



# REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): September 4, 2019  
Board of County Commissioners (BCC): September 24, 2019

Case No. and Project Name: RZ-19-18-1, Serenoa PUD Amendment (f/k/a Avalon Groves PUD)

Applicant: Dianne Fenech, AICP, Heidt Design, LLC

Owner: VK Avalon Groves, LLC

Requested Action: Amend PUD Ordinance #2016-20 by establishing a new ordinance with new development conditions regarding the phasing program for the residential and non-residential uses and configuration of the associated parking.

Staff Determination: Staff recommends approval of the rezoning application, subject to the conditions contained in the draft ordinance.

Case Manager: Christine Rock, AICP, Senior Planner

PZB Recommendation:

### Subject Property Information

Size: 985 +/- acres

Location: East of the Sawgrass PUD in the South Lake County area, west of Orange County.

Alternate Key No.: 3914076, 1101701, 1031486, 1031605, 1594839, 1031648, 1101816, 1031621, 1031613, 3636112, 1101824, etc.

Future Land Use: Wellness Way 3 (consistent with Rural Transition and Urban Low Density pursuant to Settlement Agreement (SM) 05-16)

Current Zoning District: Planned Unit Development (PUD) – Ordinance #2016-20

Flood Zone: “X” and “A/E”

Joint Planning Area / ISBA: N/A

Overlay District(s): N/A

### Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low and Wellness Way 3	Agriculture (A)	Agriculture	N/A
South	Rural Transition and Wellness Way 3	Planned Unit Development (PUD) and Agriculture (A)	Residential and agricultural	Thousand Trails
East	Wellness Way 3	Agriculture (A)	Agricultural	Partially adjacent to Orange County
West	Urban Low	Planned Unit Development (PUD)	Residential	Thousand Trails, Sawgrass Bay subdivision, and Citrus Highlands subdivision

### **Staff Analysis**

The subject properties, identified by Alternate Key Numbers 3914076, 1101701, 1031486, 1031605, 1594839, 1031648, 1101816, 1031621, 1031613, 3636112, 1101824, etc., are zoned Planned Unit Development (PUD) in accordance with Ordinance #2016-20. The subject properties are designated as Wellness Way 3 Future Land Use Category; however, the properties were previously designated as Rural Transition and Urban Low Density as specified in Ordinance #2016-20. Pursuant to Settlement Agreement (SM) 05-16 (effective date of August 23, 2016), the residential and non-residential development may be constructed consistent with PUD Ordinance #2016-20.

The Applicant has requested to amend the residential and non-residential phasing schedule, Table 1 of Ordinance #2016-20. The proposed phasing schedule will allow the developer to delay the construction of non-residential development until a greater number of residential units have been constructed. The existing and proposed phasing schedule is shown in Table 1 of the draft ordinance; the total amount of residential and non-residential development will remain the same. In addition to revising the phasing schedule, the Applicant proposes language to specify the manner of how the residential units will be tracked to ensure timely submittal of the required commercial development application.

The Applicant has also requested to remove Section 1(B)(1)(c), which prohibits parking between the front of commercial buildings and the Sawgrass Bay Boulevard extension. Elimination of Section 1(B)(1)(c) will allow more flexibility for future commercial developments.

### **Standards for Review (LDR Section 14.03.03)**

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

The proposed amendment is consistent with the Comprehensive Plan and Settlement Agreement (SM) 05-16.

**B. Whether the proposed amendment is in conflict with any applicable provisions of the Code.**

The proposed amendment is consistent with the Land Development Regulations (LDR) and SM 05-16.

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

The proposed amendment is not requesting any uses, intensities, or densities beyond those which were previously approved by PUD Ordinance 2016-20. The existing PUD for residential and non-residential development is consistent with the surrounding land uses.

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

The Applicant desires to revise the phasing program of the residential and non-residential uses, in order to delay the development of non-residential uses until a greater number of residential units are constructed. The Applicant has indicated that additional residential development is needed to facilitate a larger residential population to demand the need for the non-residential uses. Elimination of the parking prohibition between commercial buildings and the Sawgrass Bay Boulevard extension will allow more flexibility for future commercial developments.

**E. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment 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.**

The impact assessment to public infrastructure is not applicable to the purpose of this rezoning amendment, which is to comply with a settlement agreement.

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

Any development applications that are submitted must include an environmental assessment dated within six (6) months of the application submission date.

