

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

**PLANNING AND ZONING BOARD**  
September 4, 2013



**BOARD OF COUNTY COMMISSIONERS**  
September 24, 2013

<b>Case Number: PH #17-13-4</b> Tim Bailey PUD Amendment Rezoning	<b>Case Manager:</b> Rick Hartenstein, AICP, CPM Senior Planner	<b>Agenda Item # 5</b>
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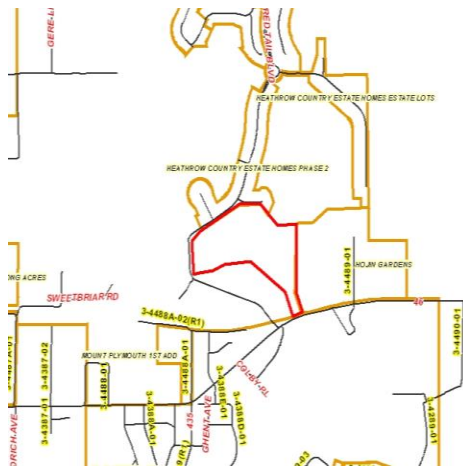
**Owner:** Timothy J. Bailey (the "Owner")

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

**Requested Action:** The Applicant is requesting to amend Planned Unit Development (PUD) Ordinance #2012-52 to revise the distribution of dwelling units with no density increase and amend landscaping conditions. Ordinance #2012-52 will then be rescinded and replaced with a new Ordinance.

### - Site Location & Information -

Approximate site location outlined in red



**Site Visit:** August 21, 2013

**Signs Posted:** August 21, 2013 (7)

<b>Size</b>	39.62 +/- acres	
<b>Location</b>	Mount Plymouth area – SR 46 east of the Heathrow Country Estates entrance.	
<b>Alternate Key #</b>	1597765 and 1597366	
<b>Future Land Use (FLU)</b>	WRPA A-1-20 Receiving Area & Mt. Plymouth/Sorrento (MPS) Receiving Area	
<b>Density of FLU</b>	<b>Existing</b>	<b>Proposed</b>
WRPA A-1-20 Receiving Area	1 DU/1 Net Acre w/Approved TDRs	1 DU/1 Net Acre w/Approved TDRs
Mt Plymouth/Sorrento (MPS) Receiving Area	2.4 DU/Net Acre w/Approved TDRs	2.4 DU/Net Acre w/Approved TDRs
<b>Floor Area Ratio (FAR) Comp Plan</b>	<b>Existing</b>	<b>Proposed</b>
WRPA A-1-20 Receiving Area	0.025 - LDR	None
MPS Receiving Area	0.40 - LDR	None
<b>Impervious Surface Ratio (ISR) Comp Plan</b>	<b>Existing</b>	<b>Proposed</b>
WRPA A-1-20 Receiving Area	0.20 – max.	0.20 – max.
MPS Receiving Area	0.60 – max.	0.60 – max.
<b>Zoning Prior to 3/12/1990</b>	Agriculture (A) – 1DU/5 Gross Acres	
<b>Zoning District</b>	<b>Existing</b>	<b>Proposed</b>
	Planned Unit Development (PUD)	Planned Unit Development (PUD)
<b>Joint Planning Area</b>	None	
<b>Utility Area:</b>	None	
<b>Site Utilities</b>	Central Water & Sewer (Eustis)	
<b>Road Classification</b>	SR 46 - Rural Minor Arterial	
<b>Flood Zone/ FIRM Panel - 12069C0460D</b>	X – outside 500-Year AE – 100-year (64' BFE)	
<b>Commissioner District</b>	4 - Campione	

**Table 1: Land Use Table**

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

**- Summary of Staff Determination –**

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

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**-Summary of Analysis-**

The Applicant is requesting to amend PUD Ordinance #2012-52 which encompasses 39.62 +/- acres. 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). In 2012, the Applicant obtained approval for 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 area of the sending property (394.04 acres of the Boy Scouts of America property-Camp La-No-Che) used for the acquisition and transfer of TDRs is required to be placed in a conservation easement. The conservation easement was accepted by the Board of County Commissioners at the August 13, 2013, board meeting and has been sent to Public Records for recording.

The PUD Ordinance #2012-52 was approved for seventy-three (73) Single-Family Residential (SFR) dwelling units (DU). This PUD amendment proposes to develop sixty-nine (69) units with an overall density of 1.7 DU to the net acre shown on “Exhibit “B” (Revised Conceptual Plan) of the proposed Ordinance, while providing the flexibility to develop at the maximum of seventy-three (73) SFR if the Developer chooses at a later date. This amendment does not exceed the maximum density permitted through the use of TDRs and is not an increase in density from the previously approved PUD. The Applicant has provided a fully executed Utility Service Agreement with the City of Eustis. The Utility Service Agreement was required as an approval condition for a Preliminary Plat.

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 PUD was originally approved with a maximum of seventy-three (73) DU. This application request proposes a reduction of four (4) DUs to sixty-nine (69) single-family residential units on approximately 39.62 +/- acres at an overall density of 1.7 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.”

In this case, sixty-six (66) 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) as approved by PUD Ordinance #2012-52 (copy in report package). The proposed amendment will continue to utilize the same number of TDRs (66) approved with the original PUD and will be secured by an appropriate legally binding instrument that has been recorded in the Public Records of Lake County prior to the approval of a preliminary plat. Conditions have been placed in the attached Ordinance regarding the TDR transfer.

**Density**

This PUD is within in the WRPA with a future land use of WRPA A-1-20 Receiving Area and 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**

<b>Sending FLUC</b>	<b>Base Density</b>	<b>Total TDR Acres (Conservation Area)</b>		<b>Available TDRs</b>	<b>Comp. Plan Policy</b>		
WRPA A-1-40 Sending Area	1 DU/40 Gross Acres	163 approx. acres		32	Policy I-3.2.1 permits a maximum density of 1 DU/10 net acres developed as a clustered Rural Conservation Subdivision (PUD) with 50% open space.		
WRPA A-1-20 Sending Area	1 DU/20 gross Acres	231 approx. acres		46	Policy I-3.2.2 permits a maximum density of 1 DU/5 net acres developed as a clustered Rural Conservation Subdivision (PUD) with 50% open space.		
*The number of TDRs is based on the Agriculture Zoning Density (1DU/5 Gross Acres) in place prior to March 12, 1990.							
<b>Receiving FLUC</b>	<b>Base Density</b>	<b>Acres</b>	<b>PUD Max. Density</b>	<b>Max. Units Available</b>	<b>Proposed Density/ Units</b>	<b>TDRs Required</b>	<b>Comp. Plan Policy</b>
WRPA A-1-20 Rec. Area #1	1 DU/20 Net Acres	15	1 DU/5 Net Acres	3	1 DU/1 Net Acre/15 Units	12	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/58 Units	54	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**

WRPA A-1-20 Receiving Area FLUC (Receiving Area #1) requires a minimum of 50% of the Net Buildable Area be set aside as common open space within the residential PUD. WRPA Mt. Plymouth-Sorrento Receiving Area FLUC (Receiving Area #2) requires a minimum of 25% of the Net Buildable be set aside as common open space within the residential PUD. This is demonstrated on the Conceptual Plan as Exhibit “B” of the attached Ordinance which designates 10.82 acres (64.8%) for Receiving Area #1 and 8.87 acres (36.2%) for Receiving Area #2 as common open space in the form of buffers, common areas, and retention areas, thus demonstrating consistency with the Comprehensive Plan and LDR requirements. Open space was conditioned in Ord. #2012-52 and will be conditioned in the proposed replacement ordinance. This amendment request will not affect the open space requirements.

