

LAKE COUNTY PLANNING AND ZONING DIVISION  
REZONING STAFF REPORT

PLANNING AND ZONING BOARD  
September 7, 2016



BOARD OF COUNTY COMMISSIONERS  
September 27, 2016

<b>RZ-16-17-4 Gupta/Tayal Rezoning</b>	<b>Commissioner District 4 (Campione)</b>	<b>Agenda Item # 1</b>
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**Requested Action:** Rezone 2.95 +/- acres from Rural Residential (R-1) to Community Facility District (CFD) for an Adult Congregate Living Facility/Nursing Home (ACLF/Nursing Home).

**General Location:** 30851 Round Lake Road, east of Mount Dora

**Owner:** Shobhit Gupta and Geetanjali Tayal

**Applicant:** Shobhit Gupta

**- Site Location & Information -**

<b>Size</b>	2.95 +/- acres
<b>Location</b>	30851 Round Lake Road, Mount Dora
<b>Alternate Key #</b>	2600128
<b>Future Land Use and Environmentally Sensitive Areas</b>	Regional Office and Wekiva Study Area
<b>Existing Zoning District</b>	Rural Residential (R-1)
<b>Proposed Zoning District</b>	Community Facility District (CFD)
<b>Joint Planning Area</b>	Mount Dora

**Land Use Table**

<b>Direction</b>	<b>Future Land Use</b>	<b>Zoning</b>	<b>Existing Use</b>	<b>Comments</b>
<b>North</b>	Regional Office	LM, R-1 & CP	Light Industrial and Office	None
<b>South</b>	Regional Office	R-1	Residential	None
<b>East</b>	Regional Office	A	Residential	None
<b>West</b>	Regional Office	A	Light Industrial and Residential	None

**- Summary of Staff Determination -**

**STAFF RECOMMENDATION:** Staff recommends **APPROVAL** to Rezone 2.95 +/- acres from Rural Residential (R-1) to Community Facility District (CFD) for an Adult Congregate Living Facility/Nursing Home (ACLF) subject to the conditions established in the proposed Ordinance.

**PLANNING AND ZONING BOARD RECOMMENDATION:**

**- Summary of Analysis -**

The Applicant is requesting to rezone approximately 2.95 acres, developed as single-family residential, from Rural Residential (R-1) to Community Facility District (CFD) for an Adult Congregate Living Facility/Nursing Home (ACLF).

The parcel is located within the Regional Office Future Land Use Category (FLUC) which designates Health Services with the exception of Hospitals as a permitted use. The Applicant proposes to develop a 100 room ACLF.

The proposed rezoning is consistent with Comprehensive Plan Policy I-1.3.6 Regional Office FLUC, which allows health services (ACLF) as a permitted use in the Regional FLUC. The CFD Zoning District is a planned zoning district and conditions have been placed in the associated Ordinance regulating the principal as well as the accessory uses. The Land Development Regulations (LDRs) permit the CFD Zoning District in the Regional Office FLUC and recognize an ACLF/Nursing Home as a permitted use within the CFD Zoning District.

Based on the analysis below, Staff finds the application consistent with the Comprehensive Plan and Land Development Regulations and recommends approval, with conditions in the proposed Ordinance.

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– Analysis –

LDR Section 14.03.03 (Standards for Review)

**A. Whether the proposed rezoning is in conflict with any applicable provisions of the Code;**

The rezoning application is consistent with Table 3.00.03 Land Use – Zoning District Matrix, Land Development Regulations (LDR) which permits the Community Facility District (CFD) zoning district within the Regional Office FLUC previously classified as Employment Center FLUC.

The rezoning application is consistent with Section 3.01.02, Classification of Uses and Section 3.01.03, Schedule of Permitted and Conditional Uses, LDR, which defines a Nursing Home and permits a Nursing Home within the CFD Zoning District. A Nursing Home is defined in LDR 3.01.02.E.13 as “An establishment providing bed-care and in-patient services for persons needing regular medical attention, but excluding surgical and emergency medical services or providing care for alcoholism, drug addiction, mental disease, or communicable disease.” Staff has determined that this definition is similar to the proposed ACLF use, which would make it consistent with the proposed CFD rezoning request.

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

*Comprehensive Plan Policy I-1.2.2 Consistency between Future Land Use and Zoning, Table FLUE 2*, requires a minimum of fifteen (15%) percent of the net buildable area be set aside as open space. A condition has been incorporated into the proposed Ordinance requiring a minimum of 15% open space in accordance with the above policy. The proposed CFD zoning is consistent with Comprehensive Plan Policy I-1.3.6, “Regional Office Future Land Use Category”, as health services (ACLF/Nursing Home) excluding hospitals are a permitted use in the Regional Office FLUC. Conditions have been placed in the associated Ordinance regulating the principal as well as the accessory uses for the proposed ACLF/Nursing Home. The property is located within the Wekiva Study Area and will be developed under the Regional Office FLUC criteria consistent with all applicable Wekiva Study Area policies. Any development or future expansion of the proposed facility will be subject to the Regional Office FLUC and Wekiva Study Area criteria.