**G. Whether, and the extent to which, the proposed amendment 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.

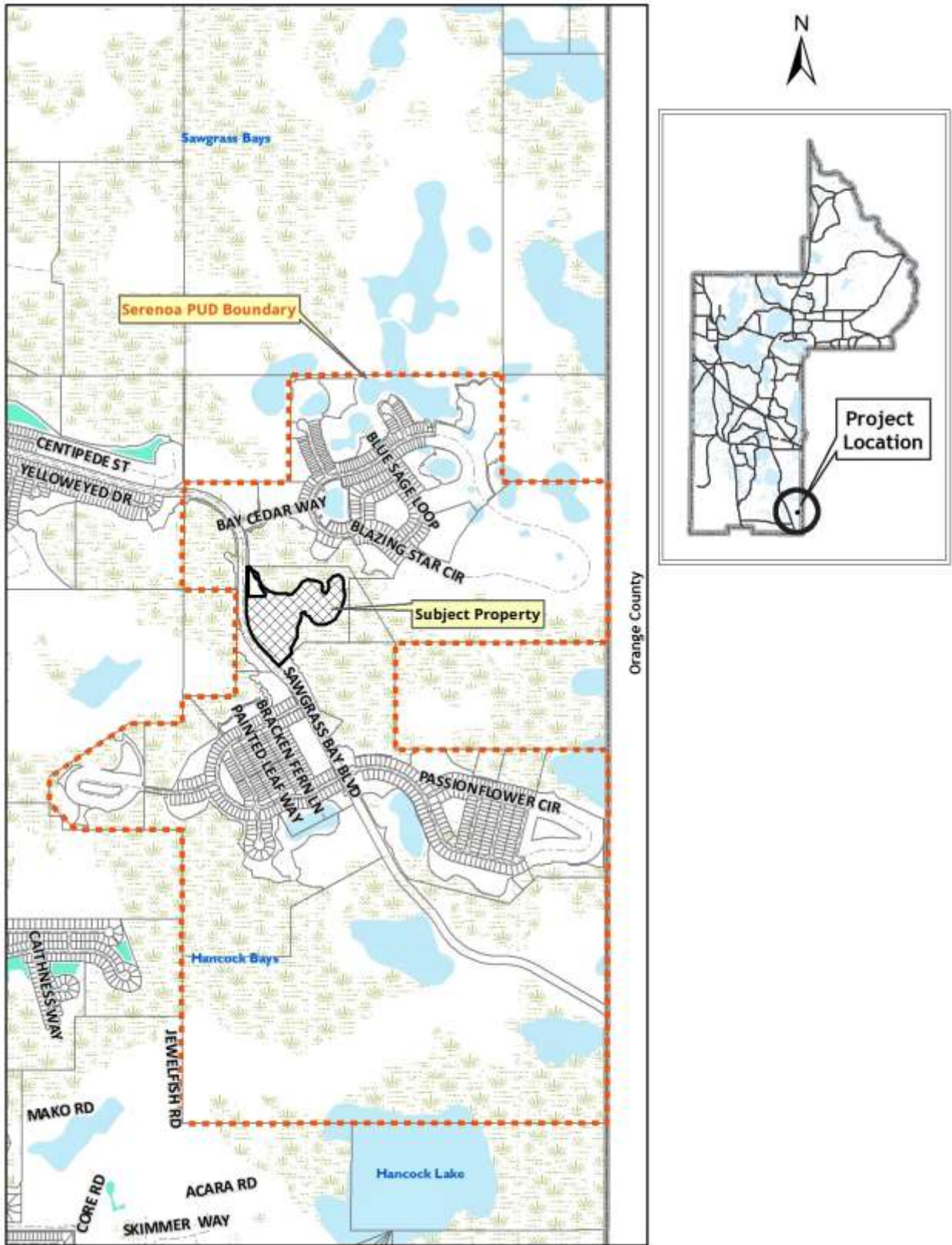
**H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.**

The proposed amendment is not requesting an increase in the density or intensity of the previously approved Planned Unit Development. The previously approved uses will result in an orderly and logical development pattern, as the areas surrounding the subject planned unit development consist of residential and commercial uses.

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

The proposed amendment will be consistent with the purpose and intent of Lake County's regulations.

### Map of Subject Property



1 Ordinance #2019-XX  
2 Serenoa Planned Unit Development (PUD) Amendment  
3 (f/k/a Avalon Groves PUD)  
4 RZ-19-18-1  
5

6 AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE  
7 LAKE COUNTY ZONING MAP; AND PROVIDING FOR AN EFFECTIVE DATE.  
8

9 WHEREAS, ~~David B. Langhout~~ Dianne Fenech, AICP (the "Applicant") has submitted a rezoning  
10 application on behalf of ~~VK Avalon Groves, LLC~~ Avalon Groves, LLC — ~~Steven Porath, Senior Vice~~  
11 ~~President~~ (the "Property Owner") ~~requesting a one time, two (2) year extension to commence development~~  
12 ~~as available under the Planned Unit Development (PUD) Ordinance #2012-10, Section 1(P) to amend PUD~~  
13 ~~Ordinance #2016-20 by establishing a new ordinance with new development conditions regarding the~~  
14 ~~phasing program for the residential and non-residential uses and configuration of the associated parking;~~  
15 and

16 WHEREAS, the subject property consists of approximately 985 +/- acres, located in the South  
17 Lake County area east of the Sawgrass PUD, and west of Orange County, in Sections 13-14, 23-24,  
18 Township 24 South, Range 26 East, currently including Alternate Key Number(s) 3914076, 1101701,  
19 1031486, 1031605, 1594839, 1031648, 1101816, 1031621, 1031613, 3636112, 1101824, and  
20 3884039, etc., and more particularly described in Exhibit "A":

21 LEGAL DESCRIPTION:  
22 (EXHIBIT "A" – ATTACHED)

23 WHEREAS, on the 22<sup>nd</sup> day of September, 2011, the Lake County 2030 Comprehensive Plan  
24 became effective; and

25 WHEREAS, on the 24<sup>th</sup> day of January, 2012, the Board of County Commissioners approved PUD  
26 Ordinance #2012-10 regarding the Avalon Groves Planned Unit Development; and

27 WHEREAS, Section 1(P) of PUD Ordinance #2012-10 requires physical development to  
28 commence within three (3) years from the Ordinance approval date and provides the Board of County  
29 Commissioners with the ability to grant, via public hearing, a one (1) extension for a maximum of two (2)  
30 years upon a showing that reasonable efforts have been made towards securing the required approvals  
31 and commencement of work; and

32 WHEREAS, the subject property ~~was~~ is located within the Rural Transition and Urban Low Density  
33 Future Land Use Categories and is located within the Wellness Way Urban Service Area (WWUSA) as  
34 shown on the Lake County Comprehensive Plan Future Land Use Map; and

35 WHEREAS, on the 5<sup>th</sup> day of January, 2016, the Lake County Board of County Commissioners  
36 approved Ordinance #2016-1, LPA #14/10/1-2 Wellness Way Area Plan Map and Text Amendment; and

37 WHEREAS, the Lake County Planning and Zoning Board reviewed petition RZ 16 11 1 on the 27<sup>th</sup>  
38 day of April, 2016, after giving Notice on petition for a change in the use of land, including a notice that said  
39 petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 17<sup>th</sup> day  
40 of May, 2016; and

41 WHEREAS, on the 17<sup>th</sup> day of May, 2016, the Lake County Board of County Commissioners  
42 approved PUD Ordinance #2016-20 regarding the Avalon Groves Planned Unit Development; and

43 WHEREAS, on the 23<sup>rd</sup> day of August, 2016, Special Master 05-16 became effective and allowed  
44 the subject property to be developed consistent with PUD Ordinance #2016-20; and

