

LAKE COUNTY PLANNING AND COMMUNITY DESIGN ANALYSIS PETITION TO REZONE PROPERTY

PLANNING AND ZONING BOARD
July 11, 2012



BOARD OF COUNTY COMMISSIONERS
July 24, 2012

Case Number: PH #16-12-4 Tim Bailey PUD Rezoning	Case Manager: Rick Hartenstein, AICP, CPM Senior Planner	Agenda Item # 4
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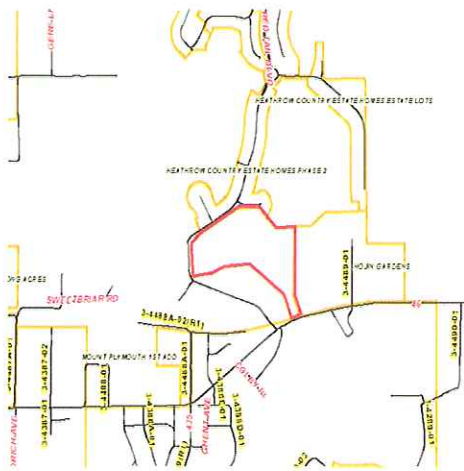
Owner: Timothy J. Bailey (the "Owner")

Applicant: Green Consulting Group, Inc./Timothy W. Green (the "Applicant")

Requested Action: Rezone 39.62 +/- acres located within the Wekiva River Protection Area (WRPA) from Agriculture (A) to Planned Unit Development (PUD) utilizing transferable development rights from the WRPA Sending Areas to create a seventy-three (73) lot subdivision.

- Site Location & Information -

Approximate site location outlined in red



Size	39.62 +/- acres	
Location	Mount Plymouth area – SR 46 east of the Heathrow Country Estates entrance.	
Alternate Key #	1597765 and 1597366	
Future Land Use (FLU)	WRPA A-1-20 Receiving Area & Mt. Plymouth/Sorrento (MPS) Receiving Area	
Density of FLU	Existing	Proposed
WRPA A-1-20 Receiving Area	1 DU/20 Net Acres – Base	2 DU/1 Net Acre using TDRs
Mt Plymouth/Sorrento (MPS) Receiving Area	1 DU/5 Net Acres – Base	1 DU/Net Acre Using TDRs
Floor Area Ratio (FAR) Comp Plan	Existing	Proposed
WRPA A-1-20 Receiving Area	0.025 - LDR	None
MPS Receiving Area	0.40 - LDR	None
Impervious Surface Ratio (ISR) Comp Plan	Existing	Proposed
WRPA A-1-20 Receiving Area	0.025	0.20 – max.
MPS Receiving Area	0.55	0.60 – max.
Zoning Prior to 3/12/1990	Agriculture (A) – 1DU/5 Gross Acres	
Zoning District	Existing	Proposed
	Agriculture (A)	Planned Unit Development (PUD)
Joint Planning Area	None	
Utility Area:	None	
Site Utilities	Central Water & Sewer (Eustis)	
Road Classification	SR 46 - Rural Minor Arterial	
Flood Zone/ FIRM Panel - 12069C0460D	X – outside 500-Year AE – 100-year (64' BFE)	
Commissioner District	4 - Campione	

Site Visit: June 14, 2012

Signs Posted: June 14, 2012 (9)

Table 1: Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	(WRPA) A-1-20 Receiving Area and MPS Receiving Area	Planned Unit Development (PUD)	Single-Family Residential (SFR) & Golf Course	Heathrow Country Estates PUD
South	MPS Receiving Area, MPS Main Street, & Conservation	Agriculture (A) and Urban Residential (R-6)	Single-Family Residential (SFR)	None
East	(WRPA) A-1-20 Receiving Area and MPS Receiving Area	Planned Unit Development (PUD) and Agriculture (A)	Single-Family Residential (SFR)	Heathrow Country Estates PUD
West	(WRPA) A-1-20 Receiving Area, MPS Receiving Area, & MPS Main Street	Planned Unit Development (PUD), Agriculture (A), Planned Commercial (CP), and Urban Residential (R-6)	Single-Family Residential (SFR)	Heathrow Country Estates PUD

- Summary of Staff Determination -

STAFF RECOMMENDATION: Staff recommends **Approval** of the proposed PUD rezoning with conditions, as specified in the proposed ordinance.

PLANNING AND ZONING BOARD RECOMMENDATION:

-Summary of Analysis-

The Applicant is requesting to rezone 39.62 +/- acres of property from the Agriculture (A) Zoning District to the Planned Unit Development (PUD) Zoning District. The property is located north of SR 46, east of the Heathrow Country Estates subdivision and is situated within the Wekiva River Protection Area (WRPA) A-1-20 Receiving Area and the Mount Plymouth/Sorrento (MPS) Receiving Area Future Land Use Categories (FLUC). The Applicant is proposing an increase in residential density through the acquisition and application of Transferable Development Rights (TDRs) in accordance with the Comprehensive Plan (the Plan). A detailed analysis relating to the use of TDRs is addressed in Section "B" of this report.

