

LAKE COUNTY OFFICE OF PLANNING AND ZONING REZONING STAFF REPORT

Planning and Zoning Board
June 26, 2018



Board of County Commissioners
July 24, 2018

RZ-17-26-2 Bella Collina PUD	Commissioner District 2 Parks	Agenda Item # 1
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Requested Action: Amend Bella Collina PUD Ordinance No. 2014-48 to include: a decrease in the maximum allowable density by reducing the total from 868 to 866 single-family dwelling units; convert two residential lots to allow for a free-standing restaurant and bar adjacent to the existing 100 unit lodge/hotel; dock and boathouse location criteria in accordance with a permit issued by the St. Johns River Water Management District (SJRWMD); a communication tower use; and Neighborhood Commercial uses, as specified in the amended PUD ordinance, on designated Neighborhood Commercial (NC) Tracts.

Owners: DCS Real Estate Investments, LLC; DCS Capital Investments, LLC; Bella Collina Property Owner’s Association; and Bella Collina Community Development District.

Applicant: Miranda F. Fitzgerald, Esq., Lowndes, Drosdick, Doster, Kantor & Reed, P.A.

- Site Location & Information -

Size	1,915 acres (1,406.6 acres of Uplands) (213.99 acres of Wetlands) (294.45 acres of Water)
Location	East and West side of C.R. 455 Contiguous to the South City Limits of Montverde
Future Land Use	Bella Collina (Max. density of 868 single-family dwelling units)
Zoning District	Planned Unit Development (PUD)
Joint Planning Area/ ISBA	Montverde JPA and ISBA
Overlay Districts	Lake Apopka Basin

- Land Use Table -

Direction	Future Land Use	Zoning	Existing Use	Comments
North	N/A	N/A	Vacant Land and Residential	City of Montverde
South	Rural Transition	Community Facilities District (CFD)	Proposed Rec. Facility and Chapel	Vacant Land, Lake Dolls and Gourd Neck Lake
East	Urban Low	Planned Unit Development (PUD)	Proposed Residential	Property Currently Vacant
West	N/A	N/A	Lake	Lake Apopka

- Summary of Staff Recommendation -

Staff recommends **APPROVAL** with conditions to amend Bella Collina PUD Ordinance No. 2014-48 to include: a decrease in the maximum allowable density by reducing the total from 868 to 866 single-family dwelling units; convert two residential lots to allow for a free-standing restaurant and bar adjacent to the existing 100 unit lodge/hotel; dock and boathouse location criteria in accordance with a permit issued by the St. Johns River Water Management District (SJRWMD); a communication tower use; and Neighborhood Commercial uses, as specified in the amended PUD ordinance, on designated Neighborhood Commercial (NC) Tracts.

Planning and Zoning Board:

Board of County Commissioners Transmittal:

Summary of Analysis

The applicant submitted a Rezoning application to amend Bella Collina PUD Ordinance No. 2014-48. The subject property contains 1,915 acres including wetlands and open bodies of water. The property is located on the east and west side of C.R. 455 and contiguous to the south city limits of Montverde. The property is also located within the Montverde Joint Planning Area (JPA), the Montverde Interlocal Service Boundary Area (ISBA) and the Lake Apopka Basin Overlay District as defined within the 2030 Comprehensive Plan.

To accommodate the proposed Bella Collina Future Land Use Amendment and to facilitate the desired development, the applicant proposes to amend Bella Collina PUD Ordinance No. 2014-48 to include: a decrease in the maximum allowable density by reducing the total from 868 to 866 single-family dwelling units; convert two residential lots to allow for a free-standing restaurant and bar adjacent to the existing 100 unit lodge/hotel; dock and boathouse location criteria in accordance with a permit issued by the St. Johns River Water Management District (SJRWMD); a communication tower use; and Neighborhood Commercial uses, as specified in the amended PUD ordinance, on designated Neighborhood Commercial (NC) Tracts.

Analysis-

(LDR 14.03.03 – Standards for Review)

A. Whether the proposed rezoning is consistent with all elements of the Comprehensive Plan.

The proposed PUD amendment is consistent with all elements of the Comprehensive Plan. The amendment seeks to include additional uses and decrease the maximum allowable density as described in current Comp Plan Policy I-1-3.11 Bella Collina Future Land Use Category.

The FLU Amendment is consistent with Comprehensive Plan Policy I-1.3.10.5 (2) which states Neighborhood Commercial Centers are intended to accommodate the retail, office and service needs of residents within the surrounding area. The existing NC Tract that will support the proposed Neighborhood Commercial uses and the existing lodge/hotel site, along with the proposed free-standing restaurant and bar, will be centrally located within the Bella Collina PUD and are intended to service the needs of the residents and guests of the community.

The FLU Amendment is consistent with Comprehensive Plan Policy III-2.2.7 which states in order to protect natural water bodies and wetland areas from encroachment of development, the County shall establish a minimum setback of fifty (50) feet from the mean high water line or jurisdictional wetland line, whichever is landward. Exceptions to this requirement include water dependent activities including uses and structures such as docks, platforms and pile supported walkways and similar structures.

The FLU Amendment is consistent with Comprehensive Plan Policy I-7.2.6 which states the County shall regulate the location and construction of communication towers to protect existing and future residential neighborhoods from potential adverse impacts resulting from these facilities. Siting criteria and design requirements shall be defined in the Land Development Regulations (LDR). In conjunction with the Comp Plan Amendment, the proposed Bella Collina PUD Amendment will address the requirements of the LDR and conditions of approval for the proposed communication tower.

B. Whether the proposed rezoning is in conflict with any applicable provisions of these regulations.

The proposed amendment would not be in conflict with the Land Development Regulations. The property is currently zoned Planned Unit Development (PUD) and governed by PUD Ordinance No. 2014-48. The amended PUD Ordinance will ensure the property is developed in accordance with the Bella Collina FLUC, Land Development Regulations, and all other applicable rules and regulations for the property. The PUD amendment and Comprehensive Plan amendment requests will be presented to the Board at the same time for approval. A draft of the amended ordinance is provided as Attachment A.