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

The rezoning amendment is consistent and compatible with the surrounding zoning and uses (light industrial, commercial, residential, and agricultural), the Regional Office FLUC and the applicable Wekiva Study Area policies. The proposed CFD zoning is a permitted zoning district within the Regional Office FLUC and the proposed ACLF is consistent with the Regional Office FLUC. The proposed rezoning application does not create any inconsistent land uses in the area.

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

The adoption of the Regional Office Future Land use created a land use/zoning incompatibility with the existing R1 zoning district. Additionally, the proposed ACLF is not a permissible use in the R-1 zoning district. The proposed CFD rezoning will allow the Applicant to establish a 100 bed ACLF/Nursing Home at this location, thus requiring the rezoning to CFD to be consistent with the Comprehensive Plan and LDRs. Additionally, the proposed CFD zoning would resolve the current land use/zoning incompatibility within the Regional Office FLUC.

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

**Transportation** – The standard Level of Service (LOS) for the impacted roadway of Round Lake Road is "D" with a capacity of 675 trips. This segment of roadway from SR 46 to the Orange County Line is currently operating at eighty-three percent (83%) of its capacity during the PM peak. This project will be generating twenty-two (22) pm peak hour trips, in which twelve (12) trips will impact the peak hour direction, increasing the Volume to Capacity Ratio (v/c) to eighty-five percent (85%). Currently the Wekiva Parkway project is scheduled to affect the SR 46 Roadway and the County has no funded improvements scheduled for this segment of Round Lake Road. Applicant will be required to complete a Tier 1 Traffic Impact Study prior to site plan approval. Conditions have been incorporated into the associated Ordinance requiring the traffic impact study with the site plan application submittal.

**Engineering** – Public Works has determined there is insufficient R/W for Round Lake Road and will require additional R/W dedication along the road frontage of the property along with a sidewalk along the frontage of the property. In addition, Public

Works has indicated that all access management and stormwater management will be required to meet all applicable Comprehensive Plan policies and all applicable development and design standards contained in the LDRs. Conditions have been established in the proposed Ordinance requiring this during the site plan approval process, if this rezoning is approved.

**Water and Sewage** – Utilities will be provided utilizing an on-site public water system and on-site sewage treatment system (package plant). The project will be required to utilize an advanced performance based treatment system for wastewater disposal. Treatment standards for onsite performance based treatment systems are governed by the Florida Department of Health (FDOH). Conditions have been established in the associated Ordinance requiring the use of an advanced performance based treatment system.

**Solid Waste** – Lake County Solid Waste Division has indicated there is sufficient capacity to support this project.

**Schools** - The Lake County School Board has indicated the proposed use will have no negative impact to the area schools.

**Fire and Emergency Services** - Lake County Fire Station 39, located at 31431 Walton Heath, Sorrento, approximately 3.5 miles east of the property for fire-emergency services, including advanced life support.

**Concurrency** – Any proposed development will be required to comply with all applicable Lake County Concurrency Management System criteria. This will require further review during the site plan approval process. Conditions have been placed in the attached Ordinance addressing this.

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

The proposed rezoning is located within the Wekiva Study Area recognized as an environmentally sensitive area in Lake County. *Objective I-3.4 Wekiva Study Area*, establishes policies regulating proposed as well as existing development within the Wekiva Study Area. The following are the applicable Wekiva Study Area policies for the proposed project.

**Policy I-2.1.8 Environmental Design Standards** – The proposed project will be required to conserve a minimum of 15% of the net buildable area of the property as open space, will be required to provide a study listing any threatened, endangered, or species of special concern, including any wildlife corridors and natural habitat. In addition, the proposed project will be required to provide a landscape plan addressing best management practices for native landscaping and “right plant-right place” landscaping techniques. Invasive exotic plant species are prohibited for use in the landscaping design. Conditions have been established in the attached Ordinance addressing the above. This will be addressed in greater detail during the site plan review process if this rezoning is approved by the Board.

**Policy I-3.4.4 Dedication of Open Space within the Wekiva Study Area** – The property is located within the Regional Office FLUC and the Wekiva Study area which requires a minimum of 15% of the net buildable area to be set aside as open space and the open space shall be designated to remain undeveloped and protected in perpetuity through the use of a conservation easement or similar recorded and legally binding instrument running with the land. This will be addressed in greater detail during the site plan review process if this rezoning is approved.

**Policy I-3.4.5 Development Design Standards** - The project will be required to submit architectural renderings with the site plan submittal demonstrating consistency with the Commercial Design Standards established in Section 9.10.00, Land Development Regulations (LDR). Conditions have been placed in the attached Ordinance addressing this.