**School Concurrency**

This PUD amendment is reducing the total number of dwelling units and will not adversely impact the schools serving the area of the PUD as seen in the table below. The proposed residential

development will 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 indicated this amendment will not adversely impact area schools.

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

**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 an adjacent residential PUD (Heathrow Country Estates aka Red Tail Development) and agriculture zoned properties to the north, south, and west of the Bailey PUD. Agriculture, residential, and commercial uses are to the south and east of the Bailey PUD. This rezoning request is consistent with the existing and proposed land uses for the area.

The Bailey PUD 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;**

As a result of the current proposal to reduce the number of dwelling units, the original concept plan will be replaced with a new one. In addition, the Applicant is seeking some flexibility with the required boundary landscape buffer planting requirements. This is addressed in Section E of this report.

**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 69 DUs proposed for the subdivision as set forth in the school concurrency requirements of the Comprehensive Plan and LDRs.

**Water and Sewage** – The Applicant has provided a fully executed Utility Service Agreement with the City of Eustis for the provision of central water and sewer services (Attachment #2).

**Solid Waste** - Service can be provided to the property and impacts for the development will be assessed at preliminary plat review.

**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-nine (79) 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 preliminary plat submittal to properly evaluate impacts on SR 46. Conditions have been placed in the proposed Ordinance addressing this. This request will not impact the area roadways any greater than has been stated.

**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.

**Landscaping** – The Applicant is requesting to cluster the landscape plantings for the boundary buffer to provide flexibility related to the boundary landscaping for the PUD. The Applicant proposes to plant the required trees and shrubs as demonstrated on the conceptual landscape plan (Exhibit “C” of proposed Ordinance), but wants to be able to cluster the plantings in various areas along the adjacent golf course boundary to take advantage of the beautiful views along various areas of the golf course. This amendment will not affect the proposed project.

**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.

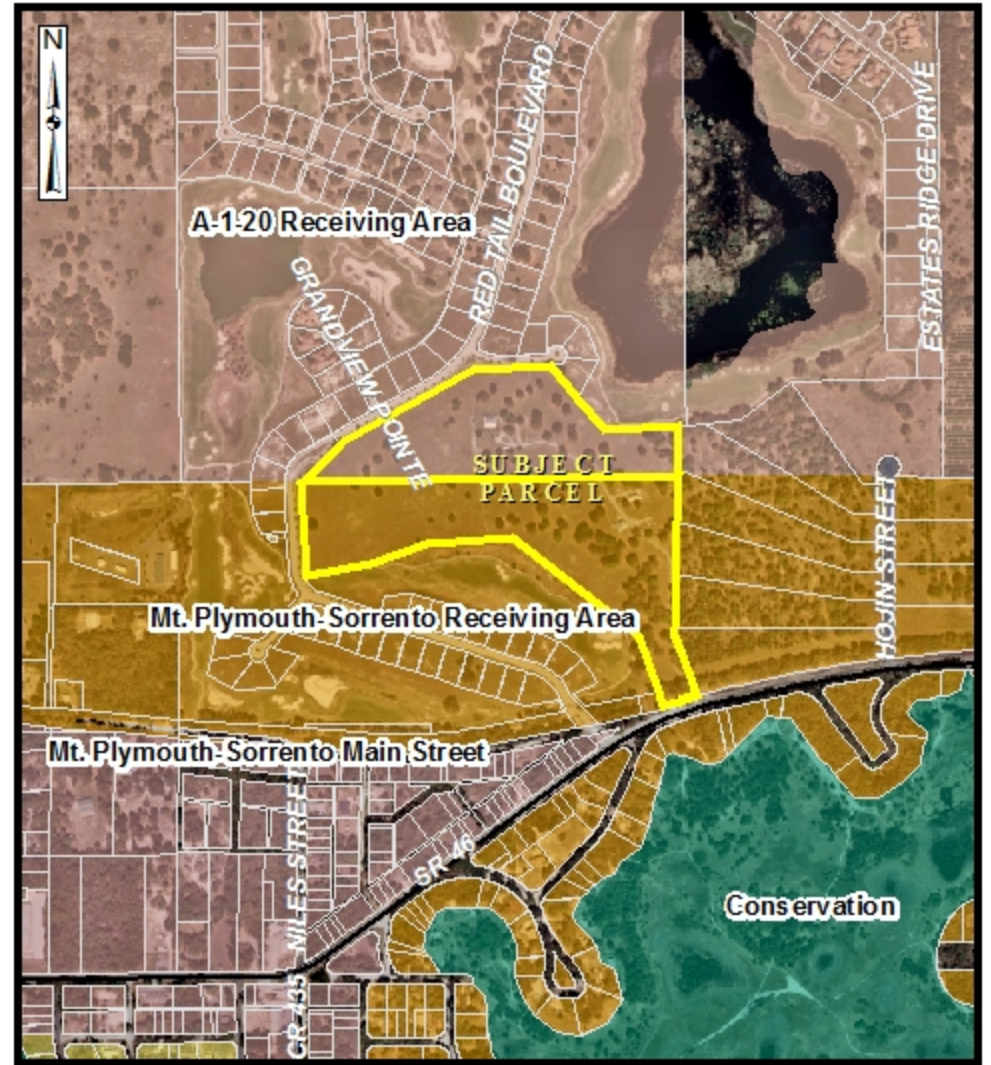
Therefore, based on these Findings of Fact, staff recommends **APPROVAL**, with conditions contained in the proposed Ordinance.

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





**CURRENT ZONING**  
**PLANNED UNIT DEVELOPMENT (PUD)**



**CURRENT 2030 FUTURE LAND USE**  
**A-120 RECEIVING AREA AND**  
**MT. PLYMOUTH-SORRENTO RECEIVING AREA**

**BAILEY PUD  
 AMENDMENT**

**CASE NO.**  
 PH #17-13-4

**CASE LOCATION:**  
 20/29-19S-28E

**REQUESTING:**  
 An endment to the Conceptual Plan

**ZONING**

**LAND USE**

**SUBJECT PARCEL**

**DATASOURCES:**  
 Lake County GIS Department Planimetrics, 2009 aerial image, Data Compilation and Map production compliments of the Growth Management Department, Planning and Community Design.