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

The applicant wishes to amend the current Bella Collina FLUC and PUD Ordinance to include additional uses and to decrease the maximum allowable density consistent with existing Comprehensive Plan Policies and Land Development Regulations.

D. Whether there have been changed conditions that justify an amendment.

The property owners wish to: address the location of docks to be consistent with the permit issued by the SJRWMD; address the need for better cellular service by locating a communication tower within the development; and establish specific Neighborhood Commercial uses on the designated NC Tract and the conversion of two residential lots to allow for a free-standing restaurant and bar contiguous to the existing 100 unit lodge/hotel that will serve the residents and guest of the community.

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, infrastructure and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

Water and Sewer

Comp Plan Policy I-6.3.7 *Wastewater Standards in the Lake Apopka Basin Overlay District* requires advanced wastewater treatment for central wastewater systems. Bella Collina is served by central water and wastewater systems. The proposed FLU amendment will not likely cause any adverse impacts to water and sewer capacity or levels of service.

Schools

The proposed amendment will decrease the maximum allowable density by reducing the total from 868 to 866 single-family dwelling units and therefore will not exceed the reservation of capacity for school concurrency established at the time of final plat approval for Bella Collina and will likely have no impact on schools.

Parks

The proposed amendment will likely have no impact on any park public facility because the application does not propose to increase residential density.

Solid Waste

No adverse impact to solid waste capacity levels or levels of service are anticipated by this rezoning amendment.

Public Safety

The closest Lake County Fire Rescue Station (LCFR Station #90) is located two (2) miles from the site and is the first responder station. This station is an advanced life support station and is staffed with a full-time paramedic. The second responder station (LCFR Station #83) is located three (3) miles from the site and is also an advanced life support station, staffed with a full-time paramedic.

Transportation Analysis

No adverse impacts are anticipated to affect CR 455.

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

There is no indication this amendment will result in a significant impact on the natural environment. The wetlands within the project boundaries are within a recorded conservation easement. Any new development will be required to meet all Comprehensive Plan and Land Development Regulations requirements to protect the environment.

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

There is no indication that the amendment would have an adverse impact on property values.

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 pattern.

The proposed amendment would likely result in an orderly and logical development pattern.

I. Whether the proposed rezoning would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed amendment is consistent with the interest of the public and the purpose and intent of these regulations.

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.

Not at this time.

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

1. The PUD Amendment is consistent with Comprehensive Plan Policy I-1.3.10.5 (2) which states Neighborhood Commercial Centers are intended to accommodate the retail, office and service needs of residents within the surrounding area. The existing NC Tract that will support the proposed Neighborhood Commercial uses and the existing lodge/hotel site, along with the proposed free-standing restaurant and bar, will be centrally located within the Bella Collina PUD and are intended to service the needs of the residents and guests of the community.
2. The PUD Amendment is consistent with Comprehensive Plan Policy III-2.2.7 which states that in order to protect natural water bodies and wetland areas from encroachment of development, the County shall establish a minimum setback of fifty (50) feet from the mean high water line or jurisdictional wetland line, whichever is landward. Exceptions to this requirement include water dependent activities including uses and structures such as docks, platforms and pile supported walkways and similar structures.
3. The PUD Amendment is consistent with Comprehensive Plan Policy I-7.2.6 which states the County shall regulate the location and construction of communication towers to protect existing and future residential neighborhoods from potential adverse impacts resulting from these facilities. Siting criteria and design requirements shall be defined in the Land Development Regulations (LDR). In conjunction with the Comp Plan Amendment, the proposed Bella Collina PUD Amendment will address the requirements of the LDR and conditions of approval for the proposed communication tower.

Based on these findings of fact, staff recommends **APPROVAL** with conditions to amend Bella Collina PUD Ordinance No. 2014-48 to include: a decrease in the maximum allowable density by reducing the total from 868 to 866 single-family dwelling units; convert two residential lots to allow for a free-standing restaurant and bar adjacent to the existing 100 unit lodge/hotel; dock and boathouse location criteria in accordance with a permit issued by the St. Johns River Water Management District (SJRWMD); a communication tower use; and Neighborhood Commercial uses, as specified in the amended PUD ordinance, on designated Neighborhood Commercial (NC) Tracts.

Case Manager: Ken Johnson, Senior Planner

WRITTEN COMMENTS FILED:

Support: -0-

Questions: -0-

Opposition: -0-



CURRENT FUTURE LAND USE



FUTURE LAND USE LEGEND

Bella Collina	Mt Plymouth-Sorrento Main Street District	Regional Commercial
Cagan Crossings	Mt Plymouth-Sorrento Neighborhood	Rural
Conservation	Mt Plymouth-Sorrento Receiving Area	Rural Transition
Green Swamp Core Conservation	Regional Office	Sending Area A-1-20
Green Swamp Interlachen	Public Service Facility and Infrastructure	Sending Area A-1-40
Green Swamp Ridge	Receiving Area A-1-20	South Lake Regional Park
Green Swamp Rural	Recreation	Summer Bay
Green Swamp Rural Conservation		
Heavy Industrial		
		Urban Low Density
		Urban Medium Density
		Urban High Density
		Wellness Way 1
		Wellness Way 2
		Wellness Way 3
		Wellness Way 4
		Towncenter



NAME: BELLA COLLINA REZONE
CASE NUMBER: RZ-17-26-2
LOCATION (S-T-R): 10. 11. 12. 13. 14-22-26
REQUEST: AMEND PLANNED UNIT DEVELOPMENT TO ALLOW ADDITIONAL USES



CURRENT ZONING



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	CFD	



NAME: BELLA COLLINA REZONE
CASE NUMBER: RZ-17-26-2
LOCATION (S-T-R): 10, 11, 12, 13, 14-22-26
REQUEST: AMEND PLANNED UNIT DEVELOPMENT TO ALLOW ADDITIONAL USES

