



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): November 4, 2020
Board of County Commissioners (BCC): November 10, 2020

Case No. and Project Name: RZ-20-31-4, Lake Swatara PUD Amendment

Applicant: Leslie Campione, P.A.

Owner: Lake Swatara Properties, Inc., Jack Cassell, M.D., and Leslie Campione, P.A.

Requested Action: Amend Planned Unit Development (PUD) Ordinance #2008-43 to extend the central water connection waiver, specify Tract B development and to include additional uses; non-intensive agriculture and agriculture use, non-home occupation business, bed and breakfast home/event venue use (50-guest, maximum) and passive recreation.

Staff Determination: Staff finds the rezoning amendment to be consistent with the LDR and Comprehensive Plan.

Case Manager: Emily W. Johnson, Planner

PZB Recommendation:

Subject Property Information

Size: 40.78 +/- acres

Location: On the south side of County Road 44A, and east of County Road 44 intersection, in the Eustis area.

Alternate Key No.: 1040141, 3881335, 1754071, 3913835, 3834278, and 1040132

Future Land Use: Urban Low Density

Current Zoning District: Planned Unit Development (PUD) in accordance with Ordinance #2008-43

Flood Zones: "AE", "A", and "X"

Joint Planning Area/ ISBA: Eustis JPA

Overlay Districts: Wekiva Study Area

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Medium Residential (R-3) and Agriculture (A)	Residential	Single-Family Dwelling Units Adjacent to CR 44A.
South	City of Eustis	City of Eustis	Residential	Residential Properties within the City of Eustis, Lake Swatara
East	City of Eustis	City of Eustis	Residential	Vacant Residential, Lake Swatara
West	City of Eustis	City of Eustis	Residential and Agricultural	Residential Properties within the City of Eustis, adjacent to CR 44

Staff Analysis

The subject properties, identified by Alternate Key Numbers 1040141, 3881335, 1754071, 3913835, 3834278, and 1040132 are zoned Planned Unit Development (PUD) per Ordinance #2008-43 and designated as Urban Low-Density Future Land Use (FLU). The properties total 40.78 +/- acres. The parcels identified by the Concept Plan (Attachment "A") as Tracts "B" and "E" are each developed with single-family dwelling units and related accessory structures. Tract "A" is developed with an agricultural barn. The Applicant submitted a written statement addressing the Standards for Review (Sections A through H, below), which is included as Attachment "B".

On September 27, 2005, the Board of County Commissioners (BCC) approved PUD Ordinance #2005-79 to rezone 34.77 +/- acres from Medium Residential (R-3) and Agriculture (A) to Planned Unit Development (PUD) for a 34-unit single-family residential subdivision with agricultural uses.

On April 24, 2007, the BCC approved PUD Ordinance #2007-18 to amend PUD Ordinance #2005-79, add 5.93 +/- Agriculture (A) zoned acres to the PUD, and to add multi-family residential uses; PUD Ordinance allowed for up to 20 detached single-family dwelling units and a maximum of 20 attached multi-family residential dwelling units.

On June 24, 2008, the BCC approved PUD Ordinance #2008-43 as a text amendment to PUD Ordinance #2007-18.

On September 11, 2011, the construction plan was approved for Phase 1, which included six (6) lots comprising 5.29-acres of the 40.78-acre PUD zoning district.

This rezoning application seeks to amend PUD Ordinance #2008-43 to allow the following listed uses:

- (1) Agricultural and non-agriculture use
- (2) Bed and breakfast home with an event venue (50 guests maximum) within Tract "B", non-home occupation business.
- (3) Residential subdivision lots with non-intensive agriculture,
- (4) extend the waiver to the central water connection requirement.

The subject properties are located within the Eustis Utility Service Area, as such the City of Eustis reviewed the application and provided comments. The City raised concerns with the requested extension of utility connection waiver (Attachment "C").

Standards for Review (LDR Section 14.03.03)

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

The uses and density of the proposed Planned Unit Development are consistent with Comprehensive Plan Policy I-1.3.2, Urban Low Density Future Land Use Category (FLUC), which allows residential development at a maximum density of four (4) dwelling units per net acre, and requires a minimum of twenty-five (25) percent open space. The proposed ordinance contains a condition requiring a minimum of twenty-five (25) percent open space, to remain consistent with the policy.

Pursuant to Comprehensive Plan Policies IX-2.2.2, Mandatory Central Water Connection, new development within the Urban Future Land Use Series shall connect to a central water service. The existing residences currently utilize private wells, as PUD Ordinance #2008-43 granted the Developer a waiver to the connection requirement as the City of Eustis would not be providing central water service. The Applicant has included a request that the waiver to the utility connection requirement, remain in effect and be carried forward in the new Ordinance, should the rezoning amendment be approved.

B. Whether the proposed amendment is conflicts with any applicable provisions of the Code.

The proposed request is consistent with the residential development standards contained within Land Development Regulations (LDR) Section 4.03.00, Planned Unit Development District; and with LDR Section 4.03.01, which states that PUDs are allowed in all land use categories. Pursuant to LDR Section 4.03.02, complimentary and compatible commercial uses may be included within a planned residential community, so long as they are compatibly and harmoniously designed into the residential community within a PUD district.

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

Pursuant to LDR Table 3.01.03, Bed and Breakfast Home uses are conditionally allowed in agricultural and residential zoning districts, with conditional use approval by the Board of County Commissioners (BCC); the proposed PUD ordinance satisfies the CUP requirement.

Therefore, the proposed amendment is consistent with existing land uses, as the subject properties are surrounded by residential and agricultural uses.

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

There have been no approved rezoning requests in this area since the BCC's 2008 approval of PUD Ordinance 2008-43. Further, the City of Eustis abuts the property on the south, east, west and north. Attachment "B" contains the applicant's justification statements which address the changed conditions since the PUD approval in 2008.

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.

Water and Sewer

The Applicant has requested that the waiver to the utility connection requirement, which was previously provided in Ordinance #2008-43 to remain in effect.

Schools

The proposed amendment is not anticipated to adversely impact schools.

Parks

The proposed amendment is not anticipated to adversely impact parks or trails.

Solid Waste

The proposed request is not anticipated to adversely impact solid waste capacities or levels of service.

Public Safety

Lake County Fire Rescue (LCFR) Station #27, located less than two (2) miles from the site at 19212 County Road 44B, in Eustis.

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

As the parcel identified by the Concept Plan as Tract "B" is developed and maintained with existing residential uses, no adverse impacts to the natural environment are anticipated.

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 impact on property values.

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 surrounding properties are primarily developed with residential and some agricultural uses. While the proposed bed and breakfast use and event venue use (limited to 50 guests) may be more intense than the surrounding uses, Bed and Breakfast Home uses are conditionally allowed within residential and agricultural zoning districts, pursuant to LDR Table 3.01.03. It must be noted that on May 21, 2019, the BCC approved Ordinance #2019-32 (CUP-19-03-5, Moss Estates CUP) for a wedding venue in the Agriculture (A) zoning district. Based on this information, adverse impacts on the existing development pattern

are not anticipated. However, the BCC has the discretion to establish impact mitigation conditions for the proposed uses.