**MAP COMPOSITION:**  
 JULY, 2013

This map product was prepared from a Geographic Information System established by the Lake County Board of County Commissioners, its employees, agents and personnel, make no warranty as to its accuracy and in particular its accuracy as to labeling, dimensions, contours, property boundaries, or placement or location of any map features therein. The Lake County Board of County Commissioners, its employees, agents and personnel MAKE NO WARRANTY OF MERCHANTABILITY OR WARRANTY FOR FITNESS OF USE FOR A PARTICULAR PURPOSE EXPRESS OR IMPLIED WITH RESPECT TO THIS MAP PRODUCT. Independent verification of all data contained on this map product should be obtained by any user of this map.

**FOCUS AREA**

**LAKE COUNTY  
 FLORIDA**



1 **ORDINANCE #2012-52 2013-XX**

2 Timothy J. Bailey/Green Consulting Group, Inc.  
3 **Tim Bailey PUD Amendment**  
4 **PH #16-12-4 #17-13-4**  
5

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

8 **WHEREAS**, Green Consulting Group, Inc./Timothy W. Green (the "Applicant") on behalf of Timothy J. Bailey  
9 (the "Owner") has requested to amend Planned Unit Development (PUD) Ordinance #2012-52 for 39.62 +/- acres  
10 located within the Wekiva River Protection Area (WRPA) utilizing transferable development rights from property within  
11 the WRPA Sending Area to modify the distribution of previously approved transferable development rights (66 total) to  
12 maximize the number of available single-family residential units within the A-1-20 Receiving Area Future Land Use  
13 Category (FLUC) portion of the proposed project, provide clarity and flexibility for landscape buffer requirements,  
14 amend the conceptual plan to show a reduction of four (4) dwelling units to (69 du), and rescind and replace  
15 Ordinance #2012-52 with a new Ordinance; and

16 **WHEREAS**, the subject property is located in the Mount Plymouth area – From Mount Dora take SR 46 east  
17 to Mount Plymouth to the property on the left just east of the entrance to Heathrow Country Estates, situated in  
18 Section 20/29 - Township 19S - Range 28E, and having Alternate Keys # 1597765 (Mount Plymouth/Sorrento  
19 Receiving Area FLUC) and Alternate Key #1597366 (WRPA A-1-20 Receiving Area, and more particularly described  
20 as:

21 LEGAL DESCRIPTION: [EXHIBIT "A" – ATTACHED]  
22

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

25 **WHEREAS**, the Board of County Commissioners of Lake County, Florida, on the 24<sup>th</sup> day of July, 2012  
26 approved a maximum seventy-three (73) lot residential PUD under Ordinance #2012-52; and

27 **WHEREAS**, the adoption of this new ordinance shall supersede and replace Ordinance #2012-52; and

28 **WHEREAS**, the Lake County Planning and Zoning Board did, on the 4<sup>th</sup> day of September, 2013, review  
29 Petition PH #17-13-4; after giving Notice of Hearing on petition for a change in the use of land, including notice that  
30 said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 24<sup>th</sup> day of  
31 September, 2013; and

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

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

37 **NOW THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Lake County, Florida, that  
38 the Land Development Regulations (LDRs) of Lake County, Florida, be altered and amended as they pertain to the  
39 above tract of land, as described in Exhibit "A", subject to the following terms:

40 **Section 1.** Terms: The County Manager or designee shall amend the Zoning Map in accordance with this  
41 Ordinance. The uses of the property shall be limited to the uses specified in this Ordinance and generally consistent

**ORDINANCE NO. #2013-XX**  
**PH #17-13-4 (Tim Bailey PUD Amendment Rezoning)**

1 with the Conceptual Plan attached hereto as Exhibit “B”. To the extent where there are conflicts between Exhibit “B”  
 2 and this Ordinance, this Ordinance shall take precedence. This Ordinance shall supersede and replace any and all  
 3 previous ordinances for this property, specifically Ordinance #2012-52.

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

5  
 6 1. Residential:

7 a. Density and Development Rights: The following Table identifies the permitted density and the  
 8 required TDRs necessary to develop between sixty nine (69) and the seventy-three (73) units ~~PUD~~.

FLUC	Acres	Base Density	Max Density Using TDRs	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	1 DU/1 Net Acre (4415 Units Proposed)	4412	4415 single-family units
WRPA Mt. Plymouth-Sorrento Rec. Area #2	24	1 DU/5 Net Acres = 4 DU (Agriculture Zoning)	5.5 DU/1 Net Acre	2.4 DU/Net Acres (Max Units 58) (5954 Units Proposed)	5554	5958 single-family units

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

10 c. Transferable Development Rights:

- 11 i. The Sending Area properties described in Exhibit “C” of this Ordinance shall be used for the attainment of sixty-six (66) Transferable Development Rights.
- 12 ii. Sixty-six (66) development rights shall be conveyed from the property described in Exhibit “CD” to the property described in Exhibit “A” of this Ordinance and such conveyance shall be recorded in the Public Records of Lake County, Florida.
- 13 iii. Prior to the approval of a Site Plan or Preliminary Plat for the property described in Exhibit “A” of this Ordinance, a Conservation Easement meeting the requirements of the Comprehensive Plan and Land Development Regulations shall be placed on the property described in Exhibit “CD” and recorded in the Public Records of Lake County, Florida.

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 20 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.

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25 C. Open Space and Impervious Area:

- 1           1. Residential:
  - 2           a. WRPA Mt. Plymouth-Sorrento Receiving Area FLUC requires 25% of the net buildable area shall
  - 3           be provided as common open space (6.03 +/- acres).
  - 4           b. WRPA A-1-20 Receiving Area FLUC requires a minimum of 50% of the Net Buildable Area (gross
  - 5           site area minus the land devoted to waters of the state, open water bodies, and wetlands) be set
  - 6           aside as common open space (7.76 acres).
- 7           2. Open space shall be calculated on an overall basis for the net buildable area of the development.
- 8           3. Impervious Surface Area (ISR): Maximum ISR shall be 0.60
- 9           4. Floor Area Ratio (FAR): Floor area ratio shall not exceed 0.25 for non-residential development.

10  
11 D.     Landscaping:

12           Landscape buffering shall be installed and be generally consistent with the Landscaping Conceptual Plan  
13           attached as Exhibit "C". The clustering of the landscape plantings shall be permitted, but the required number  
14           of trees and shrubs shall be consistent with the planting requirements for a Type "B" buffer in accordance with  
15           the requirements of the LDRs, as amended.

16 E.     Noise:

17           A noise assessment may be required with the preliminary plat and/or site plan submittals to demonstrate  
18           mitigation for any noise impacts the proposed project may have on the neighboring uses pursuant to the LDR,  
19           as amended.

