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ORDINANCE #2014-7
PH #21-13-1
Rubin Groves of Clermont, LLC / Sheldon Rubin
Rubin Groves of Clermont PUD

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AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; AND PROVIDING FOR AN EFFECTIVE DATE.

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WHEREAS, Sheldon Rubin (the “Applicant”) on behalf of Rubin Groves of Clermont, LLC – Sheldon Rubin (the “Owners”) has submitted an application to amend the Planned Unit Development (PUD) Zoning District (Ordinance #2013-8) on 131 +/- acres to allow a Mixed-Use Planned Unit Development of single-family residential uses, limited commercial uses, and to include mass grading and overburden removal exceeding 200% of the stormwater volume requirement; and

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WHEREAS, the property consists of approximately 131 +/- acres located south of Clermont– west and southwest of the intersection of Woodcrest Way and US 27, Section 26 & 27 – Township 24 South – Range 26 East, also described as Alternate Key #1595240, 2510480 and the western portions of Alternate Key #s 1071011, & 1595169, and more particularly described below:

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LEGAL DESCRIPTION:
(Exhibit “A” Attached)

WHEREAS, the subject property is located within the Green Swamp Ridge Future Land Use Category; and

WHEREAS, the Board of County Commissioners of Lake County, Florida, on the 26th day of February, 2013 approved a Mixed Use PUD under Ordinance #2013-8; and

WHEREAS, the adoption of this new ordinance shall supersede and replace Ordinance #2013-8; and

WHEREAS, the Lake County Planning and Zoning Board, did review petition PH #21-13-1, on the 7th day of January, 2014, after giving Notice of Hearing on petition for a change in the use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 28th day of January, 2014; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Board, and any comments, favorable or unfavorable, from the Public and surrounding property owners at a duly advertised Public Hearing, and

WHEREAS, upon review, certain terms pertaining to the development of the above described property have been duly approved, and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Lake County, Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land, as specified above, subject to the following terms:

Section 1. Terms:

The County Manager or designee shall amend the Zoning Map in accordance with this Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent with the Conceptual Plan attached hereto as Exhibit “B”. To the extent where there are conflicts between Exhibit “B” and this Ordinance, this Ordinance

1 shall take precedence. This Ordinance shall supersede and replace any and all previous
2 ordinances for this property, specifically Ordinance #2013-8.

3 A. Land Use and Design: (American Disabilities Act - ADA Compliant Mixed Use
4 Community)

5 1. Residential:

6 Single-Family Residential at a density of up to four (4) dwelling units (du) to the net
7 acre (490 dwelling units, maximum).

8 2. Commercial:

9 a. Commercial development area shall not exceed twenty-four (24.54) acres
10 maximum and as limited by the maximum floor area ratio of 0.25.

11 b. Commercial uses shall be permitted in accordance with the Comprehensive
12 Plan and Land Development Regulations (LDR), as amended.

13 Accessory uses directly associated with the above principal uses may be
14 approved by the County Manager or designee. Any other use of the site not
15 specified in this Ordinance shall require approval of an amendment to this
16 Ordinance by the Board of County Commissioners.

17 B. Mass Grading and Overburden Removal:

18 1. The mass grading shall be consistent with Exhibit "C" – Mass Grading Conceptual
19 Plan and is subject to the Principles for Guiding Development and Development
20 Requirements within the Green Swamp Area of Critical State Concern contained in
21 the Comprehensive Plan and Land Development Regulations, as amended.

22 2. The mass grading plan shall be subject to the mining regulations contained in the
23 Land Development Regulations, as amended, and shall be submitted as
24 Construction Plans for Phase 1 of the development.

25 3. The mass grading plan shall meet all submittal requirements for a Mining
26 Conditional Use Permit and Operating Plan in accordance with the Land
27 Development Regulations, as amended, but will not be required to go through the
28 Mining Conditional Use Permit Public Hearing process.

29 4. Prior to the commencement of any development activity, including the mass
30 grading of the site, a final plat shall be recorded in the Public Records of Lake
31 County, Florida, for the entire project acreage, which shall include all lots and
32 commercial development. In addition to complying with all provisions of this
33 ordinance, and all provisions of the Lake County Land Development Regulations
34 (LDR) pertaining to the development of the property more particularly described in
35 Exhibit "A", attached hereto and incorporated herein, the Developer shall provide a
36 fully executed Developer's Agreement between the Developer and the County
37 together with a Surety Bond in the amount of **one hundred and twenty (120)**
38 **percent** of the total construction cost for the project, prior to or in conjunction with
39 the Board of County Commissioners' acceptance of the final plat, instead and in
40 place of the one hundred and ten (110) percent security requirement stated in
41 Section 14.08.00.E.2., Lake County LDR.