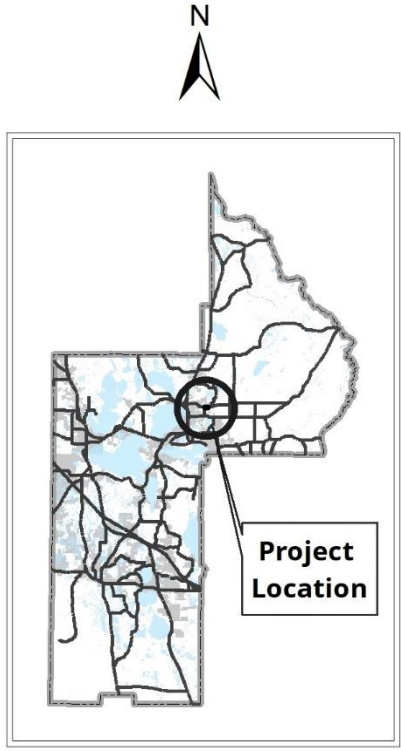
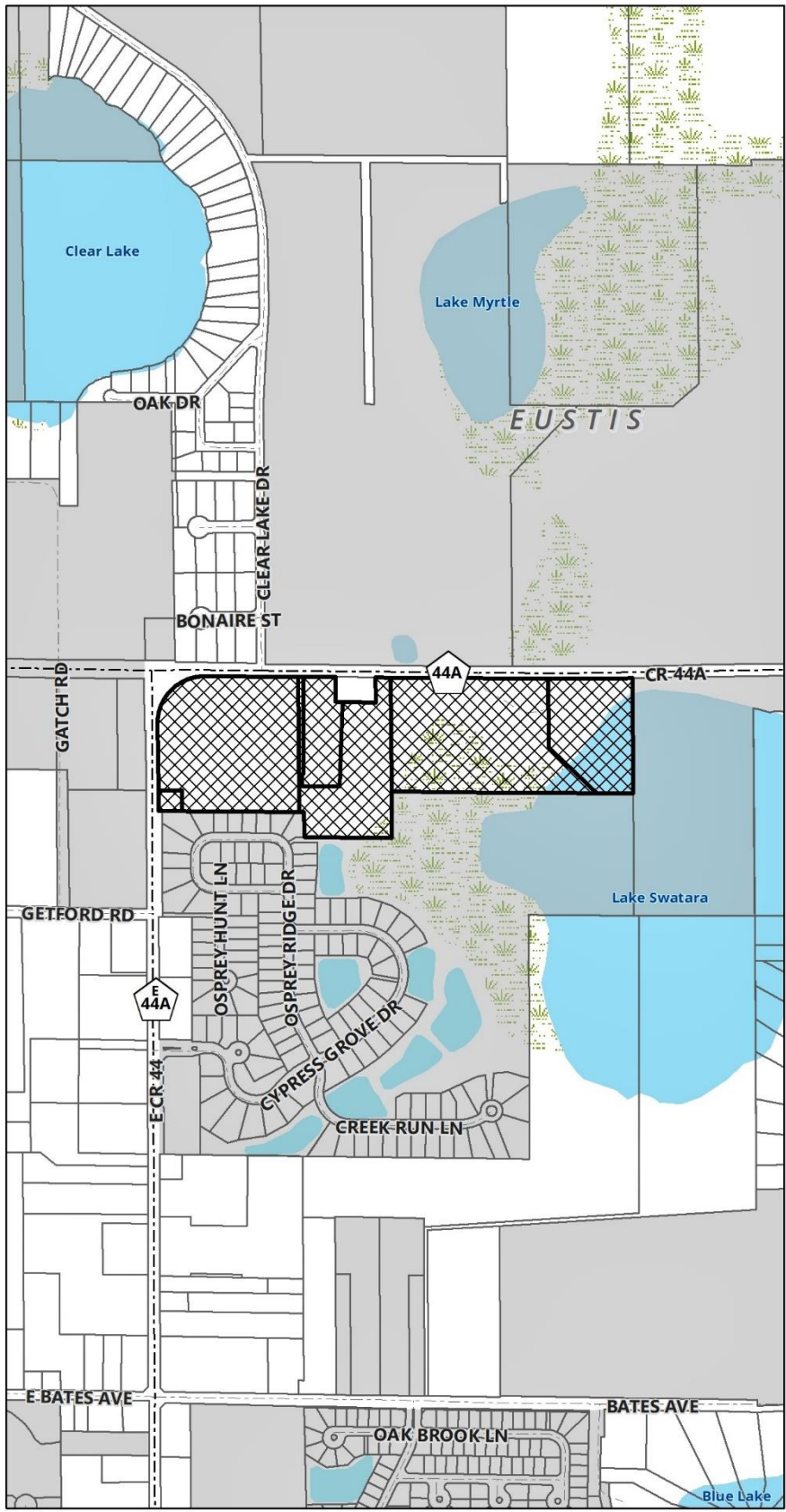
I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

The proposed amendment is consistent with the purpose and interest of Lake County's regulations.

