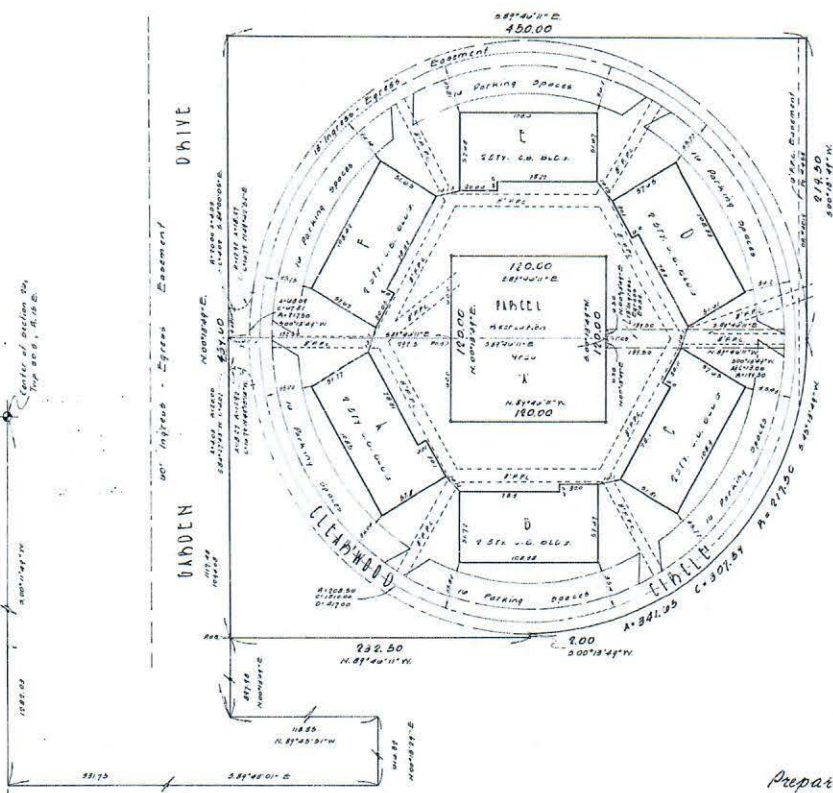
73081872

BOOK # 14 PAGE 39

The Gardens ~ 103

"DOMICURCULUMS"

A CONDOMINIUM



Note
Florida Power Corporation Easements
are recorded on separate instrument
in C.R. Doc. 4042, Page 656.
see shown here as

Prepared By
JOHN C. BRENDA & ASSOCIATES
CONSULTING ENGINEERS AND LAND SURVEYORS
1405 FOURTH STREET SOUTH · ST. PETERSBURG, FLA.