C. Environmental, Open Space and Conservation:

1. An environmental assessment consistent with the Comprehensive Plan and LDR, as amended shall be required with site plan, preliminary plat, and/or construction plans.
2. The development is providing 49.1 acres of open space, which meets the minimum required open space of 49.07 acres (40% of the net buildable area). The development shall maintain the minimum open space on the site, consistent with the Comprehensive Plan and LDR, as amended.
3. All wetlands within the property shall be placed into a conservation easement or similar recorded and legally binding instrument, as allowed by law, pursuant to Lake County Comprehensive Plan Policy, as amended. The conservation easement or similar instrument shall require that all wetlands and wetland buffers be maintained in their natural and unaltered state.

D. Development Requirements:

| | |
|--------------------------------|---|
| Impervious Surface Ratio (ISR) | 45% of the development site |
| Floor Area Ratio (FAR) | 25% of the non-residential development site |
| Building Square Footage | 5,000 SF; may increase to max. ISR & FAR if building meets or exceeds sustainable building rating & certification system and retains the first 3 inches of stormwater runoff on the property. |
| Building Height | Forty (40) Feet |

All development shall meet the development requirements within the Green Swamp Area of Critical State Concern in accordance with the Comprehensive Plan and LDR, as amended.

E. Stormwater:

Stormwater facilities shall be constructed utilizing the latest biodiversity design techniques and Best Management Practices (BMPs), such as but not limited to, bio-filtration, bio-swales, rain gardens, and bio-retention.

F. Utilities:

1. Central water and sewer shall be provided to the development prior to construction plan and/or site plan approval.
2. A copy of the Utility Service Agreement between the developer and utility service provider shall be provided to the County prior to the approval of a site plan and/or construction plans.
3. The Developer or Property Owner shall demonstrate that all access ways are designed to accommodate solid waste collection vehicles to Lake County standards, as amended.

G. Parking: All parking for the development shall be consistent with the Comprehensive Plan and LDR, as amended.

- 1 H. Buffers, Landscaping, and Setbacks:
 - 2 1. Landscaping and screening shall be in accordance with the Comprehensive Plan
 - 3 and LDR, as amended.
 - 4 2. Landscape buffers, fences or walls, shall not be required between commercial or
 - 5 mixed (residential/commercial) uses within this planned unit development except
 - 6 to visually screen parking, loading or storage areas.
 - 7 3. Best Management Practices for native landscaping and “right plant-right place”
 - 8 landscaping techniques shall be used for the landscape design to minimize the
 - 9 use of chemicals, pesticides, and water for irrigation. Invasive and exotic plant
 - 10 species are prohibited.
 - 11 4. A fifty (50) foot wide buffer shall be along the western perimeter property line,
 - 12 adjacent to agricultural land areas and any agriculture zoned properties. The
 - 13 buffer will be assessed during the review of the required preliminary plat and/or
 - 14 site plan and may consist of existing non-invasive vegetation or Florida Friendly
 - 15 vegetation.
- 16 I. Transportation:
 - 17 1. Access management shall be consistent with the Comprehensive Plan, LDR, and
 - 18 Florida Department of Transportation (FDOT) Regulations, as amended.
 - 19 2. A full operational traffic impact analysis shall be submitted for review and approval
 - 20 with a site plan and/or preliminary plat application.
- 21 J. Lighting: Exterior lighting shall not illuminate adjacent properties and rights-of-way.
- 22 Outdoor lighting shall be full-cutoff lighting. Lighting shall be designed so as to prevent
- 23 direct glare, light spillage, and hazardous interference consistent with Dark Sky
- 24 Principles and be in accordance with the Comprehensive Plan and Land Development
- 25 Regulations, as amended.
- 26 K. Noise: A noise assessment shall be required with the preliminary plat and/or site plan
- 27 submittal to demonstrate mitigation for any noise impacts the proposed project may
- 28 have on the neighboring uses pursuant to the LDR, as amended.
- 29 L. Signage: Signage shall be consistent with the Comprehensive Plan and LDR, as
- 30 amended.
- 31 M. Concurrency: The development shall be subject to all applicable Concurrency
- 32 Management requirements in accordance with the Comprehensive Plan and LDR, as
- 33 amended.
- 34 N. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific
- 35 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
- 36 County Comprehensive Plan, and Lake County Land Development Regulations,
- 37 include any future amendment to the Statutes, Code, Plan, and/or Regulations.
- 38 O. PUD Term Limits: Physical development shall commence within three (3) years
- 39 from the date of this Ordinance approval.
 - 40 1. Failure to submit an application for a Mining Conditional Use Permit, a Mining
 - 41 Operation Plan, Reclamation/Mass Grading Plan, and bonding or other security