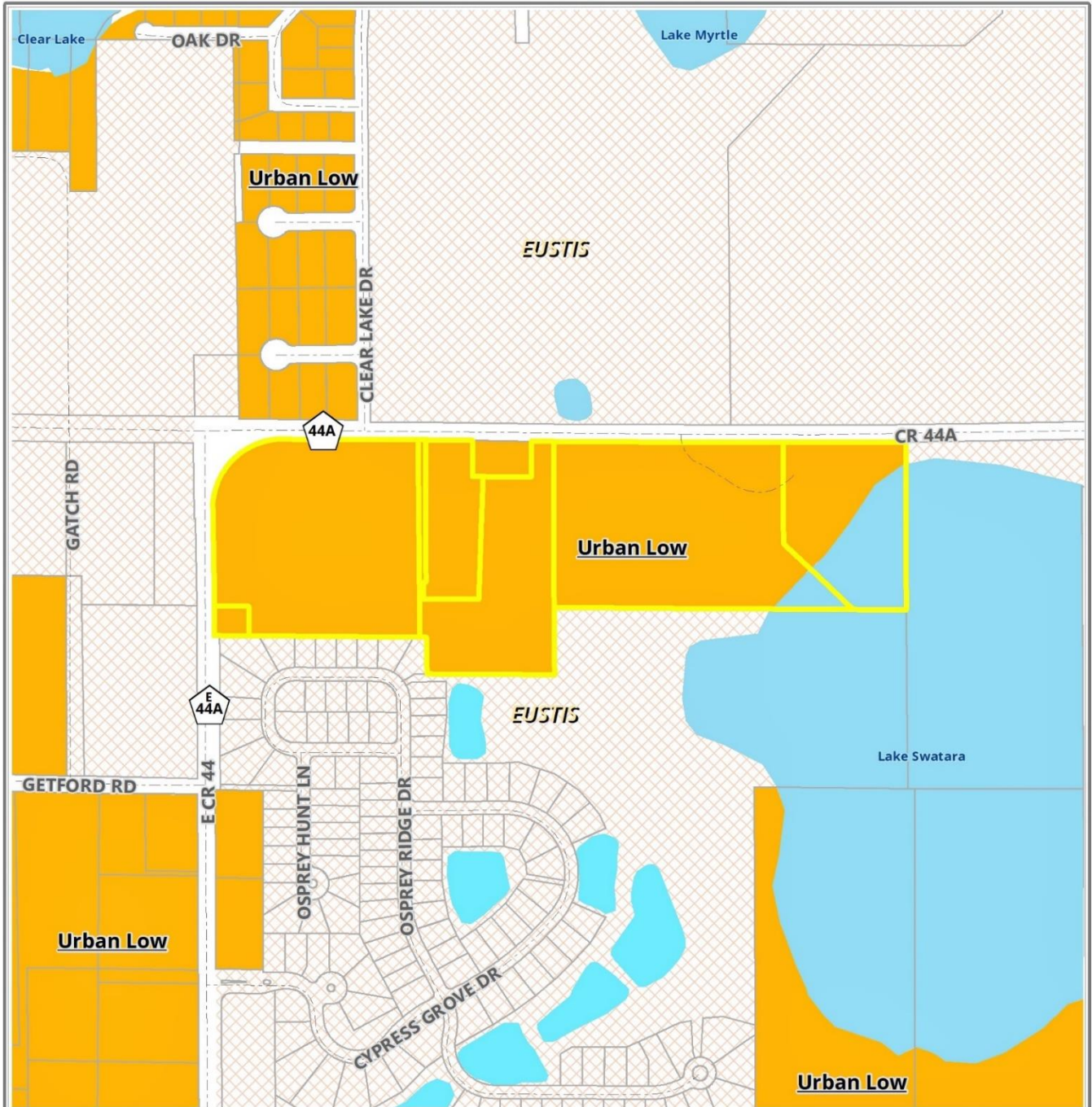
J. Any other matters that may be deemed appropriate by the Lake County Planning and Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

This application includes a request to the Board of County Commissioners (BCC) to extend the waiver to the central water connection requirement; the City of Eustis identified concerns with the requested waiver extension (Attachment "C").

Map of Subject Property



CURRENT FUTURE LAND USE



FUTURE LAND USE LEGEND

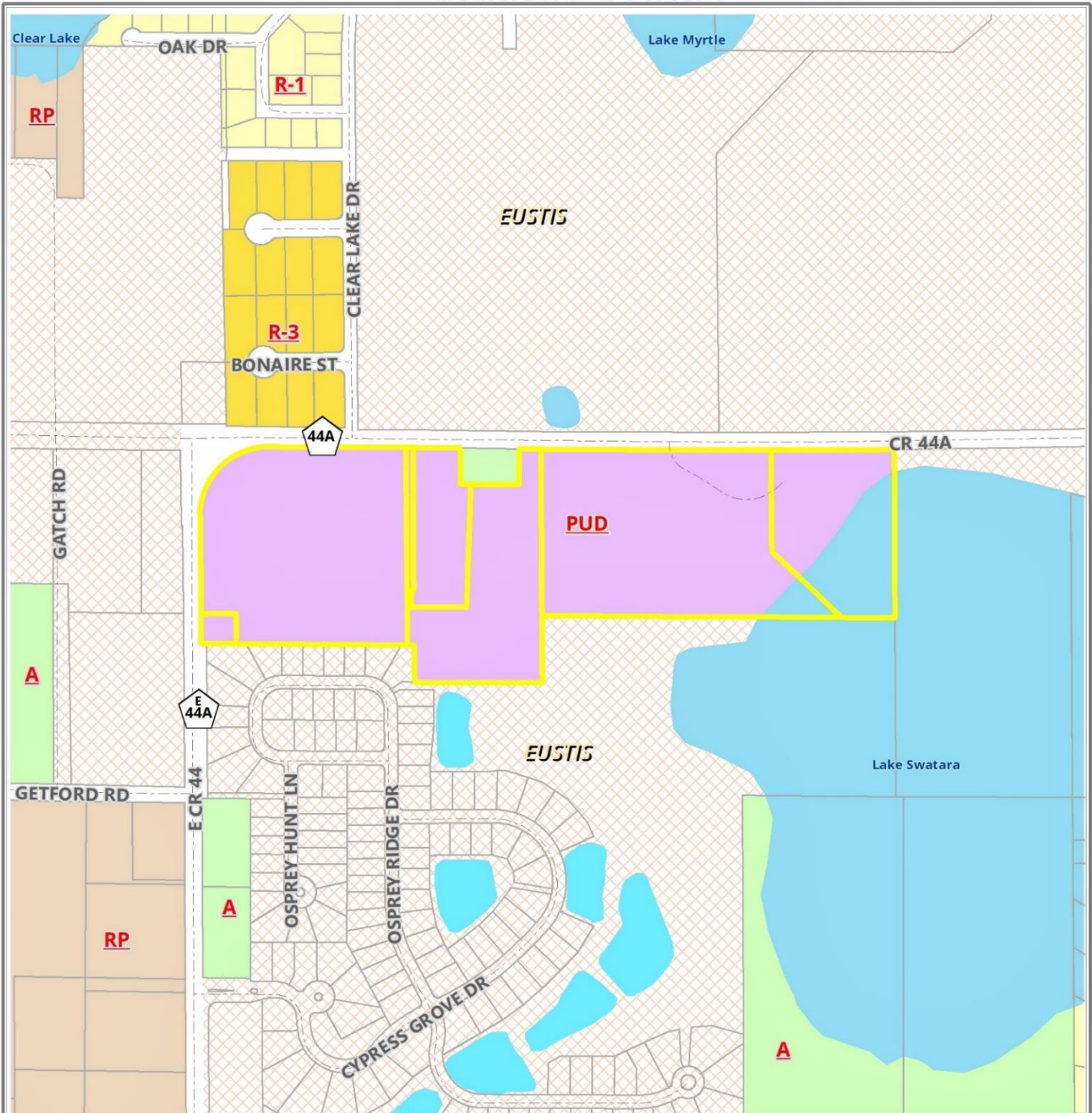
 Urban Low

NAME: **LAKE SWATARA PROPERTY**
CASE NUMBER: **RZ-20-31-4**
LOCATION (S-T-R): **06-19-27**
REQUEST: **PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT**