**Policy III-2.3.19 Landscaping within the Wekiva Study Area** – This policy requires all new development to implement landscaping best management practices (BMPs) described by the principles and practices of Florida Friendly Landscaping and the Florida Yards and Neighborhoods Program established by the University of Florida. This policy requires at a minimum, Florida Friendly landscaping and encourages the use of native vegetation. Conditions have been placed in the attached Ordinance requiring the use of the landscaping BMPs referenced above including the use of native vegetation for all landscaping.

**Policy VI-1.6.15 Advanced and Enhanced Onsite Wastewater Treatment** – This policy requires all new development located outside wastewater utility service areas, not on central sewer, to comply with onsite performance based treatment systems within environmentally sensitive areas, including but not limited to the Wekiva Study Area, consistent with state standards. The Florida Department of Health (FDOH) rule making will establish the treatment standards for onsite performance based treatment systems.

The property is located within the City of Mount Dora wastewater utility service area, but has indicated that sanitary sewer services are not available for this site. Even though the site is within the City’s service area, the site is not connected to a central

wastewater treatment system. As such, the project is required to incorporate the FDOH treatment standards for onsite performance based wastewater treatment systems in the design, construction, and operation of the onsite wastewater treatment system. Conditions have been established in the attached Ordinance addressing these requirements.

**Policy VI-1.6.18 Wastewater Treatment Systems within Environmentally Sensitive Areas** – This policy states the County shall support and require compliance with all federal, state, regional, and local agency regulations relating to the location and operation of central wastewater treatment facilities, including advanced standards for Advanced Wastewater Treatment Facilities within the Wekiva Study Area adopted pursuant to Florida Department of Environmental Protection rule. Conditions have been established in the attached Ordinance addressing this requirement.

**Policy IX-3.2.6 Advanced Wastewater Treatment** – This policy requires all new Type II (defined by Florida Administrative Code as a wastewater facility having a permitted capacity of 100,000 up to but not including 500,000 gallons per day) and Type III (defined by Florida Administrative Code as a wastewater facility having a permitted capacity of over 2,000 up to but not including 100,000 gallons per day) private central wastewater systems in Lake County be designed and built as advanced wastewater treatment systems and shall provide reclaimed water throughout the development(s) where service is provided. The advanced wastewater treatment system shall be designed to connect to a regional system when services are available. Conditions have been established in the attached Ordinance addressing this requirement.

With the inclusion of the various conditions discussed above in the associated Ordinance, there should be no significant adverse impacts to the natural environment.

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

The application does not contain any information regarding the effect the proposed rezoning would have on property values in the area.

**H. Whether, and the extent to which, the proposed rezoning would result in an orderly and logical development pattern;**

The majority of the area north and west of the proposed project is developed with light industrial uses consistent with the Regional Office FLUC. The areas south and east of the proposed project property are developed with agricultural and single-family residential uses which are inconsistent with the Regional Office FLUC. The proposed project will be located on approximately 2.95 acres and will be providing a minimum of fifteen (15%) percent of the net buildable area as open space consistent with the Regional Office FLUC and the development pattern for the area. Based on the analysis above, there are no indications the rezoning application would result in a disorderly or illogical development pattern for the area.

**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**

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and Land Development Regulations as stated in Sections A through H above.

**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.**

**City of Mount Dora JPA/ISBA** - The City has indicated that regardless of availability of water and sewer service, the construction and dedication of utility dry lines may be required. This will be reviewed in detail during the site plan review and approval process if this rezoning is approved by the BCC.