1 necessary to enforce the conditions of approval in accordance with Section
2 6.06.00, LDR, as amended, shall constitute failure to commence physical
3 development and shall cause the revocation of this ordinance in accordance with
4 the Comprehensive Plan or superseding documents amended.

5 2. Failure to construct either infrastructure for 100 dwelling units, infrastructure for
6 5,000 square feet of commercial use, or the necessary extension of Woodcrest
7 Way to support the proposed development within three (3) years of approval of
8 this Ordinance, shall constitute failure to commence physical development and
9 shall cause the revocation of this ordinance in accordance with the
10 Comprehensive Plan or superseding documents amended. Clearing and grading
11 alone shall not be construed as sufficient to meet this requirement.

12 3. Prior to expiration of the three-year time frame, the Board of County
13 Commissioners may grant, via a Public Hearing, a one (1) extension of the time
14 frame for a maximum of two (2) years upon a showing that reasonable efforts have
15 been made towards securing the required approvals and commencement of work.

16 P. After establishment of the facilities as provided herein, the aforementioned property
17 shall only be used for the uses named in this Ordinance.

18 Q. This Ordinance shall inure to the benefit of, and shall constitute a covenant running
19 with the land and the terms, conditions, and provisions hereof, and shall be binding
20 upon the present owner and any successor, and shall be subject to each and every
21 condition herein set out.

22 R. The transfer of ownership or lease of any or all of the property described in this
23 Ordinance shall include in the transfer or lease agreement, a provision that the
24 purchaser or lessee is made good and aware of the conditions pertaining to this
25 Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may
26 request a change from the existing plans and conditions by following procedures
27 contained in the Lake County Land Development Regulations, as amended.

28 S. Action by the Lake County Code Enforcement Special Master: The Lake County Code
29 Enforcement Special Master shall have the authority to enforce the terms and
30 conditions set forth in this ordinance and to recommend that the Ordinance be
31 revoked.

32 **Section 2. Development Review and Approval:** Prior to the issuance of any permits, the Owner
33 shall obtain development order approvals from Lake County. The applications for final
34 orders shall meet all submittal requirements and comply with all County codes and
35 ordinances, as amended.

36 **Section 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be
37 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in
38 no way affect the validity of the remaining portions of this Ordinance.

39 **Section 4. Filing with the Department of State.** The clerk shall be and is hereby directed forthwith to
40 send a copy of this Ordinance to the Secretary of State for the State of Florida in accordance with Section
41 125.66, Florida Statutes.

1 **Section 5. Effective Date. This Ordinance shall become effective as provided by law.**

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3 **ENACTED** this _____ day of _____, 2014.

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5 **FILED** with the Secretary of State _____, 2014.

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7 **EFFECTIVE** _____, 2014.

8 **BOARD OF COUNTY COMMISSIONERS**
9 **LAKE COUNTY, FLORIDA**

10 _____
11 **JIMMY CONNER, Chairman**

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14 **ATTEST:**

15 _____
16 **NEIL KELLY, Clerk of the**
17 **Board of County Commissioners**
18 **Lake County, Florida**

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21 **APPROVED AS TO FORM AND LEGALITY**