ORDINANCE NO. #2018-XX
Bella Collina Planned Unit Development (PUD)
RZ-17-26-2

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; PROVIDING FOR SEVERABILITY; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Miranda Fitzgerald (the “Applicant”) has submitted a rezoning application on behalf of DCS Real Estate Investments, LLC, DCS Capital Investments, LLC, Bella Collina Property Owners Association, and Bella Collina Community Development District (the “Property Owners”) to amend the existing Planned Unit Development (PUD) zoning district by revoking and replacing PUD Ordinance No. 2014-48 to create a new PUD zoning district for the property for residential, recreation, and lodge/hotel uses; and

WHEREAS, the subject property consists of 1,915 +/- acres and is generally located in the Montverde area, east and west of CR 455, northwest of Blackstill Lake Rd and the Florida Turnpike, in Sections 1, 10, 11, 12, 13, 14, and 24/ Township 22 South / Range 26 East, Alternate Key 3871521, 3825849 and 3836736, among others, and more particularly described below:

LEGAL DESCRIPTION:
(EXHIBIT “A” – ATTACHED)

WHEREAS, the subject property is located within the Bella Collina Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map; and

WHEREAS, the Lake County Planning and Zoning Board reviewed Petition RZ-17-26-2 on the 26th day of June, 2018, after giving Notice on petition for a change in the use of land, including a notice that the petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 24th day of July, 2018, and

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

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

NOW THEREFORE, BE IT ORDAINED, by the Board of County Commissioners of Lake County, Florida, that:

Section 1. Terms. The County Manager or designee shall amend the Lake County 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 the Conceptual Plan and this Ordinance, this Ordinance shall take precedence. The adoption of this Ordinance shall revoke and replace PUD Ordinance #2014-48.

A. Land Uses:

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1. Residential Development/Density (total site area):

866 single-family dwelling units (maximum).

2. Lodge/Hotel and Non-Residential Development (total site area):

500,000 square feet (maximum), comprising uses listed below.

- a. 100-unit lodge/hotel, which may be used for rental or permanent residential use, and a freestanding restaurant and bar.
- b. Recreation uses, to include:
 - I. Clubhouse (2);
 - II. Community Pool;
 - III. Gym;
 - IV. Health Spa;
 - V. Tennis courts and other outdoor recreational courts;
 - VI. Docks, boathouses (non-dwelling) – in accordance with a permit issued by the St. Johns River Water Management District (SJRWMD);
 - VII. Golf Course (18 holes);
 - VIII. Banquet Hall;
 - IX. Neighborhood commercial uses on designated Neighborhood Commercial (NC) Tracts to include the following:
 - Bar or Tavern
 - Carwash (self-service only)
 - Personal Care Services
 - Professional Office
 - Restaurant, General
 - Retail, Convenience
 - Self Service Laundry
- c. Commercial activities that are directly associated with the structures listed above.
- d. Accessory uses directly associated with the above uses may be approved by the County Manager or designee. Any other use of the site not specified above shall require approval of an amendment to this Ordinance and the Comprehensive Plan by the Board of County Commissioners.

3. Western Development Area (west of CR 455)

318 single-family residential dwellings (maximum)

18-hole golf course, clubhouse

Banquet Hall

Health Spa

Community Pool

Tennis Courts

Water Treatment Plant

Setbacks (Buildings) – as measured from the property line:

Front – 25 feet

Side and rear yard – 5 feet

Secondary front – 15 feet

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4. **Eastern Development Area (east of CR 455)**
 548 single-family residential dwellings (maximum)
 100-unit Lodge/Hotel, not to exceed 75 feet in height
 Water Treatment Plant
 Wastewater Treatment Facility
 Commercial activities consistent with Section A.2.c of this Ordinance.

Residential Use Lot Size

<u>Village</u>	<u>Units (See Note 1)</u>	<u>Lot size (min.) acre</u>	<u>Lot width (min.) feet</u>
Village 1	Up to 157 (See Note 2)	.50	100
Village 2A	Up to 119 (See Note 2)	.50	100
Village 2B	Up to 53 (See Note 2)	1.0	100
Village 2C	17	1.0	100
Village 3	77	.75	100
Village 4A	69	.25	75
Village 4B	16	.25	75
Village 5	up to 42 (See Note 2)	.25	50
TOTAL	548 (maximum)		

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Note 1: Total number of lots in Bella Collina East shall not exceed 548 lots.

Note 2: Lots may be transferred from Villages 1, 2A, or 2B to Village 5, but the maximum number of lots allowed in Village 5 shall not exceed 42. Monitoring report of final lot location shall be provided at the time of the Preliminary Plat application process.

Residential Building Setbacks (feet):

<u>Village</u>	<u>Front</u>	<u>Side</u>	<u>Rear</u>	<u>Secondary Front</u>
Village 1	25	10	25	15
Village 2A	25	10	25	15
Village 2B	25	10	25	15
Village 2C	25	10	25	15
Village 3	25	10	25	15
Village 4A	25	7.5	15	15
Village 4B	25	7.5	15	15
Village 5	25	7.5	15	15

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1 Non-Residential and Lodge/Hotel Setbacks (feet):

2 Front (CR 455 frontage) – 25 feet

3 Front (internal to PUD) – 10 feet

4 Side (internal to PUD) – 5 feet

5 Side (to PUD boundary) – 20 feet

6 Rear (internal to PUD) – 10 feet

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8 Limited Commercial Bulk Standards:

9 One (1) acre (maximum)

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11 **B. Specific Conditions:**

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13 1. Any future development non-residential, lodge/hotel or dock use shall require a site plan application
14 for review and approval prior to commencement of the development and use. The Town of
15 Montverde shall be provided a copy of any future development application.
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17 2. Noise: A noise study will not be required for the development of Neighborhood Commercial and
18 Lodge/Hotel use. Public Address Systems or similar amplification devices shall not be installed or
19 used.
20

21 **C. Impervious Surface Ratio (ISR)/Floor Area Ratio (FAR)/Building Height/Setbacks**
22 **(Not specifically stated elsewhere in this Ordinance)**

- 23
24 1. Residential Building Setbacks (standard):
25 a. Along rights-of-way – 25 feet from property line for all lots;
26 b. Residential minimum building line width of 50 feet, minimum side and rear yard setbacks shall
27 be 5 feet;
28 c. Secondary front – 15 feet;
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30 2. ISR – 0.60 (maximum), collectively
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32 3. FAR - 500,000 square feet (maximum),
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34 4. Height – Residential, 50 feet and Non-residential 75 feet (maximum).
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36 **D. Public School Concurrency:**

