

**LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS
PETITION TO REZONE PROPERTY**

PLANNING and ZONING BOARD
February 6, 2013



BOARD OF COUNTY COMMISSIONERS
February 26, 2013

PH #38-12-2 Reed Nissan Stormwater Rezoning	Case Manager: Rick Hartenstein, AICP, CPM, Senior Planner	Agenda Item # 3
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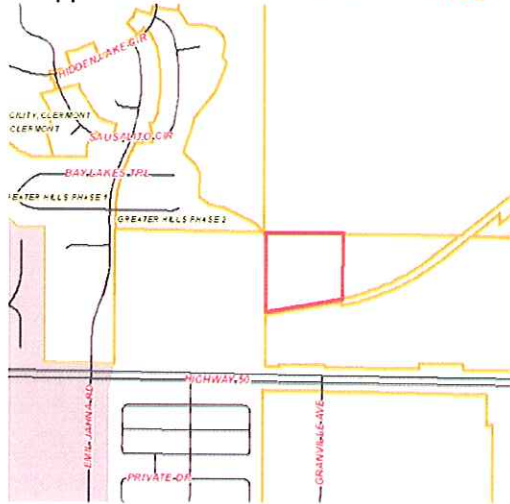
Owner: Colonial Acquisitions, Inc / Raymond D. Reed (the "Owner")

Applicant: Jimmy D. Crawford (the "Applicant")

Requested Action: The Applicant requests to rezone 9.5 +/- acres from Agriculture (A) to Planned Commercial (CP) for commercial development of the property as a stormwater retention facility for the Auto Dealership being constructed on an adjacent parcel.

- Site Location and Information -

Approximate site location shown in red



Size	9.5 +/- Acres	
Location	Sections 26 / Township 22S / Range 26E, Clermont – situated north of the intersection of SR 50 & Granville Ave., behind the property addressed as 16005 SR 50, which is west of CR 455.	
Alt. Key Number(s)	2670436	
Future Land Use (FLU)	Regional Office	
	Existing	Proposed
Zoning District	Agriculture (A)	Planned Commercial (CP)
Floor Area Ratio (FAR)	N/A – Stormwater Retention Facilities and Conservation	N/A – Stormwater Retention Facilities and Conservation
Open Space Requirement	N/A – Stormwater Retention Facilities and Conservation	N/A – Stormwater Retention Facilities and Conservation
Maximum Impervious Surface Ratio (ISR)	N/A – Stormwater Retention Facilities and Conservation	N/A – Stormwater Retention Facilities and Conservation
Joint Planning Area	City of Clermont	
Utility Area	City of Clermont	
Site Utilities	N/A – Stormwater Retention Facilities and Conservation Only	
Road District	SR 50 - Arterial	
Flood Zone / FIRM Panel	Zone A & X – Panel #12069C0565D Effective July 3, 2002	
Commissioner's District	2 – Parks	

Site Visit(s): January 22, 2013

Sign(s) Posted: January 22, 2013 - (3 Signs)

Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low	A	Vacant Land & Wetland	None
South	Regional Commercial	CP	Proposed Car Dealership	Approved site plan – Reed Nissan
East	Regional Office	A	Vacant Land	None
West	Regional Office	A	Vacant Land	None

STAFF RECOMMENDATION: The proposed rezoning application is consistent with the Comprehensive Plan and Land Development Regulation as stated in the Findings of Fact. Therefore, staff recommends **APPROVAL**, with conditions, as specified in the proposed ordinance.

PLANNING and ZONING BOARD RECOMMENDATION:

- Summary of Analysis -

The Applicant is requesting to rezone 9.5 +/- acres from Agriculture (A) to Planned Commercial (CP) to allow development of the property for stormwater retention facilities only to support the car dealership property to the south. The Land Development Regulations (LDR) is silent regarding a use classification for stormwater retention facilities as a primary use. LDR 3.01.02.E.14 ("Utilities, Limited"), describes uses that are somewhat similar to the proposed project, since a stormwater management facility is similar to a wastewater treatment facility for the sole use of a private development, which is one of the uses described as a Limited Utility use. However, the Limited Utilities use classification is generally applied only to public utilities. Accordingly, because the proposed stormwater pond's only function is to support the car dealership (commercial and office) use to the south, and because Policy I-1.3.6 ("Regional Office Future Land Use Category") permits limited commercial uses that support office uses, which is part of the car dealership to the south, the Applicant is requesting a rezoning to CP. The location of this off-site stormwater retention facility allows the dealership owner to develop the southern dealership property to its highest and best use, while meeting the stormwater management requirements consistent with the Comprehensive Plan and Land Development Regulations (LDR).

The property is within the Regional Office Future Land Use Category (FLUC). Comprehensive Plan Policy I-1.3.6 recognizes utilities, as well as limited commercial uses that support office uses, as a permitted use within this land use category.

The Applicant is also requesting a waiver to the replacement requirements for tree removal mitigation contained in Section 9.02.06, LDR, which requires 50% of the caliper inches of the trees being removed be replaced. The site is a heavily wooded site and it is estimated that 6,000 caliper inches of trees are proposed for removal. The Applicant is requesting a 50% reduction of the required replacement inches. Staff has reviewed this waiver request and finds the 50% reduction is inconsistent with the purpose of the tree removal and replacement requirements in Section 9.02.00 (A), LDR and is not in support of the 50% reduction. The waiver request is discussed in detail with options to be considered that are consistent with the purpose and intent of the tree removal and mitigation requirements in Section "A" of this report.