1           WHEREAS, the subject property is located within the Wellness Way 3 Future Land Use Category;  
2 and

3           WHEREAS, the Lake County Planning and Zoning Board reviewed petition RZ-19-18-1 on the 4<sup>th</sup>  
4 day of September, 2019, after giving notice on petition for a change in the use of land, including a notice  
5 that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on  
6 the 24<sup>th</sup> day of September, 2019; and

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

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

12           **NOW THEREFORE, BE IT ORDAINED**, by the Board of County Commissioners of Lake County,  
13 Florida, that the Zoning Rules and Regulations of Lake County, Florida, be altered and amended as they  
14 pertain to the above subject property subject to the following terms:

15 **Section 1.**       Terms: The County Manager or designee shall amend the Lake County Zoning Map in  
16 accordance with this Ordinance. Where there is a conflict between this PUD Ordinance  
17 and Lake County Land Development Regulations (LDR), the terms of this Ordinance shall  
18 take precedence. This ordinance shall supersede and replace any and all previous  
19 ordinances for this property, specifically Ordinance #2012-10 and ordinance #2016-20.

20           The uses of the property shall be limited to the uses specified in this Ordinance and  
21 generally consistent with the Conceptual Master Plan attached hereto as Exhibit "B". To  
22 the extent there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall  
23 take precedence.

24           **A. Land Uses:**

25           1. Residential Development:

26           a. Density: 1,659 dwelling units including up to 800 multi-family units (including Paired  
27 Homes/Duplexes).

28           b. Common Facilities: All amenities such as clubhouses, common areas, community pools  
29 and recreational facilities for each residential phase shall be completed prior to issuance of  
30 a Certificate of Occupancy on 25% of the residential dwelling units in each residential  
31 phase.

32           c. Accessory dwelling units:

33           i. Shall be limited to one unit per legally created lot.

34           ii. Accessory dwelling size - 1,200 maximum square feet or no greater than 40% of the  
35 air conditioned living area of the principal dwelling unit.

36           iii. For each lot for which an accessory dwelling unit is approved, a covenant, or similar  
37 legally binding instrument, shall be recorded prior to certificate of occupancy  
38 stipulating that the parcel shall not be further subdivided.

39           d. Model Homes and Sales Centers: Construction of model units, sales centers and  
40 temporary parking lots associated with model units or sales centers and located on an

1 adjoining lot shall be allowed. Up to seven (7) model homes can be started prior to each  
 2 final plat via metes and bounds.

3 2. Commercial/Office/Retail Development:

4 a. Up to 350,000 square feet, comprising retail, commercial and office uses excluding  
 5 institutional uses.

6 b. Uses shall be consistent with those permitted in the Land Development Regulations (LDR)  
 7 for the Neighborhood Commercial (C-1) Zoning District.

8 3. Institutional Uses. Up to 175,000 square feet of civic uses and schools are permitted within the  
 9 development, subject to the maximum floor area and impervious surface ratios of the  
 10 underlying future land use category.

11 4. Short-term rentals:

12 a. There shall be no restriction on the duration of the rental term of any units in this planned  
 13 unit development.

14 5. Phasing:

15 a. Commercial/Office/Retail Phasing Program – The nonresidential phasing program shall  
 16 ensure that the rate of nonresidential development approval coincides with the rate of  
 17 residential development approval as specified in the table below.

18 **Table 1**  
 19 **Minimum Commercial/Office/Retail Phasing in Urban Low Future Land Use area**  
 20

Residential development ( <del>units</del> <u>Certificate of Occupancy</u> )	Minimum commercial/office/retail floor area	Cumulative required commercial/office/ retail floor area
500 units	20,000 SF	20,000 SF
1,000 units	230,000 SF	430,000 SF
1,659 units	230,000 SF	60,000 SF

21 Note: Upon the completion of each residential plat, the Developer shall submit a Monitoring Report  
 22 for review that documents approved nonresidential floor area and number of residential units at the  
 23 time of application. The Applicant will be required to provide residential certificate of occupancy  
 24 data with the development application for the non-residential development. Mixed use phases shall  
 25 demonstrate compliance with this requirement upon each application. For the purposes of this  
 26 report nonresidential shall mean commercial, retail or office.  
 27  
 28  
 29  
 30  
 31  
 32  
 33  
 34  
 35  
 36

**Table 2  
 Proposed Residential Units**

North Tract	Land Use	AC	DU/AC	Units
Rural Transition* FLU Designation	Residential**	188.98	1du/5 acre	38
			1/3 du/net acre	63
			1 du/net acre	189
	Wetlands	92.23	0.20	18
	<b>Total:</b>	<b>281.21</b>		<b>207 max</b>

\* Residential development of equal to or greater than 1 unit per 3 acres shall be clustered and developed as a Rural Residential Subdivision

\*\* This calculation is based on 50% open space (O/S) provided per Rural Transition Future Land Use for rural conservation subdivision as specified herein and the Comprehensive Plan, as amended, for development of 1 unit per acre. Thirty-five percent open space shall be provided for densities of 1 unit per 3 acres or less.

South Tract	Land Use	AC	DU/Net AC	Units
Urban Low FLU Designation	Residential	231.59		
	Village Center	10.00		
	<b>Subtotal:</b>	<b>345.07</b>	<b>4.0</b>	<b>1,380</b>
	Wetlands	359.31	0.20	72
	<b>Total:</b>	<b>704.38</b>	<b>2.1</b>	<b>1,452</b>

\* 25% open space (O/S) per Urban Low Future Land Use is required.

**B. Dimensional Standards**

1. Commercial/Office/Retail/Institutional requirements:

a. Landscape buffers, fences or walls, shall not be required between commercial or mixed (residential/commercial) uses within this planned unit development except to visually screen parking, loading or storage areas.

b. No setback shall be required between commercial buildings such as retail or office and the sidewalk. For retail or office uses on internal streets other than the extension of Sawgrass Bay Boulevard, setbacks may include paved surfaces of concrete or individual pavers that function as an extension of the sidewalk.