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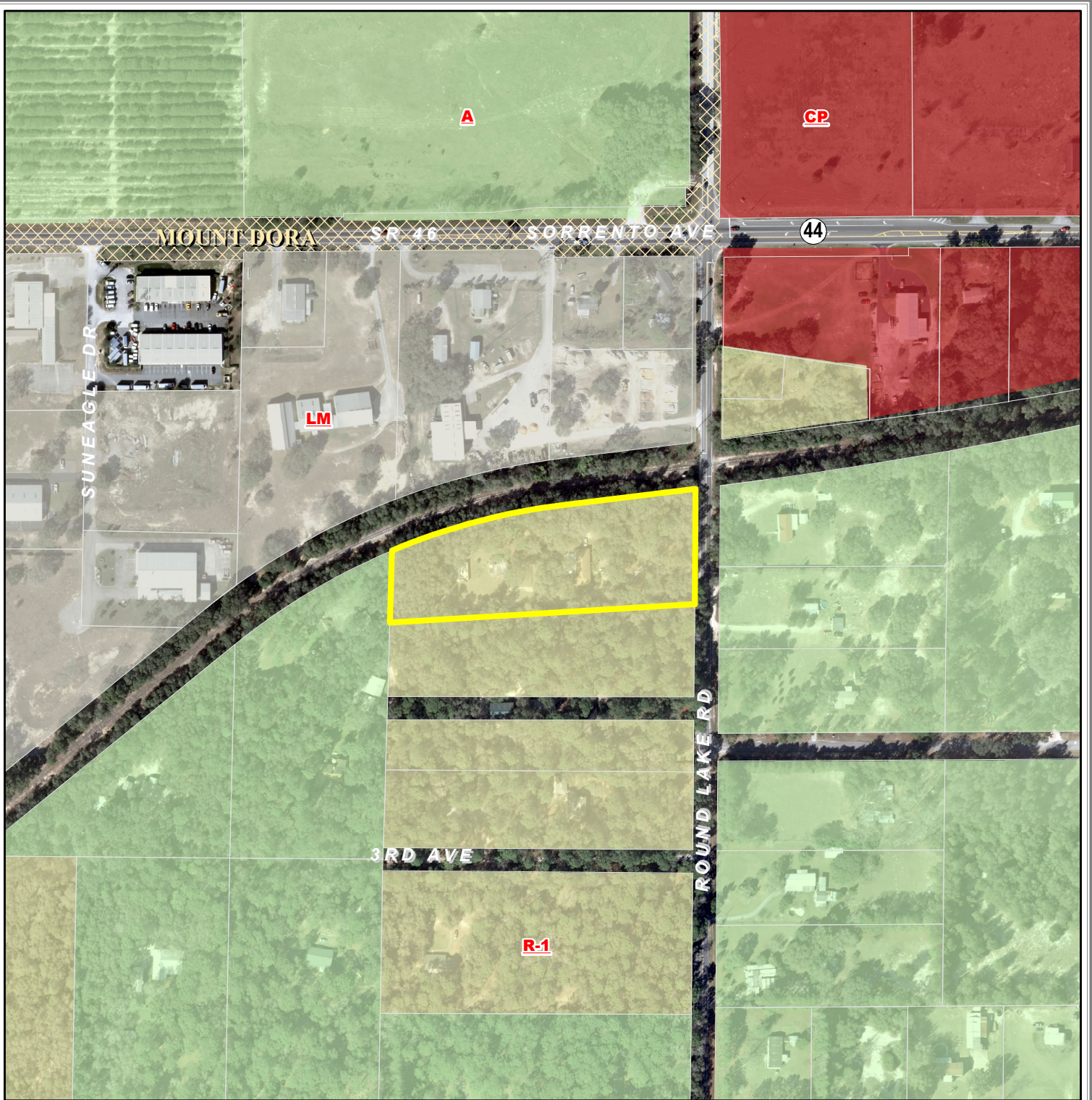
**FINDINGS OF FACT:** Staff has reviewed the application for the proposed rezoning and found:

1. The rezoning application is consistent with Comp Plan Policy I-1.3.6, Regional Office Future Land Use Category (FLUC), which allows nursing and personal care facilities as a conditional use (Planned Zoning District).
2. The rezoning application is consistent with Table 3.00.03 *Land Use – Zoning District Matrix*, LDR, which permits the establishment of the CFD Zoning District within the Regional Office FLUC, previously classified as Employment Center FLUC.
3. The rezoning application is consistent with Section 3.01.03 *Schedule of Permitted and Conditional Uses*, LDR, which permits an ACLF/Nursing Home in the CFD Zoning District.

Based on these findings of fact, staff recommends **approval** of the rezoning application, with conditions, as specified in the proposed Ordinance.

**Case Manager:** Rick Hartenstein, AICP, CPM, Senior Planner

**WRITTEN COMMENTS FILED:**    **Supportive: -0-**                      **Questions: -0-**                      **Opposition: -0-**



**ZONING LEGEND**

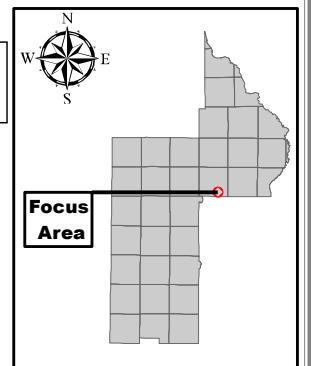
A	RA	R-2	R-4	R-7	RMRP	RV	C-2	LM	MP	PUD
AR	R-1	R-3	R-6	RP	RM	C-1	CP	HM	CF	