**- Standards of Review and Analysis -
(Section 14.03.03, LDR)**

A. Whether the proposed rezoning is in conflict with any applicable provisions of these Regulations;

The requested use is permitted consistent with Table 3.01.03, Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses as a "Limited Utility" for a stormwater facility only as limited

commercial within the CP zoning district which will support the adjacent commercial uses of a car dealership and office to the south.

Tree Replacement Mitigation Waiver

The 9.5 +/- acre parcel is heavily wooded and construction of the stormwater facility will require the removal of an estimated 6,000 caliper inches of protected trees. Section 9.02.06 (A), LDR, requires that a minimum of 50% of the caliper inches be replaced with an allowance of a credit of 30 caliper inches in accordance with Section 9.02.04 (A). Section 9.02.07, Subsection 4 states that tree planting funds in lieu of on-site mitigation shall be based on the average cost of a 2.5 inch caliper canopy tree (minimum planting size per Section 9.01.05 (A) (4), LDR). The following is an example based on the estimated 6,000 caliper inches proposed for removal: $6,000 - 30 = 5,970$ caliper inches removed times $0.5 = 2,985$ caliper inches replacement $\div 2.5 = 1,194$ thirty gallon canopy trees. Section 9.02.06 (C) (6), LDR, allows for the trees utilized in the landscape planting requirements for the buffers to count as replacement tree credits. Staff estimates and the Applicant agrees the landscape buffer planting requirements will give a credit of approximately 1,600 caliper inches leaving 1,385 caliper inches of removed trees to be replaced to meet the mitigation requirements ($2,985 - 1600 = 1,385$ caliper inches $\div 2.5 = 554$ thirty gallon canopy trees).

In lieu of replacement plantings on site, the County has established a mitigation bank whereby an applicant can opt to pay a mitigation fee (\$155.75 per 2.5 inch caliper canopy tree), which is established annually by the County Manager or designee based on average cost for the replacement tree and is to be utilized for planting on public land at a later date. The table below estimates the total mitigation and credits available.

Total Tree Mitigation – No Waiver

Estimated caliper inches of protected trees proposed for removal	6,000
Removal credit (caliper inches) per LDR 9.9.02.04 (A)	-30
Total caliper inches to be mitigated	5,970
50% of total caliper inches to be mitigated ($5,970 \text{ inches} \times 0.5 =$)	2,985
Less caliper inches for Landscape buffer planting requirement credit	-1,600
Remaining caliper inches for mitigation	1,385
$1,385 \div 2.5 = 554$ canopy trees $\times \$155.75 =$	\$86,285.50

The Applicant is requesting a waiver for a 50% reduction to the remaining replacement caliper inches and proposes to use the mitigation bank in lieu of planting. The following table demonstrates the results if this waiver is granted.

Waiver – 50% Reduction of Remaining Mitigation Inches

Remaining caliper inches for mitigation	1,385
50% reduction of caliper inches remaining ($1,385 \times 0.5 =$) 692.5 rounded up	693
$693 \div 2.5 = 277$ canopy trees $\times \$155.75 =$	\$43,142.75

Staff has reviewed the waiver request as submitted and has determined the 50% reduction waiver request is inconsistent with the purpose and intent of the tree removal regulations contained in Section 9.02.00, LDR by not providing sufficient mitigation for the trees removed.

Section 9.01.03 states the County Manager or designee may waive up to 25% of any requirement in Section 9.01.00 or 9.02.00, LDR, provided the Applicant can demonstrate the conditions established in Subsection (1 – 6) can be met. The following table demonstrates the results if the 25% waiver to the tree mitigation requirement is granted.

25% Waiver - LDR, Section 9.01.03

Remaining caliper inches for mitigation	1,385
25% reduction of caliper inches remaining (1,385 X 0.75 =) 1,038.75 rounded up	1,039
1,039 ÷ 2.5 = 416 canopy trees x \$155.75 =	\$64,792.00

Conditions have been placed in the attached Ordinance addressing the 25% reduction waiver of the remaining trees for mitigation, including the necessary requirements to be demonstrated by the Applicant to qualify for the 25% reduction to the remaining caliper inches for mitigation.

B. Whether the proposed rezoning is consistent with all elements of the Lake County Comprehensive Plan (“the Plan”);

The property is located within the Regional Office FLUC on the Future Land Use Map (FLUM). Policy I-1.3.6 recognizes utilities as a permitted use within this land use category. The proposed development is for a stormwater management facility only in support to the proposed car dealership and associated office to the south and has been conditioned in the attached Ordinance as such, consistent with the Comprehensive Plan. Any commercial development or additional commercial uses will require an amendment to the attached Planned Commercial (CP) Ordinance.

C. Whether, and the extent to which, the proposed rezoning is inconsistent with existing and proposed land uses;

The application is consistent with the existing land uses within the surrounding area as shown on the Surrounding Use Map (Staff Attachment #1). The land uses within the immediate area consist of commercial development to the south with Agriculture and/or single-family residential uses to the north, west, and east. The proposed stormwater management facility is a low impact development and will be compatible with the surrounding uses.

D. Whether there have been changed conditions that require a rezoning;

The area to the south is within the Regional Commercial FLUC and is part of the SR 50 commercial corridor with significant commercial activity. The Applicant is requesting this rezoning to be able to locate the stormwater facilities for the proposed car dealership in order to utilize the dealership property to its highest and best use while providing stormwater retention for the dealership.