~~c. Parking shall not be located between the front of a commercial building and the extension of Sawgrass Bay Boulevard. A maximum of one row of parking may be permitted where a tree buffer of at least ten feet is provided between the parking and the edge of right of way.~~

c.-d. All dimensional standards shall comply with Florida Fire Prevention Codes, applicable National Fire Protection Codes and Lake County Fire Protection Standards.



- 1           2. Residential requirements:
- 2           a. Single Family Residential Dimensional Standards

Minimum Dimensions	Single Family Attached (Townhomes)	Single Family Attached (Paired Homes)	Single Family Detached	Live / Work Unit
Front Setback:	10-feet from dwelling to adjacent road rights of way; 5-feet from dwelling to adjacent common space.			
Secondary Front Setback:	10-feet			
Side Setback:	5-feet for detached side or 0-feet for attached units (along the shared property line of common wall). Lot drainage easement shall be a minimum of 8-feet wide between structures.	0-feet. Minimum separation of 8-feet between structures for lot drainage easement.	0-feet. Minimum separation of 8-feet between structures for lot drainage easement.	5-feet for detached side or 0-feet for attached units (along the shared property line of common wall). Lot drainage easement shall be a minimum of 8-feet wide between structures.
Rear setback:	5-feet or 4-feet from an alley			
Front garage setback	Garages shall be setback at least 20-feet from the front property line.			
Lot Width (in feet)	15	20	23	20
Lot Depth (in feet)	50	50	60	50
Unit Width (in feet)	15	18	18	18
Living Area (in feet)	600	500	650	500

- 3           b. Multi-Family Residential Dimensional Standards:

Minimum Dimensions	Multi-family
Front:	10-feet from face of curb
Secondary Front	15-feet
Side:	15-between adjacent buildings
Rear setback:	10-feet

- 4
- 5

1           **Notes on Residential Standards:**

- 2           (1) Minimum as measured from the property line.
- 3           (2) Front-loaded, rear-loaded, or shared parking lots are permitted.
- 4           (3) Balconies, porches, stoops, bay windows and roof overhangs may encroach upon front  
5           setback and corner lot side setback up to 3-feet. Balconies and roof overhangs may  
6           encroach upon rear setback.
- 7           (4) On-street parking may be used to satisfy parking requirements.
- 8           (5) Minimum of one off-street parking space per unit is required.
- 9           (6) Pools or screen rooms shall be subject to the 5-foot rear setback.
- 10          (7) Driveways shall be setback 2-feet from the side property line or 0-feet if shared driveway.
- 11          (8) Lighting and Signage shall comply with the Land Development Regulations (LDR), as  
12          amended.
- 13          (9) Residential Driveway connections to Sawgrass Bay Boulevard extension are prohibited,  
14          except for connections for live/work units developed as part of a mixed use phase.

15          c. **Definition of Housing Types:**

16          For the purpose of this Planned Unit Development the following terms shall be defined as:

- 17          i. **Single Family Detached:** A single residential unit on a single platted lot that is a single  
18          building not physically connected to any other unit.\*
- 19          ii. **Paired Homes (Duplex):** A single residential unit that is separately owned and platted but  
20          may be attached on one side along a lot line to an additional single family unit.
- 21          iii. **Single Family Attached (Townhome):** A single residential unit that is separately owned and  
22          platted but may be attached on one or both sides along a lot line to additional single family  
23          units.
- 24          iv. **Multi-family:** A building containing multiple residential units on a single lot that are intended  
25          to be collectively managed by an apartment manager or condo association.
- 26          v. **Live/Work:** An attached single-family dwelling that contains a flexible space that may be  
27          used for commercial purposes. Up to 50% of the square footage may be used for  
28          commercial purposes.\*

29          \* The addition of an accessory dwelling unit does not change the definition of a single family  
30          unit.

31          **C. Impervious Surface Ratio:**

- 32          1. Urban Low future land use – shall not exceed 0.60 within the total developable area.
- 33          2. Rural Transitional future land use – shall not exceed 0.30 within the developable area.
- 34          3. Impervious surface area shall not exceed 0.90 on any given individual residential, mixed use,  
35          or commercial lot providing the development phase as a whole does not exceed the maximum  
36          impervious surface ratio of the underlying future land use category.

1       **D. Building height:**

- 2           1. 50-feet (maximum) for residential structures  
3           2. 75-feet (maximum) for non-residential and civic structures

4       **E. Site Design and Development Guidelines:**

- 5           1. All development shall be in accordance with the design standards specified in the  
6           Comprehensive Plan and Land Development Regulations (LDR), as amended.
- 7           2. All development shall consist of functional areas in accordance with Traditional Neighborhood  
8           Design principles including neighborhoods which include a Neighborhood Core, Neighborhood  
9           Proper, and Neighborhood Edge.
- 10          a. Each Neighborhood Core shall contain higher density housing types, as well as:
- 11            i. Civic uses/spaces or Recreation uses; and  
12            ii. Commercial uses;
- 13          b. A minimum of one (1) Neighborhood Core consistent with Table 1 of this ordinance.
- 14          c. Neighborhood Proper areas shall include a range of housing densities and may also  
15          include some civic or recreational uses and park space.
- 16          d. Neighborhood Edge areas will include lower density housing and provide edges to  
17          transition to natural areas, wetlands and low intensity uses on adjacent properties. These  
18          may also include civic and recreational uses or park space used to transition to natural  
19          resource areas.
- 20          3. Pedestrian orientation: The maximum block length for all development shall not exceed 750-  
21          feet.
- 22          4. Rural Conservation Subdivision development, within the Rural Transitional future land use:
- 23            a. One (1) dwelling unit per one (1) net buildable acre (maximum) may be permitted.
- 24            b. A minimum of 50% of the net buildable area of the Rural Conservation Subdivision shall be  
25            dedicated as common open space. A conservation easement or similar recorded and  
26            legally binding instrument, as allowed by law shall be recorded to preserve the open space  
27            areas at plat or final development of each phase.
- 28            c. Half of the required open space shall be configured in a single contiguous tract for the  
29            purposes of creating contiguous expanses of open space to include the most sensitive  
30            habitat on each site. The open space shall include environmentally sensitive areas  
31            adjacent to public conservation lands or adjacent rural lands, if present. An open space  
32            management plan shall be incorporated into site plan or plats applications.
- 33            d. Open spaces shall be configured in a manner to create "edges" of distinction between rural  
34            land uses and urban land uses.
- 35            e. Proposed subdivisions shall include a minimum of fifteen (15) net buildable acres for  
36            development of rural conservation subdivisions in order to receive the one (1) dwelling per  
37            acre density.