The Applicant wishes to develop a seventy-three (73) unit Single-Family Residential (SFR) development with an overall density of two (2) dwelling units (DU) to the net acre as demonstrated on "Exhibit "B" (Conceptual Plan) of the proposed Ordinance. The Applicant is proposing central water and sewer services through the City of Eustis. The City has indicated they have sufficient capacity to serve the proposed PUD, but final approval for services will require the Applicant to enter into a Utility Service Agreement with the City of Eustis. The Utility Service Agreement will be required prior to approval of a Preliminary Plat, if this rezoning request is approved. A condition has been placed in the proposed Ordinance addressing utility provisions.

No major impacts to the transportation network and public school capacities have been identified. These public facilities are assessed in Section E of this report. The application, together with the proposed use, is consistent with the WRPA A-1-20 Receiving Area and Mount Plymouth/Sorrento (MPS) Receiving Area Future Land Use Category (FLUC) requirements and applicable Land Development Regulations.

- STANDARDS OF REVIEW & ANALYSIS -
(Land Development Regulation, Section 14.03.03)

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

This request is consistent with Section 3.00.03, *Land Use – Zoning District Matrix*, of the Land Development Regulations (LDRs) which permits PUD zoning for developments of ten (10) acres within the WRPA A-1-20 Receiving Area and the Mount Plymouth/Sorrento (MPS) Receiving Area FLUC.

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

The application proposes a seventy-three (73) unit single-family residential PUD on approximately 39.62 +/- acres at an overall density of 2 DU per net acre through the acquisition and application of Transferable Development Rights (TDRs) in accordance with the Comprehensive Plan.

Transfer of Development Rights (TDRs)

The purpose of the TDR process is to permit the owners of property subject to density limitations established by the Comprehensive Plan to utilize the development potential of that property existing prior to March 12, 1990. TDRs are defined in the Comprehensive Plan as, "The conveyance of development rights from a sending area by deed, easement, or other legal instrument to a designated receiving area, and recorded in the Public Records of Lake County, Florida."

Within the Wekiva River Protection Area (WRPA) four (4) Future Land Use Categories (FLUCs) have been established for the TDR process. The WRPA A-1-40 Sending Area FLUC is designated as Sending Area Number One and the WRPA A-1-20 Sending Area FLUC is designated as Sending Area Number Two for the acquisition and transfer of development rights. The WRPA A-1-20 Receiving Area FLUC is designated as Receiving Area Number One and the Mount Plymouth/Sorrento (MPS) Receiving Area FLUC is designated as Receiving Area Number Two for the reception of acquired development rights to increase the base density within these receiving areas.

Comprehensive Plan Policy I-3.3.2 (2) establishes the process for determining the number of available TDRs for property located within the sending areas. For the purpose of establishing available development rights, the number is determined by the base density of the zoning district in place immediately prior to March 12, 1990. Once established, the TDRs are transferred to the receiving property in accordance with the provisions for density increases within Receiving Area #1 and Receiving Area #2 in accordance with the Comprehensive Plan. As a condition of transfer, a conservation easement shall be recorded on the sending area parcel or portion thereof, to extinguish the rights from that parcel or portion thereof in perpetuity. The easement shall be in favor of the County or agency approved by the County, and such easement shall be recorded in the Public Records of Lake County, Florida.

In this case, the TDRs are being acquired and transferred from 394.04 +/- acres of the 1,080 acre property owned by the Central Florida Council of the Boy Scouts of America (Camp La-No-Che property). This property zoned Agriculture with a Base Density of 1 DU/5 Gross Acres prior to March 12, 1990.

Density

This proposed PUD is in the WRPA and located in the WRPA A-1-20 Receiving Area and the WRPA Mt. Plymouth-Sorrento Receiving Area FLUC. The Comprehensive Plan establishes the base density for each FLUC and provides policies, provisions, and guidance for the development of property within the WRPA, including criteria for the acquisition and application of transferable development rights to increase density within specific land use areas. The below table is a breakdown of the FLUCs the proposed project is located in, including density and the necessary number of TDRs needed to increase the number of units for the project.

Future Land Use Category (FLUC) Density and TDR Utilization Table (I think that a column of the sending credit & its acreage should be part of this table)

FLU	Base Density	Acres	PUD Max. Density	Max. Units Available	Proposed Density/ Units	TDRs Required	Comp. Plan Policy
WRPA A-1-20 Rec. Area #1	1 DU/20 Net Acres	15	1 DU/5 Net Acres	3	1 DU/1 Net Acre/14 Units	11	Policy I-3.2.3 permits a max. density of 1 DU/5 Net Acres developed as a clustered Rural Conservation Subdivision (PUD) with 50% open space with a density increase to 1 DU/1 Net Acre utilizing TDRs.
WRPA MPS Rec. Area #2	1 DU/5 Net Acres (Agriculture Zoning)	24	5.5 DU/1 Net Acre	*4	2.4 DU/1 Net Acre/59 Units	55	Policy I-3.2.4 permits a max. density of 5.5 DU/1 Net Acre using TDRs. Any increase in density above that permitted by the zoning in place immediately prior to March 12, 1990 requires the use of TDRs.
*The number of units is based on the Agriculture Zoning Density (1DU/5 Gross Acres) in place prior to March 12, 1990.							