E. Whether, and the extent to which, the proposed rezoning would result in demands on public facilities, and whether, or to the extent to which, the proposed rezoning would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities;

The proposed use will have little to no adverse impacts on public facilities such as police, transportation, water and sewage facilities, solid waste, parks, schools, and fire and emergency medical facilities.

Public Works has indicated the need for access to the facility for maintenance, a special agreement or permitting for the drainage pipe crossing County owned land, and the possibility of compensative storage as a portion of the proposed management facility may be located in a flood zone. These items will be addressed during the development review process if this rezoning is approved. Conditions have been placed in the attached Ordinance to ensure compliance.

F. Whether, and the extent to which, the proposed rezoning would result in significant adverse impacts on the natural environment;

No information has been submitted to indicate that the proposed rezoning would result in significant adverse impacts on the natural environment. The proposed development is in an area designated by the U.S. Fish and Wildlife Service as having potential Sand Skink (federal listed endangered species) habitat and the potential exists for the presence of the Gopher Tortoise, listed as a species of special concern by the Florida

Fish and Wildlife Commission. A detailed Environmental Assessment will be required, including surveys for both species, prior to any development application approval. The submittal of an Environmental Assessment will be a condition in the attached ordinance.

The project site has wetlands present in the north/northwest area of the site. No impacts to the wetlands are proposed. The wetlands on site, together with the required 50-foot natural upland buffer shall be required to be placed in a conservation easement. This will be addressed in detail during the development review process if this rezoning is granted.

G. Whether, and the extent to which, the proposed rezoning would adversely affect the property values in the area;

No evidence has been presented that would indicate the proposed rezoning would adversely affect the property values in the area.

H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern, specifically identifying any negative effects on such patterns;

As previously demonstrated, the land to the west, north, and east of the project is either undeveloped or developed as low density residential and agriculture uses. The stormwater management facility is a low impact development and would be in keeping with the surrounding development pattern.

I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations;

The proposed rezoning is in harmony with the general intent of the Lake County Comprehensive Plan and Land Development Regulations.

J. Any other matters that may be deemed appropriate by the Lake County Planning and Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

The proposed project is located within the confines of the Clermont Joint Planning Area. The City of Clermont had no comments or concerns regarding the proposed development.

FINDINGS OF FACT: Staff has reviewed the application for this rezoning request and found:

1. The application is consistent with *Policy I-1.3.6, Regional Office Future Land Use Category* as utilities and limited commercial development supporting office uses are recognized as permitted uses.
2. The application is consistent with Table 3.01.03, Land Development Regulations (LDR), Schedule of Permitted and Conditional Uses for the CP zoning district which permits Limited Utilities.

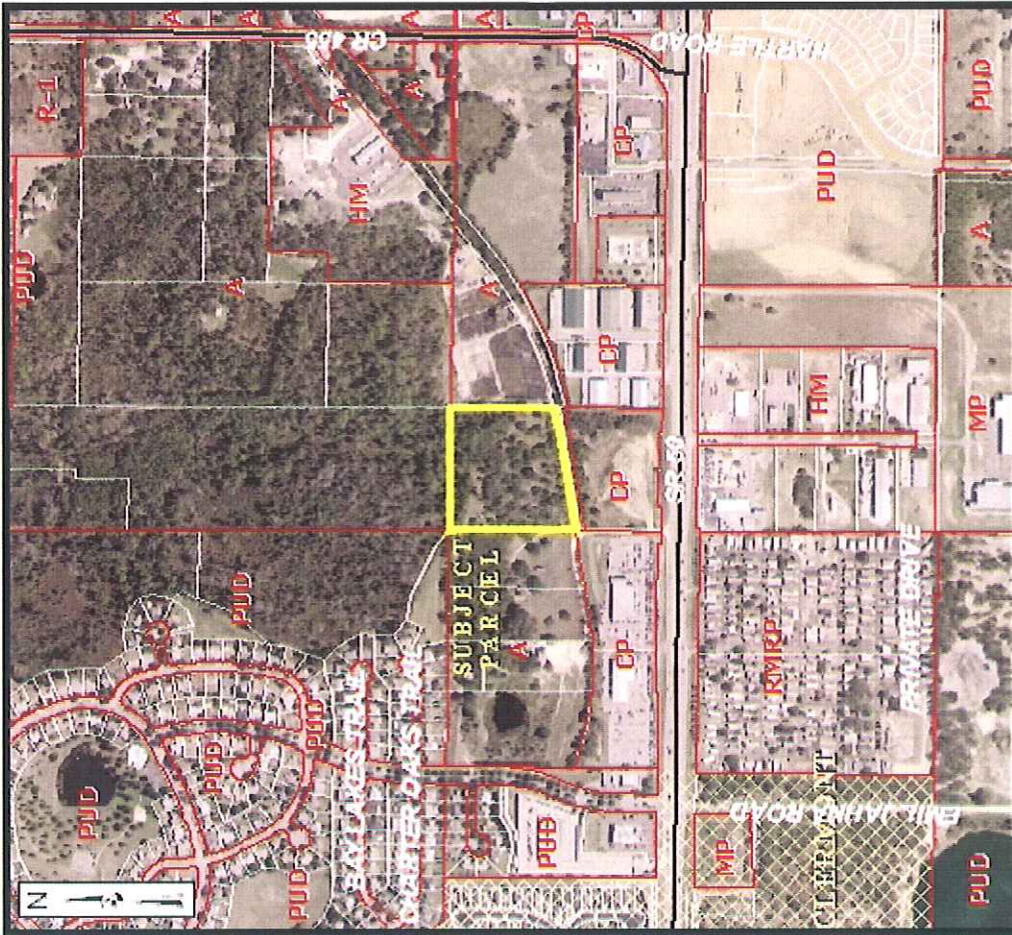
Based on these findings of fact, staff recommends **Approval** for this rezoning subject to the conditions contained in the attached Ordinance.