- 1 f. Compatibility with existing adjacent residential developments. In order to promote  
2 compatibility with existing residential developments that are immediately adjacent to the  
3 proposed development site, the applicant shall use one of the following measures:
- 4 i. A forested, or re-forested, or wetland buffer designed to screen the proposed new  
5 development from the existing development, and is a minimum of 100-feet in depth,  
6 shall be provided between the existing adjacent residential development and the  
7 proposed new lots; or
- 8 ii. A vegetative buffer, which may be forested, or wetlands to create a minimum of 200-  
9 feet in depth shall be provided between the existing adjacent residential development  
10 and the proposed new lots.
- 11 iii. Streets shall not cross wetlands unless other access is not practically feasible.
- 12 iv. Streets shall not traverse slopes greater than a 20 percent grade to facilitate low  
13 impact design. If the Developer can demonstrate a hardship created by this  
14 requirement, then a variance may grant such crossings.
- 15 g. Construction envelope and Low Impact Development principles and techniques shall be  
16 used. Clearing and grading of treed areas, natural vegetation, and existing topography  
17 should be limited to the minimum amount required to create buildable lots, construct  
18 roadways, install required infrastructure including on-site septic systems, and allow  
19 reasonable access for construction equipment. For this reason, a construction envelope  
20 shall be established and denoted on all preliminary and final site designs and construction  
21 documents. The construction envelope shall not exceed 30-feet beyond the building  
22 footprint.
- 23 5. Interconnection: Interconnection of the proposed subdivisions with adjoining properties is  
24 encouraged where there are no environmental constraints, as depicted on the conceptual plan.  
25 If interconnection of a proposed subdivision with adjoining properties cannot be completed due  
26 to the lack of roadway facilities or dedicated right-of-way on an adjacent property at the time  
27 that the application is submitted, the future right-of-way required to develop this interconnection  
28 shall be dedicated and shown on the final plat in lieu of construction of the interconnecting  
29 roadway to the property line.
- 30 6. Parks:
- 31 a. A minimum of a 3.3 acre park shall be dedicated prior to approval of the 500th dwelling  
32 unit.

33 **F. Public School Concurrency:**

34 The developer or Property Owner shall be solely responsible for mitigating public schools impacts  
35 in accordance with concurrency management provisions specified in the Land Development  
36 Regulations, as amended.

- 37 1. All development within two (2) miles of any school site shall provide 5-foot wide sidewalks that  
38 connect to Sawgrass Bay Boulevard extension for the purpose of creating a walkable-network  
39 to the schools.

1           2. The Property Owner or Applicant shall provide a conceptual master sidewalk/trail plan  
2           demonstrating a viable connection network with parks and schools prior to the commencement  
3           of the first phase of construction.

4           **G. Utilities:**

5           1. Solid Waste – The Developer or Property Owner shall demonstrate that all access ways are  
6           designed to accommodate solid waste collection vehicles to Lake County standards, as  
7           amended. Private solid waste collection may be provided with approval by the County Manager  
8           or designee.

9           2. Water/Wastewater Facilities - Central potable water and wastewater service system shall be  
10          provided by Utilities Incorporated (Inc.), its successor or by the developer. Septic systems or  
11          individual potable water wells shall not be permitted.

12          3. Utilities shall be underground unless a variance is received.

13          4. Drainage/Stormwater Management/Floodplain/Surface Water Protection:

14           a. Stormwater management plan shall be required with the submittal of a final development  
15           order. Any facilities associated with the Sawgrass Bay Boulevard extension road within or  
16           impacting Orange County shall be approved by Orange County, prior to approval of the  
17           Construction Plan.

18           b. Development within the 100-year floodplain shall be solely for the storage of floodwaters  
19           and for passive recreation and conservation facilities in accordance with the Land  
20           Development Regulations, as amended.

21           c. The stormwater management system shall be constructed in accordance with St. Johns  
22           River Management District (SJRWMD) permit requirements, and Land Development  
23           Regulations (LDR), as amended.

24           d. Stormwater management facilities will be designed to minimize impacts to existing surface  
25           waters.

26           e. Stormwater facilities for the Sawgrass Bay Boulevard extension may be used as a shared  
27           facility to be maintained by the H.O.A. or similar private entity.

28           f. All stormwater ponds developed by the project shall be owned and maintained by the  
29           H.O.A. or similar private entity.

30          **H. Fire Protection and Rescue Services:** All Development shall comply with the State Fire Code,  
31          Florida Fire Prevention Code, National Fire Protection Standards, the Orange County/Lake County  
32          Mutual Aid Agreement, and the Land Development Regulations, as amended.

33          **I. Transportation Improvements:**

34          1. Prior to Phase 1 construction, the Property Owner shall execute a Development Agreement  
35          with the County for the dedication of a 106 foot wide right of way and non-exclusive easement  
36          for future road and utilities necessary to facilitate the future Sawgrass Bay Boulevard  
37          extension. Any road or transportation impact fee credits will be addressed in the Development  
38          Agreement. As project phasing is not proposed, the traffic impact study will need to be updated  
39          and resubmitted prior to construction plan approval of the 501<sup>st</sup> lot and 50,000 square feet of  
40          non-residential for the project or as provided for in a Development Agreement executed with