20 EF.    Transportation:

- 21           1. All internal streets shall be constructed to meet access management requirements, design standards, and
- 22           spacing requirements as set forth in the LDRs, as amended.
- 23           2. All roads within the development shall be designed both horizontally and vertically to meet the LDRs
- 24           requirements for their classification. Road pavement width shall be based on the road classification as set
- 25           forth in the LDRs, as amended.
- 26           3. The Applicant will be required to submit an updated Traffic Study with the preliminary plat submittal to
- 27           determine the full impacts to area roadways and intersections at the time of the development proposal.
- 28           4. Transportation Design: The layout and design of lots and circulation systems within the development shall
- 29           be substantially consistent with the attached conceptual plan as Exhibit "B" to this Ordinance, submitted
- 30           as a part of the rezoning application, and may be subsequently revised to reflect the current conditions.
- 31           To the extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take
- 32           precedence.
- 33           5. Gated Access: The development shall not be gated.

34 EG.    Environmental Requirements: An environmental survey shall be conducted in accordance with the LDRs, as

35           amended, to address natural vegetative communities, wildlife corridors, and designated species prior to

36           submittal of any development application. The environmental survey shall be no older than six (6) months

37           from the date the survey was conducted.

38 EH.    Utilities:

- 39           1. Central Water, Central Sewer, and Central Reclaimed Water (if available) for irrigation shall be provided
- 40           for this development by the City of Eustis. An approved and fully executed utility service agreement
- 41           between the City of Eustis and the Developer shall be supplied to Lake County prior to preliminary plat
- 42           approval.

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**PH #17-13-4 (Tim Bailey PUD Amendment Rezoning)**

2. If municipal water service is unable to be provided, the developer shall provide central water for the development. The central water system shall meet all federal, state, and local regulations, including fire flow requirements for the provision of fire protection for the development.
3. If municipal sewer service is unable to be provided, the developer shall be required to utilize an onsite performance-based wastewater treatment system. The Florida Department of Health will establish the treatment standards for onsite performance-based treatment systems.

~~H~~. Storm Water and Drainage Requirements:

1. The storm water management system shall be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements, as amended.
2. The storm water management system shall demonstrate that each phase is able to exist as an independent stable unit for drainage purposes. The natural pre-development drainage pattern shall be maintained to the maximum extent possible.

~~I~~. External Lighting Standards and Requirements:

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

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

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

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

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

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

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

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

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

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

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

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

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

24 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

25 **FILED** with the **Secretary of State** \_\_\_\_\_, 2013.

26 **EFFECTIVE** \_\_\_\_\_, 2013.

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

29 \_\_\_\_\_  
30 \_\_\_\_\_  
31 **LESLIE CAMPIONE, Chairman**

32 **ATTEST:**

33 \_\_\_\_\_  
34 \_\_\_\_\_  
35 **NEIL KELLY, Clerk of the**  
36 **Board of County Commissioners**  
37 **Lake County, Florida**

38 **APPROVED AS TO FORM AND LEGALITY**

39 \_\_\_\_\_  
40 \_\_\_\_\_  
41 **SANFORD A. MINKOFF, County Attorney**



**EXHIBIT "A"**  
(Legal Description)

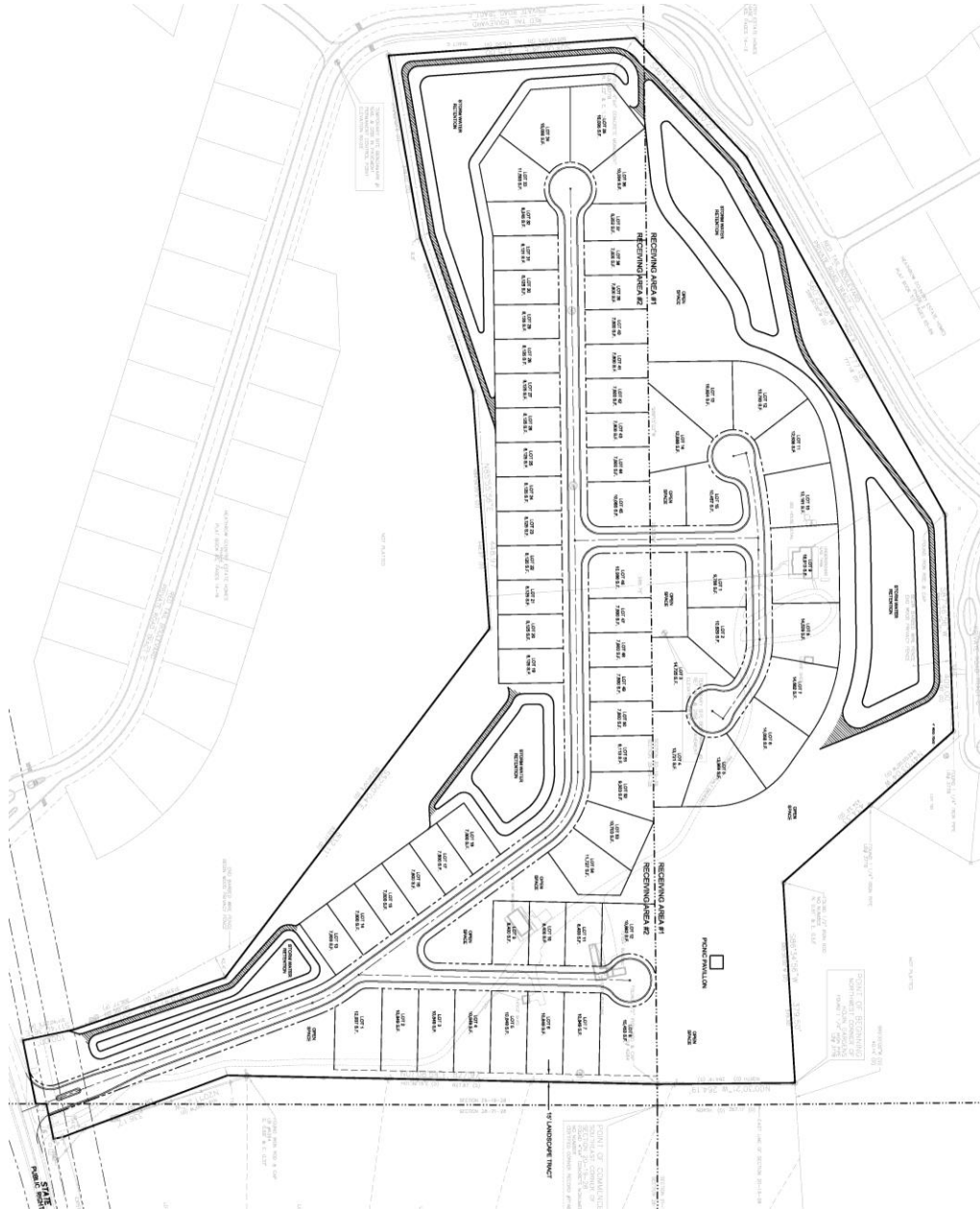
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Commence at the Southeast corner of Section 20, Township 19 South, Range 28 East, Lake County, Florida; thence run North along the East line of said Section 20 for a distance of 267.11 feet, thence leaving said East line run S 85°35'00"W for a distance 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.