WRITTEN COMMENTS FILED:

Support: -0-

Concern: -0-

Opposition: -0-



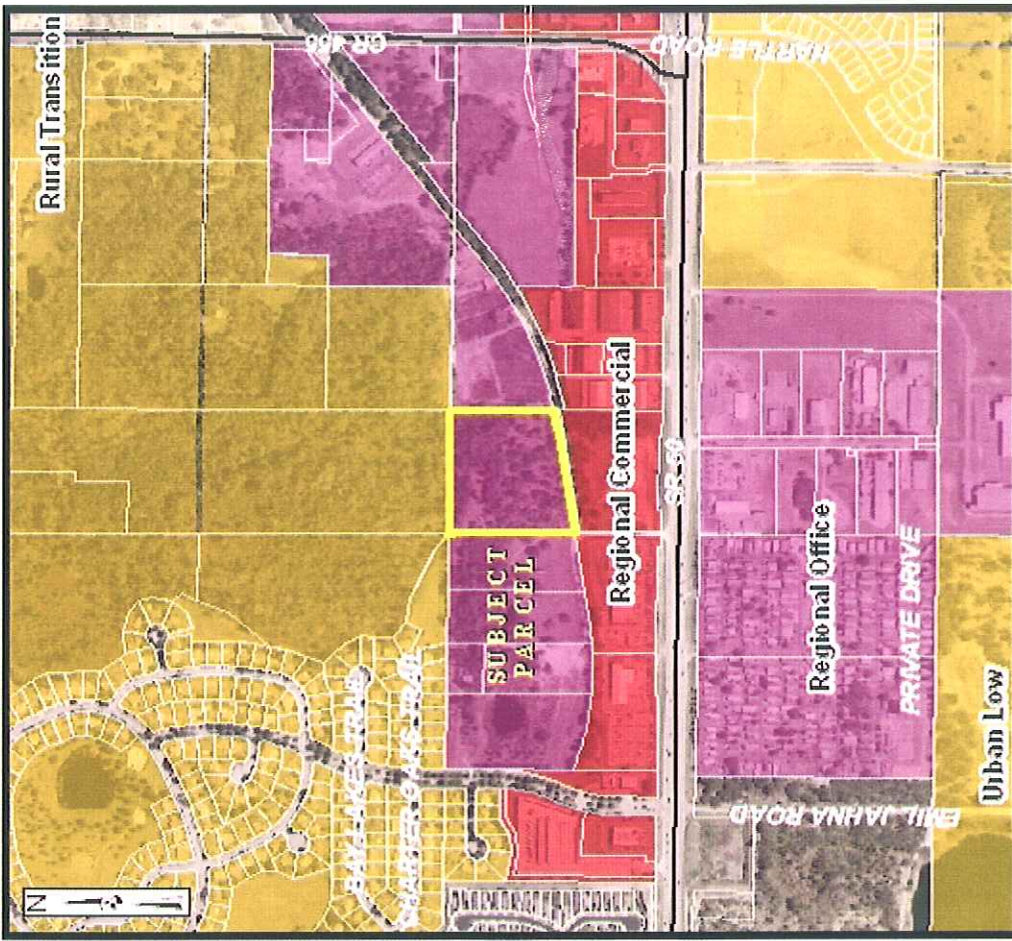
CURRENT ZONING
AGRICULTURE

**REED NISSAN - CLERMONT
(STORMWATER AREA
REZONING)**

CASE NO.
PH# 38-12-2

CASE LOCATION:
9-22S-26E

REQUESTING:
Rezone 9.5 acres from Agriculture
to Planned Commercial (CP)



2030 FUTURE LAND USE
REGIONAL OFFICE



MAPS AND DATA
NOVEMBER 2011

FOCUS AREA

LAKE COUNTY

ORDINANCE #2013-
PH #38-12-2
(Reed Nissan Stormwater Facility)
Colonial Acquisitions, Inc. / Raymond D. Reed

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

WHEREAS, Jimmy D. Crawford (the "Applicant"), on behalf of Colonial Acquisitions, Inc. – Raymond D. Reed (the "Owners"), has submitted an application to rezone property from Agriculture (A) to Planned Commercial (CP) to permit development of the property for stormwater retention facilities only in support of commercial development to the south; and

WHEREAS, the property consists of approximately 9.5 +/- Acres east of Clermont, situated west of CR 455, north of the intersection of SR 50 and Granville Avenue, behind the property located at 16005 SR 50, Section 26 – Township 22 South – Range 26 East, lying within Alternate Key #2670436 and fully described below:

LEGAL DESCRIPTION:

All that part of Tract 8 and the West 30.80 feet of Tract 7, in Section 26, Township 22 South, Range 26 East, Lake County, Florida, lying North of Railroad, LAKE HIGHLAND'S COMPANY, according to the map or plat thereof as recorded in Plat Book 3, Page 52, Public Records of Lake County, Florida, LESS the railroad right of way; AND LESS a 50 foot easement across the Southerly boundary thereof.

WHEREAS, the property subject to the request is located within the Regional Office Future Land Use Category (FLUC); and

WHEREAS, the Lake County Planning and Zoning Board, did review petition PH #38-12-2, on the 6th 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 26th 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 Commercial (CP) Zoning District in accordance with this Ordinance. This Ordinance shall supersede and rescind all previous Ordinances. Development of the site shall be consistent with the Concept Plan as shown in Exhibit "A" (attached), but to the extent where there are conflicts between Exhibit "A" and this Ordinance, this Ordinance

1 shall take precedence.