- 1 the Board of County Commissioners. The Developer will be required to update and address  
2 any necessary transportation impact mitigation that may result due to the Sawgrass Bay  
3 Boulevard connection to Orange County not being completed.
- 4 2. When warranted, the Property Owner shall coordinate with Orange County regarding any  
5 necessary road improvements to Fleming Road in Orange County. The Property Owner shall  
6 provide Lake County Public Works with copies of any agreements required by Orange County  
7 for any Fleming Road improvements.
- 8 3. The Developer or Property Owner shall upgrade the current flashing beacon to a full traffic  
9 signal when warranted at the intersection of US Highway 27 and Sawgrass Bay Boulevard in  
10 accordance with Lake County standards, as amended.
- 11 4. Sidewalks and Bicycle Facilities. All sidewalks shall be 5-foot wide minimum and constructed in  
12 accordance with the Land Development Regulations (LDR), as amended. Bicycle lanes shall  
13 be situated within the Sawgrass Bay Boulevard extension right-of-way, in accordance with  
14 County standards, as amended. Sidewalks and bicycle lanes within the Sawgrass Bay  
15 Boulevard extension right-of-way shall be installed by the Developer concurrent with road  
16 construction.
- 17 5. Pedestrian access ways shall be provided at intervals along roadways and common areas not  
18 to exceed 600-feet along all roadways.
- 19 6. On-Street Parking – Parking shall not be allowed along the Sawgrass Bay Boulevard extension  
20 to Fleming Road in Orange County.
- 21 7. Multiple points of access shall be designed into the road network to facilitate access by  
22 fire/safety and public and private service vehicles. A minimum of two access points shall be  
23 provided in each subdivision except where environmental constraints exist.

24 **J. Signage:**

- 25 1. All signage shall be in accordance with the Land Development Regulations (LDR), as  
26 amended.
- 27 2. Signage and entry features may be allowed within County dedicated right-of-way subject to a  
28 Lake County right of way utilization permit.

29 **K. Open Space and Environmental Considerations:**

- 30 1. An environmental assessment shall be provided to address all flora and fauna species and  
31 associated habitat. The assessment shall be submitted for review at the time construction  
32 plans are submitted.
- 33 2. Tree and soil protection areas. Areas designated for tree and soil protection that are located  
34 outside of the dedicated open space shall be identified. These areas shall include the critical  
35 root zone and greatest extent of the drip line for the trees included in the area to be protected.  
36 The method of protection shall be indicated on the plan, including fencing or other protection  
37 methods. The method of protection shall be installed prior to the issuance of a development  
38 permit.

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- 1           3. Open Space:
  - 2           a. Urban Low (UL) Future Land Use Category shall require a minimum of 25%, open space,  
3           over the entire UL land area.
  - 4           b. Rural Transitional (RT) Future Land Use Category shall require a minimum of 50% Open  
5           Space, over the entire RT land area if a maximum density of 1 unit per net acre is used. If  
6           a density of 1 unit per 3 net acres is used 35% Open Space shall be provided.
  - 7           c. Open space areas shall be provided in accordance with Comprehensive Plan, as  
8           amended.
- 9           4. Wetlands:
  - 10          a. Development shall adhere to the wetland setbacks specified in the Comprehensive Plan  
11          and Land Development Regulations (LDR), as amended.
  - 12          b. All wetlands within the property shall be placed into a conservation easement that shall run  
13          in favor of, and be enforceable by, a homeowners' association, a public agency acceptable  
14          to Lake County, or Lake County, at its option. The conservation easement shall require  
15          that all wetlands and wetland buffers be maintained in their natural and unaltered state.  
16          Any such easement shall allow access to water dependent structures such as docks and  
17          walkways.
  - 18          c. Wetlands shall not be included as part of any platted lot, other than a lot platted as  
19          common area, which shall be dedicated to a homeowners' association, qualified agency or  
20          Lake County for ownership and maintenance.
  - 21          d. Upland buffers adjacent to wetlands shall be included within the conservation easement.  
22          Such easement will specifically allow water dependent structures serving the adjacent  
23          upland uses.
- 24          **L. Landscaping and Buffering:**
  - 25          1. A minimum of one (1) canopy tree shall be required for all single-family detached lots greater  
26          than 4,000 square feet in size.
  - 27          2. A minimum of (1) ornamental tree shall be required for each lot comprising an attached  
28          dwelling unit.
  - 29          3. A minimum of six (6) trees per acre shall be required.
  - 30          4. A fifty (50) foot wide buffer shall be along the perimeter property line, adjacent to agricultural  
31          land areas and agriculture zoned properties. The buffer will be assessed during the review of  
32          the required preliminary plat or site plan and may consist of existing non-invasive-vegetation or  
33          Florida Friendly vegetation.
  - 34          5. Entrance Features: The Owner may construct entrance features, which may consist of walls,  
35          landscaping, contoured berms and signage concurrent with construction of the adjacent  
36          roadway. Entrance features shall not be constructed within rights-of-way without appropriate  
37          right of way permits.
  - 38          6. All other landscaping shall be in accordance with the Land Development Regulations (LDR), as  
39          amended.

- 1           7. A landscape plan shall be submitted for review and approval prior to installation of any trees  
2           along any publicly dedicated right-of-way.
- 3           8. Installation of trees within 8' of the sidewalk, shall require the developer to commit the H.O.A.  
4           or other private entity to be responsible for the ownership and maintenance of the tree and  
5           sidewalk. Those commitments shall be made in a development agreement at the time of final  
6           plat.
- 7           9. Parking lot landscaping shall be in accordance with Land Development Regulations (LDR), as  
8           amended.

9           **M. Maintenance:**

10          1. Common Areas:

11           The Owner shall form and incorporate a private non-profit entity such as a Homeowners'  
12           Association or Community Development District for the purpose of operating, maintaining and  
13           controlling the common areas, utility easements and common facilities. The incorporation of  
14           the private entity shall be in conjunction with final development approval.

15          2. Streets, Stormwater Facilities, and Rights-of-Way:

- 16           a. All streets and stormwater facilities that have not been dedicated to the County will be  
17           maintained by a private entity, such as an HOA or CDD.
- 18           b. Maintenance of landscaping and common space that has not been accepted by the county  
19           in street rights of way shall be maintained by a private entity, such as an HOA or CDD.

