



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

Public Hearings: Planning & Zoning Board (PZB): July 1, 2020
Board of County Commissioners (BCC): July 21, 2020

Case No. and Project Name: RZ-20-16-1, Broome Property

Applicant: Merideth Nagel, Esq. and/or Tina Smith, Esq., Merideth Nagel, P.A.

Owner: David and Carley Broome

Requested Action: Rezone property from Urban Residential (R-6) and Community Facility District (CFD) to Rural Residential (R-1) to facilitate residential development.

Staff Determination: Staff finds the rezoning application consistent with the Land Development Regulations (LDR) and the Comprehensive Plan.

Case Manager: Heather N. Croney, Planner

PZB Recommendation:

Subject Property Information

Size: 9.5 +/- Total Acres

Location: Intersection of County Road 561 and Florida Boys Ranch Road, in the Clermont area.

Alternate Key No.: 2877821 and 2862351

Future Land Use Category: Green Swamp Rural

Existing Zoning District: Urban Residential (R-6) and Community Facility District (CFD) per Ord. #2004-30

Proposed Zoning District: Rural Residential (R-1)

Joint Planning Area/ISBA: City of Clermont JPA

Overlay Districts: Green Swamp Area of Critical State Concern

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Urban Residential (R-6) and Rural Residential (R-1)	Residential	Florida Boys Ranch Rd, Adjoining Single-Family Dwelling Units
South	Green Swamp Rural	Urban Residential (R-6)	Residential	Single-Family Dwelling
East	Green Swamp Rural	Urban Residential (R-6)	Residential	CR 561, Adjoining Single-Family Dwelling Units
West	Green Swamp Rural	Urban Residential (R-6)	Agriculture	Citrus grove

– Summary of Analysis –

The vacant subject properties are comprised of 9.5 +/- acres, are currently zoned Urban Residential (R-6) and Community Facility District (CFD) (in accordance with Ordinance 2004-30), and are designated as Green Swamp Rural Future Land Use Category (FLUC). The subject properties are generally located on the southwest corner of County Road 561 and Florida Boys Ranch Road, in the Clermont area. The parcels are located within the Clermont Joint Planning Area.

The application seeks to rezone the properties from R-6 and CFD to Rural Residential (R-1) zoning to construct a single-family dwelling unit with acreage for personal horses. The subject parcels are currently undeveloped. The parcel identified by Alternate Key Number 2862351 is zoned R-6, and was created through the minor lot split process in 2019. This parcel may be developed with a single-family dwelling unit, but the R-6 zoning district does not allow non-intensive agriculture uses. The parcel identified by Alternate Key Number 2877821 is zoned CFD by Ordinance #2004-30 for use as a place of worship.

The rezoning application was provided to the City of Clermont for comment. The City of Clermont had no comments or issues with the rezoning request.

The rezoning application was provided to the Florida Department of Economic Opportunity (DEO) for comment regarding consistency with the Green Swamp Area of Critical State Concern regulations. DEO did not provide any comment, however, DEO retains the ability to appeal any development permit pursuant to Section 380.05, Florida Statutes.

- Analysis -

Land Development Regulations Section 14.03.03 Standards for Review.

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

The rezoning application and proposed use are consistent with LDR Section 3.01.02(B)(2), *Classification of Uses – Agricultural Uses*, which defines non-intensive agriculture as the milking, feeding, or sheltering of farm animals or growing of supplemental food supplies for the domestic, noncommercial use of the families living on the land.

The requested rezoning application and proposed use are also consistent with LDR Table 3.01.03, *Schedule of Permitted and Conditional Uses*, which allows single family dwelling units and non-intensive agricultural uses within the R-1 zoning district.

In regards to the consistency with the provisions of the Clermont JPA, the request is consistent with LDR Table 15.02.01A, *Lot Size and Frontage Requirements Matrix*, which requires a one-acre minimum lot size and one-hundred (100) foot road frontage requirement for parcels located within the R-1 zoning district.

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

The request and use are consistent with all applicable elements of the Comprehensive Plan. The subject parcel is designed with a Green Swamp Rural Future Land Use Category (FLUC), which allows residential and equestrian-related uses.

The request is consistent with Comprehensive Plan Policy I-4.2.3, *Green Swamp Rural Future Land Use Category*, which allows a maximum density of one (1) dwelling unit per five (5) net buildable acres within the FLUC.

The Applicant provided the following consistency statement: “The proposed rezoning is within the future land use of the Green Swamp Rural area. The new proposed zoning of R-1 would be more consistent with keeping a rural environment than the current R-6 zoning which allows more homes per acre.”