2 A. Land Uses:

3 1. The following are the only uses that shall be permitted for the site:

4 a. Limited Utilities for Stormwater Retention Facilities.

5 b. Conservation.

6 Accessory uses as determined by the County Manager or designee to be directly
7 associated with the above primary uses may be approved. Any other use of the site
8 not specified above shall require approval of an amendment to this Ordinance by the
9 Board of County Commissioners.

10 B. Open Space

11 The development shall maintain the minimum open space on the site, consistent with
12 the Comprehensive Plan and Land Development Regulations (LDR), as amended.

13 C. Impervious Surface Ratio (ISR) shall be consistent with the Comprehensive Plan and
14 LDR, as amended.

15 D. Buffers, Landscaping, Tree Removal, and Setbacks:

16 1. Buffers shall be in accordance with the Comprehensive Plan and LDR, as
17 amended.

18 2. Landscaping and Tree Removal:

19 a. Landscaping shall be in accordance with the Comprehensive Plan and LDR,
20 as amended.

21 b. Best Management Practices for native landscaping and "right plant-right place"
22 landscaping techniques shall be used for the landscape design to minimize
23 the use of chemicals, pesticides, and water for irrigation. Invasive and exotic
24 plant species are prohibited.

25 c. Tree Removal shall be in accordance with the Comprehensive Plan and LDR,
26 as amended.

27 d. Tree Replacement Mitigation Waiver: At the Applicant's option, a monetary
28 equivalent of 2.5 inch caliper trees mitigation fee of the equal to 75% of the
29 remaining caliper inches for mitigation of tree removal may be provided by the
30 Applicant in accordance with Section 9.01.03 (1 – 6), LDR, as amended. The
31 exact amount of the annually established mitigation fee will be determined at
32 site plan review based on the submitted tree survey and landscape plan. Such
33 funds shall be deposited in the Lake County Tree Mitigation Fund prior to site
34 plan approval, for use in future mitigation projects.

35 E. Transportation and Access:

36 1. Access management shall be consistent with the Comprehensive Plan, LDR, and
37 Florida Department of Transportation (FDOT) Regulations, as amended.

38 2. Transportation Concurrency shall be met prior to the site plan approval.

39 3. A License Agreement between the Owner and Lake County permitting access for
40 pond maintenance and the stormwater pipe crossing of County land to the south

1 shall be required prior to the approval of any development order.

2 F. Lighting:

3 No lighting shall be permitted.

4 G. Signage: All signage is prohibited except that required by law or for security purposes.

5 H. Future Amendments to Statutes, Code, Plan, and/or Regulations: The specific
6 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
7 County Comprehensive Plan, and Lake County Land Development Regulations,
8 include any future amendment to the Statutes, Code, Plan, and/or Regulations.

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

11 J. 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 K. 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 L. 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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Section 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this _____ day of _____, 2013.

FILED with the Secretary of State _____, 2013.

EFFECTIVE _____, 2013.

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

LESLIE CAMPIONE, Chairman

ATTEST:

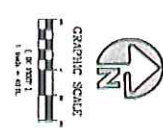
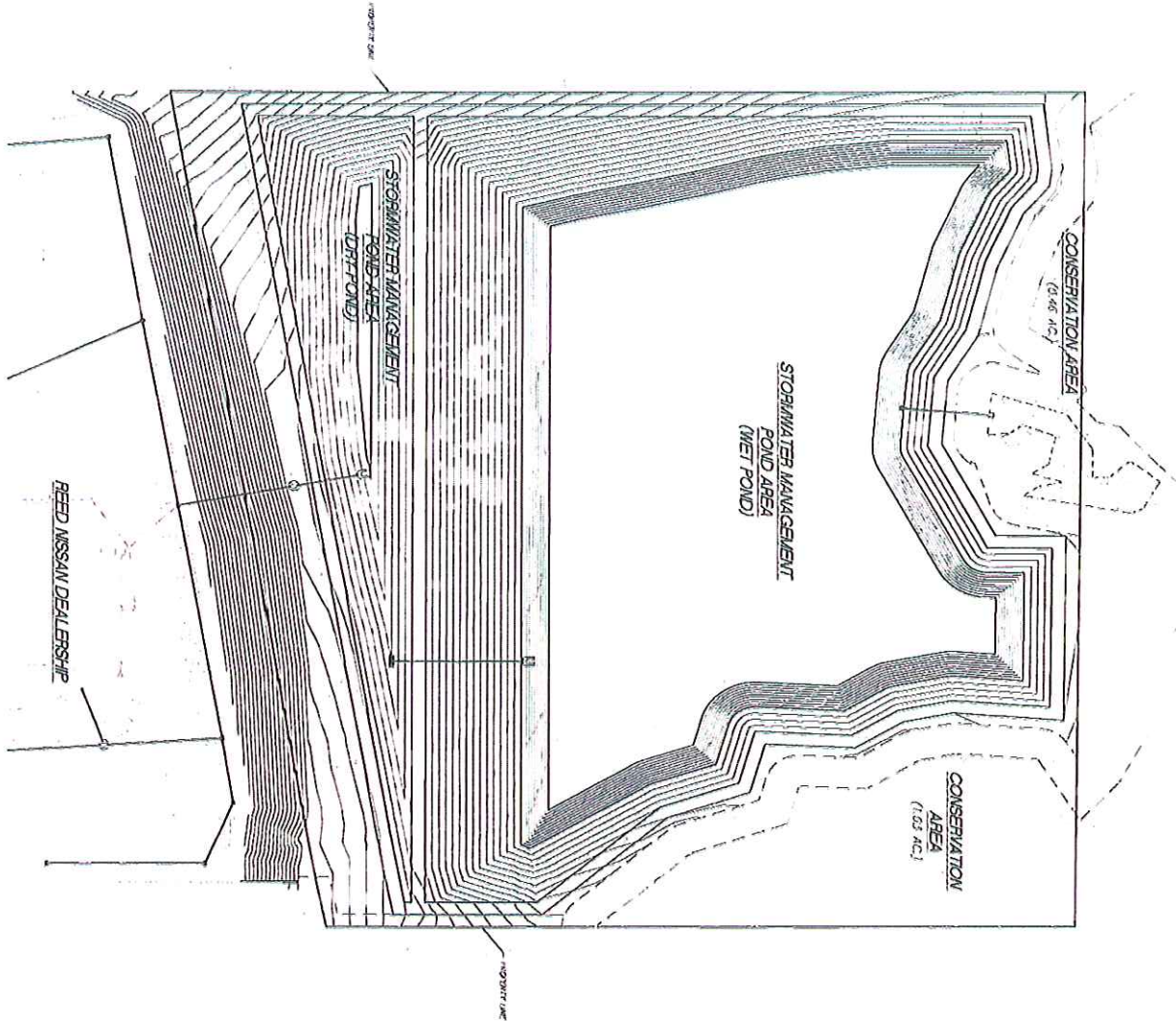
**NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida**