22 _____
23 **SANFORD A. MINKOFF, County Attorney**

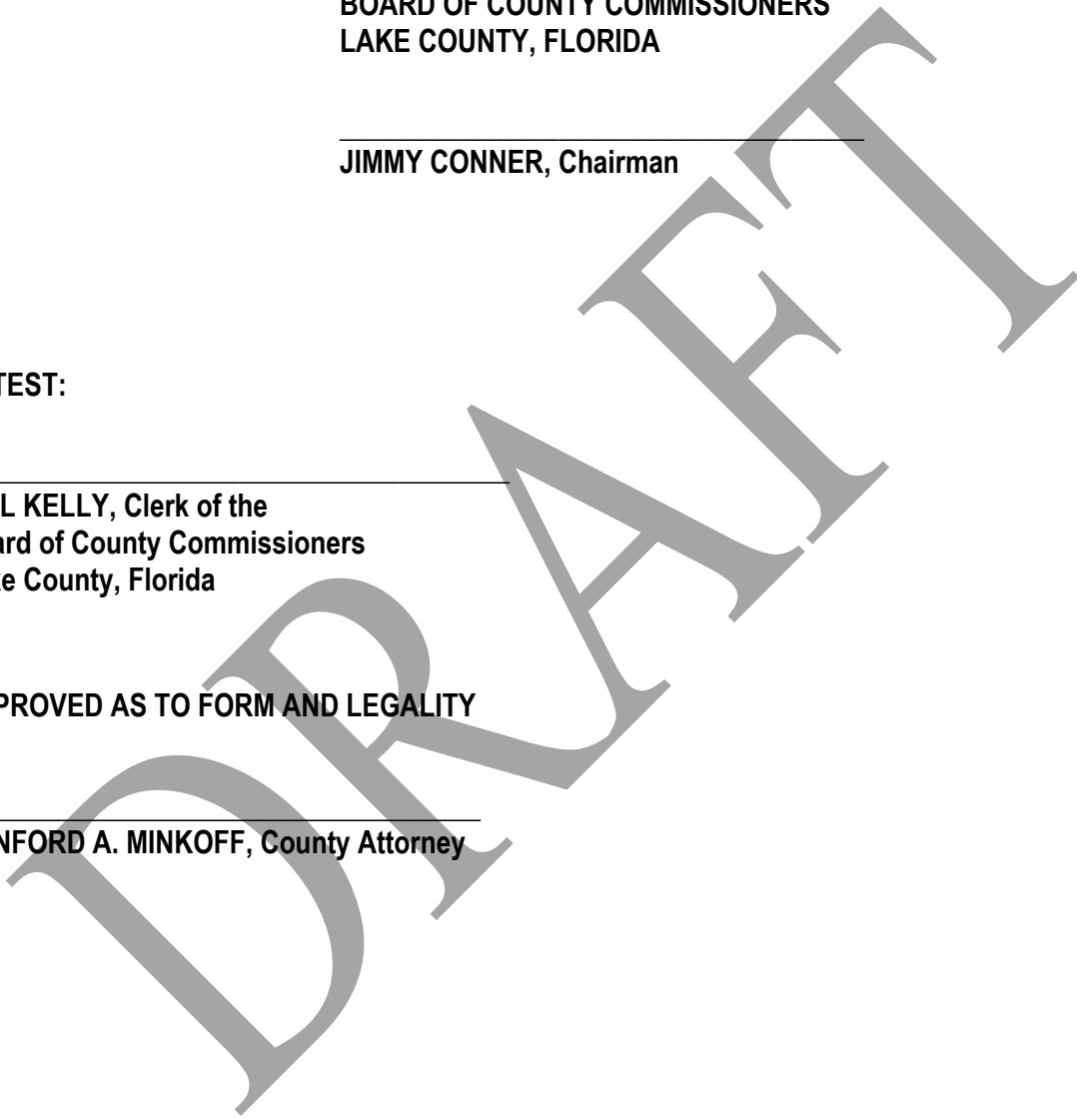


EXHIBIT "A" – LEGAL DESCRIPTION

Parcel No.1:

The North 661 feet of the South 1485 feet of the East 1/2 of the Southeast 1/4 of Section 27, Township 24 South, Range 26 East, Lake County, Florida.

Parcel No.2:

The North 661 feet of the South 1485 feet of Section 26, Township 24 South, Range 26 East, Lake County, Florida, lying West of the right of way of U.S. Highway No. 27.