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38 Lake County Public Schools has determined that school capacity is available and will be reserved for the
39 Lodge at Bella Collina, to accommodate possible long-term occupancy by school aged residents. The
40 reservation will be valid for one (1) year from issuance of the determination. If the site plan is completed
41 within that time frame, the reservation of capacity will be valid for the life of the project.
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2 **E. Utilities:**
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- 4 1. Solid Waste – The Developer or Property Owner shall demonstrate that all access-ways are
5 designed to accommodate solid waste collection vehicles to Lake County standards, as amended.
6 Private solid waste collection may be provided with approval by the County Manager or designee.
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8 2. Water/Wastewater/Re-Use Facilities:
9 a. Water/Wastewater: Shall be provided by the Pine Island CDD to the Bella Collina PUD utilizing
10 existing water and wastewater facilities. Operation of the existing and future expansion of these
11 facilities, including limitation on water use and effluent disposal shall be permitted in accordance
12 with Florida Department of Environmental Protection (FDEP), and SJRWMD. Central potable
13 water and wastewater service system shall be utilized. Septic systems or individual potable water
14 wells shall not be permitted.
15 b. Re-Use: Should wastewater effluent of unrestricted public access quality be made available in
16 quantity sufficient for golf course irrigation at the boundary of the golf area, the use of reuse
17 water for irrigation of the golf areas shall be mandatory, in accordance with St. Johns River Water
18 Management District (SJRWMD) consumptive use permit. This does not preclude the use of
19 other non-potable water sources provided the use is properly permitted in accordance with
20 SJRWMD.
21
22 3. Drainage/Stormwater Management/Floodplain/Surface Water Protection:
23 a. Stormwater management shall be in accordance with the St. Johns River Water Management
24 District (SJRWMD) permitting requirements and the LDR, as amended.
25 b. Stormwater management facilities will be designed to minimize impacts to existing surface waters.
26
27 4. Communication Tower:
28 a. Shall be camouflaged;
29 b. Cannot exceed one-hundred (100) feet in height;
30 c. Must conform to all requirements of the LDR, as amended
31

32 **F. Fire Protection and Rescue Services:**

33 All Development shall comply with the State Fire Code, Florida Fire Prevention Code, National Fire
34 Protection Standards, the Orange County/Lake County Mutual Aid Agreement, and the Land
35 Development Regulations, as amended.
36

37 **G. Transportation Improvements/Access Management:**
38

- 39 1. Any future development shall require access and design management in accordance with the LDR,
40 as amended.
41
42 2. The Applicant shall construct a left turn lane into the lodge/hotel site for southbound CR 455 traffic.
43 Construction of the turn lane shall be completed prior to commencement of operations of the
44 lodge/hotel.
45

3. Multiple points of access shall be designed into the road network to facilitate access by fire/safety and public and private service vehicles.

H. Signage:

1. All signage shall be in accordance with the LDR, as amended.
2. Signage and entry features may be allowed within County dedicated right-of-way subject to a Lake County right-of-way utilization permit.

I. Open Space/Environmental/Historical Considerations:

1. An archaeological survey will be conducted prior to the development of parcels identified by Alternate Key #3250630 and Alternate Key #151996 in accordance with the provisions of the Florida Department of State, Division of Historic and Natural Resources. Development of these parcels will be conducted in accordance with those provisions.
2. Turf Fertilizer Management: The following best management practices shall be implemented regarding fertilizer usage within the development:
 - a. No fertilizer containing nitrogen and/or phosphorus shall be applied to turf and/or landscape plants during the period from July 1 through August 31 of any year.
 - b. No phosphorus fertilizer shall be applied to turf and/or landscape plants within the PUD at application rates which exceed 0.25 lbs. P2P5/1,000 square feet (S.F.) per application nor exceed 0.50 lbs. P2O5/1,000 S.F. per year.
 - c. Fertilizer applied to turf and/or landscape plants within the development shall contain no less than 50 percent slow-release nitrogen per guaranteed analysis label.
 - d. Fertilizers should be applied to turf and/or landscape plants at the lowest rate necessary. No more than four pounds of nitrogen per 1,000 S.F. shall be applied to any turf/landscape area in any calendar year.
 - e. Fertilizer shall not be applied, spilled, or otherwise deposited on any impervious surfaces. Any fertilizer applied, spilled, or deposited, either intentionally or accidentally, on any impervious surface shall be immediately and completely removed to the greatest extent practicable. Fertilizer released on an impervious surface must be immediately contained and both properly and legally applied to turf or other landscape area, or returned to the original or other appropriate container. In no case shall fertilizer be washed, swept, or blown off impervious surfaces into stormwater drains, ditches, conveyances, or other water bodies.
 - f. A fifty (50) foot natural buffer shall be established upland of wetlands and between any development. This buffer shall be classified as a "no-build zone." The "no-build" fifty (50) foot upland natural buffer and associated conservation areas and littoral zone shall be maintained in native vegetation. No pesticides or fertilizers shall be used in the no-build zone.
 - g. Spreader deflector shields are required when fertilizing via broadcast spreaders. Deflectors must be positioned such that fertilizer granules are deflected away from all impervious surfaces, fertilizer free zones and surface waters and wetlands.