**EXHIBIT "B"**  
**(Development Conceptual Plan)**

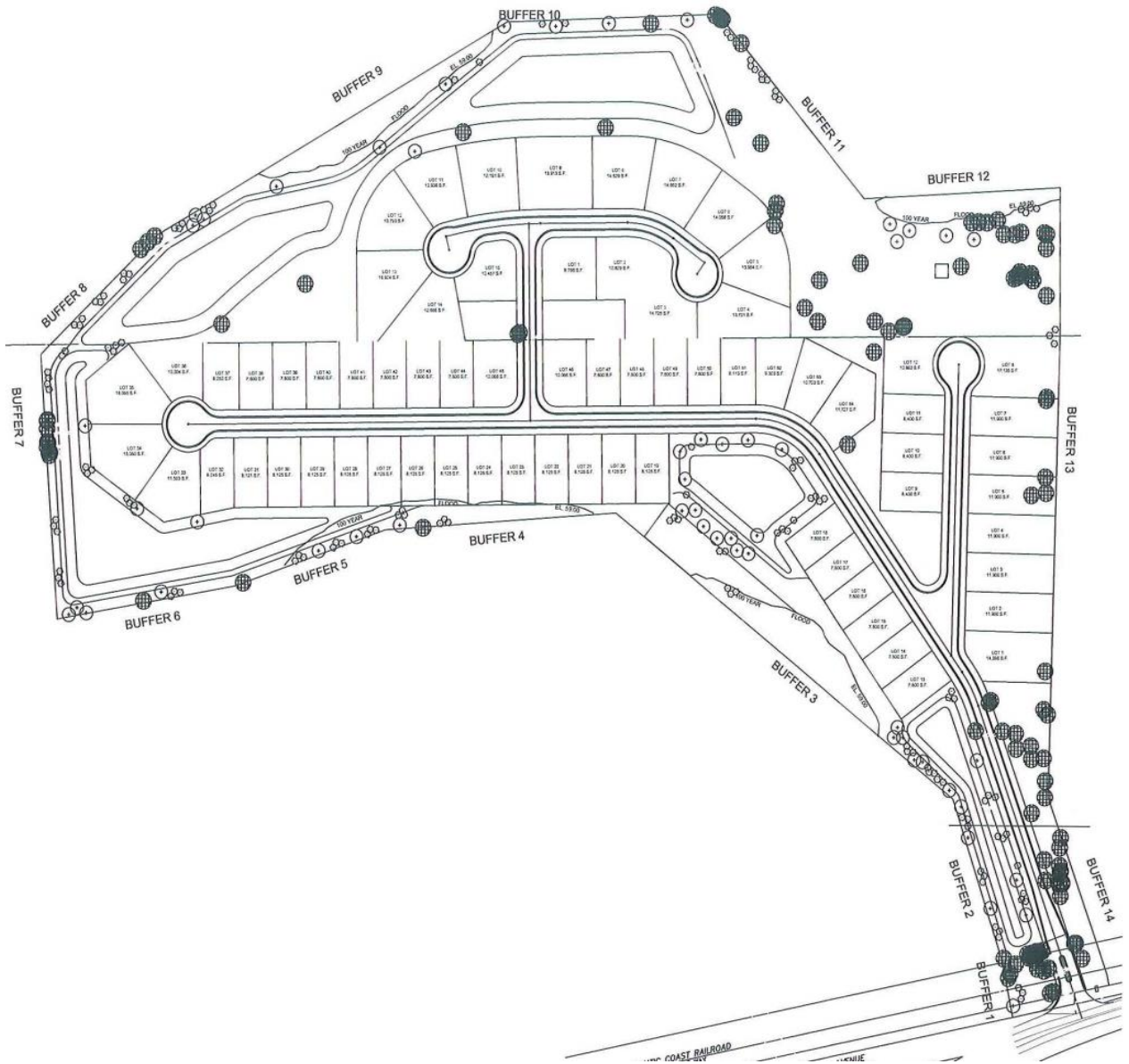
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### EXHIBIT "C" (Landscaping Conceptual Plan)



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EXHIBIT "D"

(Conservation Area Legal Description and Transferable Development Rights [TDRs] Area)

Leonard and Marjorie Williams Family Scout Reservation  
Central Florida Council, Boy Scouts of America

The following described parcels of land are intended to be used for a conservation easement for the purpose of utilizing the Transfer of Development Credits program for Lake County Florida.

A tract of land lying in a portion of Sections 4, 5 and 6, Township 18 South, Range 28 East, Lake County Florida. Commencing at the Southeast corner of Section 4, Township 18 South, Range 28 East, Lake County, Florida: thence N 30° 24' 41" W, 3,711.68 feet; thence S 74° 17' 54" W, 34.21 feet to the Point of Beginning. Said Point of Beginning being the intersection of the centerline of an existing woods road and the west Right-of-Way of Maggie Jones Road; thence continuing S 74° 17' 54" W, 8.31 feet to the Point of Curvature of a curve to the right, having a Central Angle of 36° 31' 50", a radius of 240.00 feet an arc length of 153.02 feet; thence N 68° 52' 44" W, 107.85 feet to the Point of Curvature of a curve to the left, having a Central Angle of 07° 32' 49", a radius of 930.00 feet an arc length of 121.96 feet; thence N 74° 24' 04" W, 442.32 feet to the Point of Curvature of a curve to the right, having a Central Angle of 09° 14' 22", a radius of 600.00 feet and arc length of 76.73 feet; thence N 67° 09' 39" W, 222.77 feet to the Point of Curvature of a curve to the left having a Central Angle of 28° 02' 36", a radius of 295.00 feet and an arc length of 144.32 feet; thence S 84° 47' 00" W, 86.41 feet to the Point of Curvature of a curve to the left having a Central Angle of 36° 28' 45", a radius of 240.00 feet and an arc length of 152.80 feet; thence S 48° 16' 01" W, 369.62 feet to the Point of Curvature of a curve to the right having a Central Angle of 18° 09' 47", a radius of 695.00 feet and an arc length of 152.80 feet; thence S 66° 25' 35" W, 62.49 feet to the Point of Curvature of a curve to the left having a Central Angle of 10° 03' 21", a radius of 365.00 feet and an arc length of 64.00 feet; thence S 56° 24' 30" W, 499.39 feet to the Point of Curvature of a curve to the left having a Central Angle of 58° 51' 45", a radius of 70.00 feet and an arc length of 71.89 feet; thence S 02° 15' 15" E, 1,237.25 feet; thence S 04° 55' 03" E, 383.00 feet more or less to the water's edge of Lake Norris; thence westerly along said water's edge S 83° 42' 11" W, 655.37 feet; thence S 80° 03' 15" W, 255.56 feet; thence N 64° 50' 36" W, 778.71 feet; thence N 72° 52' 24" W, 603.68 feet; thence N 89° 11' 40" W, 511.52 feet; thence N 16° 15' 54" W, 1,026.93 feet; thence N 89° 50' 18" E, 2,356.01 feet to the East Quarter Corner of Section 5 Township 18 South, Range 28 East, Lake County, Florida; thence northerly along the east line of said section N 16° 24' 39" W, 1,380.77 feet; thence S 89° 57' 32" W, 2,666.85 feet; thence N 15° 57' 34" W, 1,382.19 feet to the North Quarter Corner of Section 5 Township 18 South, Range 28 East, Lake County, Florida; thence N 89° 58' 45" E along the north line of said section 2,656.02 feet to the Northeast corner of said section; thence S 89° 49' 08" E, 793.46 feet to the Southeast Corner of Section 32 Township 17 South, Range 28 East, Lake County, Florida; thence along the south line of said section S 89° 56' 23" E, 1,301.83 feet; thence S 01° 49' 01" W, 668.97 feet; thence S 89° 53' 53" E, 1,244.82 feet to a point on the west Right-of-Way line of Maggie Jones Road; thence southerly along said Right-of-Way line S 21° 29' 28" E, 714.85 feet; thence S 21° 26' 46" E, 462.23 feet; thence S 31° 11' 56" E, 160.12 feet to the point of beginning.