Open Space

Comprehensive Plan Policy I-3.2.3, WRPA A-1-20 Receiving Area FLUC, requires a minimum of 50% of the Net Buildable Area (gross site area minus the land devoted to waters of the state, open water bodies, and wetlands) be set aside as common open space within the residential PUD. The Net Buildable Area for this portion of the development is approximately 15.51 acres, which would require a minimum of 7.76 acres be set aside as common open space for this portion of the development. This is demonstrated on the Conceptual Plan as Exhibit "B" of the attached Ordinance which designates 7.96 acres (51.4%) as common open space in the form of buffers, common areas, and retention areas, thus demonstrating consistency with the Comprehensive Plan and LDR requirements.

Comprehensive Plan Policy I-3.2.4, WRPA Mt. Plymouth-Sorrento Receiving Area FLUC, requires a minimum of 25% of the Net Buildable Area (gross site area minus the land devoted to waters of the state, open water bodies, and wetlands) be set aside as common open space within the residential PUD. The Net Buildable Area for this portion of the development is approximately 24.11 acres, which would require a minimum of 6.03 acres be set aside as common open space for this

portion of the development. This is demonstrated on the Conceptual Plan as Exhibit “B” of the attached Ordinance which designates 6.41 acres (26.6%) as common open space in the form of buffers, common areas, and retention areas, thus demonstrating consistency with the Comprehensive Plan and LDR requirements.

School Concurrency

The Applicant is requesting a total of seventy-three (73) single-family units for the PUD. The proposed residential development shall be subject to school concurrency requirements as set forth in the LDRs. Conditions are contained in the associated Ordinance addressing School Concurrency. The School Board has provided comments identifying the following schools that will be impacted by this development.

Schools	Projected 5-Year Capacity	Development Impacts
Sorrento Elementary School	28% Under Capacity	26% Under Capacity
Mount Dora Middle School	32% Under Capacity	21% Under Capacity
Mount Dora High School	11% Under Capacity	10% Under Capacity

The School Board Growth Impact Report (GIR) states this project will not adversely impact area schools (Attachment #1).

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

The area is comprised of a mixture of land uses including the PUD (Heathrow Country Estates aka Redtail Development) and agriculture zoned properties to the north and west of the property. Agriculture, residential, and commercial uses are to the south and east of the proposed PUD. This rezoning request is consistent with the existing and proposed land uses for the area.

The proposed use is similar in nature and density to the surrounding uses in the area and as such will be compatible with the area’s existing and proposed land uses.

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

The Applicant is proposing to develop his property as a residential PUD, thus requiring the rezoning.

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 roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities;

Schools – The PUD is required to meet school concurrency for the 73 DUs proposed for the development as set forth in the school concurrency requirements of the Comprehensive Plan and LDRs.

Water and Sewage – The City of Eustis commented on public facility capacity and a willingness to provide water and sewer services for the development. If this rezoning is approved, The Applicant will required to enter into a utility service agreement with the City of Eustis for the provision of potable water, reclaimed water for irrigation, and sewer prior to preliminary plat approval. If an agreement cannot be reached between the City of Eustis and the Developer regarding the provision of central water and sewer service, the Developer will be required to

provide a central water system meeting all federal, state, and local regulations, including fire flow requirements for the provision of fire protection. In the case of sewer, the Developer shall be required to utilize an onsite performance-based wastewater treatment system. The rule-making authority will establish the treatment standards for onsite performance-based treatment systems. Conditions have been placed in the attached Ordinance to address water and sewage disposal.

Solid Waste - Service can be provided to the property and impacts for the development will be assessed at preliminary plat review, if this rezoning is approved.

Fire & Emergency Services – Lake County Station #39 in Mt. Plymouth is located approximately a tenth of a mile southwest of the property and will be providing fire and emergency services.

Transportation – The standard Level of Service (LOS) for the impacted roadway of SR 46 is "C" with a capacity of 780. This segment of roadway from CR 435 to CR 46A is currently operating at eighty-six (86) percent of its capacity during the peak hour in the peak direction. This project will be generating seventy-four (74) peak hour trips with fifteen (15) directional pm peak hour trips, increasing the volume to capacity (v/c) ratio to eighty-eight (88) percent. The Applicant has completed a Tier 2 traffic study. Currently there are no State funded improvements scheduled for this roadway segment. An updated study will be required at the time of site plan submittal to properly evaluate impacts on SR 46.

