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**ORDINANCE #2013-8**  
**PH #3-13-1**  
**Rubin Groves of Clermont, LLC / Sheldon Rubin**  
**Rubin Groves of Clermont PUD**

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

**WHEREAS**, Sheldon Rubin (the "Applicant") on behalf of Rubin Groves of Clermont, LLC – Sheldon Rubin (the "Owners") has submitted an application to rezone property from Agriculture (A) to Planned Unit Development (PUD) to permit the development of a Mixed-Use PUD; and

**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 19 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:

**LEGAL DESCRIPTION:**  
(Exhibit "A" Attached)

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

**WHEREAS**, the Lake County Planning and Zoning Board, did review petition PH #3-13-1 on the 6<sup>th</sup> day of February, 2013, 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 26<sup>th</sup> day of February, 2013; 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

**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 Official Zoning Map from Agriculture (A) to the Planned Unit Development (PUD) Zoning District in accordance with this Ordinance. Development of the site shall be consistent with the Concept Plan as shown in Exhibit "B" (attached), to the extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take precedence.

A. Land Use and Design:

1. Residential:

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

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DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA



2. Commercial:

- a. Commercial development area shall not exceed twenty-four (24.54) acres maximum and as limited by the maximum floor area ratio of 0.25.
- b. Commercial uses shall be permitted in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

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

B. Environmental, Open Space and Conservation:

- 1. An environmental assessment consistent with the Comprehensive Plan and LDR, as amended shall be required with site plan or preliminary plat.
- 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 I-4.1.5. The conservation easement or similar instrument shall require that all wetlands and wetland buffers be maintained in their natural and unaltered state.

C. 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.

D. 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 accessways are designed to accommodate solid waste collection vehicles to Lake County standards, as amended.

- 1 E. Parking: All parking for the development shall be consistent with the Comprehensive  
2 Plan and LDR, as amended.
- 3 F. Buffers, Landscaping, and Setbacks:
  - 4 1. Landscaping and screening shall be in accordance with the Comprehensive Plan  
5 and LDR, as amended.
  - 6 2. Landscape buffers, fences or walls, shall not be required between commercial or  
7 mixed (residential/commercial) uses within this planned unit development except  
8 to visually screen parking, loading or storage areas.
  - 9 3. Best Management Practices for native landscaping and "right plant-right place"  
10 landscaping techniques shall be used for the landscape design to minimize the  
11 use of chemicals, pesticides, and water for irrigation. Invasive and exotic plant  
12 species are prohibited.
  - 13 4. A fifty (50) foot wide buffer shall be along the western perimeter property line,  
14 adjacent to agricultural land areas and any agriculture zoned properties. The  
15 buffer will be assessed during the review of the required preliminary plat and/or  
16 site plan and may consist of existing non-invasive vegetation or Florida Friendly  
17 vegetation.
- 18 G. Transportation:
  - 19 1. Access management shall be consistent with the Comprehensive Plan, LDR, and  
20 Florida Department of Transportation (FDOT) Regulations, as amended.
  - 21 2. A full operational traffic impact analysis shall be submitted for review and approval  
22 with a site plan and/or preliminary plat application.
- 23 H. Lighting: Exterior lighting shall not illuminate adjacent properties and rights-of-way.  
24 Outdoor lighting shall be full-cutoff lighting. Lighting shall be designed so as to prevent  
25 direct glare, light spillage, and hazardous interference consistent with Dark Sky  
26 Principles and be in accordance with the Comprehensive Plan and Land Development  
27 Regulations, as amended.
- 28 I. Noise: A noise assessment shall be required with the preliminary plat and/or site plan  
29 submittal to demonstrate mitigation for any noise impacts the proposed project may  
30 have on the neighboring uses pursuant to the LDR, as amended.
- 31 J. Signage: Signage shall be consistent with the Comprehensive Plan and LDR, as  
32 amended.
- 33 K. Concurrency: The development shall be subject to all applicable Concurrency  
34 Management requirements in accordance with the Comprehensive Plan and LDR, as  
35 amended.
- 36 L. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific  
37 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake  
38 County Comprehensive Plan, and Lake County Land Development Regulations,  
39 include any future amendment to the Statutes, Code, Plan, and/or Regulations.
- 40 M. PUD Term Limits: Physical development shall commence within three (3) years from  
41 the date of this Ordinance approval.
  - 42 1. Failure to construct either infrastructure for 100 dwelling units, infrastructure for  
43 5,000 square feet of commercial use, or the necessary extension of Woodcrest

1 Way to support the proposed development within three (3) years of approval of  
2 this Ordinance, shall cause the revocation of this ordinance in accordance with the  
3 Comprehensive Plan or superseding documents amended. Clearing and grading  
4 alone shall not be construed as sufficient to meet this requirement.

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

9 N. After establishment of the facilities as provided herein, the aforementioned property  
10 shall only be used for the uses named in this Ordinance.

11 O. This Ordinance shall inure to the benefit of, and shall constitute a covenant running  
12 with the land and the terms, conditions, and provisions hereof, and shall be binding  
13 upon the present owner and any successor, and shall be subject to each and every  
14 condition herein set out.

15 P. The transfer of ownership or lease of any or all of the property described in this  
16 Ordinance shall include in the transfer or lease agreement, a provision that the  
17 purchaser or lessee is made good and aware of the conditions pertaining to this  
18 Ordinance, and agrees to be bound by these conditions. The purchaser or lessee may  
19 request a change from the existing plans and conditions by following procedures  
20 contained in the Lake County Land Development Regulations, as amended.