- 1 h. All applicators, including institutional applicators of fertilizer, other than private homeowners on
2 their own property, shall abide by and successfully complete an appropriate Florida Department
3 of Agriculture and Consumer Services (FDACS), F.S. Ch. 482 certification course, providing
4 training and continuing education requirements in minimizing nitrogen leaching and phosphorus
5 runoff from fertilizer applications.
- 6 i. Noncommercial applicators not otherwise required to be certified are required to follow the
7 recommendations of the University of Florida's Institute of Food and Agricultural Sciences (IFAS)
8 Florida Yards and Neighborhoods program and the regulations pertaining to fertilizers contained
9 therein. In the case of conflicting information between the IFAS guidelines and the Fertilizer
10 Management conditions in this Ordinance, the Ordinance shall govern.
- 11 j. All commercial and institutional applicators applying fertilizer to turf and/or landscape plants,
12 including but not limited to residential lawns, golf courses, institutional properties, commercial
13 properties, multifamily and condominium properties must upon request from a County official
14 produce a valid certificate of proof of FDACS F.S. Chapter 482 certification.
- 15 k. A golf course ground water monitoring report for the golf course shall be submitted annually to
16 ensure consistency with the natural resource protection provisions of the LDR, as amended. A
17 Golf Course Water Management Plan shall be submitted with any modification of the golf course
18 design
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- 20 3. An environmental assessment shall be provided prior to new development to address all flora and
21 fauna species and associated habitat on this site. The assessment shall be submitted for review at
22 the time construction plans are submitted.
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- 24 4. Tree and soil protection areas. Areas designated for tree and soil protection that are located outside
25 of the dedicated open space shall be identified. These areas shall include the critical root zone and
26 greatest extent of the drip line for the trees included in the area to be protected. The method of
27 protection shall be indicated on the plan, including fencing or other protection methods. Tree
28 protection and mitigation shall be in accordance with the Land Development Regulations, as
29 amended.
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- 31 5. Open Space – Collectively, a minimum of twenty-five percent (25%) of the land area shall be devoted
32 to the provision of open space consistent with the definitions specified in the Comprehensive Plan.
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- 34 6. Wetlands:
- 35 a. Development shall adhere to the wetland setbacks specified in the Comprehensive Plan and Land
36 Development Regulations.
- 37 b. All wetlands within the property shall be placed into a conservation easement that shall run in
38 favor of, and be enforceable by, a homeowners' association, a public agency acceptable to Lake
39 County, or Lake County, at its option. The conservation easement shall require that all wetlands
40 and wetland buffers be maintained in their natural and unaltered state. Any such easement shall
41 allow access to water dependent structures such as docks and walkways.
- 42 c. Wetlands shall not be included as part of any platted lot, other than a lot platted as common
43 area, which shall be dedicated to a homeowners' association, qualified agency or Lake County
44 for ownership and maintenance.

1 d. Upland buffers adjacent to wetlands shall be included within the conservation easement. Such
2 easement will specifically allow water dependent structures serving the adjacent upland uses.

3 7. Lakes:

4 a. Development shall be consistent with the Comprehensive Plan and Land Development
5 Regulations, as amended, regarding natural resource protection of the Lake Apopka Basin.

6 b. Docks and boathouses: Only one (1) dock or boathouse shall be permitted per any two adjacent
7 lots.

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9 **J. Landscaping and Buffering:**

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11 1. A landscape plan shall be submitted for review and approval with the site development application
12 and prior to the installation of any trees along any publicly dedicated right-of-way.

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14 2. Installation of trees in the area between the sidewalk and street shall be in accordance with the LDR,
15 as amended.

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17 3. Parking lot landscaping and other landscape and buffering not previously specified shall be in
18 accordance with the Land Development Regulations, as amended.

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20 **K. Development Review and Approval:**

21 Prior to the issuance of any permits, the Applicant shall be required to submit a preliminary plat or site
22 plan application generally consistent with EXHIBIT "B" – CONCEPTUAL PLAN, for review and approval
23 in accordance with the Comprehensive Plan and the Land Development Regulations, as amended.

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25 **L. Concurrency Management Requirements:**

26 A capacity reservation certificate shall be required before any final development order authorizing
27 construction is issued. The Applicant or Developer shall comply with the Land Development Regulations
28 as amended.

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30 **M. Future Amendments to Statutes, Code, Plans, and/or Regulations:**

31
32 The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
33 Comprehensive Plan, and Lake County Land Development Regulation shall include any future amendments to
34 the Statutes, Code, Plan, and/or Regulations.

35 **Section 2. Conditions.**

36
37 **A.** After establishment of the facilities as provided herein, the aforementioned property shall only be used
38 for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by
39 the Board of County Commissioners.

40
41 **B.** No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move,
42 convert, or demolish any building structure, or alter the land in any manner within the boundaries of the
43 above described land without first submitting the necessary plans in accordance with requirements of
44 Lake County, and obtaining the permits required from the other appropriate governmental agencies.

- 1
- 2 **C.** This Ordinance shall inure to the benefit of, and shall constitute a covenant running with the land and the
- 3 terms, conditions, and provisions hereof, and shall be binding upon the present owner and any
- 4 successor, and shall be subject to each and every condition herein set out.
- 5
- 6 **D.** Construction and operation of the proposed use shall at all times comply with the regulations of Lake
- 7 County and any other permitting agencies.
- 8
- 9 **E.** The transfer of ownership or lease of any or all of the property described in this Ordinance shall include
- 10 in the transfer or lease agreement, a provision that the purchaser or lessee receives written or record
- 11 notice of the conditions pertaining to the PUD and that such notices shall run with title to the land. The
- 12 purchaser or lesser may request a change from the existing plans and conditions by following procedures
- 13 contained in the Lake County Land Development Regulations, as amended.
- 14
- 15 **F.** Action by the Lake County Code Enforcement Special Master. The Lake County Code Enforcement
- 16 Special Master shall have authority to enforce the terms and conditions set forth in this Ordinance.
- 17

18 **Section 3. Severability.** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
19 or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the validity of the
20 remaining portions of this Ordinance.

21

22 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy
23 of this Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66, Florida
24 Statutes.

25

26 ***{Remainder of Page Intentionally Left Blank}***

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Section 5. Effective Date. This Ordinance will become effective as provided by law.

ENACTED this _____ day of _____, 2018.
FILED with the Secretary of State _____, 2018.
EFFECTIVE _____, 2018.