LESS and EXCEPT the following described parcels:

From the Southwest corner of Section 26, Township 24 South, Range 26 East, Lake County, Florida, run South 89°41'50" East, along the South line of said Section 26, 3386.26 feet to a point on the centerline of U.S. Highway #27, run thence along said centerline, North 20°05'20" West, 1384.28 feet; run thence North 89°41'50" West, 119.49 feet to the Point of Beginning; said Point of Beginning being on the Westerly right-of-way line of U.S. Highway # 27; continue thence North 89°41'50" West, 269.69 feet; run thence North 00°18'10" East, 187.47 feet; run thence South 89°41'50" East, 200.0 feet to the aforesaid Westerly right-of-way line of U.S. Highway #27; run thence South 20°05'20" East, 200.0 feet to the Point of Beginning.

AND

From the Southwest corner of Section 26, Township 24 South, Range 26 East, Lake County, Florida, run South 89°41'50" East, along the South line of said Section 26, 3386.26 feet to a point on the centerline of U.S. Highway #27, run thence along the said centerline of U.S. Highway # 27, North 20°05'20" West 1384.28 feet; thence North 89°41'50" West 119.49 feet for a Point of Beginning, said Point of Beginning being on the Westerly right-of-way line of the aforesaid U.S. Highway #27; run thence along said Westerly right-of-way line South 20°05'20" East 200.0 feet; thence North 89°41'50" West 439.38 feet; thence North 00°18'10" East 374.93 feet; thence South 89°41'50" East 100.00 feet; thence South 00°18'10" West 187.47 feet; thence South 89°41'50" East 269.69 feet to the Point of Beginning.

Parcel No.3:

That part of the South 1/4 of the Southwest 1/4 of the Southeast 1/4 lying West of the right of way of U.S. Highway No. 27; The South 1/4 of the Southeast 1/4 of the Southwest 1/4; and the South 1/4 of the Southwest 1/4 of the Southwest 1/4; Section 26, Township 24 South, Range 26 East, Lake County, Florida;

The South 1/4 of the Southeast 1/4 of the Southeast 1/4 of Section 27, Township 24 South, Range 26 East, Lake County, Florida.

Parcel No. 4:

The North 494 feet of the South 824 feet of Section 26, Township 24 South, Range 26 East, Lake County, Florida, lying West of the right of way of U.S. Highway No. 27, and the North 494 feet of the South 824 feet of the Southeast 1/4 of the Southeast 1/4 of Section 27, Township 24 South, Range 26 East, Lake County, Florida.

ALSO LESS THE FOLLOWING DESCRIBED PARCEL (Racetrac)

LEGAL DESCRIPTION: (Racetrac Parcel)

A part of Section 28, Township 24 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Commence at the Southeast corner of said Section 26; thence along the South line of said Section 26, North 89°59'11" West, a distance of 2034.49 feet, to the westerly right-of-way line of