Stormwater - The proposed site for the PUD contains Flood Zone AE with a base flood elevation of 64 feet and Flood Zone X. The development will have to adhere to and submit plans consistent with stormwater regulations contained in the LDR. Conditions have been placed in the ordinance for this provision.

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

Currently the property is mostly pasture land with a principal single-family residence, a guest house, and barn area. An environmental assessment will be required at the preliminary plat submittal and review stage. All necessary permits from the state & federal governments in regard to any protected species discovered onsite shall be required prior to commencement of construction.

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

No information has been submitted to indicate that 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;

The proposed rezoning continues an orderly and logical development pattern for the area as demonstrated by the surrounding area golf course community development.

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

Rezoning the property is in harmony with the general intent of the Comprehensive Plan and LDR because it meets location criteria for residential development, has sufficient infrastructure to support the request, and proposes a residential density consistent with the Wekiva River Protection Area policies.

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

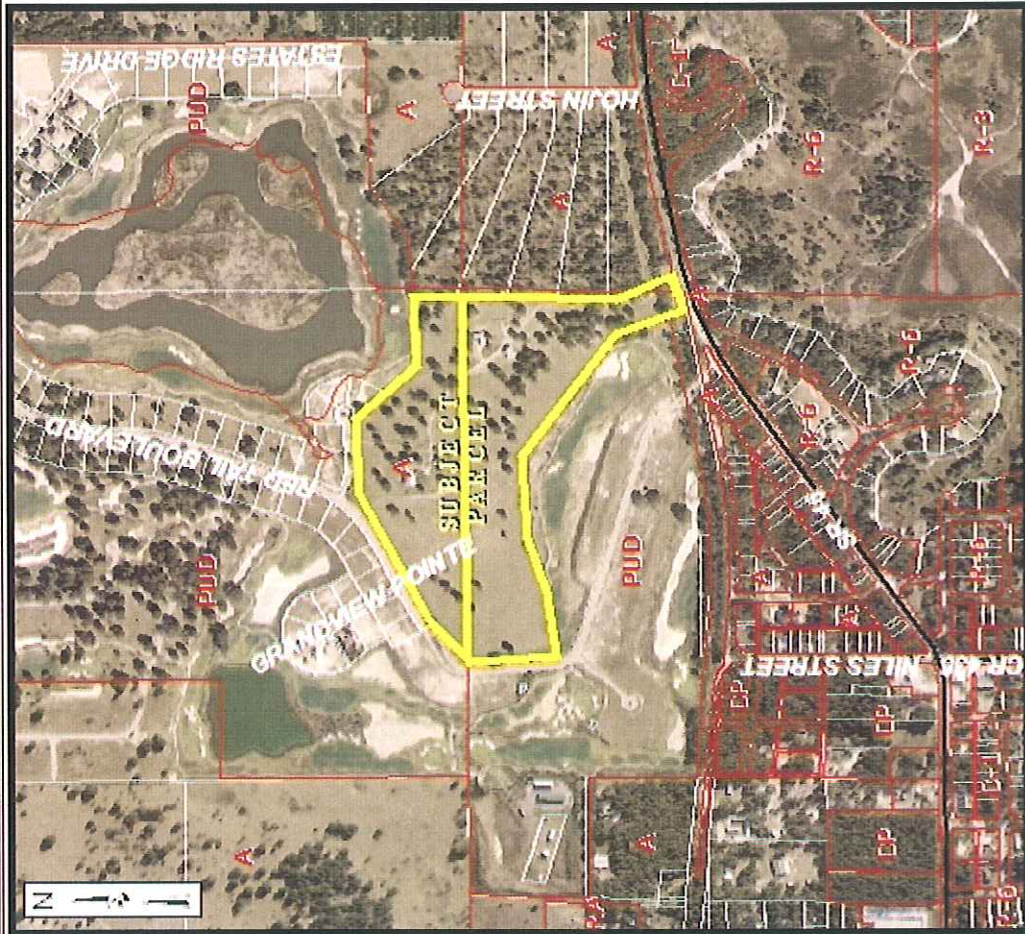
N/A

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

1. The application is consistent with Comprehensive Plan Policy I-3.2.3 regarding density and allowable uses within the Wekiva River Protection Area A-1-20 Receiving Area Future Land Use Category; and
2. The application is consistent with Comprehensive Plan Policy I-3.2.4 regarding density and allowable uses within the Wekiva River Protection Area Mt. Plymouth-Sorrento Receiving Area Future Land Use Category; and
3. The application is consistent with Comprehensive Plan Policy I-3.3.2 (2) regarding the transfer of development rights; and
4. The application is consistent with Section 3.00. 03, *Land Use – Zoning District Matrix*, of the Land Development Regulations (LDRs) which permits PUD zoning within the WRPA A-1-20 Receiving Area and the Mount Plymouth/Sorrento (MPS) Receiving Area FLUC.