Sheet 2 of 4

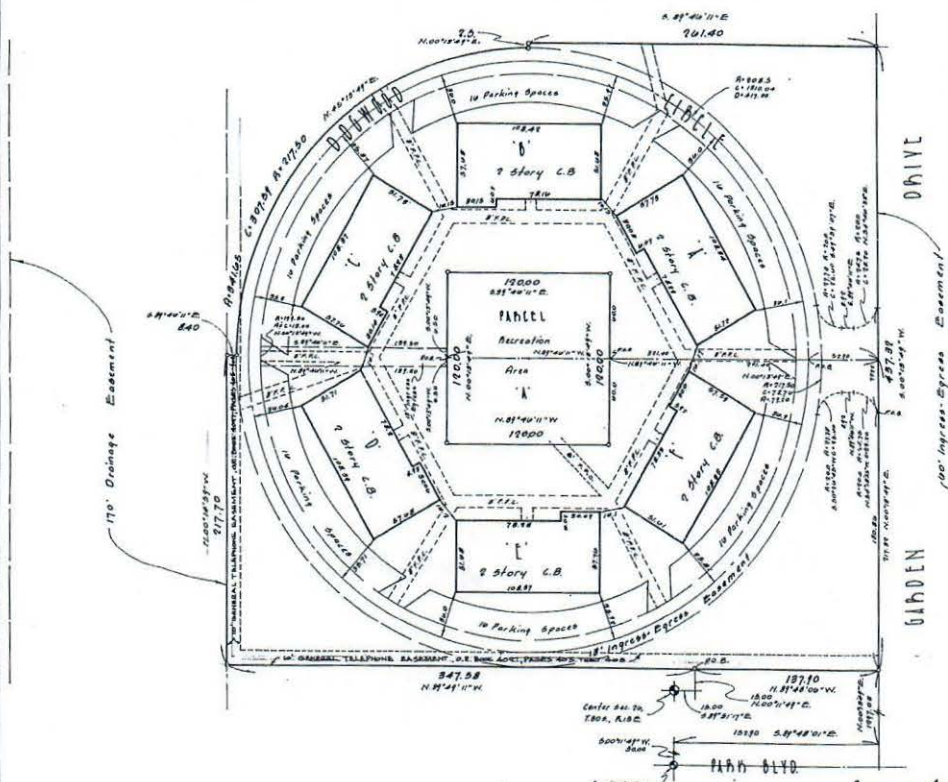
PARK BOULEVARD

73155499

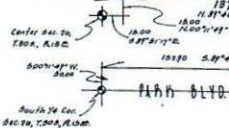
CONDOMINIUM
Book# 16 Page# 10

The Gardens ~ 104

"DOMICURCULUMS" A CONDOMINIUM



NOTE:
Florida Power Corporation Easements
are recorded in separate instrument
in O.R. Book 2026, Pages 661 & 662
are shown here as:
E.P.C.

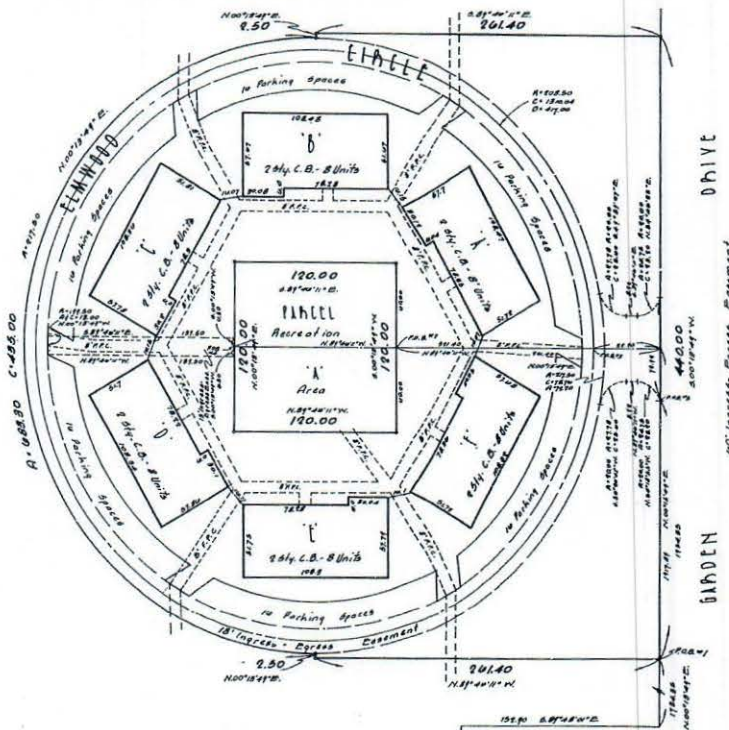


Prepared By
JOHN C. BRENDA ASSOCIATES
CONSULTING ENGINEERS AND LAND SURVEYORS
1405 FORTY STREET SOUTH - ST. PETERSBURG, FLA.

74031158

CONDOMINIUM
Book # 17 Page # 31

The Gardens ~ 105 DOMICURCULUMS" A CONDOMINIUM



NOTE:
Florida Power Corporation Easements
are recorded on separate instrument in
O.R. Book 288 Pages 1701 & 1702, are shown here as:

P.F.C.