21 Q. Action by the Lake County Code Enforcement Special Master. The Lake County Code  
22 Enforcement Special Master shall have the authority to enforce the terms and  
23 conditions set forth in this ordinance and to recommend that the Ordinance be  
24 revoked.

25 **Section 2. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be  
26 invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in  
27 no way affect the validity of the remaining portions of this Ordinance.

28 **Section 3. Development Review and Approval:** Prior to the issuance of any permits, the Owner  
29 shall obtain development order approvals from Lake County. The applications for final  
30 orders shall meet all submittal requirements and comply with all County codes and  
31 ordinances, as amended.

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1 Section 4. Effective Date. This Ordinance shall become effective as provided by law.

2  
3 ENACTED this 26<sup>th</sup> day of February, 2013.

4  
5 FILED with the Secretary of State March 8, 2013.

6  
7 EFFECTIVE March 8, 2013.

8 BOARD OF COUNTY COMMISSIONERS  
9 LAKE COUNTY, FLORIDA

10 Leslie Campione  
11 LESLIE CAMPIONE, Chairman

12 ATTEST:

13 Neil Kelly  
14 NEIL KELLY, Clerk of the  
15 Board of County Commissioners  
16 Lake County, Florida

17 APPROVED AS TO FORM AND LEGALITY

18 Sanford A. Minkoff  
19 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

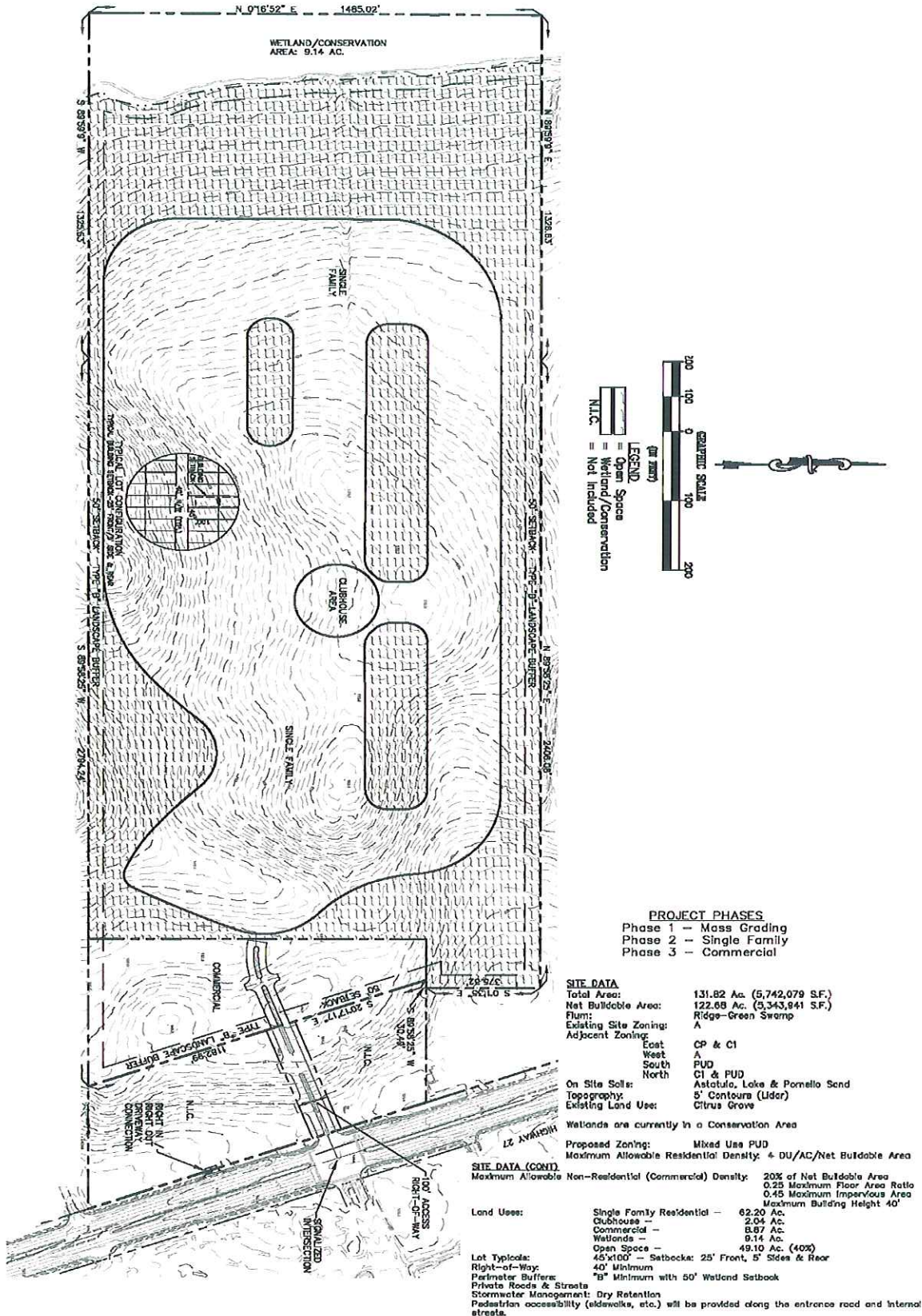
10 A part of Section 26, Township 24 South, Range 26 East, Lake County, Florida, being more  
11 particularly described as follows:

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



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