DISTRICT: **4**



CURRENT ZONING

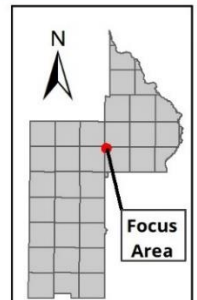


ZONING LEGEND

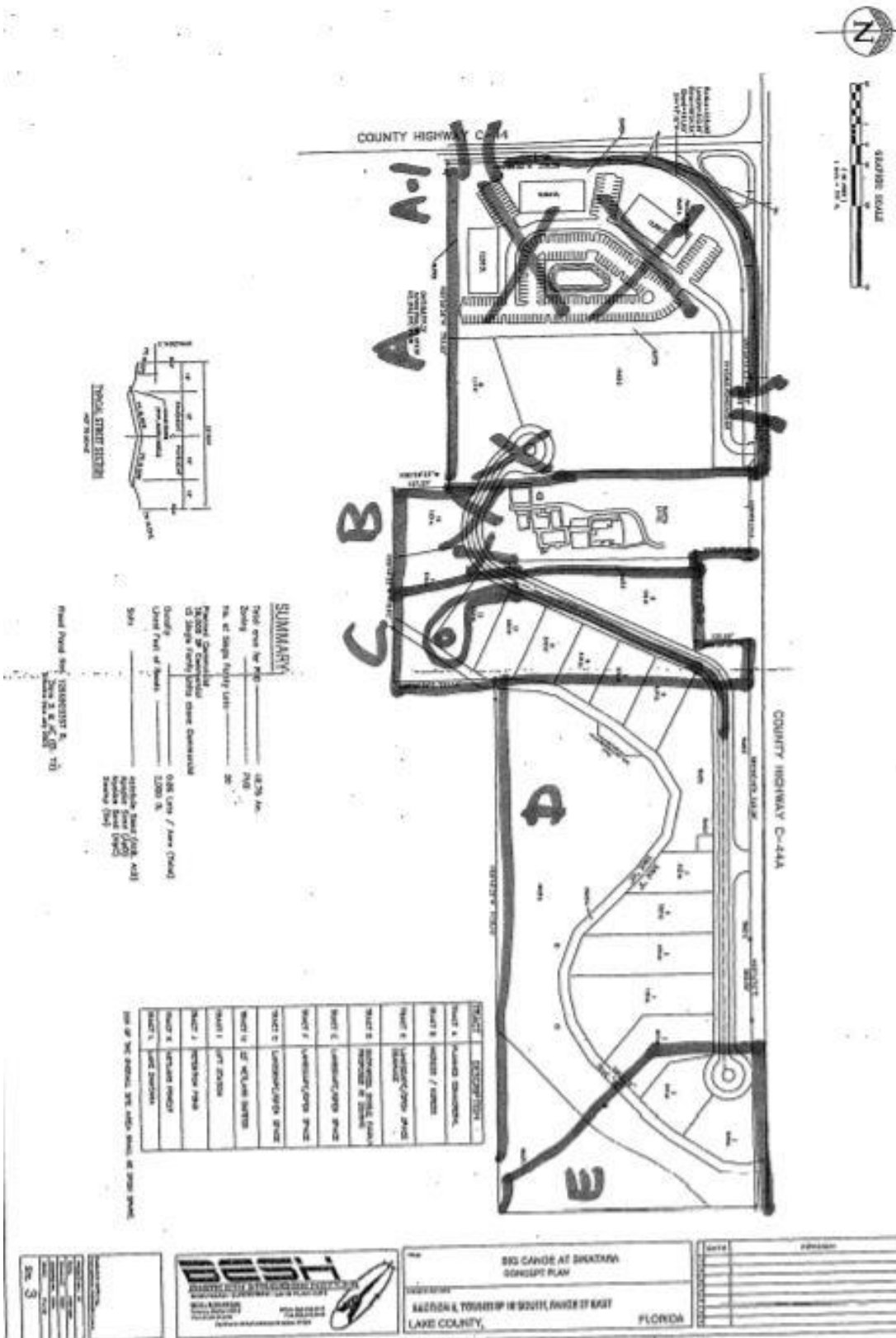
- A
- R-1
- R-3
- RP
- PUD

NAME: LAKE SWATARA PROPERTY
CASE NUMBER: RZ-20-31-4
LOCATION (S-T-R): 06-19-27
REQUEST: PLANNED UNIT DEVELOPMENT (PUD) AMENDMENT

DISTRICT: 4



Attachment "A" – Concept Plan



Attachment "B" – Applicant's Statement Addressing Standards for Review (Page 1 of 3)

Attachment to Zoning Application (PUD Amendment to Ordinance #2008-43):

Owners: Jack Cassell & Leslie Campione, and Lake Swatara Properties, Inc.
Address: 18800 Boathouse Drive, Eustis, FL 32736
Email address: campionelaw@comcast.net
Phone Number: 352-455-4633

Alternate Keys: 1040141, 3881335, 1754071, 3913835, 3834278, 1040132

11. Proposed use of the site: The property is comprised of 6 lots of record identified in the application as Tracts A, A-1, B, C, D, and E. The total acreage is over 40 acres in size. PUD Ordinance #2008-43 allows a maximum of 40 residential units with 25% open space and an overall density not to exceed 1 du/ac. There are existing single family residences and accessory buildings located on Tracts B and E, and an agricultural barn on Tract A. The home located on Tract B is of historical significance. The owner is requesting that each lot of record be permitted to function as a single family lot but if development occurs it would meet the requirements of the PUD. In addition, the owner is requesting the following uses be allowed on Tract B (Alternate Key 1754071-which was recently increased in size to 5.04 acres pursuant to a lot line adjustment) in conjunction with the historical residence and outbuildings located thereon: bed & breakfast, small venue (up to 50 guests) for weddings, retreats and educational purposes, home business, and agricultural uses. The owner anticipates selling Tract B to a separate owner in the near future, and is requesting that upon the transfer of ownership of Tract B, the PUD provisions will govern the ongoing use of Tract B but the PUD provisions governing future development will only apply to the remaining tracts, and any future platting of the remaining tracts will not require the joinder and consent of the owners of Tract B.

12. Statements:

A statement describing any changed conditions that would justify the rezoning (amendment): The owner is requesting the amendment to the PUD because the owner anticipates selling Tract B to a separate owner in the near future and desires to add uses that allow Tract B to be used as a bed & breakfast, a small venue (up to 50 guests) for events such as weddings, retreats or educational purposes, a home business, and agricultural purposes.

A statement why there is a need for the proposed rezoning (amendment): The owner would like to be able to use the property as six individual lots of record for single family occupancy and agricultural uses, and accommodate the sale of Tract B to a separate owner, while allowing future residential development as an option for the remaining property in the future.