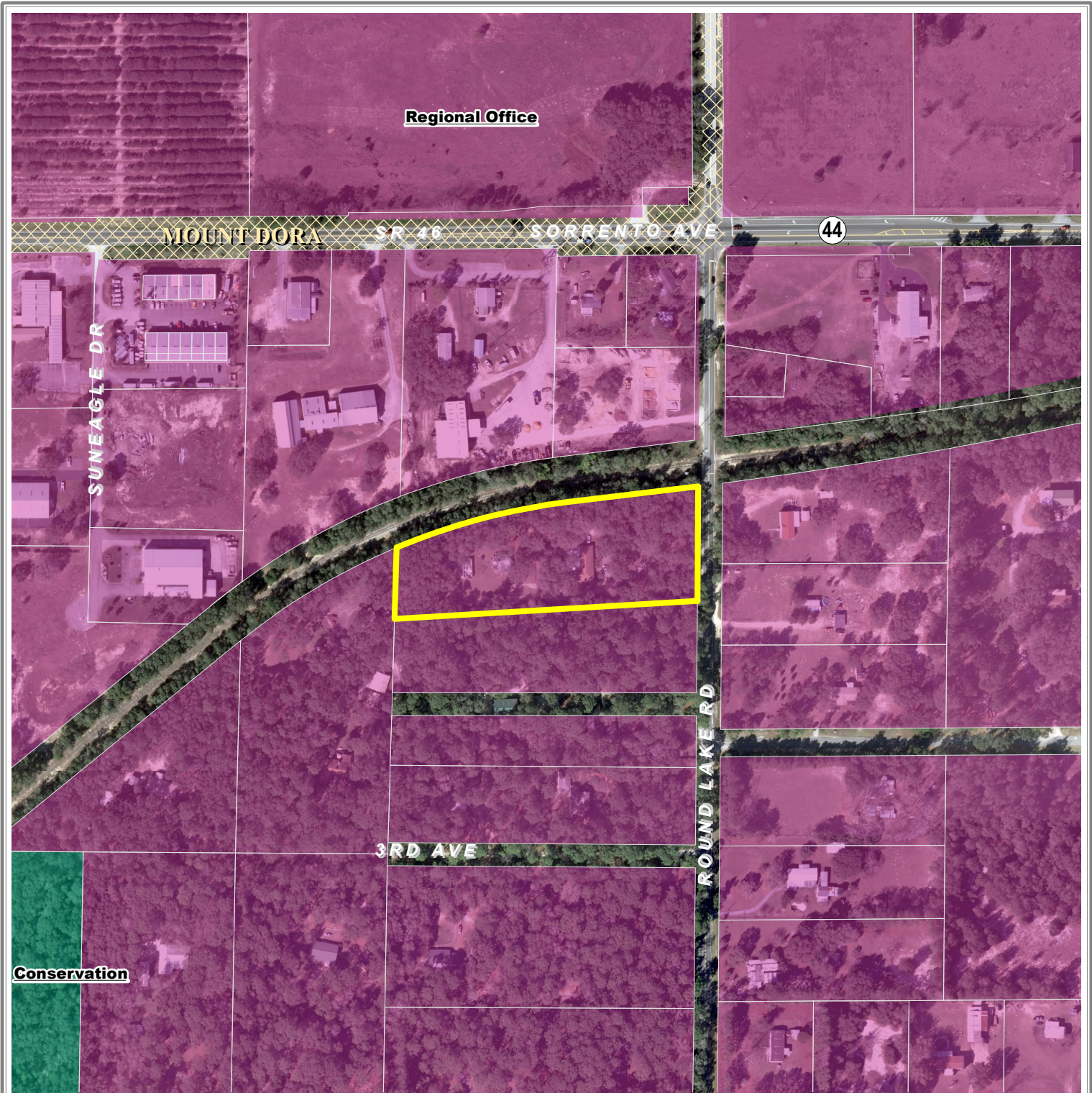
**NAME: GUPTA**

**CASE NUMBER: RZ-16-17-4**

**LOCATION (S-T-R): 34-19-27**

**REQUEST: RURAL RESIDENTIAL TO COMMUNITY FACILITY DISTRICT**





**FUTURE LAND USE LEGEND**

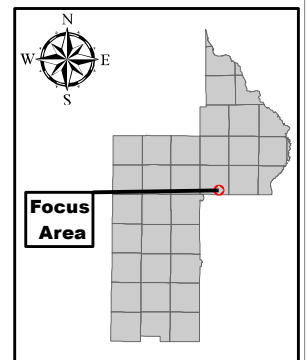
- |                                |  |                     |                      |
|--------------------------------|--|---------------------|----------------------|
| Bella Collina                  | Heavy Industrial                           | Recreation          | Urban Low Density    |
| Cagans Crossing                | Mt Plymouth-Sorrento Main Street District  | Regional Commercial | Urban Medium Density |
| Conservation                   | Mt Plymouth-Sorrento Neighborhood          | Rural               |                      |
| Green Swamp Core Conservation  | Mt Plymouth-Sorrento Receiving Area        | Rural Transition    |                      |
| Green Swamp Ridge              | Regional Office                            | Sending Area A-1-20 |                      |
| Green Swamp Rural              | Public Service Facility and Infrastructure | Sending Area A-1-40 |                      |
| Green Swamp Rural Conservation | Receiving Area A-1-20                      | Urban High Density  |                      |

**NAME: GUPTA**

**CASE NUMBER: RZ-16-17-4**

**LOCATION (S-T-R): 34-19-27**

**REQUEST: RURAL RESIDENTIAL TO COMMUNITY FACILITY DISTRICT**





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**ORDINANCE #2016-XX**  
**RZ-16-17-4**  
**Shobhit Gupta and Geetanjali Tayal Property**