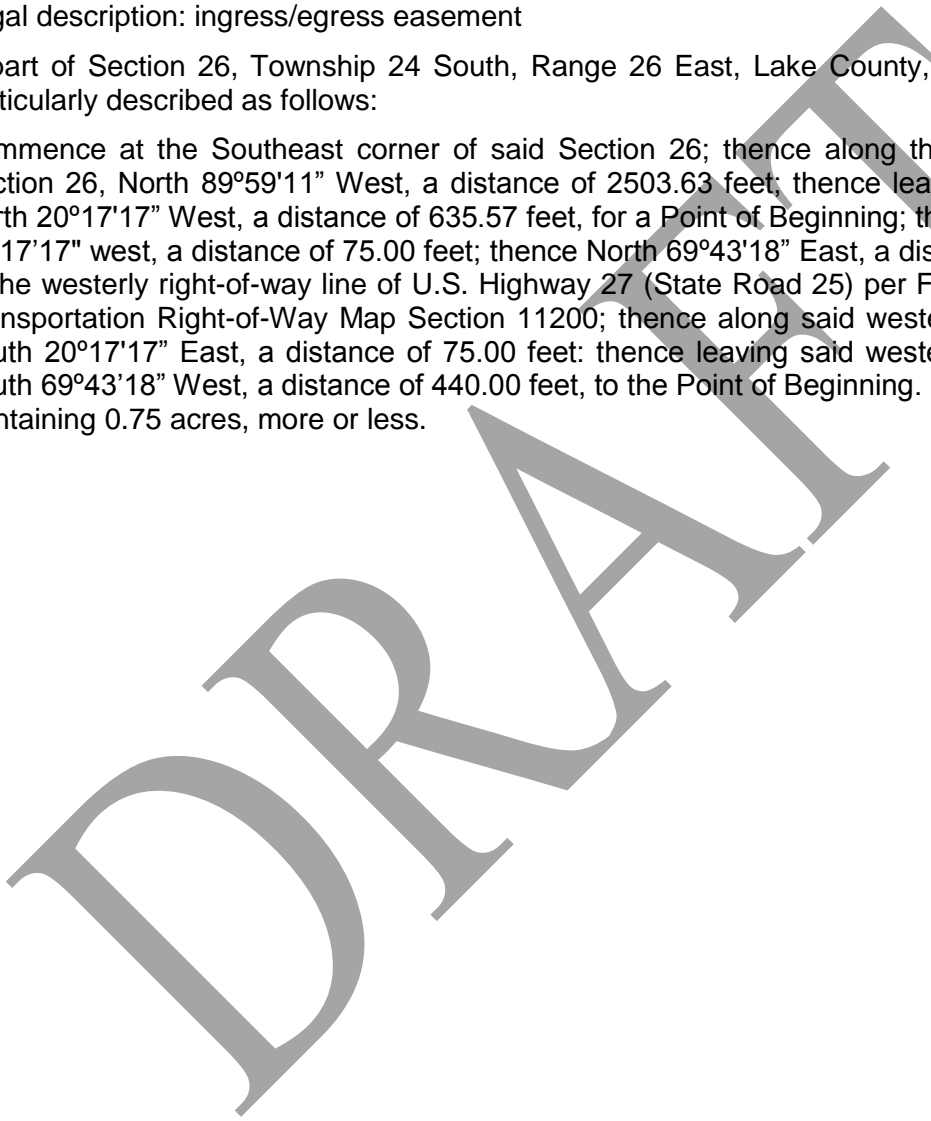
1 U.S. Highway 27 (State Road 25) per Florida Department of Transportation Right-of-Way Map
2 Section 11200, for a point of beginning. Thence continue along said South line, North 89°59'11"
3 West, a distance of 469.14 feet; thence leaving said South line. North 20°17'17" West. a
4 distance of 1184.20 feet; thence South 89° 53'15" East, a distance of 469.45 feet, to a point on
5 the westerly right-of-way line of said U.S. Highway 27; thence along said westerly right-of-way
6 line, South 20°17' 17" East, a distance of 1183.34 feet, to the point of beginning. Containing
7 11.95 acres, more or less.