Containing 290.16 acres more or less.

Together with:

A tract of land located in a portion of Sections 5 and 6 Township 18 South, Range 28 East, Lake County, Florida being more particularly described as follows: Beginning at the Northwest Corner of the East half of the Northeast Quarter of Section 6, Township 18 South, Range 28 East, Lake County, Florida: thence S 89° 59' 05" E, 1,319.07 feet to the Northwest Corner of Section 5, Township 18 South, Range 28 East, Lake County, Florida: thence continuing easterly along the north line of said section S 89° 36' 54" E, 709.16 feet; thence N 89° 54' 17" E, 1,283.03 feet; thence S 15° 49' 46" E, 1,381.52 feet; thence S 89° 58' 12" W, 1,998.48 feet; thence N 89° 48' 32" W, 1,491.74 feet to a point on the

**ORDINANCE NO. #2013-XX**  
**PH #17-13-4 (Tim Bailey PUD Amendment Rezoning)**

1 west line of the east half of the northeast quarter of Section 6, Township 18 South, Range 28 East, Lake County,  
2 Florida: thence along said west line N 08° 28' 52" W, 1,344.14 feet to the Point of Beginning.  
3 Containing 103.88 acres more or less.

4  
5 The total acreage of the Conservation easement is 394.04 acres more or less.

6  
7 Transferable Development Rights (TDRs) are based on the gross density of the Zoning District in place for the property  
8 on or before March 12, 1990. County Records show the Agriculture (A) Zoning District with a gross density of one (1)  
9 dwelling unit (du) per five (5) gross acres ( $394.04 \text{ acres} \div 5 = 78.81 \text{ TDRs}$ )

10





*Leading our Children to Success*

201 West Burleigh Boulevard · Tavares · FL 32778-2496  
(352) 253-6500 · Fax: (352) 343-0198 · [www.lake.k12.fl.us](http://www.lake.k12.fl.us)

**Superintendent:**  
Susan Moxley, Ed.D.

**School Board Members:**  
District 1  
Jim Miller  
District 2  
Rosanne Brandeburg  
District 3  
Tod Howard  
District 4  
Debbie Stivender  
District 5  
Kyleen Fischer

May 3, 2012

Mr. Brian Sheahan, Director  
Division of Planning and Community Design  
Growth Management Department  
Lake County  
Post Office Box 7800  
Tavares, Florida 32778-7800

RE: Bailey Rezoning Case (Lake County Project #2012030005; Application Request #2013)

Dear Mr. Sheahan:

The County is currently reviewing a rezoning of approximately 30 acres from Lake County Agriculture District to Lake County Planned Unit Development (PUD). The applicant proposes a maximum of 73 residential dwelling units.

As the School Board of Lake County's authorized representative, I am forwarding the School Board's comments to your attention so they can be included with your planning report. The School Board of Lake County Florida believes the rezoning will not have an adverse impact on Lake County Public Schools. The following School Board comments reflect projected enrollment data from the District's Five-Year Facilities Master Plan, FY 2012-2016, and student generation rates from the Impact Fee Study.

The proposed rezoning has the potential to add 73 new single-family dwelling units that will contribute 30 new students to the Lake County School system. Based on current school attendance zones, schools that will not be adversely affected by the proposed rezoning and their projected five-year capacity status are as follows:

- |                                     |                           |
|-------------------------------------|---------------------------|
| • <b>Sorrento Elementary School</b> | <b>26% Under Capacity</b> |
| • <b>Mount Dora Middle School</b>   | <b>31% Under Capacity</b> |
| • <b>Mount Dora High School</b>     | <b>10% Under Capacity</b> |

Please see the attached District Growth Impact Report, which indicates the potential impact of the proposed rezoning on the public schools which currently serve the area under consideration. Should you have any questions or need additional information please contact me at (352)253-6694.

Sincerely,

Dawn McDonald, Senior Planner  
Growth Planning Department

Enclosure

**REVIEWING AUTHORITY  
NAME / CASE NUMBER  
DEVELOPER/OWNER  
ITEM DESCRIPTION**

**Lake County Division of Planning and Community Design  
Bailey Rezoning / Project #2012030005; Application Request #2013  
Timothy Bailey**

The County is currently reviewing a proposed rezoning for approximately 30 acres from Lake County Agriculture District to Lake County Planned Unit Development (PUD). The applicant proposes a maximum of 73 residential dwelling units.

**LOCATION**

Sections 20 & 29; Township 19; Range 28  
Located north of SR 46 and Red Tail Boulevard; south of Red Tail Boulevard and Roundabout Pointe; east of Camino Court; and west of Hojin Street

**CURRENT ZONING  
PROPOSED ZONING**

Lake County Agriculture District  
Lake County Planned Unit Development (PUD)

**NEW DU IMPACT  
STUDENT GENERATION**  
Elementary School  
Middle School  
High School

SF-DU	MF-DU	Mobile	SF Impacts	DUs
			<b>73</b>	
0.410	0.254	0.145	30	
0.186	0.131	0.065	14	
0.100	0.057	0.036	7	
0.124	0.066	0.044	9	

**SCHOOL NAME**

Sorrento Elementary  
Mount Dora Middle  
Mount Dora High

Projected Enrollment 2015-2016*	Permanent Student Capacity*	Projected Five-Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity On Site
754	1,041	72%	768	74%	No
845	1,241	68%	852	69%	Yes
1,222	1,367	89%	1,231	90%	No

*\*Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2012-2016*

**CSA 5**

Elementary School  
Middle School  
High School

Student Enrollment 2015-2016*	Permanent Student Capacity*	% of Permanent Capacity
2,376	2,907	82%
845	1,241	68%
1,222	1,367	89%

*\*Lake County School District Five-Year Facilities Master Plan, Fiscal Year 2012-2016*

**COMMENTS:**

The applicant proposes 73 residential dwelling units, which will not adversely impact Lake County Schools.