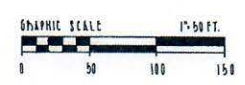
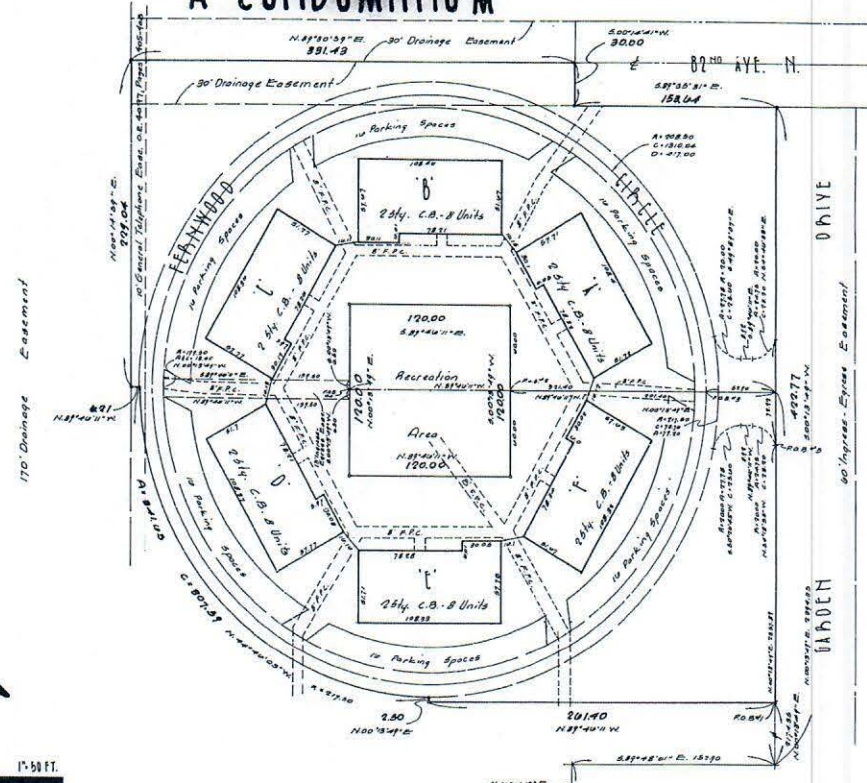
South 1/4 Corner
S.W. 1/4 Sec. 1, R. 12 E.
Prepared By
JOHN C. BRENDA & ASSOCIATES
CONSULTING ENGINEERS AND LAND SURVEYORS
1409 FOURTH STREET SOUTH, ST. PETERSBURG, FLA.

Sheet 2 of 4

The Gardens ~ 106

"DOMICURCULUMS"

A CONDOMINIUM



Notes:
Florida Power Corporation Easements are recorded
on separate instrument in O.R. Book #188, Page 1217
are shown here as: - - - - -

Prepared By
JOHN C. BRENDIA & ASSOCIATES, P.A.
CONSULTING ENGINEERS AND LAND SURVEYORS
1409 FOURTH STREET SOUTH • ST. PETERSBURG, FLA.

Sheet 2 of 4

77073861

DECLARATION OF CONDOMINIUM IS RECORDED IN D. R. BOOK 4548 PAGE 1131/1230

CONDOMINIUM Book# 24 Page# 112

THE GARDENS 107, A CONDOMINIUM

SECTION 26, TOWNSHIP 30S, RANGE 15E, PINELLAS COUNTY, FLORIDA.

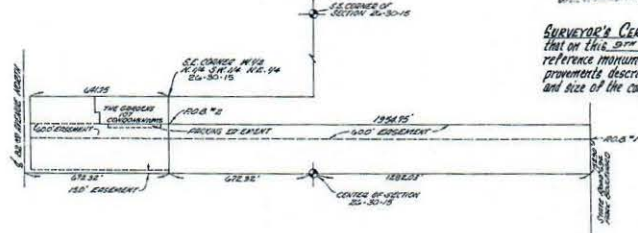
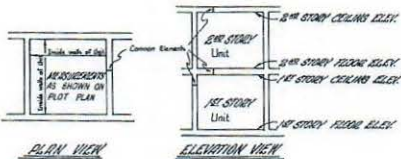
LEGAL DESCRIPTION: That part of Lot 24, in the Northeast 1/4 of Section 26, Township 30S, Range 15E, according to plat of PINELLAS GROVES, INC., as recorded in Plat Book 1, Page 55, Public Records of Pinellas County, Florida, described as follows: Commencing at the S.E. corner of the N.E. 1/4 of Section 26, Township 30S, Range 15E, Pinellas County, Florida, run N89°48'46"W, 2422.21 feet; thence N00°16'59"E, 671.75 feet to the Point of Beginning (The same being the S.E. corner of the N.W. 1/4 of the N.W. 1/4 of the S.W. 1/4 of said Section 26); thence run N89°46'41"W, 117.70 feet; thence N100°13'49"E, 320.98 feet; thence S89°43'07"E, 500 feet; thence N00°16'59"E, 25.0 feet; thence S89°43'07"E, 680.0 feet; thence S00°16'59"W, 345.85 feet to the Point of Beginning.