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

The surrounding parcels are zoned R-1 and R-6, and are developed with single-family dwelling units. The proposed development of a single-family dwelling unit is consistent with the existing adjoining parcels. The applicant states that the surrounding existing land uses are residential uses, so the proposed rezoning is consistent with surrounding existing land uses.

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

There is no evidence of recent rezoning applications within the area over the past 5 years to demonstrate a development trend to justify rezoning. However, the surrounding parcels are zoned R-1 and R-6, both of which allow residential development. The R-1 zoning district allows non-intensive agriculture uses. The surrounding parcels are developed with single-family dwelling units, consistent with the future land use.

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

Water and Sewer

The septic tank and well for each property shall be consistent with the Florida Department of Health regulations, as amended.

Office of Parks and Recreation

The request is not anticipated to adversely impact park capacity or levels of service.

Office of Public Safety

Lake County Fire Rescue Station #110, located at 6234 County Road 561, is less than three (3) miles from the subject property. This facility will provide advanced life support should an emergency situation on the property demand this service.

Solid Waste

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

Schools

The request is not anticipated to adversely impact schools levels of service.

Transportation Concurrency

The request is not anticipated to potentially impact the roadway network and Level of Service (LOS) standards.

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

Should the rezoning be approved, all environmental resources will be addressed through the development review process. New development will be required to meet all criteria specified by the LDR and Comprehensive Plan.

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

The rezoning application did not contain any information regarding impact on property values in the area.

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

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area. Should the rezoning be approved, the property use will be for a single family dwelling unit and personal horses will be kept on the property.

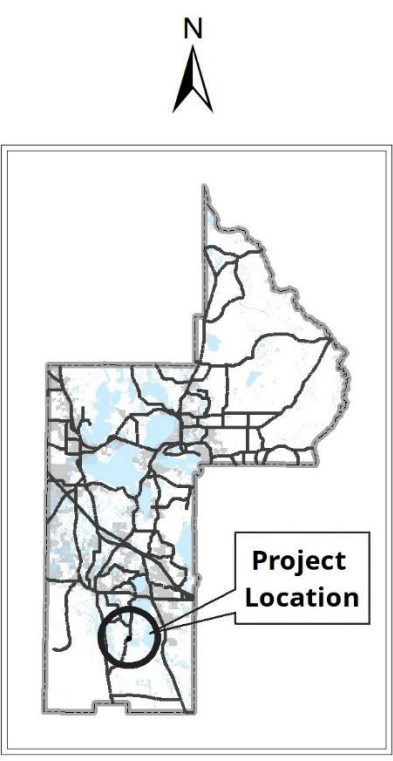
- I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and**

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

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

None.