*School Concurrency became effective in Lake County on June 1, 2008. Subsequent development orders, including but not limited to, site plans and subdivisions are subject to the school concurrency process. This Growth Impact Report (adequate public facilities analysis) is not intended to be an approval of, or an exemption from, any school concurrency regulations, including the school concurrency requirements in the Lake County School Concurrency Interlocal Agreement.*

**FILE COPY**

**ORDINANCE #2012-52**

**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 11<sup>th</sup> 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 24<sup>th</sup> 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.

FILED  
2012 AUG 9 11 28 AM  
DEPARTMENT OF STATE  
TALLAHASSEE, FLORIDA



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

1. Residential:

a. Density and Development Rights: The following Table identifies the permitted density and the 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

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

c. Transferable Development Rights:

- i. The Sending Area properties described in Exhibit "C" of this Ordinance shall be used for the attainment of sixty-six (66) Transferable Development Rights.
- ii. Sixty-six (66) development rights shall be conveyed from the property described in Exhibit "C" to the property described in Exhibit "A" of this Ordinance and such conveyance shall be recorded in the Public Records of Lake County, Florida.
- iii. Prior to the approval of a Site Plan or Preliminary Plat for the property described in Exhibit "A" of this Ordinance, a Conservation Easement meeting the requirements of the Comprehensive Plan and Land Development Regulations shall be placed on the property described in Exhibit "C" and recorded in the Public Records of Lake County, Florida.

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.

C. Open Space and Impervious Area:

1. Residential:

- a. WRPA Mt. Plymouth-Sorrento Receiving Area FLUC requires 25% of the net buildable area shall be provided as common open space (6.03 +/- acres).
  - b. 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 (7.76 acres).
2. Open space shall be calculated on an overall basis for the net buildable area of the development.
  3. Impervious Surface Area (ISR): Maximum ISR shall be 0.60
  4. Floor Area Ratio (FAR): Floor area ratio shall not exceed 0.25 for non-residential development.

- 1 D. Landscaping:  
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  
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9 of the developed area of the site with accompanying data tables and product design details addressing  
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- 11 J. Development Review and Approval: Prior to the issuance of any permits, the Applicant shall be required to  
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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  
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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  
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- 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.

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

**SECTION 3. Severability:** If any section, 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 24th day of July, 2012.

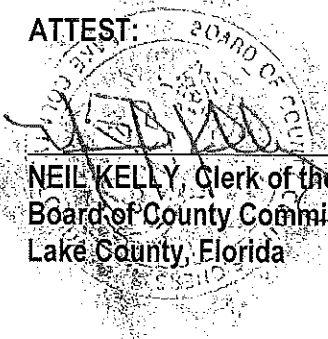
FILED with the Secretary of State August 1, 2012.

EFFECTIVE August 1, 2012.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

Leslie Campione  
LESLIE CAMPIONE, Chairman

ATTEST:

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

APPROVED AS TO FORM AND LEGALITY

Sanford A. Minkoff  
SANFORD A. MINKOFF, County Attorney

**EXHIBIT "A"**  
(Legal Description)

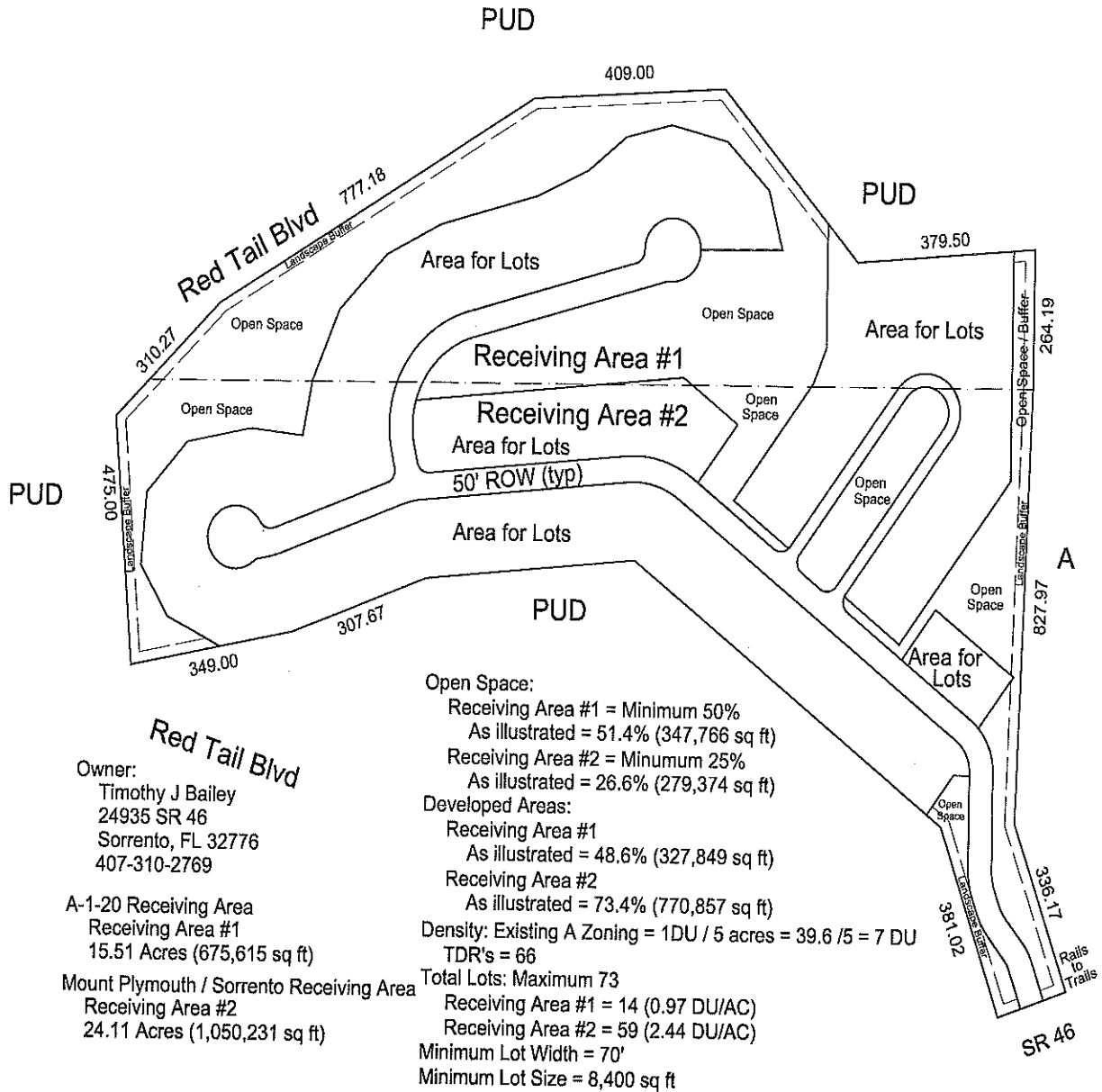
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Commence at the Southeast corner of Section 20, Township 19 South, Range 28 East, Lake County, Florida; thence run North along the East line of said Section 20 for a distance of 267.11 feet, thence leaving said East line run S 85°35'00"W for a distance 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)**