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

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

25          **O. Concurrency Management Requirements:**

- 26           1. A capacity reservation certificate shall be required before any final development order is  
27           authorized for construction. The Applicant or Developer shall comply with the Land  
28           Development Regulations (LDR) as amended. In the future event that concurrency  
29           requirements are changed from the date of this Ordinance approval, Lake County shall  
30           implement concurrency for this development consistent with the adopted concurrency  
31           management system in effect at that time.
- 32           2. Granting of this PUD Ordinance does not grant or approve concurrency. No development shall  
33           proceed unless a full concurrency review has been completed prior to each stage of  
34           development.

35          **P. Terms:** Physical development shall commence on or before May 24, 2018.

- 36           1. Failure to commence construction of either infrastructure for 100 dwelling units, or infrastructure for  
37           10,000 square feet of commercial use, and the necessary extension of Sawgrass Bay Boulevard to  
38           Phase 1 of the project, on or before May 24, 2018 shall cause the revocation of this ordinance, in  
39           accordance with the Comprehensive Plan or superseding documents, as amended.



1                   **Q. Monitoring Report for Non-Residential Ratio:** Upon submittal of each development  
2 phase, the Applicant shall submit a monitoring report on the development progress for  
3 the entire PUD.

4                   **R. Continuation of Agriculture Uses:**  
5                   1. Agriculture uses shall be allowed on any portion of the property until such time as  
6 that portion of the property receives a final development order consistent with this  
7 Ordinance, the Comprehensive Plan, and Land Development Regulations (LDR),  
8 as amended.

9                   2. Open grazing, stables, tree harvesting, silviculture and pisciculture are specifically  
10 permitted. Feed lots, hog farms and other site intensive, potentially noxious  
11 agricultural activities are specifically prohibited. The Developer expressly agrees  
12 that no clearing of non-invasive trees or wetland alteration will take place within  
13 the area used for bona fide agricultural operation.

14                   **S. Future Amendments to Statutes, Code, Plans, and/or Regulations:** the specific  
15 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake  
16 County Comprehensive Plan, and Lake County Land Development Regulations (LDR)  
17 shall include any future amendments to the Statutes, Code, Plan, and/or Regulations.

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

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

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

28                   C. Construction and operation of the proposed use shall at all times comply with the  
29 regulations of Lake County and any other permitting agencies.

30                   D. The transfer of ownership or lease of any or all of the property described in this  
31 ordinance shall include in the transfer or lease agreement, a provision that the  
32 purchaser or lessee receives written or record notice of the conditions pertaining to the  
33 PUD and that such notices shall run with title to the land. The purchaser or lessee  
34 may be required a change from the existing plans and conditions by following  
35 procedures contained in the Lake County Land Development Regulations (LDR), as  
36 amended.

37                   E. Action by the Lake County Code Enforcement Special Master. The Lake County Code  
38 Enforcement Special Master shall have authority to enforce the terms and conditions  
39 set forth in this ordinance.

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

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

ENACTED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

FILED with the Secretary of State \_\_\_\_\_, 2019.

EFFECTIVE \_\_\_\_\_, 2019.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

\_\_\_\_\_  
LESLIE CAMPIONE, CHAIRMAN

ATTEST:

\_\_\_\_\_  
GARY J. COONEY, CLERK OF THE  
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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MARINA LANDING, INC. (PARCEL 1)  
The Northwest 1/4; and the Northwest 1/4 of the Northeast 1/4; and the South 1/2 of the Northeast 1/4; and the North 1/4 of the Southeast 1/4; all in Section 13, Township 24 South of Range 26 East of the Tallahassee Meridian, in Lake County, Florida; Less the Northwest 1/4 of the Northwest 1/4, Section 13, Township 24 South, Range 26 East, Lake County, Florida.

TOGETHER WITH all right, title and interest in and to Easements more particularly described in the following instruments of record.

Roadway Easement Agreement filed in Official Records Book 986, Page 934; as modified by Modification of Roadway Easement Agreement filed in Official Records Book 1486, Page 923, Public Records of Lake County, Florida; and Stipulation filed in Official Records Book 921, Page 246, Public Records of Lake County, Florida; and Easement for Ingress and Egress filed in Official Records Book 1483, Page 2313, Public Records of Lake County, Florida.

Being subject to any rights-of-way, restrictions and easements of record.

ORANGE BLOSSOM HILLS, INC. (PARCEL 2)

PARCEL 1:

The South 1/4 of the Southeast 1/4, The South 1/2 of the Southwest 1/4, The East 3/4 of the North 1/2 of the Southwest 1/4 of Section 13, Township 24 South, Range 26 East, Lake County, Florida.

PARCEL 2:

The South 3/4 of the East 1/2 of the Southeast 1/4 of the Southeast 1/4; BEGIN at the Northeast corner of the Southeast 1/4 of the Northwest 1/4 of the Southeast 1/4 of the Southeast 1/4, run Southwesterly to the Northwest corner of the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of the Southeast 1/4, South to South line of Section, East to Southwest corner of the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4, North to POINT OF BEGINNING; all being in Section 14, Township 24 South, Range 26 East, located in Lake County, Florida.

PARCEL 3:

BEGIN at the Northwest corner of the Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4, run Southeasterly to Southeast corner of Northeast 1/4 of the Northeast 1/4 of the Northwest 1/4 of the Northeast 1/4, North to Section line, thence West to POINT OF BEGINNING; North 1/4 of the Northeast 1/4 of the Northeast 1/4; all being in Section 23, Township 24 South, Range 26 East, located in Lake County, Florida.

PARCEL 4:

The North 1/2 of the Northeast 1/4, Section 24, Township 24 South, Range 26 East, located in Lake County, Florida.

**Exhibit "A" – Legal Description, Cont.**

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PARCEL 5:

BEGIN at the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4, run Northeasterly to Northeast corner of Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4, thence West to the Northwest corner of Section, thence South to POINT OF BEGINNING; being in Section 24, Township 24 South, Range 26 East, located in Lake County, Florida.

Together with easement granted in Warranty Deeds recorded in Deed Book 361, Page 371, and in Deed Book 372, Page 442 of the Public Records of Lake County, Florida.

Being subject to any rights-of-way, restrictions and easements of record.