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

TIMOTHY I. SULLIVAN, CHAIRMAN

ATTEST:

**GARY J. COONEY, CLERK AD INTERIM
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, COUNTY ATTORNEY

**EXHIBIT - A
LEGAL DESCRIPTION**

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2
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4
5 BELLA COLLINA EAST. A PORTION OF BELLA COLLINA AS RECORDED IN PLAT BOOK 51, PAGES
6 31-49, A PORTION OF BELLA COLLINA EAST AS RECORDED IN PLAT BOOK 53, PAGES 95-98, ALL
7 OF BELLA COLLINA NORTH ENTRANCE AS RECORDED IN PLAT BOOK 53, PAGE 31, ALL OF THE
8 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND A PORTION OF SECTION 11, TOWNSHIP 22
9 SOUTH, RANGE 26 EAST LYING IN SECTIONS 1, 11, 12, 13, 14 AND 24, TOWNSHIP 22 SOUTH, RANGE
10 26 EAST, AND A PORTION OF SECTIONS 7 AND 18, TOWNSHIP 22 SOUTH, RANGE 27 EAST LAKE
11 COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
12

13 BEGINNING AT INTERSECTION OF SOUTH LINE OF NORTH HALF (N1/2) OF NORTHWEST QUARTER
14 (NW1/4) OF NORTHEAST QUARTER (NE 1/4) WITH WEST LINE OF NORTHEAST QUARTER (NE 1/4)
15 OF NORTHEAST QUARTER (NE 1/4) OF AFORESAID SECTION 14-22-26; THENCE SOUTH 89°27'21"
16 WEST, A DISTANCE OF 706.79 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF
17 COUNTY ROAD 455; THENCE NORTH 41°15'24" EAST ALONG SAID EASTERLY RIGHT-OF-WAY LINE,
18 A DISTANCE OF 1,527.98 FEET; THENCE NORTH 41°46'07" EAST, A DISTANCE OF 246.53 FEET;
19 THENCE DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, NORTH 89°51'49" EAST, A DISTANCE
20 OF 880.36 FEET; THENCE NORTH 01°20'39" EAST, A DISTANCE OF 270.95 FEET; THENCE SOUTH
21 89°51'49" WEST, A DISTANCE OF 661.08 FEET TO A POINT ON AFORESAID EASTERLY RIGHT-OF-
22 WAY LINE ALSO BEING A POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE
23 NORTHWESTERLY, HAVING A RADIUS OF 764.20 FEET A CENTRAL ANGLE OF 22°58'23" AND A
24 CHORD DISTANCE OF 304.36 FEET WHICH BEARS NORTH 25°09'15" EAST; THENCE
25 NORTHEASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 306.41 FEET; THENCE NORTH
26 13°40'04" EAST, A DISTANCE OF 114.01 FEET; THENCE NORTH 89°56'32" EAST, A DISTANCE OF 4.85
27 FEET; THENCE NORTH 13°40'04" EAST, A DISTANCE OF 184.73 FEET; THENCE NORTH 12°44'49"
28 EAST, A DISTANCE OF 901.32 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE
29 CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 979.00 FEET A CENTRAL ANGLE OF 02°09'02"
30 AND A CHORD DISTANCE OF 36.74 FEET WHICH BEARS NORTH 57°52'18" EAST; THENCE
31 DEPARTING SAID EASTERLY RIGHT-OF-WAY LINE, NORTHEASTERLY ALONG THE ARC OF SAID
32 CURVE A DISTANCE OF 36.75 FEET; THENCE NORTH 56°47'47" EAST, A DISTANCE OF 100.00 FEET
33 TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHEASTERLY HAVING A RADIUS OF
34 918.50 FEET, A CENTRAL ANGLE OF 20°18'00" AND A CHORD DISTANCE 323.73 FEET WHICH BEARS
35 NORTH 66°56'47" EAST; THENCE NORTHEASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE
36 OF 325.43 FEET; THENCE NORTH 77°05'47" EAST, A DISTANCE OF 249.70 FEET; THENCE NORTH
37 89°34'25" EAST, A DISTANCE OF 1,433.32 FEET; THENCE NORTH 62°52'10" WEST, A DISTANCE OF
38 210.15 FEET; THENCE NORTH 89°51'10" WEST, A DISTANCE OF 281.00 FEET; THENCE NORTH
39 00°50'16" EAST, A DISTANCE OF 1,146.61 FEET; THENCE SOUTH 89°38'56" EAST, A DISTANCE OF
40 1,340.99 FEET; THENCE NORTH 01°14'28" EAST, A DISTANCE OF 5.55 FEET TO A POINT OF
41 CURVATURE OF A NON TANGENT CURVE CONCAVE NORTHERLY, HAVING A RADIUS OF 314.34
42 FEET A CENTRAL ANGLE OF 22°45'09" AND A CHORD DISTANCE OF 124.01 FEET WHICH BEARS
43 NORTH 77°38'39" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF
44 124.83 FEET; THENCE NORTH 23°43'54" WEST, A DISTANCE OF 10.00 FEET; THENCE NORTH
45 66°16'06" EAST, A DISTANCE OF 42.77 FEET TO A POINT OF CURVATURE OF A NON TANGENT
46 CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 1,204.47 FEET A CENTRAL ANGLE OF
47 03°18'06" AND A CHORD DISTANCE OF 69.40 FEET WHICH BEARS NORTH 68°44'46" EAST; THENCE
48 EASTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 69.40 FEET; THENCE NORTH 70°23'49"