A statement describing whether and how the proposed rezoning is consistent with the Lake County Comprehensive Plan: The property was rezoned PUD in 2008 (Ordinance #2008-43) to allow up to 40 residential units, 20 of which could be multi-family attached units. The requested PUD amendment is consistent with the Lake County

Attachment “B” – Applicant’s Statement Addressing Standards for Review (Page 2 of 3)

Comprehensive Plan because it accommodates the continuation of agricultural uses, the preservation of a historical structure, an orderly and logical development pattern, and provides for a transitional residential density thereby insulating the subject property from some of the more intense uses allowed in the surrounding area. The property to the south of the subject property (Spring Ridge) has been developed as a single family neighborhood in the City of Eustis at a density of approximately 3 du/acre. Since PUD Ordinance #2008-43 was adopted by the county, the land to the west of the subject property was annexed into the City of Eustis and rezoned for mixed use commercial uses. The property to the north of the subject property has been annexed into the City of Eustis and designated for a very large PUD with allowable land uses that far exceed the densities and intensities requested on the subject property. The requested amendment is consistent with the county’s Comprehensive Plan because it provides for an orderly and logical development pattern while preserving open space, agricultural uses, the preservation of a historical structure, and continues to provide for low density in the proximity of Lake Swatara. The requested amendment does not increase the overall density of the subject property but allows for the preservation of a historic home by expanding its use to include bed & breakfast, small venues, a home business and agricultural uses; and the requested amendment allows the subject property to continue to be used for agricultural purposes in conjunction with low density residential uses; and the requested amendment allows for greater flexibility so that the owner is not pressured to develop to the maximum allowable density.

A statement outlining the extent to which the proposed rezoning:

Is compatible with existing land uses: The property to the south of the subject property (Spring Ridge) has been developed as a single family neighborhood in the City of Eustis at a density of approximately 3 du/acre. Since PUD Ordinance #2008-43 was adopted by the county, the land to the west of the subject property was annexed into the City of Eustis and rezoned for mixed use commercial uses. The property to the north of the subject property has been annexed into the City of Eustis and designated for a very large PUD with allowable land uses that far exceed the densities and intensities requested on the subject property. The additional uses requested for Tract B are far less intense than the allowable densities and intensities approved by the City of Eustis.

Affects the capacities of public facilities and service: In its present configuration with 6 lots of record used as individual single family lots, the property has very little impact on public facilities and service, and the additional uses requested for Tract B will have minimal impacts on public facilities and will be similar to its current use as a single family residence with 5 outbuildings.

Affects the natural environment: The requested change to the PUD Ordinance will have no impact on the natural environment.

Will result in an orderly and logical development pattern: As noted above, the City of Eustis has annexed many parcels near the subject property. The requested change to the PUD Ordinance to allow the historical home on the subject property to be used as a

Attachment "B" – Applicant's Statement Addressing Standards for Review (Page 3 of 3)

bed & breakfast, small venue, home business and agricultural uses will allow for a transition between higher intensity uses allowed in the adjoining area while remaining compatible with surrounding residential uses.

Note to Rezoning Application #5

*In 2008, the owner had initiated engineering and construction of Phase 1 of the PUD which is comprised of Tracts D and E, and during that process installed a central sewer connection to the City of Eustis pursuant to a letter by the City agreeing to provide sewer service subject to the conditions stated in the letter. The City did not agree to provide central potable water to Phase 1, and in accordance with the provisions of Ordinance #2008-43 a waiver was granted for potable water service to Phase 1. The owner is requesting that if a mutually acceptable agreement for the provision of central potable water for subsequent phases cannot be reached with the City of Eustis in the future, the owner would be permitted to develop subsequent phases with individual wells provided the lots sizes and density complied with the LDRs. The PUD Ordinance currently allows an overall density of 1 du/acre with a maximum of 40 total residential units, and this amendment is not requesting any changes that would increase this density.

Leslie Campione, P.A.

342 E. Fifth Avenue

Mount Dora, FL 32757

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cell 352-455-4633

Email: campionelaw@comcast.net

Web: www.campionelaw.com

Attachment "C" – Comments from City of Eustis (Page 1 of 3)

From: Barnes, Lori <BarnesL@ci.eustis.fl.us>
Sent: Thursday, October 1, 2020 10:55 AM
To: Harris, Mary; Johnson, Emily
Cc: Allred, James T; Barnes, Lori; Bertrand, John; Brundage, Michael; Calhoun, Gary; Carrino, Tom; Davis, Scott; Dobbins, Greg; Everson, Niki; Franquiz, Jim; Fuller, Melissa; Gierok, Rick; Gordon, Adam; Huebsch, Laurie; Johnston, Bill; Jones, Jobey; LaPolla, Joe; Mayer, Sally; Millan, Daniel; Priest, Guy; Shepherd, Paul; Swanson, Mike; Wyrwal, Lauren
Subject: RE: REZONING - LAKE SWATARA PUD AMENDMENT / PROJECT#2007080013 - AR# 4190
Attachments: ORD 08-09.pdf

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the opportunity to comment on the Lake Swatara PUD Amendment. The City of Eustis has the following comment:

Lake County PUD Ordinance 2008-43 provides for an exemption for connection to potable water service as long as the lots are used for single family residences:

"12. Utilities: To the extent that each lot of record is used for a single family residence with allowable accessory uses, central sewer and potable water service shall not be required and the use of individual wells and septic tanks shall be permitted. Pursuant to a letter from the City of Eustis dated October 20, 2009 attached hereto as Exhibit, the City of Eustis has agreed to provide sewer service to Phase I of the PUD subject to the conditions stated therein, but the City was not willing to provide potable water service to Phase I and thus a waiver was granted for central potable water connection for Phase 1 in accordance with the provisions of Ordinance #2008-43. With regard to the development of future phases, developer shall seek central sewer and potable water connection from the City of Eustis, and if the City of Eustis agrees to said request pursuant to a mutually acceptable agreement, the developer shall be required to connect to the City's central sewer and potable water supply system prior to final plat approval. However, if the parties are unable to reach a mutually acceptable agreement, a waiver to central sewer and potable water connection shall be granted by Lake County provided that lot sizes and densities meet minimum requirements for the use of individual wells and septic tanks."

However, the PUD amendment proposed anticipates more intense uses, including bed and breakfast and wedding/event venue. Furthermore, conditions have changed since the attempted outside water agreement with the City of Eustis in 2009. As the property is now contiguous to the City limits, and water is available, pursuant to the city, county, and state policies listed below, as well as Eustis Ordinance 08-09 (attached), annexation into the City limits of Eustis and connection to City water should be required. Approval for any expansion of uses should follow annexation into the City limits and be addressed via the applicable Eustis development approval process.

Eustis Code of Ordinances Sec. 94-4. - Connection policy.

The following connection policy shall be followed within the municipal boundaries of the city except to the extent inconsistent with state law:

- (1) A property with an existing well for potable water shall be required to connect to the city water system for potable water no later than five years from the time the system is reasonably available to the property's potable uses.
- (2) A property utilizing or requiring a sewer or septic tank shall connect to the city's sewerage system when the system is reasonably available. No connection shall be required while a properly permitted and functioning

Attachment “C” – Comments from City of Eustis (Page 2 of 3)

septic tank is in service until such septic tank fails. Septic tank failure shall not mean routine maintenance or drainfield replacement.