Therefore, based on these Findings of Fact, staff recommends **APPROVAL**, with conditions contained in the proposed Ordinance.

WRITTEN COMMENTS FILED: Support: -0- Concern: -0- Opposition: -0-



CURRENT ZONING
AGRICULTURE

CASE NO.
PH# 16-12-4

CASE LOCATION:
20729-19E-28S

REQUESTING:
Rezone from Agriculture
to Planned Unit Development

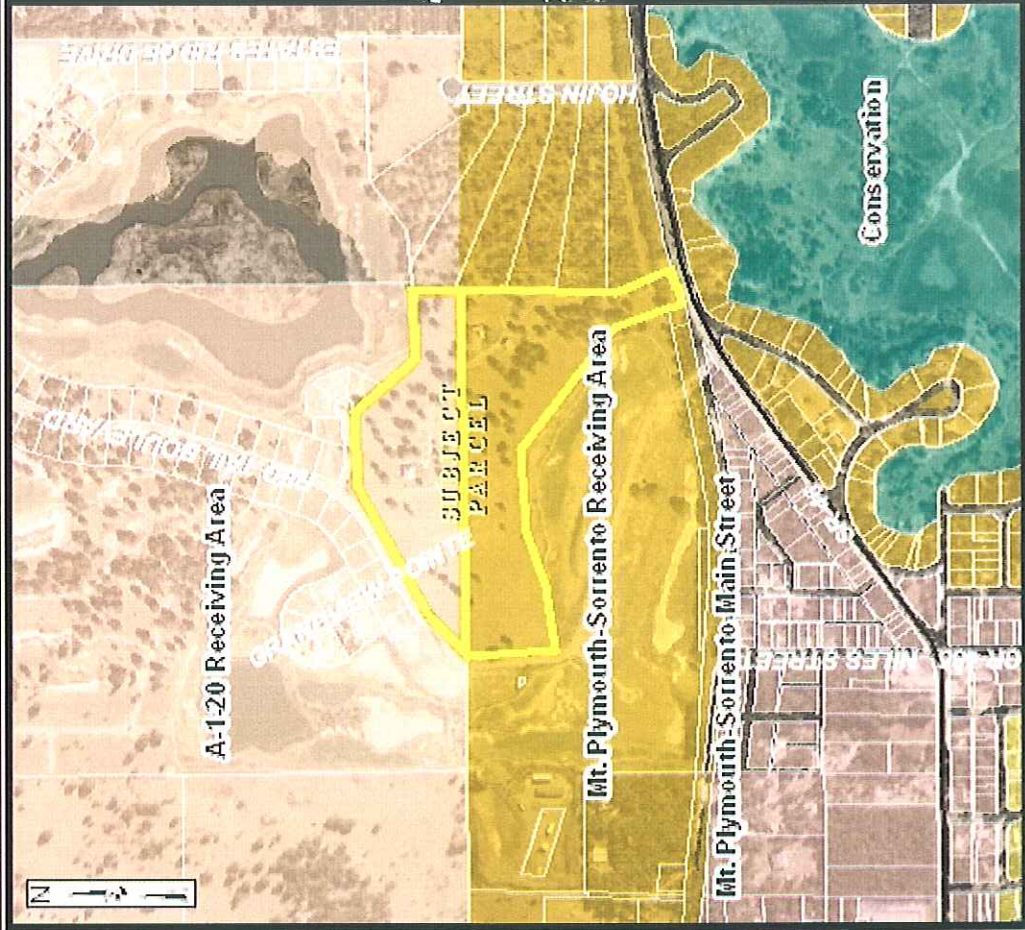
ZONING

LAND USE

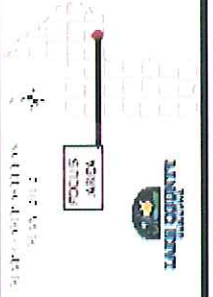
SUBJECT PARCEL



TIMOTHY J. BAILEY
PLANNED UNIT
DEVELOPMENT (PUD)



2030 FUTURE LAND USE
A-1-20 RECEIVING AREA & MPS RECEIVING AREA



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ORDINANCE #2012-

Timothy J. Bailey/Green Consulting Group, Inc.
Tim Bailey PUD
PH #16-12-4

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

WHEREAS, Green Consulting Group, Inc./Timothy W. Green (the "Applicant") on behalf of Timothy J. Bailey (the "Owner") requested to rezone 39.62 +/- acres located within the Wekiva River Protection Area (WRPA) from Agriculture (A) to Planned Unit Development (PUD) utilizing transferable development rights from property within the WRPA Sending Area to create a seventy-three (73) lot residential subdivision.; and

WHEREAS, the subject property is located in the Mount Plymouth area – From Mount Dora take SR 46 east to Mount Plymouth to the property on the left just east of the entrance to Heathrow Country Estates, situated in Section 20/29 - Township 19S - Range 28E, and having Alternate Keys # 1597765 and 1597366, and more particularly described as:

LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]

WHEREAS, the property is located within the WRPA A-1-20 Receiving Area and the Mount Plymouth/Sorrento Receiving Area Future Land Use Categories; and

WHEREAS, the Lake County Planning and Zoning Board did, on the 11th day of July, 2012, review Petition PH #16-12-4; after giving Notice of Hearing on petition for a change in the use of land, including notice that said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 24th day of July, 2012; and

WHEREAS, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and 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 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 (LDRs) of Lake County, Florida, be altered and amended as they pertain to the above tract of land, as described in Exhibit "A", 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 shall take precedence. This Ordinance shall supersede and replace any and all previous ordinances for this property.