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

**WHEREAS**, Shobhit Gupta and Geetanjali Tayal (the "Owners/Applicants") submitted an application to rezone 2.95 +/- acres from Rural Residential (R-1) to Community Facility District (CFD) for an Adult Congregate Living Facility/Nursing Home (ACLF/Nursing Home); and

**WHEREAS**, the subject property consists of approximately 2.95 +/- acres located at 30851 Round Lake Road east of Mount Dora, in Sections 34 Township 19 South, Range 27 East, consisting of Alternate Key Numbers 2600128, and more particularly described as:

**LEGAL DESCRIPTION – (Exhibit "A")**

**WHEREAS**, the property subject to the request is located within the Regional Office Future Land Use Category (FLUC) and the Wekiva Study Area as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

**WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-16-17-4 on the 7<sup>th</sup> day of September, 2016, after giving Notice of Hearing for a change in the use of land, including a notice that said petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 27<sup>th</sup> day of September, 2016; and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Board, the 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 has been duly approved; and

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

**Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to show the Community Facility District (CFD) in accordance with Exhibit "A" of this Ordinance. All uses shall be generally consistent with the Concept Plan as shown in Exhibit "B", of this Ordinance. To the extent where there are conflicts between the Concept Plan and this Ordinance, this Ordinance shall take precedence.

**A. Land Use:**

1. Use of the land area shall be limited to an Adult Congregate Living Facility (ACLF). The facility shall be limited to one hundred (100) beds for in-patient care/treatment, together with the necessary staff to support the facility as shown in Exhibit "B" Concept Plan.
2. Accessory Uses – Those uses directly associated with the principal use may be approved by the County Manager or designee. Any other use of the site not identified above shall

1 require an amendment to this Ordinance as approved by the Board of County  
2 Commissioners.

3 **B. Open Space, Setbacks, and Parking/Drive Aisles/Driveway Access:**

4 1. Open Space – A minimum of fifteen (15) percent of the net buildable area shall be set aside  
5 as open space. The required open space shall be designated to remain undeveloped and  
6 protected in perpetuity through the use of a conservation easement or similar recorded and  
7 legally binding instrument running with the land and establish the conditions and restrictions  
8 on the use of the open space area. The open space conservation easement shall be  
9 dedicated to one or a combination of the following:

- 10 a. A Conservation Agency such as but not limited to the Florida Department of  
11 Environmental Protection, the St. John's River Water Management District;  
12 b. A Non-profit conservation organization or land trust;  
13 c. Lake County, subject to County approval and acceptance of the conservation easement.  
14 The maintenance of the conservation easement shall be provided by the Owner of the  
15 property and shall be incorporated within the Conservation Easement document.

16 2. Setbacks:

- 17 a. Front – Fifty (50) feet from the right-of-way for Round Lake Road;  
18 b. Sides:  
19 i. North– The width of the designated/required Landscape Buffer;  
20 ii. South – The width of the designated/required Landscape Buffer;  
21 c. Rear – The width of the designated/required Landscape Buffer.

22 3. Parking/Drive Aisles/Driveway Access:

- 23 a. All vehicle parking area/s, drive aisles, and driveway access shall be designed and  
24 constructed in accordance with all applicable federal, state, and local codes and  
25 regulations, as amended.  
26 b. Vehicle parking spaces shall be calculated using one (1) vehicle space per four (4) beds  
27 plus one (1) vehicle space per the number of employees, as amended. This must be  
28 demonstrated on the site plan.  
29 c. All parking areas, drive aisles, and driveway access shall be subject to all applicable  
30 design criteria and permitting in accordance with the Comprehensive Plan and LDRs,  
31 as amended.

32 **C. Floor Area Ratio (FAR)/Intensity, Impervious Surface (ISR), and Height of Structures:** FAR,  
33 ISR, and Structure Height shall be in accordance with the Comprehensive Plan and LDR, as  
34 amended.

35 **D. Commercial Design Standards:**

36 Commercial design standards shall be in accordance with the Comprehensive Plan and LDRs,  
37 as amended. Architectural renderings demonstrating the incorporation of the Commercial Design  
38 Standards shall be included as a part of the site plan.

1           **E. Landscaping, Buffering, and Screening:**

2           1. Landscaping:

- 3           a. A landscape plan prepared by a registered Landscape Architect shall be submitted with  
4           the site plan. The landscape plan shall implement the landscaping best management  
5           practices established by the University of Florida for the Florida Friendly Landscaping  
6           and Florida Yards and Neighborhood Program.  
7           b. Florida Friendly landscaping and native vegetation shall be utilized. The use of “right  
8           plant-right place” landscaping techniques shall be utilized in the design and  
9           implementation of the landscape plan. The landscape plan shall be in accordance with  
10          the LDR, as amended.  
11          c. The use of plant materials classified as invasive exotic plants is prohibited.  
12          d. Building and parking area perimeter landscaping shall be in accordance with the  
13          Comprehensive and LDR, as amended.