(3) "Reasonably available," for purposes of this section, means as provided in state regulations for similar purposes, but shall also include those factual determinations which the city commission shall, in its sole discretion, deem applicable.

(4) An undeveloped lot or parcel shall be required to connect to central water or wastewater service at the time the lot or parcel is developed if central service is reasonably available at the time of such development.

(5) Connection as required by this policy shall also require compliance with all other state, county and city requirements in effect.

62-524 FAC

(2) Permitting and construction of new potable water wells, except for a well to be used for a public water system as defined in Rule 62-550.200, F.A.C., are prohibited in delineated areas where a distribution line of **an available potable water system is within 500 feet of the boundary of the property** for which a well construction permit is being sought. Such prohibition applies unless the property owner or applicant obtains documentation from the public water system or the Department's Water Supply Restoration and Replacement Program, and submits such documentation to the permitting entity, which demonstrates either of the following:

(a) That economic factors caused by physical or legal impediments to construction to a distribution line prevent the property owner or permit applicant from obtaining potable water through connection to the distribution line; or

(b) That necessary water distribution line extensions (excluding plumbing and meters) cannot be completed within 30 days of application to the Department for water supply restoration or replacement.

Lake County Comprehensive Plan Policy: [Link to Comp Plan](#)

Public Facilities Element - Potable Water

Policy IX-2.2.2 Mandatory Central Water Connection

Lake County shall review and revise, as appropriate, its mandatory central water connection ordinance which, at a minimum shall require new development within the Urban Future Land Use Series to connect to a public water system, when available.

Where central systems are not available, a new development exceeding a density of one unit per net acre shall provide a central water system, unless exempted by the Board of County Commissioners via public hearing.

At a minimum, existing homes and development in any Future Land Use Category shall be required to connect to an available public potable water system, when:

1. The Board of County Commissioners determines that there is endangerment to the environment, public health, safety, or welfare; or
2. The private potable water system fails and replacement is required, and the property is within an urban area; or
3. The system is relocated and the property is within an urban area

Disconnecting from a public or private central water system is prohibited.

Lake County Code of Ordinances: [Link to LC Code](#)

6.12.00 - Central Water System/Central Sewage System. 6.12.01 Connection Requirements.

A. Central Water System. All private potable water systems, unless exempted by the Board of County Commissioners via Public Hearing, Shall be connected and utilized to a regional/subregional potable water system when the regional/subregional potable water system comes within three hundred (300) feet of the private potable water system or any of the central lines of the private potable water system, measured as a curb line distance within a Right-of-Way or the centerline distance within an Easement. The private potable water

Attachment "C" – Comments from City of Eustis (Page 3 of 3)

system Shall be required to be connected and utilized within twelve (12) months of the availability of the regional/subregional potable water system. Notwithstanding the three hundred (300) feet mandatory Connection requirement, existing Development utilizing a private potable water system Shall be required to connect to a regional/subregional potable water system when the Board of County Commissioners determines that there is endangerment to the environment, public health, safety, and welfare.

Best regards,

Lori Barnes, AICP, CPM

Development Services Director

City of Eustis

4 North Grove Street, P.O. Drawer 68, Eustis, FL 32727

Phone: **(352) 483-5460**

Fmail: barnesl@ci.eustis.fl.us

ORDINANCE #2020-XX
Lake Swatara PUD Amendment
RZ-20-31-4

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

WHEREAS, Leslie Campione, P.A. (the “Applicant”) made a request on behalf of Lake Swatara Properties, Inc., Jack Cassell, M.D., and Leslie Campione, P.A. (the “Owners”) to amend Planned Unit Development (PUD) Ordinance #2008-43 to extend the central water connection waiver, specify Tract B development and to include additional uses; agriculture and non-intensive agriculture use, non-home occupation business, bed and breakfast/event venue use (50-guest, maximum) and passive recreation.; and

WHEREAS, the subject Planned Unit Development consists of 40.78 +/- acres and is generally located on the south side of County Road 44A, and east of County Road 44, in the Eustis area of unincorporated Lake County, situated in Section 6, Township 19, Range 27, having Alternate Key Numbers 1040141, 3881335, 1754071, 3913835, 3834278, and 1040132, and more particularly described below:

Legal Description – (Exhibit “A” Attached)

WHEREAS, the subject property is located within the Urban Low-Density Future Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, on the 27th day of September 2005, the Board of County Commissioners (BCC) approved PUD Ordinance #2005-79 rezoning 34.77 +/- acres from Medium Residential (R-3) and Agriculture (A) to Planned Unit Development (PUD) for a 34-unit single-family residential subdivision with agricultural uses; and

WHEREAS, on the 24th day of April 2007, the BCC approved PUD Ordinance #2007-18 to amend PUD Ordinance #2005-79 by adding 5.93 +/- acres of Agriculture zoned property to the PUD, and to include multi-family use; and

WHEREAS, on the 24th day of June 2008, the BCC approved PUD Ordinance #2008-43 as a text amendment to PUD Ordinance #2007-18; and

WHEREAS, the Lake County Planning and Zoning Board reviewed Petition RZ-20-31-4 on the 4th day of November 2020, after giving Notice on petition for a change in use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida on the 10th day of November 2020; and

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

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

WHEREAS, the approval of this Ordinance shall replace and supersede all prior ordinances, including PUD Ordinance #2005-79, PUD Ordinance #2007-18, and PUD Ordinance #2008-43 and;

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

Section 1. Terms and Condition: The County Manager or designee shall amend the Lake County Zoning Map to reflect this Ordinance. The uses of the subject properties, as described in Exhibit “A” (Legal

1 Description). To the extent where there are conflicts between the Exhibit "B" (Conceptual Plan) and
2 this Ordinance, this Ordinance shall take precedence. The adoption of this Ordinance shall revoke
3 and replace PUD Ordinance #2005-79, PUD Ordinance #2007-18, and PUD Ordinance #2008-
4 43.

5 **A. Waivers**

6 The requirement of connection to central water service pursuant to Central Water Service
7 System requirement of LDR Section 6.12.01(A) and Comprehensive Plan Policy IX-2.2.2
8 is hereby waived. However, future development shall connect to potable water when
9 central water service becomes available, in accordance with the Comprehensive Plan and
10 LDR, as amended.

11 **B. Land Uses:**

- 12 • Residential (20 residential dwellings; single-family detached or attached; 1 dwelling
13 per 1 net-acre density, maximum)
- 14 • Agriculture and Non-Intensive Agriculture
- 15 • Bed and Breakfast Home (with event venue, 50 guests maximum)
- 16 • Passive Recreation

17 **C. Single-Family Development Specifications.**

- 18 1. Height: All detached single-family dwelling units shall be limited to forty (40) feet in
19 height.
- 20 2. Setbacks: Detached single-family dwelling units shall maintain the following minimum
21 setbacks.
 - 22 a. Front: fifteen (15) feet
 - 23 b. Side: ten (10) feet
 - 24 c. Rear: fifteen (15) feet
- 25 3. All structures shall be setback a minimum of twenty-five (25) feet from all rights-of-
26 way bounding the project area.