1 A. Land Use, Density, and Transfer of Development Rights (TDRs):
 2

3 1. Residential:

4 a. Density and Development Rights: The following Table identifies the permitted density and the
 5 required TDRs necessary to develop the seventy-three (73) unit PUD.

FLUC	Acres	Base Density	Proposed Density/ Units	TDRs Obtained	Total Permitted Density
WRPA A-1-20 Rec. Area #1	15	1 DU/5 Net Acres (Ag Zoning prior to 3/12/1990) = 3 DU	1 DU/1 Net Acre (14 Units Proposed)	11	14 single-family units
WRPA Mt. Plymouth-Sorrento Rec. Area #2	24	1 DU/5 Net Acres = 4 DU (Agriculture Zoning)	2.4 DU/Net Acres (59 Units Proposed)	55	59 single-family units

6 b. Density Blending: The blending of densities between Future Land Use Categories is not permitted.

7 c. Transferable Development Rights:

- 8 i. The Sending Area properties described in Exhibit "B" of this Ordinance shall be used for the
 9 attainment of sixty-six (66) Transferable Development Rights.
 10 ii. Sixty-six (66) development rights shall be conveyed from the property described in Exhibit "B".

11 B. Setbacks:

Front	20 feet from the property line/right-of-way
Secondary Front	15 feet from the property line/right-of-way
Side	5 feet from the property line
Rear	20 feet from the property line (5 feet for accessory structures)
Agriculture Buffer	50 feet from the property lines adjacent to active agriculture uses or property that has agriculture exemption for ad valorem taxes.

12 C. Open Space and Impervious Area:
 13

14 1. Residential:

- 15 a. WRPA Mt. Plymouth-Sorrento Receiving Area FLUC requires 25% of the net buildable area shall
 16 be provided as common open space (6.03 +/- acres).
 17 b. WRPA A-1-20 Receiving Area FLUC requires a minimum of 50% of the Net Buildable Area (gross
 18 site area minus the land devoted to waters of the state, open water bodies, and wetlands) be set
 19 aside as common open space (7.76 acres).

20 2. Open space shall be calculated on an overall basis for the net buildable area of the development.

21 3. Impervious Surface Area (ISR): Maximum ISR shall be 0.60

22 4. Floor Area Ratio (FAR): Floor area ratio shall not exceed 0.25 for non-residential development.

- 1 D. Landscaping: Land
2 Landscape buffering shall be installed and maintained in accordance with the requirements of the LDRs, as
3 amended.
- 4 E. Transportation:
5 1. All internal streets shall be constructed to meet access management requirements, design standards, and
6 spacing requirements as set forth in the LDRs, as amended.
7 2. All roads within the development shall be designed both horizontally and vertically to meet the LDRs
8 requirements for their classification. Road pavement width shall be based on the road classification as set
9 forth in the LDRs, as amended.
10 3. The Applicant will be required to submit an updated Traffic Study with the site plan/preliminary plat
11 submittal to determine the full impacts to area roadways and intersections at the time of the development
12 proposal.
13 4. Transportation Design: The layout and design of lots and circulation systems within the development shall
14 be substantially consistent with the attached conceptual plan as Exhibit "B" to this Ordinance, submitted
15 as a part of the rezoning application, and may be subsequently revised to reflect the current conditions.
16 To the extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take
17 precedence.
- 18 F. Environmental Requirements: An environmental survey shall be conducted in accordance with the LDRs, as
19 amended, to address natural vegetative communities, wildlife corridors, and designated species prior to
20 submittal of any development application. The environmental survey shall be no older than six (6) months
21 from the date the survey was conducted.
- 22 G. Utilities:
23 1. Central Water, Central Sewer, and Central Reclaimed Water (if available) for irrigation shall be provided
24 for this development by the City of Eustis. An approved and fully executed utility service agreement
25 between the City of Eustis and the Developer shall be supplied to Lake County prior to preliminary plat
26 approval.
27 2. If municipal water service is unable to be provided, the developer shall provide central water for the
28 development. The central water system shall meet all federal, state, and local regulations, including fire
29 flow requirements for the provision of fire protection for the development.
30 3. If municipal sewer service is unable to be provided, the developer shall be required to utilize an onsite
31 performance-based wastewater treatment system. The Florida Department of Health will establish the
32 treatment standards for onsite performance-based treatment systems.
- 33 H. Storm Water and Drainage Requirements:
34 1. The storm water management system shall be designed in accordance with all applicable Lake County
35 and St. Johns River Water Management District (SJRWMD) requirements, as amended.
36 2. The storm water management system shall demonstrate that each phase is able to exist as an
37 independent stable unit for drainage purposes. The natural pre-development drainage pattern shall be
38 maintained to the maximum extent possible.
- 39 I. External Lighting Standards and Requirements:
40 1. All exterior lighting shall comply with the Land Development Regulations, as amended.
41 2. Exterior lighting shall not illuminate adjacent properties and rights-of-way. Outdoor lighting shall be full-
42 cutoff lighting with traditional-style fixtures. Lighting shall be designed so as to prevent direct glare, light