8 **Subject to:**

9 Legal description: ingress/egress easement

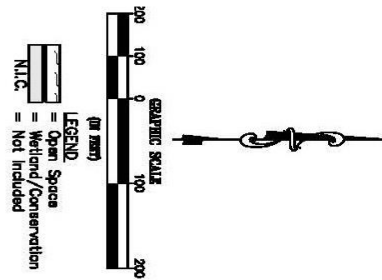
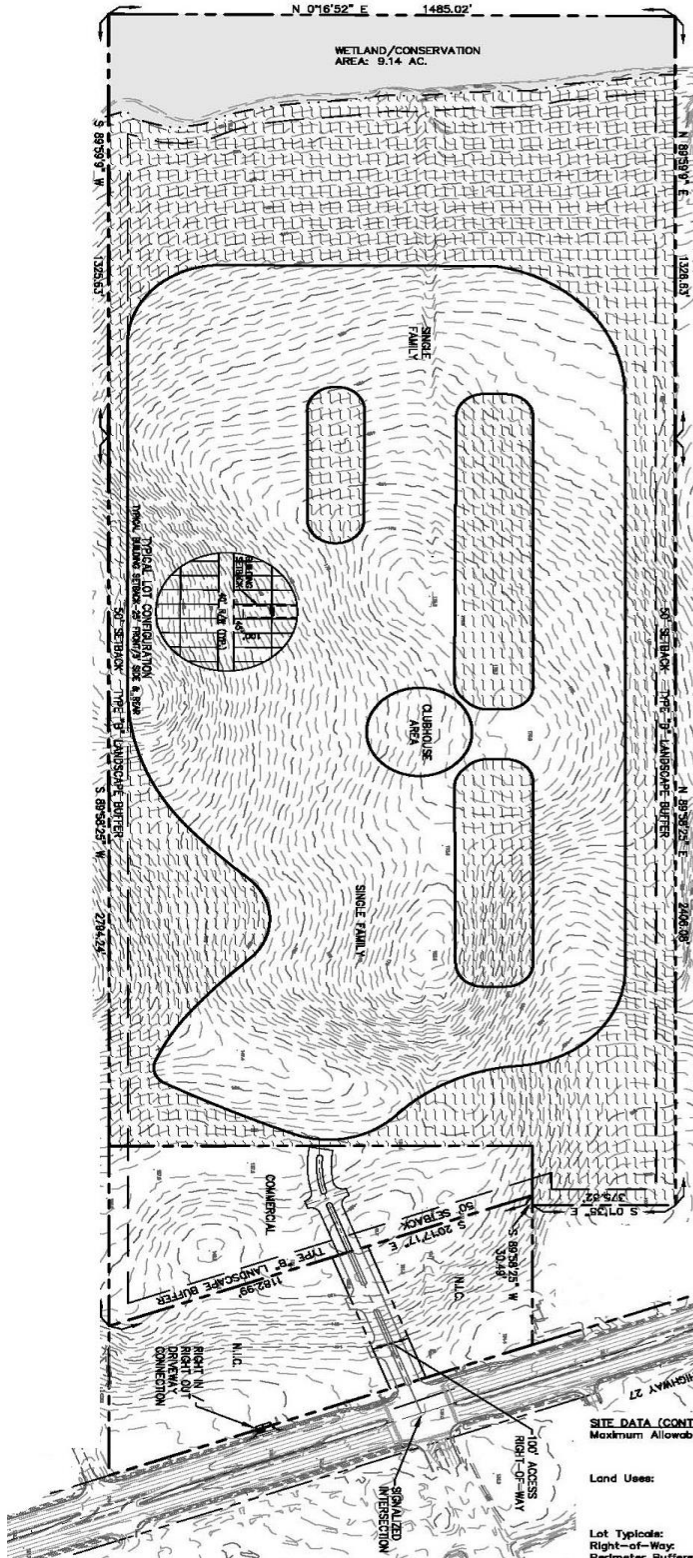
10 A part of Section 26, Township 24 South, Range 26 East, Lake County, Florida, being more
11 particularly described as follows:

12 Commence at the Southeast corner of said Section 26; thence along the South line of said
13 Section 26, North 89°59'11" West, a distance of 2503.63 feet; thence leaving said South line,
14 North 20°17'17" West, a distance of 635.57 feet, for a Point of Beginning; thence continue North
15 20°17'17" west, a distance of 75.00 feet; thence North 69°43'18" East, a distance of 440.00 feet,
16 to the westerly right-of-way line of U.S. Highway 27 (State Road 25) per Florida Department of
17 Transportation Right-of-Way Map Section 11200; thence along said westerly right-of-way line.
18 South 20°17'17" East, a distance of 75.00 feet: thence leaving said westerly right-of-way line,
19 South 69°43'18" West, a distance of 440.00 feet, to the Point of Beginning.
20 Containing 0.75 acres, more or less.
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EXHIBIT "B" – CONCEPT PLAN



PROJECT PHASES
 Phase 1 – Mass Grading
 Phase 2 – Single Family
 Phase 3 – Commercial

SITE DATA
 Total Area: 131.82 Ac. (5,742,079 S.F.)
 Net Buildable Area: 122.68 Ac. (5,343,941 S.F.)
 Flum: Ridge-Green Swamp
 Existing Site Zoning: A
 Adjacent Zoning: East CP & C1
 West A
 South PUD
 North C1 & PUD
 On Site Soils: Astoria, Lake & Pomello Sand
 Topography: 5' Contours (Lidar)
 Existing Land Use: Citrus Grove

Wetlands are currently in a Conservation Area

Proposed Zoning: Mixed Use PUD
 Maximum Allowable Residential Density: 4 DU/AC/Net Buildable Area

SITE DATA (CONT.)
 Maximum Allowable Non-Residential (Commercial) Density: 20% of Net Buildable Area
 0.25 Maximum Floor Area Ratio
 0.45 Maximum Impervious Area
 Maximum Building Height 40'

Land Uses:
 Single Family Residential – 62.20 Ac.
 Clubhouse – 2.04 Ac.
 Commercial – 8.87 Ac.
 Wetlands – 9.14 Ac.
 Open Space – 49.10 Ac. (40%)