DECLARATION: The undersigned hereby certifies that they are the owners of the property described herein and that besides their interests therein, there are no other outstanding interests in said property, which property is hereby platted as THE GARDENS 107, A CONDOMINIUM. The parties joining herein are GERARD T. AMERSON and JOHN F. BEED respectively President and Vice President of FRANKLIN FEDERAL SAVINGS & LOAN ASSOCIATION OF ST. PETERSBURG.

Witness: Ronnie L. Zimloch President: James J. Anderson
Witness: William T. Baynard Vice President: James B. Reed

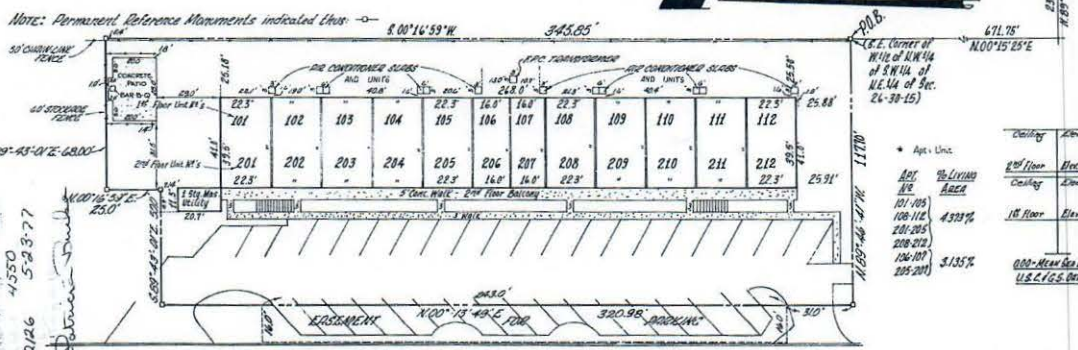
STATE OF FLORIDA ss. Before me, the undersigned authority, personally appeared GERARD T. AMERSON and JOHN F. BEED, respectively President and Vice President of FRANKLIN FEDERAL SAVINGS & LOAN ASSOCIATION OF ST. PETERSBURG, a corporation under the laws of the United States of America, and known to me to be the persons described in and who executed the foregoing certificate of declaration and severally acknowledged the execution thereof to be their free act and deed as such officers, for the uses and purposes therein expressed and that they affixed thereto the official seal of said corporation and that said instrument is the act and deed of said corporation. Witness my hand and official seal at St. Petersburg, Pinellas County, Florida, this 9th day of May 1977, A.D.
My commission expires: _____
Jack Clark
Notary Public, State of Florida - L. Large

SURVEYOR'S CERTIFICATE: I, C. Fred Deuel, an unlicensed Registered Land Surveyor, hereby certify that on this 9th day of May, 1977, A.D., this property was surveyed and permanent reference monuments were set as indicated, that this plat is a correct reproduction of the improvements described, and that there can be determined therefrom the identification, location, dimensions, and size of the common elements and of each unit.



Florida Surveyor's Regn. No. 821
Florida Engineer's Regn. No. 3896

Scale: 1" = 38'



Appt. Unit	Ceiling	Floor
101-103	10'0\"/>	11'0\"/>
104-112	10'0\"/>	11'0\"/>
201-205	10'0\"/>	11'0\"/>
206-212	10'0\"/>	11'0\"/>

C. Fred Deuel and Associates, Inc.

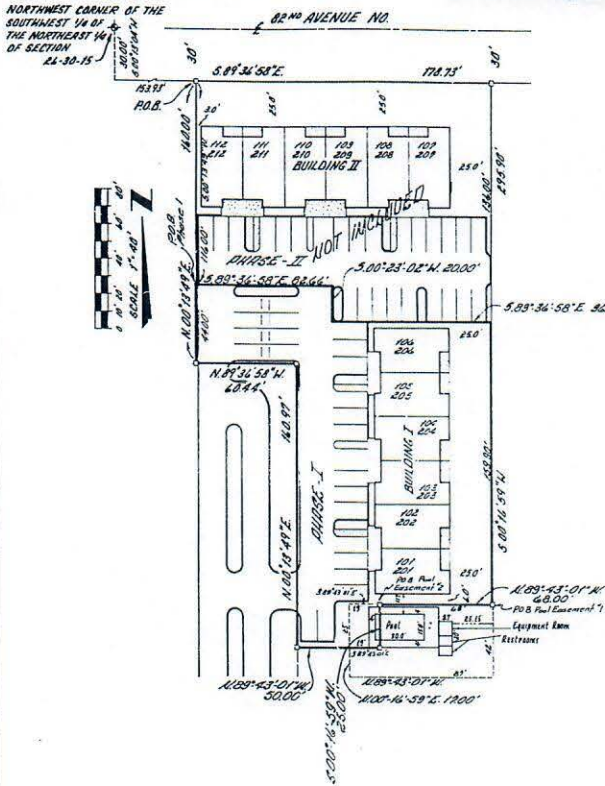
Drawn By: P.C.C.
Check By: J.M.K.