- 1 spillage, and hazardous interference consistent with Dark Sky Principles and be in accordance with the
2 Comprehensive Plan and Land Development Regulations, as amended.
3 3. Luminaries shall not be tilted. Floodlights or lighting types featuring sag, convex, or drop lenses shall be
4 prohibited.
5 4. The height of lighting fixtures inclusive of supporting pole, the lighting source, and fixture shall not exceed
6 fifteen (15') feet. Such height shall be measured from finished grade to the top of the light fixture.
7 5. An exterior lighting plan prepared and certified by a licensed engineer qualified in such field shall be
8 submitted with any site plan or construction plan application. Such plan shall consist of a photometric plan
9 of the developed area of the site with accompanying data tables and product design details addressing
10 support poles, lamp fixtures and lenses.

11 J. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be required to
12 submit a formal site plan or a preliminary plat, construction plans, and final plat as deemed appropriate, for
13 review and approval to Lake County. The site plan or preliminary plat, construction plans, and final plat shall
14 meet all submittal requirements and comply with all County codes and ordinances, as amended.

15 K. Concurrency Management: The Owner shall comply with concurrency management regulations and shall be
16 subject to all applicable concurrency requirements as set forth in the LDRs, as amended.

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

21 M. Development Terms: Physical development of the PUD shall commence within three (3) years from the date
22 of this Ordinance approval. Failure to commence construction within three (3) years of approval shall cause
23 the revocation of this ordinance, in accordance with the Comprehensive Plan or superseding documents
24 amended. Prior to expiration of the three-year time frame, the Board of County Commissioners may grant, via
25 a Public Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a showing that
26 reasonable efforts have been made towards securing the required approvals and commencement of work.

27 **SECTION 2.** Conditions as altered and amended which pertain to the above tract of land shall be as follows:

28 A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the
29 purposes named in this Ordinance.

30 B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or
31 demolish any building structure, or alter the land in any manner (except for normal maintenance activities –
32 i.e. painting screening, etc.) within the boundaries of the above described land without first submitting the
33 necessary plans in accordance with requirements of Lake County, and obtaining the permits required from the
34 other appropriate governmental agencies.

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

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

1 E. Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement Special
2 Master shall have the authority to enforce the terms and conditions set forth in this Ordinance and to
3 recommend that the Ordinance be revoked.

4
5 **SECTION 3. Severability:** If any section, clause or phrase of this Ordinance is held to be invalid or unconstitutional
6 by any court of competent jurisdiction, then said holding shall in no way affect the validity of the
7 remaining portions of this Ordinance.

8
9 **SECTION 4. Effective Date.** This Ordinance shall become effective as provided by law.

10 ENACTED this _____ day of _____, 2012.

11 FILED with the Secretary of State _____, 2012.

12 EFFECTIVE _____, 2012.

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14
15 **BOARD OF COUNTY COMMISSIONERS**
16 **LAKE COUNTY, FLORIDA**

17
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19 _____
20 **LESLIE CAMPIONE, Chairman**

21
22
23 **ATTEST:**

24
25
26 _____
27 **NEIL KELLY, Clerk of the**
28 **Board of County Commissioners**
29 **Lake County, Florida**

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34 **APPROVED AS TO FORM AND LEGALITY**

35
36
37 _____
38 **SANFORD A. MINKOFF, County Attorney**
39

EXHIBIT "A"
(Legal Description)