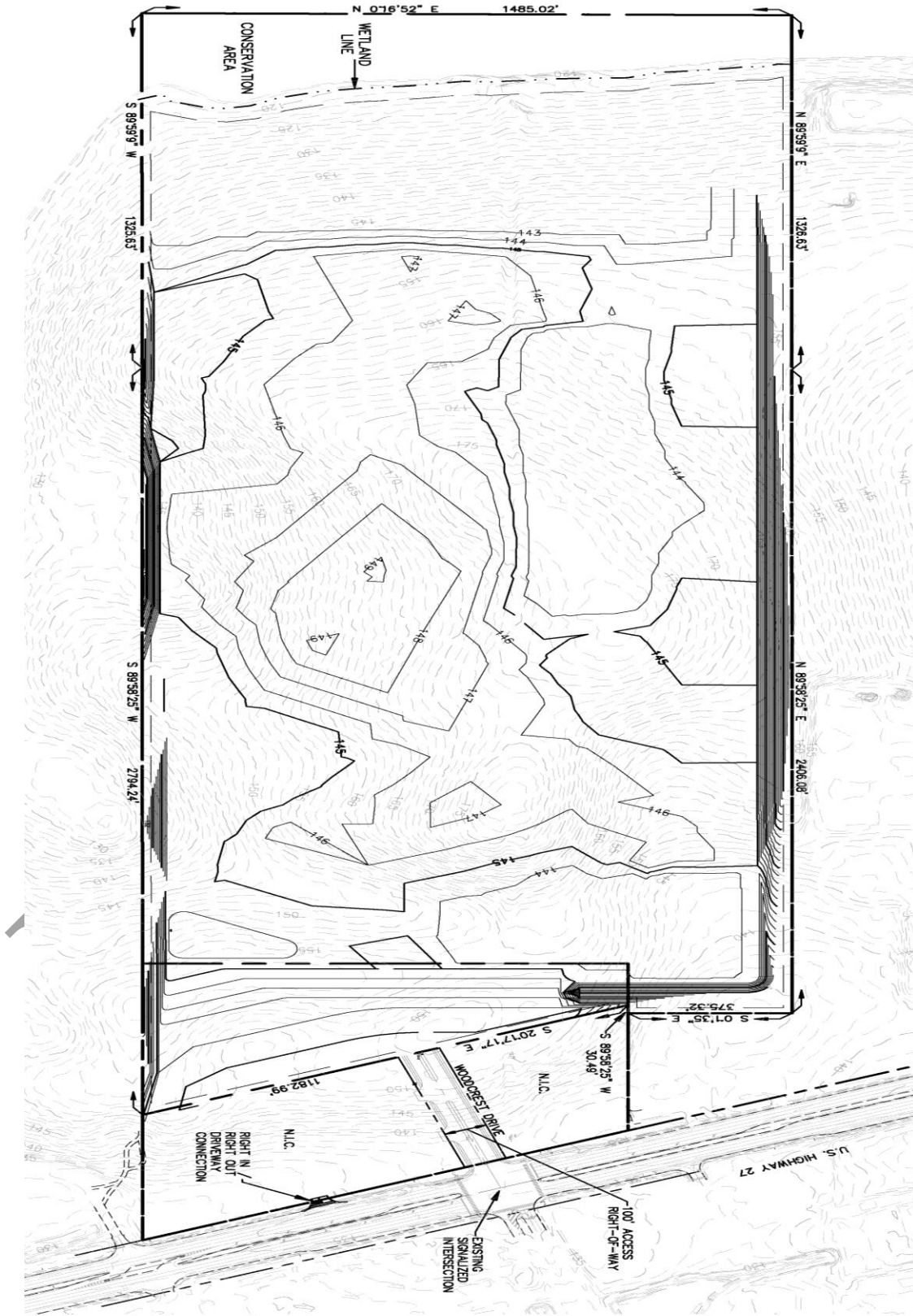
Lot Typicals:
 Right-of-Way: 45'x100' – Setbacks: 25' Front, 5' Sides & Rear
 40' Minimum
 "B" Minimum with 50' Wetland Setback

Perimeter Buffers:
 Private Roads & Streets
 Stormwater Management: Dry Retention
 Pedestrian accessibility (sidewalks, etc.) will be provided along the entrance road and internal streets.

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EXHIBIT "C" – MASS GRADING CONCEPT PLAN



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