27 Wetlands:

28 All principal and accessory structures shall maintain a minimum setback of fifty
29 (50) feet from these boundaries.

- 30 4. Lot Size: 8,700 square feet (minimum) for single-family lots

31 **D. Multi-Family Development Specifications.**

- 32 1. Multi-family units may only be allowed on Tracts A, D, or E.
- 33 2. A maximum of twenty (20) attached multi-family residential units shall be permitted.
34 Short-term rental of these units is prohibited.
- 35 3. Parking: Two parking spaces shall be dedicated for each residential unit.
- 36 4. Height: All attached multi-family residential units shall be limited to forty (40) feet in
37 height.

- 1 5. Setbacks: Attached multi-family dwelling units shall maintain the following minimum
2 setbacks.
- 3 a. Front: fifteen (15) feet.
- 4 b. Side: ten (10) feet.
- 5 c. Rear: fifteen (15) feet.
- 6 6. All structures shall be setback a between twenty-five (25) to fifty (50) feet from the
7 rights-of-way of County Road 44 and County Road 44A.

8 **E. Agricultural Uses.**

9 Agricultural uses which qualify as a bona-fide agricultural use under Florida Statutes,
10 including but not limited to a tree farm and nursery operation, shall be permitted within all
11 undeveloped areas or existing lots of record.

- 12 1. Tract A: May be used for wholesale or retail sales for items/products that are raised
13 or produced on said farm or nursery. Additional retail sales, in accordance with
14 cottage farms legislation, may be permissible.

15 **F. Non-Intensive Agricultural Uses.**

16 Non-intensive agricultural uses shall include cattle grazing, equestrian uses, hay
17 production, citrus groves, tree farms, vineyards, and sheep or goat grazing. Structures
18 constructed for passive recreational or agricultural uses within Tract C as shown on the
19 concept plan shall be permitted a setback of fifteen (15) feet from the boundary line.

20 **G. Passive Recreational Uses:** The developer may include passive recreational uses.

21 **H. Existing Lots of Record.**

22 Documentation must be provided to demonstrate of the six (6) parcels comprising the PUD
23 are lots of record as described in Exhibit "A". Nothing herein shall prevent each lot of
24 record from being used according to their present uses, including bona-fide agricultural
25 uses and residential uses.

26 **I. Tract B – Historical House.**

27 Tract B, 5.04 +/- acres, comprised of a historical homestead and five (5) accessory
28 structures allows the following uses.

- 29 1. Single-family residence
- 30 2. Bed and Breakfast Home
- 31 3. Event venue for ceremonies (weddings, retreats, and/or educational events) – Not
32 to exceed 50 guests
- 33 4. Non-home occupation business
- 34 5. Non-intensive agricultural uses

35 The PUD conditions pertaining to Tract B shall remain in effect should Tract B ownership
36 change. A joinder and consent of the owner of Tract B is not be required for the
37 development of the remaining portion of the PUD.

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J. Future Development and Allowable Land Uses.

The Phase 1 Construction Plan (approved on September 29, 2011) should be amended or withdrawn to accommodate future development of the PUD. All future development must be in accordance with the conditions of this ordinance, the Urban Low future land use category and the LDR, as amended.

K. Open Space.

A minimum of twenty-five (25) percent of the net land area of the PUD shall be set aside for use as open space. Open space may include all “common areas” designated for conservation, passive recreation. Net land area shall be as defined by the Comprehensive Plan, as amended.

L. Sidewalks.

In accordance with the LDR, PUDs located within the Urban Low-Density Future Land Use Category shall provide internal sidewalks; however, if the roads contained within the PUD are privately maintained, then stabilized or designated walking paths shall suffice to meet this requirement.

M. Fences, Walls, and Landscape Buffers.

1. The developer shall provide a Type “B” landscape buffer, with a minimum width of fifteen (15) feet, around the perimeter of the site, except for those portions abutting wetlands and/or shoreline. The landscape buffer shall be installed at such time each phase is developed.
2. For purposes of minimizing noise from County Road 44 and County Road 44A, a perimeter-wall up to ten (10) feet in height may be installed.
3. Existing vegetation may be used to supplement minimum landscape requirements.
4. All other landscaping shall be consistent with the LDR, as amended.

N. Floodplain.

1. As the PUD is partially located in Flood Zone “AE”, a 100-year floodplain, the project shall comply with all floodplain requirements, as established in the LDR, as amended.
2. A Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA) shall be required to remove any portion of the site from a floodplain.

O. Utilities.

1. Unless a waiver is granted by the BCC, central connection to potable water and sanitary sewer services will be required when services become available to the property in accordance with the Comprehensive Plan and LDR, as amended.

P. Transportation Improvements.

The applicant shall comply with access management requirements as established in the LDR, as amended.

Q. Development Review and Approval.

Prior to the issuance of any permits, the owner shall be required to submit plats and/or

1 site plans for review and approval by Lake County. The plats and/or site plans shall meet
2 all submittal requirements as contained in the Comprehensive Plan, LDR, County Codes
3 and Ordinances, as amended.

4 **R. Future Amendments to Statutes, Code, Plans and/or Regulations.**

5 The specific referenced in this Ordinance to the Florida Statutes, Florida Administrative
6 Code, Comprehensive Plan, and LDR shall include any future amendment to said
7 Statutes, Code, Plan, and/or Regulations.

8 **Section 2. Conditions.**

9 **A.** After establishment of the facilities as provided in this Ordinance, the property identified in this
10 Ordinance may only be used for the purposes identified in this Ordinance. Any other proposed
11 use must be specifically authorized by the Board of County Commissioners.

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

17 **C.** This Ordinance will inure to the benefit of, and will constitute a covenant running with the land
18 and the terms, conditions, and provisions of this Ordinance, and will be binding upon the present
19 Owner and any successor, and will be subject to each and every condition in this Ordinance.

20 **D.** The transfer of ownership or lease of any or all of the property described in this Ordinance must
21 include in the transfer or lease agreement, a provision that the purchaser or lessee is made good
22 and aware of the conditions established by this Ordinance and agrees to be bound by these
23 conditions. The purchaser or lessee may request a change from the existing plans and
24 conditions by following procedures contained in the Land Development Regulations, as
25 amended.

26 **E.** Action by the Lake County Code Enforcement Special Master. The Lake County Code
27 Enforcement Special Master will have authority to enforce the terms and conditions set forth in
28 this ordinance and to recommend that the ordinance be revoked.

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

32
33 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
34 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
35 Florida Statutes.