APPROVED AS TO FORM AND LEGALITY

SANFORD A. MINKOFF, County Attorney

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EXHIBIT "A" - CONCEPT PLAN



SITE DATA

1. ZONING:	AGRICULTURAL DISTRICT
2. PROPOSED:	PLANNED COMMERCIAL
3. FUTURE LAND USE:	
a. CONSERVATION:	REGIONAL OFFICE
b. PROPOSED:	REGIONAL OFFICE
4. PROPERTY AREA:	3.53 AC
5. PROPOSED USE:	STORMWATER MANAGEMENT POND

TAX PARCEL IDENTIFICATION NUMBER

NORTH PARCEL: 09-27-36-110000100001 (A LERNALE (NET 2070146))

LEGAL DESCRIPTION

20' East part of Tract 9, and the West 10.89 feet of Tract 7, in Section 36, Township 36 North, Range 29 West, Hill County, North Dakota, being a part of the 160-acre tract described in Part One of the map or plat thereof as recorded in Part One of Page 52 Public Records of Lake County, North Dakota, LESS the Railroad right of way AND LESS a 30 foot easement across the Southern boundary thereof.

Containing 3.54 acres, more or less.

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ORDINANCE #2008-75
G & A Real Estate of Davie, Inc.
PH #47-08-2

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

WHEREAS, G & A Real Estate of Davie, Inc. (the "Owner") did request additional uses to those specified by Ordinance #2003-81 to allow commercial development with C-1 and C-2 uses within the Planned Commercial (CP) District; and

WHEREAS, this petition will amend and supersede Ordinance #2003-81; and

WHEREAS, the subject property consists of 7.7 +/- acres and is located in the Clermont area at the North of Highway 50 West of CR 455 in Section 26 – Township 22 South – Range 26 East having Alternate Key Number 1118191, further described as:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

WHEREAS, the property is located within the Urban Expansion Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the Lake County Zoning Board, on the 5th day of November, 2008, reviewed Petition #47-08-2;

AND, after giving Notice of Hearing on petition for a change in the use of land, including a notice that said ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 25th day of November, 2008; and

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

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

FILED
2008 DEC - 8 AM 9:07
CLERK OF COURT
STATE OF FLORIDA

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

4 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to
5 supersede and replace Ordinance #2003-81 in accordance with this Ordinance.
6

7 The zoning district of the site is "CP" Planned Commercial, as outlined in the Lake County
8 Land Development Regulations (LDR), as amended; to include as a permitted use,
9 automotive sales and service, and those uses permitted within the C-1 and C-2 zoning
10 districts, subject to the list of prohibited and conditional uses below:

11 A. Land Uses: This Ordinance will allow CP with C-1 and C-2 uses, including but not limited to
12 automobile sales and service, not to exceed 60,000 square feet of building area, generally
13 consistent with the concept plan depicted by "Exhibit B".

- 14 B. Prohibited uses shall include those listed below but are not limited to those uses:
15 Mining and Quarrying
16 Obnoxious uses (such as landfill)
17 Adult uses
18 Amusements, commercial
19 Self-storage
20 Junkyards
21 Cemetery
22 Family Residential Home (6-unrelated persons functioning as the equivalent of a family, but
23 under supervision or support staff)
24 Hunting & Fishing Resort
25 Marina
26 Bed & Breakfast
27 Warehouse
28 Truckyard
29 Landfill
30

- 31 C. Conditional Uses
32 Veterinary Clinics (dependant on meeting 200-ft. setback requirements)
33 Hotel or Motel

34 Activities not specified above may be approved by the County Manager or designee upon
35 review of required development application.
36

37 D. Setbacks: Shall be in accordance with Land Development Regulations, as amended.
38

39 E. Landscaping, Buffering and Screening:

- 40 1. Landscape Buffer C shall be provided adjacent to the south and north property line.
41 Landscape Buffer C shall be a minimum of twenty-feet wide and contain six canopy trees
42 and five ornamental trees with a double row of screening shrubs per one-hundred linear