1 EAST, A DISTANCE OF 6.53 FEET TO A POINT OF CURVATURE OF A CURVE CONCAVE SOUTHERLY
2 HAVING A RADIUS OF 271.31 FEET, A CENTRAL ANGLE OF 10°10'38" AND A CHORD DISTANCE 48.13
3 FEET WHICH BEARS NORTH 75°29'08" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE,
4 A DISTANCE OF 48.19 FEET TO A POINT OF A COMPOUND CURVE CONCAVE SOUTHERLY HAVING
5 A RADIUS OF 217.59 FEET, A CENTRAL ANGLE OF 12°33'44" AND CHORD DISTANCE OF 47.61 FEET
6 WHICH BEARS NORTH 86°51'19" EAST; THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A
7 DISTANCE OF 47.71 FEET; THENCE NORTH 03°08'11" EAST, A DISTANCE OF 5.00 FEET; THENCE
8 SOUTH 86°51'49" EAST, A DISTANCE OF 48.00 FEET; THENCE SOUTH 86°56'51" EAST, A DISTANCE
9 OF 1.58 FEET; THENCE NORTH 01°29'23" EAST, A DISTANCE OF 5.01 FEET; THENCE SOUTH
10 87°04'56" EAST, A DISTANCE OF 535.48 FEET; THENCE SOUTH 76°46'51" EAST, A DISTANCE OF
11 50.05 FEET; THENCE SOUTH 65°10'08" EAST, A DISTANCE OF 56.55 FEET; THENCE SOUTH 57°59'33"
12 EAST, A DISTANCE OF 50.83 FEET; THENCE SOUTH 55°08'02" EAST, A DISTANCE OF 37.17 FEET;
13 THENCE NORTH 05°51'46" EAST, A DISTANCE OF 254.96 FEET; THENCE NORTH 32°48'36" EAST, A
14 DISTANCE OF 126.37 FEET; THENCE NORTH 43°29'37" EAST, A DISTANCE OF 572.75 FEET; THENCE
15 NORTH 02°54'58" EAST, A DISTANCE OF 683.35 FEET TO THE TO A POINT ON THE NORMAL HIGH
16 WATER LINE OF LAKE APOPKA HEREIN AFTER REFERRED TO AS POINT "A"; THENCE RUN ALONG
17 SAID NORMAL HIGH WATER LINE SOUTHERLY; THENCE WESTERLY; THENCE NORTHERLY TO A
18 POINT ON THE SOUTH LINE OF THE NORTH HALF (N1/2) OF NORTHWEST QUARTER (NW1/4) OF
19 NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 14 BEING THE POINT OF BEGINNING, BEING
20 SOUTH 43°24'59" WEST, 8259.31 FEET FROM AFORE SAID POINT "A". CONTAINING 1,489.684
21 ACRES, MORE OR LESS.

22
23 BELLA COLLINA WEST. ALL OF BELLA COLLINA WEST, LESS TRACT A AND TRACT P, ACCORDING
24 TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 54, PAGES 1 THROUGH 19, SITUATED IN
25 SECTIONS 10, 11 AND 14, TOWNSHIP 22 SOUTH, RANGE 26 EAST, OF THE PUBLIC RECORDS OF
26 LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
27 BEGINNING AT THE SOUTHWEST CORNER OF AFORESAID SECTION 10

28
29 THENCE SOUTH 89°30'14" WEST ALONG SOUTH LINE OF SAID SECTION 10, A DISTANCE OF
30 2,638.52 FEET TO A POINT OF CURVATURE OF A NON TANGENT CURVE CONCAVE WESTERLY,
31 HAVING A RADIUS OF 525.56 FEET A CENTRAL ANGLE OF 37°26'35" AND A CHORD DISTANCE OF
32 337.38 FEET WHICH BEARS NORTH 09°31'20" EAST; THENCE DEPARTING SOUTH LINE OF SAID
33 SECTION 10 AND NORTHERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 343.46 FEET;
34 THENCE SOUTH 89°30'27" WEST, A DISTANCE OF 18.17 FEET; THENCE NORTH 01°02'40" WEST, A
35 DISTANCE OF 493.61 FEET; THENCE NORTH 01°24'11" WEST, A DISTANCE OF 1,040.53 FEET;
36 THENCE NORTH 01°00'22" WEST, A DISTANCE OF 727.40 FEET; THENCE NORTH 44°33'24" EAST, A
37 DISTANCE OF 35.01 FEET; THENCE SOUTH 89°52'50" EAST, A DISTANCE OF 583.36 FEET; THENCE
38 NORTH 89°09'19" EAST, A DISTANCE OF 737.82 FEET TO A POINT OF CURVATURE OF A
39 NONTANGENT CURVE CONCAVE NORTHERLY HAVING A RADIUS OF 290.00 FEET, A CENTRAL
40 ANGLE OF 26°54'40" AND A CHORD DISTANCE 134.96 FEET WHICH BEARS NORTH 75°41'59" EAST;
41 THENCE EASTERLY ALONG THE ARC OF SAID CURVE, A DISTANCE OF 136.21 FEET; THENCE
42 NORTH 89°11'40" EAST, A DISTANCE OF 1,142.89 FEET; THENCE NORTH 88°43'38" EAST, A
43 DISTANCE OF 2,637.92 FEET TO A POINT ON THE EAST LINE OF THE SOUTHWEST QUARTER
44 (SW1/4) OF AFORESAID SECTION 11; THENCE SOUTH 00°34'01" EAST ALONG THE EAST LINE OF
45 SAID SECTION 11, A DISTANCE OF 461.82 FEET TO A POINT OF CURVATURE OF A NON TANGENT
46 CURVE CONCAVE SOUTHERLY, HAVING A RADIUS OF 1,920.00 FEET A CENTRAL ANGLE OF
47 13°09'42" AND A CHORD DISTANCE OF 440.08 FEET WHICH BEARS NORTH 80°45'37" EAST; THENCE
48 DEPARTING SAID EAST LINE OF SOUTHWEST QUARTER (SW1/4) OF SECTION 10 AND EASTERLY