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

ENACTED this _____ day of _____, 2020.

FILED with the Secretary of State _____, 2020.

EFFECTIVE _____, 2020.

**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

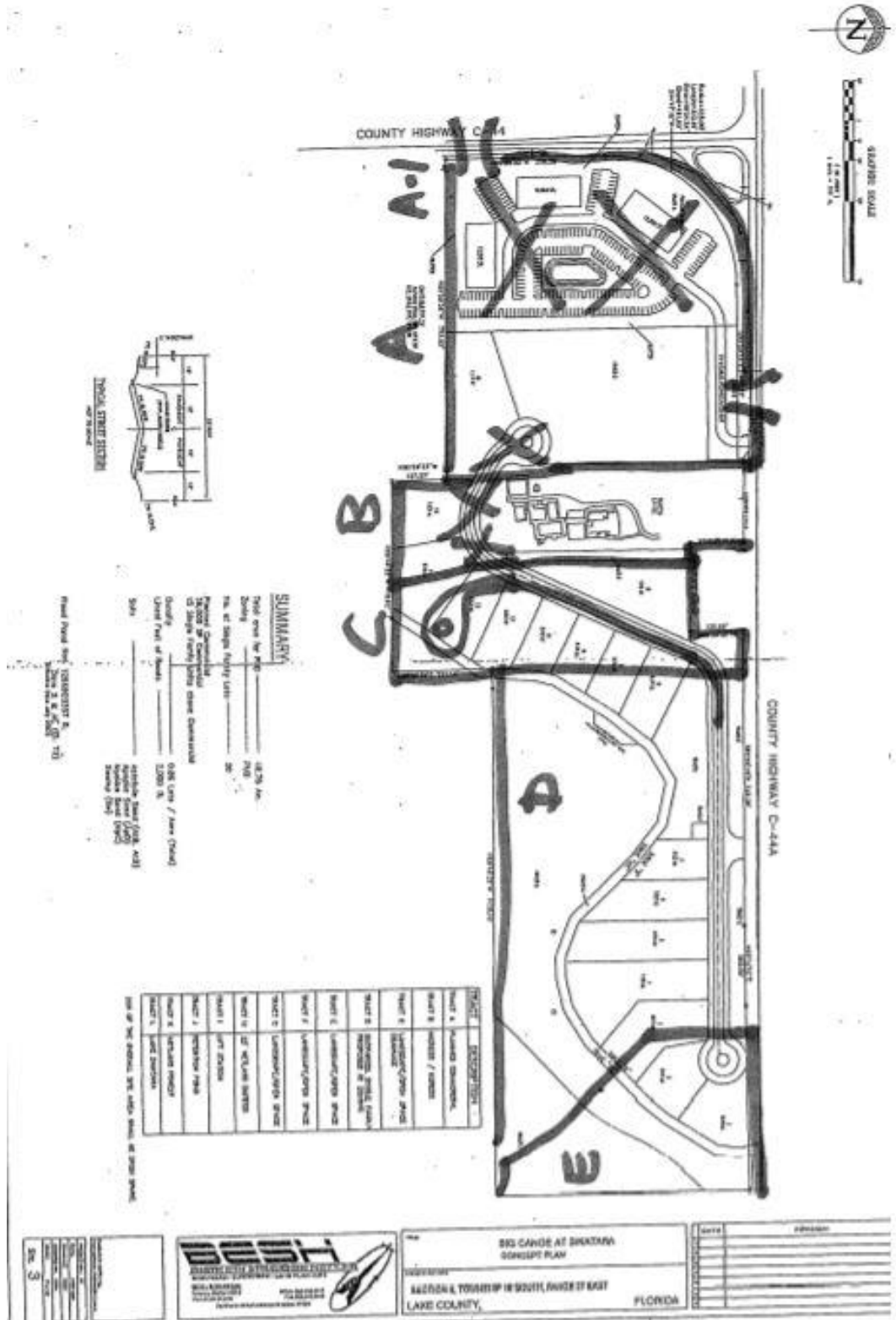
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LEGAL DESCRIPTION: Rehrer's Sub N 776.8 ft of Lot 5 S of Eustis-Cassia Hwy, LESS E 25 ft Sec 6 Twp. 19S Rge. 27E; Rehrer's Sub from NW cor of Lot 4, run S 00 deg. 39' 27" E 33.04 ft to S r/w line of Hwy 44-A & POB, run S 89 deg 26' 25" E along S r/w line 175 ft, S 00 deg 39' 27" E 135.01 ft, S 89 deg 55' 15"E 40 ft, S 01 deg 49' 36" W 461.40 ft to a point 629.18 ft S of N line of Lot 4, N 89 deg 55' 15" W 204.88 ft, N 00 deg 39' 27" W 64.32 ft, S 89 deg 55' 15" W 9.88 ft to W line of Lot 4, N 00 deg 39' 27" W 531.87 ft to POB (6-19-27); Rehrer's Sub begin at intersection of W line of Lot 2 with S r/w line of CR 44-A, run N 89-18-42 E along said S r/w line 200 ft, S 0-40-02 E 379 ft, S 46-45-07 E 369.40 ft to S line of said Lot 2, N 89-49-29 W 466.15 ft to SW cor of Lot 2, N 0-40-02 W 628.28 ft to POB, LESS CR 44A – Lot 3, that part of Lots 4 & 5 described as follows: From NW cor of Lot 4 run S 33.04 ft to S r/w line of CR 44A, S 89-26-25 E along said S r/w line 195.03 ft, cont S 89-47-10 E along said S r/w line 200.02 ft for POB, cont S 89-50-45 E 83.35 ft to E line of Lot 4, S 0-40-31 E 628.04 ft to SW cor of Lot 3, cont S 0-40-31 E 252.14 ft to SE cor of Lot 4, N 89-46-22 W 478.62 ft to SW cor of Lot 4, N 0-39-27 W 137.27 ft, N 89-47-38 W 25 ft., N 0-39-27 W 744.05 ft to S r/w line of CR 44A, S 89-26-25 E 25 ft to E line of Lot 5, S 0-39-27 E 531.87 ft, S 89-55-15 E 9.88 ft, S 0-39-27 E 64.32 ft, S 89-55-15 E 204.88 ft, N 01-49-36 E 461.40 ft, S 89-55-15 E 180.02 ft, N 0-39-27 W 132.86 ft to POB (6-19-27); add: Rehrer's Sub Lot 2 – LESS Begin at intersection with W line of Lot 2 with S r/w line of CR 44A, run N 89 deg 18' 42" E 200 ft, S 0 deg 40' 02" E 379 ft, S 46 deg 45' 07" E 369.40 ft to S line of Lot 2, N 89 deg 49' 29" W 466.15 ft to SW cor of Lot 2, N 0 deg 40' 02" W 682.28 ft to POB, Sec 6 Twp 19S Rge. 27E.

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Exhibit "B" – Concept Plan

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