The validity of this certificate is dependent upon the accuracy of the information furnished to the Surveyor by the owner of the property. The Surveyor is not responsible for the accuracy of the information furnished to him by the owner of the property. The Surveyor is not responsible for the accuracy of the information furnished to him by the owner of the property. The Surveyor is not responsible for the accuracy of the information furnished to him by the owner of the property.

THE GARDENS 108, A CONDOMINIUM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 30 SOUTH, RANGE 15 EAST
PINELLAS COUNTY FLORIDA

PHASE I



OVERALL:

From the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 26, Township 30 South, Range 15 East, run S. 00°13'04"W., 30.00 feet to the South right-of-way line of 82nd Avenue North; thence S. 89°36'58"E., 153.93 feet along said right-of-way line to the Point of Beginning; thence continue S. 89°36'58"E., 178.73 feet along said right-of-way line; thence S. 00°16'59"W., 255.90 feet; thence N. 89°43'01"W., 68.00 feet; thence S. 00°16'59"W., 25.00 feet; thence N. 89°43'01"W., 50.00 feet; thence N. 00°13'49"E., 160.97 feet; thence N. 89°36'58"W., 60.44 feet; thence N. 00°13'49"E., 160.00 feet to the Point of Beginning.

PHASE I

From the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 26, Township 30 South, Range 15 East, run S. 00°13'04"W., 30.00 feet to the South right-of-way line of 82nd Avenue North; thence S. 89°36'58"E., 153.93 feet along said right-of-way line; thence S. 00°16'59"W., 115.00 feet to the Point of Beginning; thence S. 89°36'58"E., 82.66 feet; thence S. 00°13'49"W., 20.00 feet; thence S. 89°36'58"E., 56.00 feet; thence S. 00°16'59"W., 159.90 feet; thence N. 89°43'01"W., 68.00 feet; thence S. 00°16'59"W., 25.00 feet; thence N. 89°43'01"W., 50.00 feet; thence N. 00°13'49"E., 160.97 feet; thence N. 89°36'58"W., 60.44 feet; thence N. 00°13'49"E., 44.00 feet to the Point of Beginning.

POOL EASEMENT NO. 1:

From the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 26, Township 30 South, Range 15 East, run S. 00°13'04"W., 30.00 feet to the South right-of-way line of 82nd Avenue North; thence S. 89°36'58"E., 332.66 feet along said right-of-way line; thence S. 00°16'59"W., 295.90 feet to the Point of Beginning; thence continue S. 00°16'59"W., 42.00 feet; thence N. 89°43'01"W., 87.00 feet; thence N. 00°16'59"E., 17.00 feet; thence S. 89°43'01"E., 19.00 feet; thence N. 00°16'59"E., 25.00 feet; thence S. 89°43'01"E., 68.00 feet to the Point of Beginning.

POOL EASEMENT NO. 2:

From the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 26, Township 30 South, Range 15 East, run S. 00°13'04"W., 30.00 feet to the South right-of-way line of 82nd Avenue North; thence S. 89°36'58"E., 332.66 feet along said right-of-way line; thence S. 00°16'59"W., 295.90 feet; thence N. 89°43'01"W., 68.00 feet to the Point of Beginning; thence S. 00°16'59"W., 25.00 feet; thence N. 89°43'01"W., 19.00 feet; thence N. 00°16'59"E., 25.00 feet; thence S. 89°43'01"E., 19.00 feet to the Point of Beginning.

NOTES:

- All structures are proposed, except Phase I.
- All areas outside of perimeter of the units are Common Elements, except Lanais, which are Limited Common Elements.