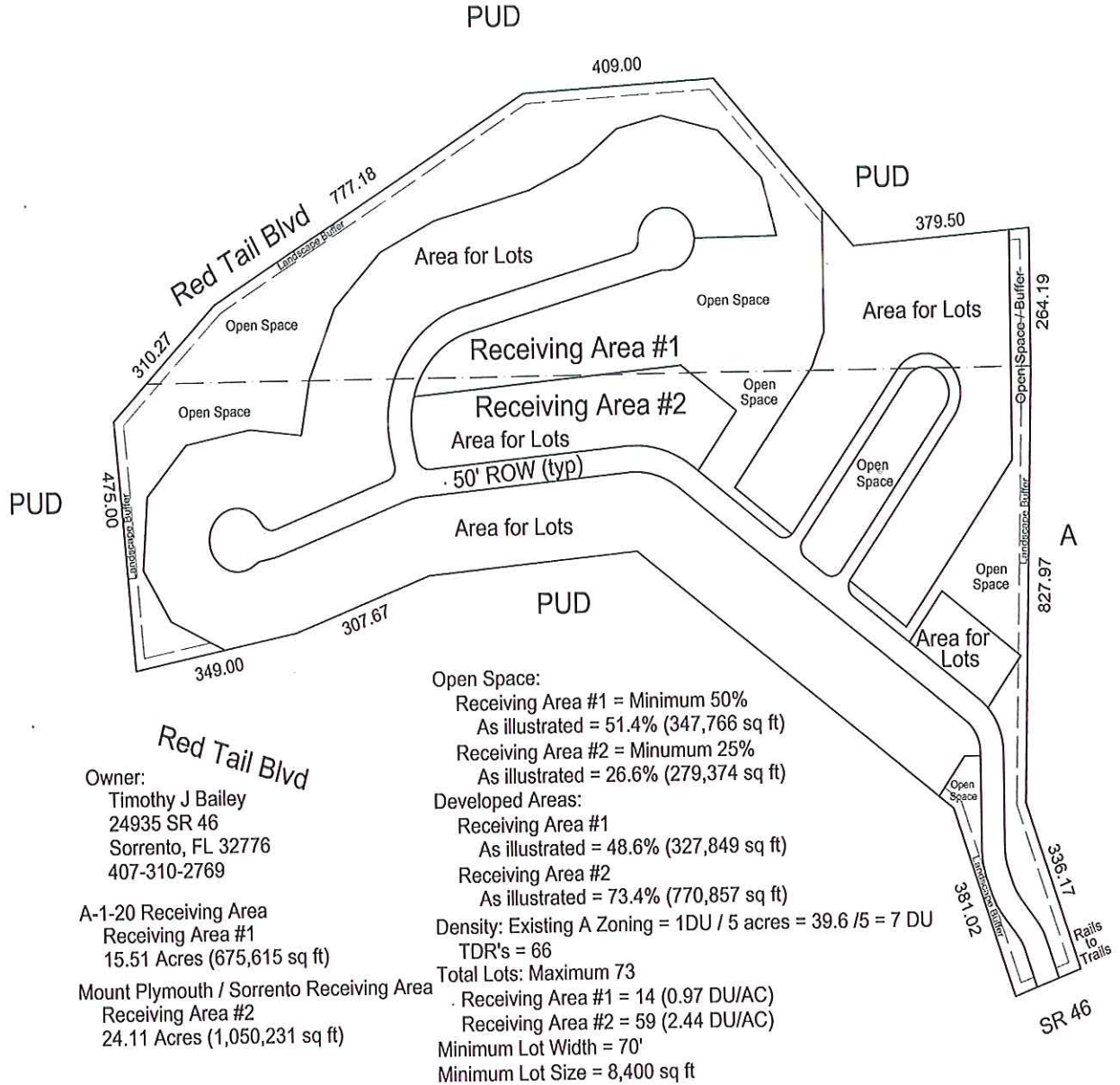
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Commence at the Southeast corner of Section 20, Township 19 South, Range 28 East, Lake County, Florida; thence run North along the East line of said Section 20 for a distance of 267.11 feet, thence leaving said East line run S 85°35'00"W for a distance of 40.14 feet to the POINT OF BEGINNING; thence continue S 85°35'00"W for a distance of 379.50 feet; thence run N 42°03'00"W for a distance of 434.33 feet; thence run S 86°47'00"W for a distance of 409.00 feet; thence run S 59°30'00"W for a distance of 777.18 feet; thence run S 45°15'00"W for a distance of 310.27 feet; thence run S 5°00'00"E for a distance of 475.00 feet; thence run N 79°00'00"E for a distance of 349.00 feet; thence run N 69°44'00"E for a distance of 307.67 feet; thence run N 84°56'00"E for a distance of 448.97 feet; thence run S 53°20'00"E for a distance of 832.11 feet; thence run S 19°41'00"E for a distance of 381.02 feet to the North right-of-way line of S.R. 46 and a point on a curve concave to the Southwest, having a radius of 1995.86 feet; thence run Northeasterly along said North right-of-way line and the arc of said curve for a distance of 150.04 feet through a central angle of 04°18'26"; thence leaving said North right-of-way line run N 19°41'00"W for a distance of 336.17 feet; thence run N 01°39'15"E parallel with the East line of Section 29, Township 19 South, Range 28 East, Lake County, Florida, for a distance of 827.97 feet to the South line of Section 20, Township 19 South, Range 28 East, Lake County, Florida, thence run North 264.19 feet to the Point of Beginning.

Being subject to any easements or rights-of-way of record.

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EXHIBIT "B"
 (Concept Plan)



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