1 feet. Landscape Buffer B shall be provided adjacent to the east and west property lines.
2 Landscape buffer B shall be a minimum of fifteen feet wide and contain a minimum of four
3 canopy trees and a single row of screening shrubs per one-hundred linear feet. Three
4 additional ornamental trees may be provided in buffer B per one-hundred linear feet.
5

6 2. The applicant shall assure that at least six canopy trees are provided per acre of
7 development.
8

9 3. Parking lots. The applicant shall provide a minimum of two-hundred square foot landscape
10 area at the ends of all rows of parking. The landscape area shall contain at least one
11 canopy tree. No more than fifteen continuous parking spaces shall be in a row before a
12 landscape island is required. Landscape Islands abutting "head-to-head" parking shall
13 contain at least four-hundred square feet of pervious area with a minimum two canopy
14 trees.
15

16 4. Tree Mitigation. The applicant shall file a tree removal permit and mitigate protected trees
17 per LDR, as amended. Existing tree mitigation standards may be used as of September 8,
18 2008.
19

20 5. Utilization of Florida Friendly Landscaping techniques.
21

22 6. Landscape shall meet Clermont Joint Planning area standards per Land Development
23 Regulations Landscaping:

24 a. 60% of the required trees in parking lots shall be Live Oak Trees.

25 b. Bahia Grass or other drought tolerant grass shall be used. (Clermont does not allow
26 St. Augustine Grass)

27 c. Palm Trees and Pine Trees may be used but shall not count towards the minimum
28 canopy tree requirement.

29 d. Building Facade Landscaping – Landscape areas a minimum of three feet wide and
30 within twenty-five feet of the building perimeter walls shall be provided around sixty
31 percent of all the building walls.

32 e. Additionally the applicant is strongly encouraged to call the City of Clermont to find out
33 about additional requirements.

34 F. Fenced Vehicle/Storage:

35 1. The storage of materials or chemicals outside the building shall be prohibited.

36 2. Damaged and/or wrecked vehicles shall be screened from a public right of way or
37 residential land use by a vinyl coated or other decorative metal fencing or an approved
38 vegetative screening.

39 G. Lighting:

40 1. Light sources to illuminate signs, facades, buildings, parking and loading areas shall be
41 shaded.

42 2. Exterior lighting shall be directed away from adjacent properties. Lighting shall be
43 designed as to prevent direct glare, light spillage and hazardous interference with adjacent
44 properties.
45

1 3. Lighting including light poles or lighting attached to structures shall not exceed thirty (30')
2 feet in height.

3
4 H. Noise: External intercom systems or loudspeakers or any other devices, which electronically
5 augment or amplify sounds, are prohibited.

6 I. Central water and wastewater services shall be provided to the site, when available. A utility
7 agreement and a separate review are requested by the City of Clermont.

8 J. Transportation Improvements: A traffic study will need to be submitted and accepted by the
9 County before site plan approval. The site shall comply with the Access Management
10 Ordinance. Right-of-way reservation for the proposed bike trail shall be requested.

11 K. Development Review and Approval: Prior to the issuance of any permits, the applicant shall
12 be required to submit a site plan within the context of the CONCEPTUAL PLAN - EXHIBIT
13 "B", for review and approval consistent with the Comprehensive Plan and Land Development
14 Regulations, as amended.

15 L. Future Development Orders: Any requested development order must comply with the
16 Comprehensive Plan and Land Development Regulations, as amended.

17 M. Future Amendments to Statutes, Code, Plans and/or Regulations: The specific references in
18 this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
19 Comprehensive Plan, and Lake County Land Development Regulations shall include any
20 future amendments to the Statutes, Code, Plan, and/or Regulations.

21
22 **Section 2.** Conditions as altered and amended which pertain to the above tract of land shall be as
23 follows:

24
25 A. After establishment of the facilities as provided herein, the aforementioned property shall only
26 be used for the purposes named in this Ordinance. The Board of County Commissioners must
27 specifically authorize any other proposed use.

28 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve,
29 move, convert, or demolish any building structure, add other uses or alter the land in any
30 manner within the boundaries of the above described land without first submitting the
31 necessary plans in accordance with the Lake County Comprehensive Plan and Land
32 Development Regulations, and obtaining approval from the County Manager or designee
33 upon obtaining the permits required from the other appropriate governmental agencies.

34 C. This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the
35 land and the terms, conditions, and provisions hereof, and shall be binding upon the present
36 owner and any successor, and shall be subject to each and every condition herein set out.

37 D. Construction and operation of the proposed use shall at all times comply with the regulations
38 of this and other governmental agencies.

39 E. The transfer of ownership or lease of any or all of the property described in this Ordinance
40 shall include in the transfer or lease agreement, a provision that the purchaser or lessee is
41 made good and aware of the conditions established by this Ordinance and agrees to be
42 bound by these conditions. The purchaser or lessee may request a change from the existing
43 plans and conditions by following procedures contained in the LDR, as amended.

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Section 3. 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.

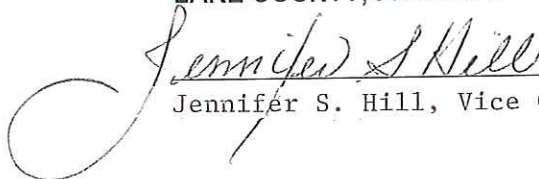
SECTION 4. Effective Date. This Ordinance shall become effective as provided by law.