14          2. Buffering/Screening:

15           Landscape and screening buffers shall be in accordance with the Comprehensive Plan and  
16           LDR, as amended.

17          **F. Environmental:**

18           An Environmental Assessment no older than six (6) months, shall be submitted with the site plan  
19           application addressing at a minimum, soil types, the presence and/or potential presence of  
20           threatened, endangered, and species of special concern, wildlife corridors, and natural upland  
21           wildlife communities in accordance with the Comprehensive Plan, LDRs, and applicable federal  
22           and state regulations, as amended.

23          **G. Transportation/Access Management:** All access management shall be in accordance with the  
24          Comprehensive Plan and Land Development Regulations, as amended.

- 25          1. A Tier 1 Traffic Impact Analysis will be required with any development application submittal.  
26          2. Additional right-of-way (R/W) shall be required for the frontage of Round Lake Road. The  
27          amount of R/W will be determined during the site plan review process.

28          **H. Stormwater Management:** The stormwater management system shall be designed and  
29          constructed in accordance with all applicable Comprehensive Plan, LDR, and St. Johns River  
30          Water Management District (SJRWMD) requirements; as amended.

31          **I. Signage:** All signage shall be accordance with the Comprehensive Plan and Land Development  
32          Regulations, as amended.

33          **J. Lighting:** Exterior lighting shall be cut-off type and in accordance with the Comprehensive Plan,  
34          Land Development Regulations, and Dark-Sky guidelines, as amended.

35          **K. Fire Protection:** Fire Protection shall be in accordance with all applicable federal, state, and  
36          local codes and/or regulations, as amended.

37          **L. Utilities:**

38           The utilities (potable water and wastewater) shall be provided by an on-site public water system  
39           and on-site sewage treatment system (Advanced Performance Based Treatment System). The  
40           water and wastewater system shall be designed and required to connect to a regional water and

1 wastewater system when services are available. The water and sewer system shall be subject  
2 to all applicable federal, state, regional, and local rules, comprehensive plan policies,  
3 regulations, and codes, as amended.

4 **J. Concurrency Management Requirements:** Any development shall comply with the Lake  
5 County Concurrency Management System, as amended, prior to site plan approval.

6 **K. Development Review and Approval:** Prior to the issuance of permits, the Applicant shall be  
7 required to submit a site plan application generally consistent with Exhibit "B" – Conceptual Plan,  
8 attached, for review and approval in accordance with the Comprehensive Plan and LDR, as  
9 amended.

10 **L. Future Amendments to Statutes, Code, Plans, and/or Regulations:** The specific references  
11 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County  
12 Comprehensive Plan, and Lake County Land Development Regulations shall include any future  
13 amendments to the Statutes, Code, Plans, and/or Regulations.

14 **Section 2. Conditions:** Conditions as altered and amended which pertain to the above tract of land shall  
15 mean:

16 **A.** After establishment of the facilities as provided herein, the aforementioned property shall only  
17 be used for the purposes named in this Ordinance. Any other proposed use must be specifically  
18 authorized by the Board of County Commissioners.

19 **B.** No person, firm, or corporation shall erect, construct, enlarge, alter, repair, remove, improve,  
20 move, convert, or demolish any building structure, add other uses, or alter the land in any manner  
21 within the boundaries of the above described land without first obtaining the necessary approvals  
22 in accordance with the Lake County Code, as amended, and obtaining the permits required from  
23 the other appropriate governmental agencies.

24 **C.** This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land  
25 and the terms, conditions, and provisions hereof, and shall be binding upon the present Owner  
26 and any successor, and shall be subject to each and every condition herein set out.

27 **D.** Construction and operation of the proposed use shall at all times comply with the regulations of  
28 this and other governmental permitting agencies.

29 **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance shall  
30 include in the transfer or lease agreement, a provision that the purchaser or lessee is made good  
31 and aware of the conditions established by this Ordinance and agrees to be bound by these  
32 conditions. The purchaser or lessee may request a change from the existing plans and conditions  
33 by following procedures contained in the Land Development Regulations, as amended.

34 **F.** Action by the Lake County Code Enforcement Special Master. The Lake County Code  
35 Enforcement Special Master shall have authority to enforce the terms and conditions set forth in  
36 this ordinance and to recommend that the ordinance be revoked.

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

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

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

5  
6 **ENACTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

7  
8 **FILED** with the Secretary of State \_\_\_\_\_, 2016.

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10 **EFFECTIVE** \_\_\_\_\_, 2016.