1 ALONG THE ARC OF SAID CURVE A DISTANCE OF 441.05 FEET; THENCE NORTH 87°20'28" EAST, A
2 DISTANCE OF 892.80 FEET; THENCE SOUTH 00°17'41" EAST, A DISTANCE OF 974.73 FEET; THENCE
3 SOUTH 89°47'12" EAST, A DISTANCE OF 711.05 FEET TO A POINT ON THE WESTERLY RIGHT-OF-
4 WAY LINE OF COUNTY ROAD 455; THENCE SOUTH 11°20'15" WEST, ALONG SAID WESTERLY
5 RIGHT-OF-WAY LINE, A DISTANCE OF 58.96 FEET TO A POINT OF CURVATURE OF A NON TANGENT
6 CURVE CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 458.84 FEET A CENTRAL ANGLE OF
7 28°39'48" AND A CHORD DISTANCE OF 227.16 FEET WHICH BEARS SOUTH 25°40'08" WEST; THENCE
8 SOUTHWESTERLY ALONG THE ARC OF SAID CURVE A DISTANCE OF 229.54 FEET; THENCE SOUTH
9 40°00'02" WEST, A DISTANCE OF 1,671.98 FEET; THENCE SOUTH 39°44'20" WEST, A DISTANCE OF
10 568.74 FEET; THENCE DEPARTING SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 89°06'09" WEST,
11 A DISTANCE OF 794.85 FEET; THENCE SOUTH 00°35'48" EAST, A DISTANCE OF 12.50 FEET; THENCE
12 SOUTH 89°06'16" WEST, A DISTANCE OF 324.48 FEET; THENCE NORTH 01°05'10" WEST, A
13 DISTANCE OF 9.51 FEET; THENCE SOUTH 88°54'50" WEST, A DISTANCE OF 521.18 FEET; THENCE
14 NORTH 45°51'43" WEST, A DISTANCE OF 200.03 FEET TO A POINT ON THE EAST LINE OF THE
15 NORTHWEST QUARTER (NW1/4) OF AFORESAID SECTION 14; THENCE NORTH 00°38'17" WEST
16 ALONG SAID EAST LINE, A DISTANCE OF 512.75 FEET; THENCE DEPARTING SAID EAST LINE SOUTH
17 88°48'56" WEST, A DISTANCE OF 1,317.66 FEET TO THE POINT OF BEGINNING. CONTAINING
18 425.674 ACRES, MORE OR LESS.

19
20 LODGE/HOTEL SITE

21
22 THAT PORTION OF THE NORTH ½ OF THE SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 11,
23 TOWNSHIP 22 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, LYING EAST OF STATE ROAD
24 NO. 455, LESS THE SOUTH 406.30 FEET THEREOF.

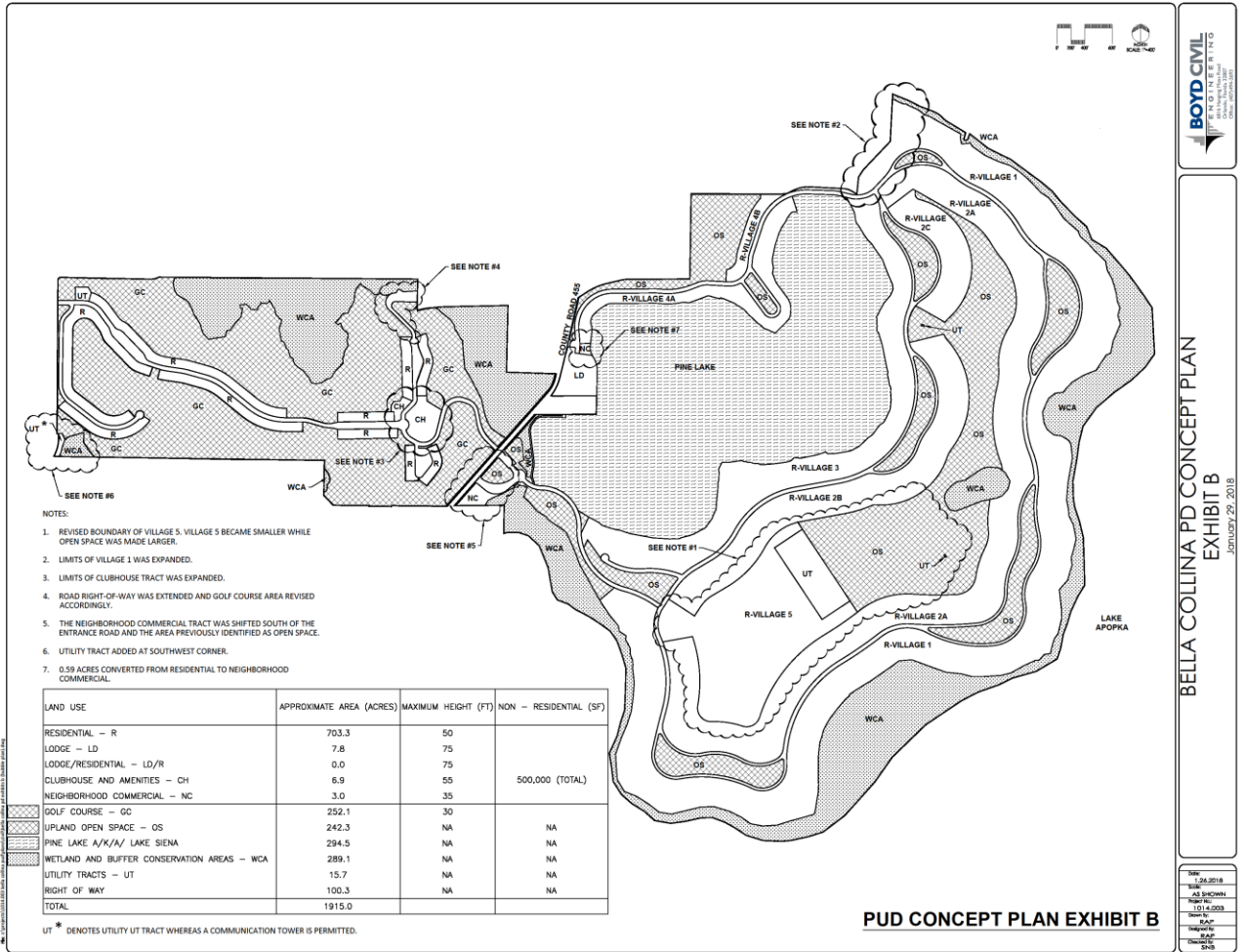
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26 AND

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28 THAT PART OF THE NORTH 135.44 FEET OF THE SOUTH 406.30 FEET OF THE NORTH ½ OF THE
29 SOUTHEAST ¼ OF THE SOUTHEAST ¼ OF SECTION 11, TOWNSHIP 22 SOUTH, RANGE 26 EAST,
30 LAKE COUNTY, FLORIDA LYING EAST OF STATE ROAD 455.

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EXHIBIT - B CONCEPTUAL PLAN



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