**Red Tail Blvd**  
 Owner:  
 Timothy J Bailey  
 24935 SR 46  
 Sorrento, FL 32776  
 407-310-2769

A-1-20 Receiving Area  
 Receiving Area #1  
 15.51 Acres (675,615 sq ft)  
 Mount Plymouth / Sorrento Receiving Area  
 Receiving Area #2  
 24.11 Acres (1,050,231 sq ft)

Open Space:  
 Receiving Area #1 = Minimum 50%  
 As illustrated = 51.4% (347,766 sq ft)  
 Receiving Area #2 = Minimum 25%  
 As illustrated = 26.6% (279,374 sq ft)  
 Developed Areas:  
 Receiving Area #1  
 As illustrated = 48.6% (327,849 sq ft)  
 Receiving Area #2  
 As illustrated = 73.4% (770,857 sq ft)  
 Density: Existing A Zoning = 1DU / 5 acres = 39.6 / 5 = 7 DU  
 TDR's = 66  
 Total Lots: Maximum 73  
 Receiving Area #1 = 14 (0.97 DU/AC)  
 Receiving Area #2 = 59 (2.44 DU/AC)  
 Minimum Lot Width = 70'  
 Minimum Lot Size = 8,400 sq ft

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EXHIBIT "C"

(Conservation Area Legal Description and Transferable Development Rights [TDRs] Area)

Leonard and Marjorie Williams Family Scout Reservation  
Central Florida Council, Boy Scouts of America

The following described parcels of land are intended to be used for a conservation easement for the purpose of utilizing the Transfer of Development Credits program for Lake County Florida.

A tract of land lying in a portion of Sections 4, 5 and 6, Township 18 South, Range 28 East, Lake County Florida. Commencing at the Southeast corner of Section 4, Township 18 South, Range 28 East, Lake County, Florida: thence N 30° 24' 41" W, 3,711.68 feet; thence S 74° 17' 54" W, 34.21 feet to the Point of Beginning. Said Point of Beginning being the intersection of the centerline of an existing woods road and the west Right-of-Way of Maggie Jones Road; thence continuing S 74° 17' 54" W, 8.31 feet to the Point of Curvature of a curve to the right, having a Central Angle of 36° 31' 50", a radius of 240.00 feet an arc length of 153.02 feet; thence N 68° 52' 44" W, 107.85 feet to the Point of Curvature of a curve to the left, having a Central Angle of 07° 32' 49", a radius of 930.00 feet an arc length of 121.96 feet; thence N 74° 24' 04" W, 442.32 feet to the Point of Curvature of a curve to the right, having a Central Angle of 09° 14' 22", a radius of 600.00 feet and arc length of 76.73 feet; thence N 67° 09' 39" W, 222.77 feet to the Point of Curvature of a curve to the left having a Central Angle of 28° 02' 36", a radius of 295.00 feet and an arc length of 144.32 feet; thence S 84° 47' 00" W, 86.41 feet to the Point of Curvature of a curve to the left having a Central Angle of 36° 28' 45", a radius of 240.00 feet and an arc length of 152.80 feet; thence S 48° 16' 01" W, 369.62 feet to the Point of Curvature of a curve to the right having a Central Angle of 18° 09' 47", a radius of 695.00 feet and an arc length of 152.80 feet; thence S 66° 25' 35" W, 62.49 feet to the Point of Curvature of a curve to the left having a Central Angle of 10° 03' 21", a radius of 365.00 feet and an arc length of 64.00 feet; thence S 56° 24' 30" W, 499.39 feet to the Point of Curvature of a curve to the left having a Central Angle of 58° 51' 45", a radius of 70.00 feet and an arc length of 71.89 feet; thence S 02° 15' 15" E, 1,237.25 feet; thence S 04° 55' 03" E, 383.00 feet more or less to the water's edge of Lake Norris; thence westerly along said water's edge S 83° 42' 11" W, 655.37 feet; thence S 80° 03' 15" W, 255.56 feet; thence N 64° 50' 36" W, 778.71 feet; thence N 72° 52' 24" W, 603.68 feet; thence N 89° 11' 40" W, 511.52 feet; thence N 16° 15' 54" W, 1,026.93 feet; thence N 89° 50' 18" E, 2,356.01 feet to the East Quarter Corner of Section 5 Township 18 South, Range 28 East, Lake County, Florida; thence northerly along the east line of said section N 16° 24' 39" W, 1,380.77 feet; thence S 89° 57' 32" W, 2,666.85 feet; thence N 15° 57' 34" W, 1,382.19 feet to the North Quarter Corner of Section 5 Township 18 South, Range 28 East, Lake County, Florida; thence N 89° 58' 45" E along the north line of said section 2,656.02 feet to the Northeast corner of said section; thence S 89° 49' 08" E, 793.46 feet to the Southeast Corner of Section 32 Township 17 South, Range 28 East, Lake County, Florida; thence along the south line of said section S 89° 56' 23" E, 1,301.83 feet; thence S 01° 49' 01" W, 668.97 feet; thence S 89° 53' 53" E, 1,244.82 feet to a point on the west Right-of-Way line of Maggie Jones Road; thence southerly along said Right-of-Way line S21° 29' 28" E, 714.85 feet; thence S 21° 26' 46" E, 462.23 feet; thence S 31° 11' 56" E, 160.12 feet to the point of beginning.

Containing 290.16 acres more or less.

Together with:

A tract of land located in a portion of Sections 5 and 6 Township 18 South, Range 28 East, Lake County, Florida being more particularly described as follows: Beginning at the Northwest Corner of the East half of the Northeast Quarter of Section 6, Township 18 South, Range 28 East, Lake County, Florida: thence S 89° 59' 05" E, 1,319.07 feet to the Northwest Corner of Section 5, Township 18 South, Range 28 East, Lake County, Florida: thence continuing easterly along the north line of said section S 89° 36' 54" E, 709.16 feet; thence N 89° 54' 17" E, 1,283.03 feet; thence S 15° 49' 46" E, 1,381.52 feet; thence S 89° 58' 12" W, 1,998.48 feet; thence N 89° 48' 32" W, 1,491.74 feet to a point on the

ORDINANCE NO. #2012-52  
PH #16-12-4 (Tim Bailey PUD Rezoning)

- 1 west line of the east half of the northeast quarter of Section 6, Township 18 South, Range 28 East, Lake County,
- 2 Florida: thence along said west line N 08° 28' 52" W, 1,344.14 feet to the Point of Beginning.
- 3 Containing 103.88 acres more or less.
- 4
- 5 The total acreage of the Conservation easement is 394.04 acres more or less.
- 6
- 7 Transferable Development Rights (TDRs) are based on the gross density of the Zoning District in place for the property
- 8 on or before March 12, 1990. County Records show the Agriculture (A) Zoning District with a gross density of one (1)
- 9 dwelling unit (du) per five (5) gross acres ( $394.04 \text{ acres} \div 5 = 78.81 \text{ TDRs}$ )
- 10