BLR - AVALON LAKES LLC (PARCEL 3)

The Northwest 1/4 of the Southwest 1/4, The Southeast 1/4 of the Northeast 1/4, The Northeast 1/4 of the Southeast 1/4, The Southwest 1/4 of the Northeast 1/4, The Northwest 1/4 of the Southeast 1/4, The Northeast 1/4 of the Southwest 1/4, The Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4 all in Section 24, Township 24 South, Range 26 East, Lake County, Florida.

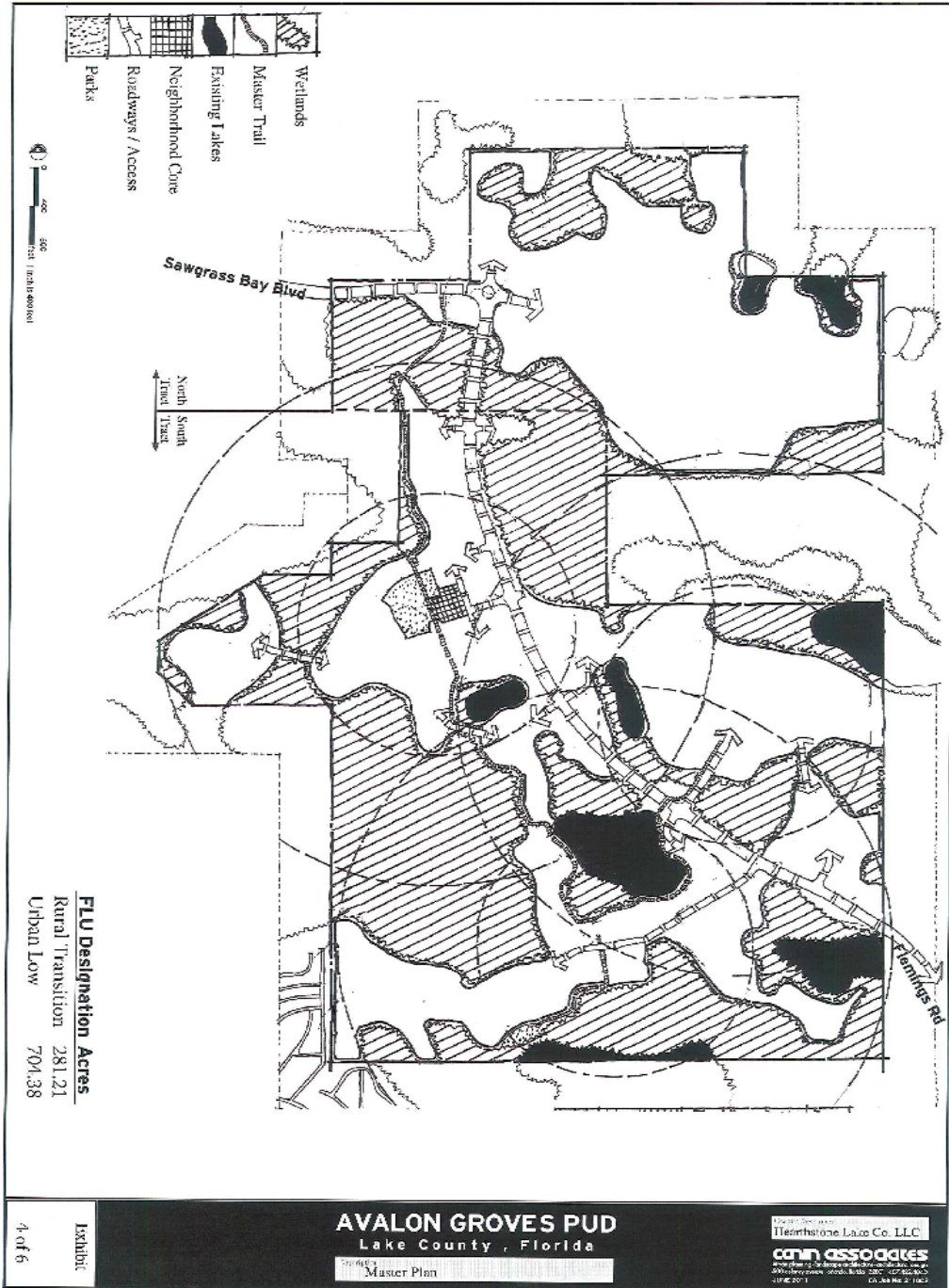
AND:

The Northwest 1/4 of Section 24, Township 24 South, Range 26 East, Lake County, Florida, LESS AND EXCEPT the Southeast 1/4 of the Southeast 1/4 of the Southeast 1/4 of the Northwest 1/4, AND LESS AND EXCEPT: Begin at the Southwest corner of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of said Section 24; run thence Northeasterly to the Northeast corner of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4 of the Northwest 1/4; thence run West to the Northwest corner of said Section 24, thence South to the POINT OF BEGINNING.

Being subject to any rights-of-way, restrictions and easements of record.

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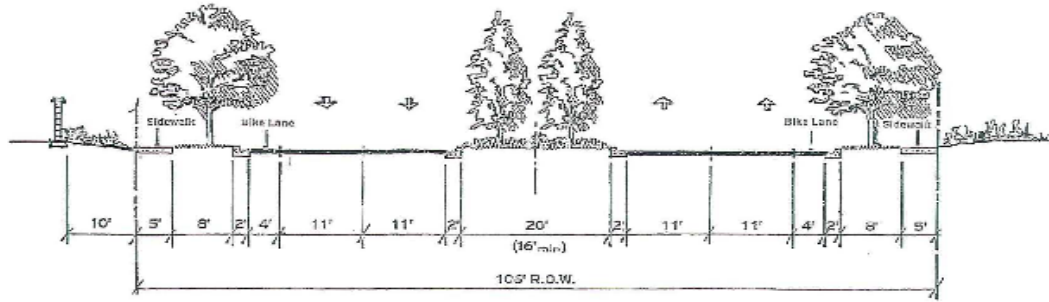
### Exhibit "B" – Conceptual Master Plan



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Exhibit "B" – Conceptual Master Plan, Cont.



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