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

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20 **SEAN M. PARKS, CHAIRMAN**

21 **ATTEST:**

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26 **NEIL KELLY, CLERK OF THE**  
27 **BOARD OF COUNTY COMMISSIONERS**  
28 **LAKE COUNTY, FLORIDA**

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32 **APPROVED AS TO FORM AND LEGALITY**

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35 \_\_\_\_\_  
36 **MELANIE MARSH, COUNTY ATTORNEY**  
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**Exhibit "A"**  
**Legal Description**

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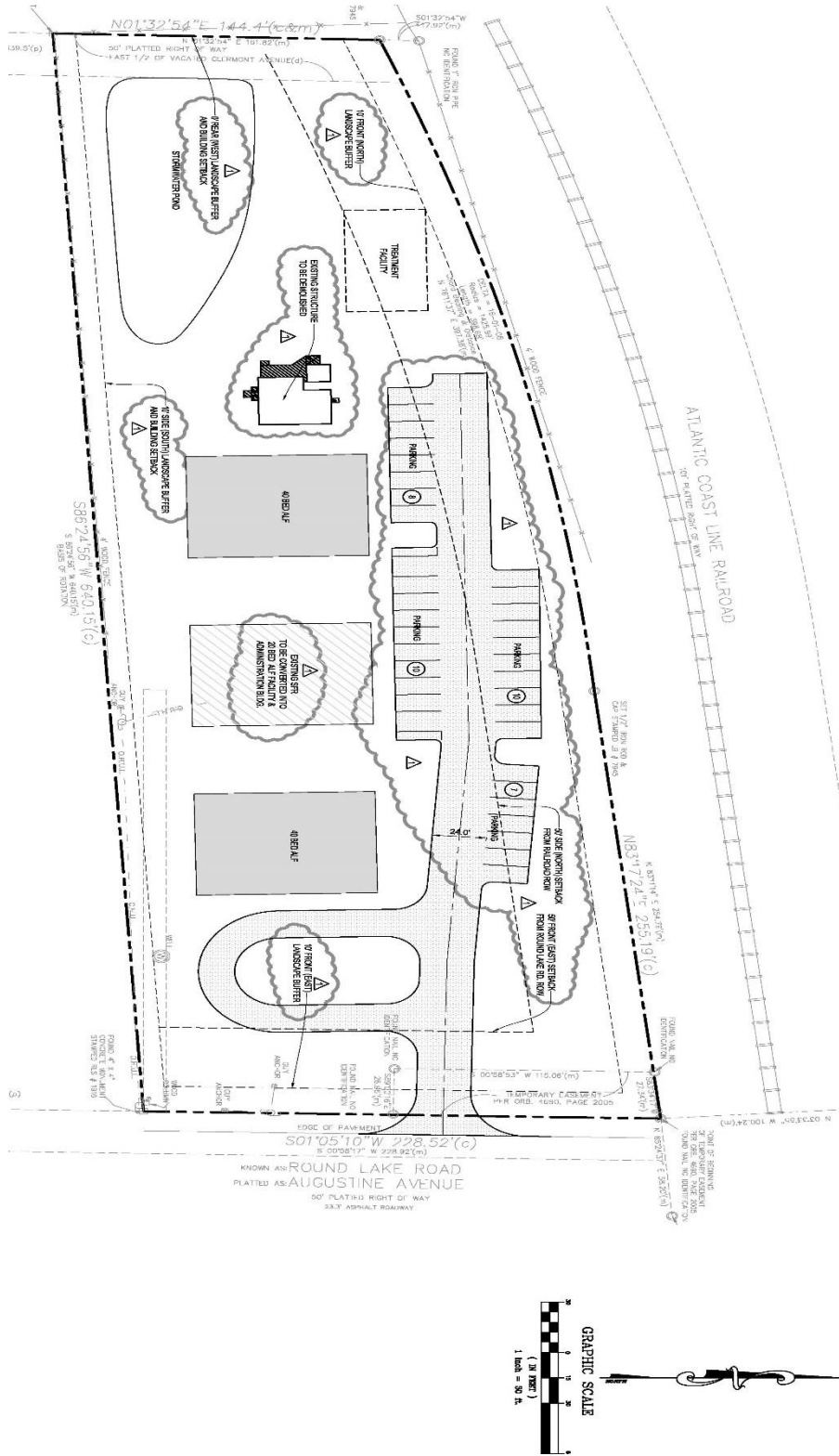
All of Lot 11, Block B, according to the Plat of Sunset Hills in Section 34, Township 19S, Range 27E, recorded in the Plat Book 6, Page 112, Public Records of Lake County, Florida, **LESS THE FOLLOWING**: Begin at the Southeast corner of Lot 11, Block B, Sunset Hills Subdivision, run North 200 feet along the East boundary of said Lot 11, thence Westerly to a point on the West boundary of said lot 160 feet North of the Southwest corner of said lot, thence Southerly along the West boundary of said lot to the Southwest corner of said lot, thence East along the Southern boundary of said lot to the point of beginning.

And

Also that part of the East one half (1/2) of the right of way of Clermont Avenue that was vacated and abandoned on July 9, 1980, by County Commissioners of Lake County, Florida, abutting the West boundary of the above described parcel.

Exhibit "B"  
 Concept Plan

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