ENACTED this 25 day of November, 2008.

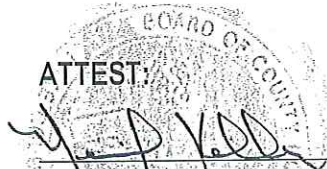
FILED with the Secretary of State December 8, 2008.


EFFECTIVE December 8, 2008.

BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA


Jennifer S. Hill, Vice Chair

ATTEST:




NEIL KELLY, Clerk of the
Board of County Commissioners
Lake County, Florida

APPROVED AS TO FORM AND LEGALITY



SANFORD A. MINKOFF, County Attorney

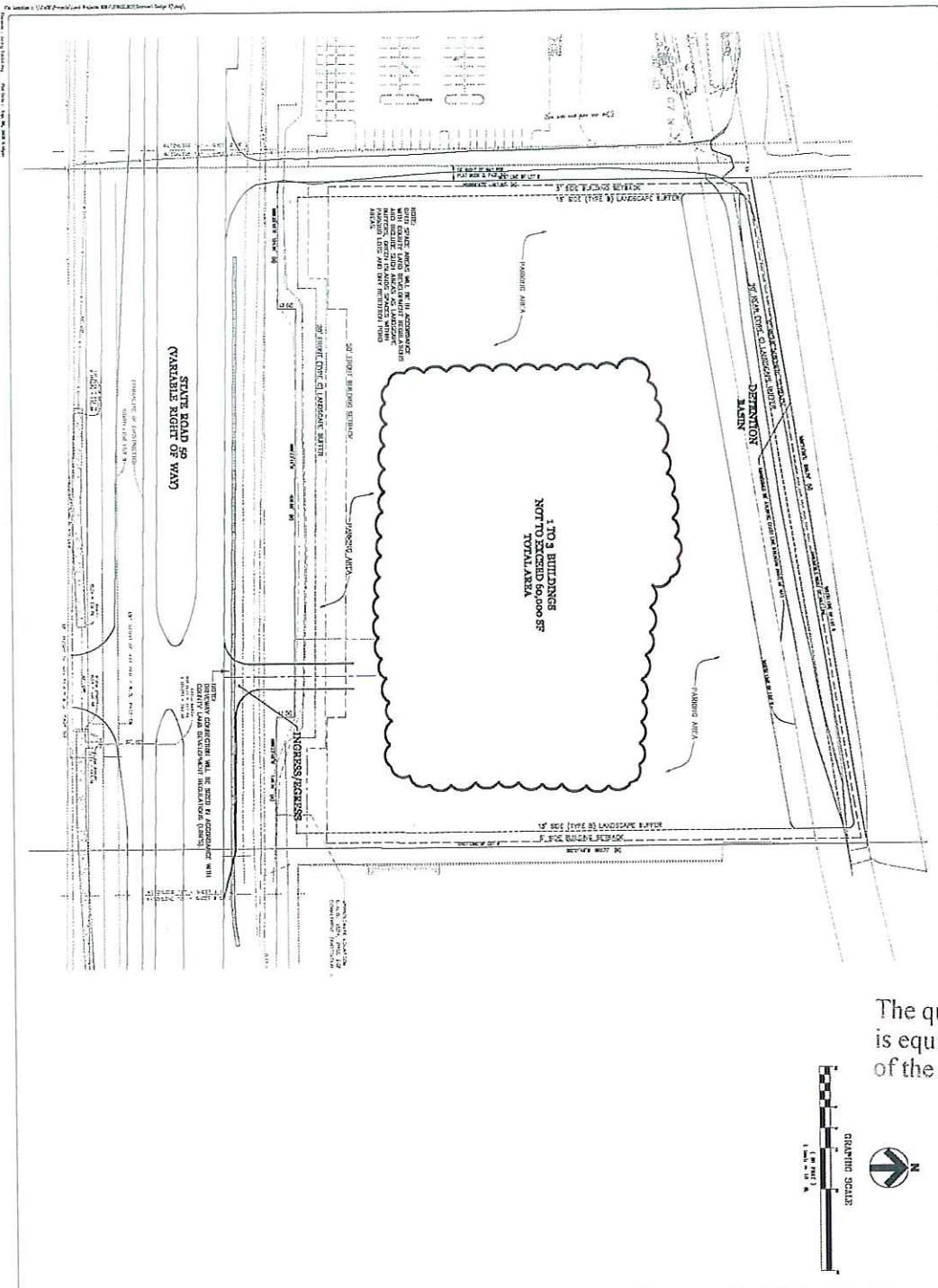
EXHIBIT "A" – LEGAL DESCRIPTION

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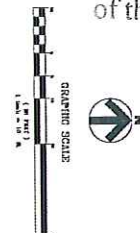
LAKE HIGHLANDS 26-22-26 TRACT 9 LYING S OF RAILROAD R/W & N OF STATE HWY 50 AND THAT
PART OF INACTIVE FORMER SCL RR 50 FT R/W EXTENDING FROM E LINE OF TRACT 9 LAKE
HIGHLANDS TO W LINE OF SEC 26-22-26.
CONTAINING 7.7 ACRES, MORE OR LESS.

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EXHIBIT "B" - CONCEPTUAL PLAN



The quality of this image is equivalent to the quality of the original document.



C 100

△	Proposed
△	Existing
△	As Shown
△	Other
△	Other
△	Other

CLERMONT DODGE II
 FOR CLERMONT DODGE
 LAKE COUNTY, FL
CONCEPT SITE PLAN C



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