SURVEYOR'S CERTIFICATE:

I hereby certify that on this 10th day of October, 1985, the property described herein was surveyed and staked and that the dimensions and the angles are correct. I further certify that the construction of the improvements is substantially complete so that the material, together with the provision of the Declaration describing the condominium property is an accurate representation of the location and dimensions of the improvements and that the identification, location and dimensions of the common elements of each unit can be determined from the materials.

Florida Engineer's Reg. No. 3896
Florida Surveyor's Reg. No. 827

C. Fred Beuel and Associates, Inc.

The within map or plat submitted to the Commission for the State of Florida, State Surveyor, is for the purpose of recording the same in the public records of Pinellas County, Florida, in Condominium Plat Book No. 91, Page 95. I, the undersigned, a duly Licensed Professional Engineer and a duly Licensed Professional Surveyor in the State of Florida, certify that the same is a true and correct representation of the actual survey made by me or under my direct supervision and that the same complies with the provisions of the Florida Condominium Act, Chapter 718, Florida Statutes.

By: *Carlene D. DeWitt*, Deputy Clerk

INST # 92-116785
APR 23, 1992 4:11:20 PM

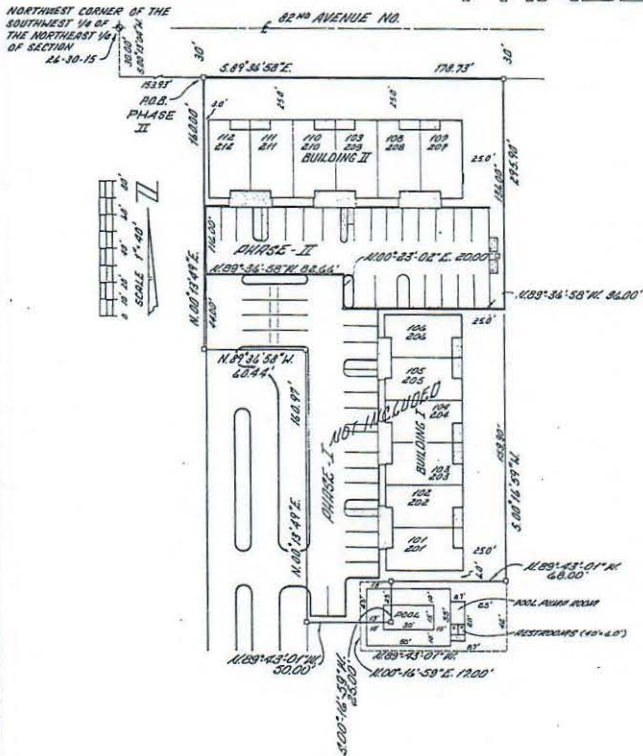
DECLARATION OF CONDOMINIUM

IS RECORDED IN 1567-
7885 PAGE 1570

CONDOMINIUM
Book# 110 Page# 88

THE GARDENS 108, A CONDOMINIUM

LOCATED IN THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 30 SOUTH, RANGE 15 EAST
PINELLAS COUNTY PHASE II FLORIDA



NOTE:

All areas outside of perimeter of the units are Common Elements, except Lobbies, which are Limited Common Elements.

PHASE II

From the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 26, Township 30 South, Range 15 East, run S. 00° 13' 04\"/>

POOL EASEMENT NO. 1

From the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 26, Township 30 South, Range 15 East, run S. 00° 13' 04\"/>

POOL EASEMENT NO. 2

From the Northwest corner of the Southwest 1/4 of the Northeast 1/4 of Section 26, Township 30 South, Range 15 East, run S. 00° 13' 04\"/>

SURVEYOR'S CERTIFICATE:

I hereby certify that on this 11th day of April, 1992, the property described herein was surveyed and staked and that the dimensions and the angles are correct. I further certify that the construction of the improvements is substantially complete so that the material, together with the provision of the Declaration describing the condominium property is an accurate representation of the location and dimensions of the improvements and that the identification, location and dimensions of the common elements of each unit can be determined from the materials.



C. Fred Bevel and Associates, Inc.

Florida Engineer's Reg. No. 1834
Florida Surveyor's Reg. No. 827

This public map is not subject to the provisions of Chapter 178, Florida Statutes, which require that a public map be recorded in the public records of Pinellas County, Florida, in accordance with the provisions of Chapter 178, Florida Statutes, and that a public map be recorded in the public records of Pinellas County, Florida, in accordance with the provisions of Chapter 178, Florida Statutes.