Map of Subject Property



CURRENT FUTURE LAND USE



FUTURE LAND USE LEGEND

-  Rural
-  Green Swamp Rural
-  Green Swamp Rural Conservation

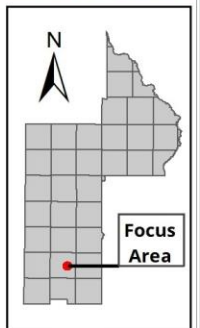
NAME: BROOME PROPERTY

CASE NUMBER: RZ-20-16-1

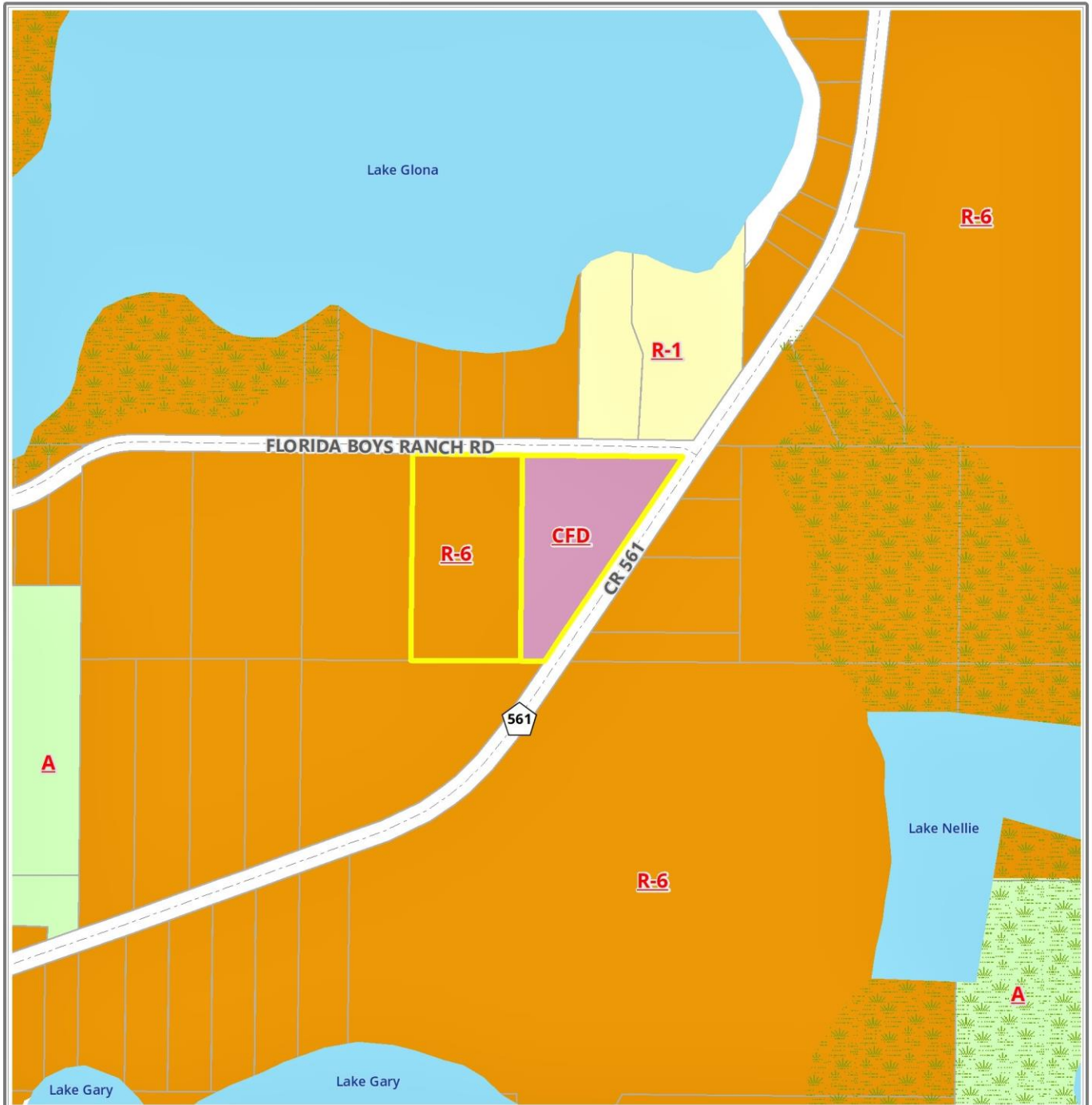
LOCATION (S-T-R): 23-23-25

REQUEST: URBAN RESIDENTIAL (R-6) & COMMUNITY FACILITY DISTRICT (CFD) TO RURAL RESIDENTIAL (R-1)

DISTRICT: 1



CURRENT ZONING



ZONING LEGEND

A R-1 R-6 CFD

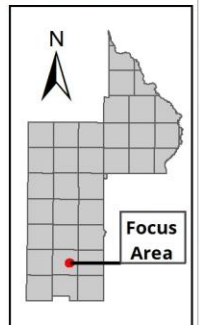
NAME: **BROOME PROPERTY**

CASE NUMBER: **RZ-20-16-1**

LOCATION (S-T-R): **23-23-25**

REQUEST: **URBAN RESIDENTIAL (R-6) & COMMUNITY FACILITY DISTRICT (CFD) TO RURAL RESIDENTIAL (R-1)**

DISTRICT: **1**



ORDINANCE #2020-XX
Broome Property Rezoning
RZ-20-16-1

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

WHEREAS, Merideth Nagel, Esquire and/or Tina Smith, Esquire (the “Applicants”) submitted an application on behalf of David and Carley Broome (the “Owners”) to rezone property from Rural Residential District (R-6) and Community Facility District (CFD) to Rural Residential (R-1) to accommodate residential development and non-intensive agriculture uses; and

WHEREAS, the subject property consists of approximately 9.5 acres located on the corner of County Road 561 and Florida Boys Ranch Road, in the Clermont area, in Section 23, Township 23 South, Range 25 East, identified by Alternate Key Numbers 2877821 and 2862351, and more particularly as described as:

The East 1/2 of the NW 1/4 of the NW 1/4 of the NW 1/4, in Section 23, Township 23 South, Range 25 East, Lake County, Florida, Less road right-of-way; and

That part of the Northeast 1/4 of the Northwest 1/4 of the Northwest 1/4, lying West of County Road 561, in Section 23, Township 23 South, Range 25 East, LESS Right-of-Way of County Road 561, Lake County, Florida.

WHEREAS, the subject property is located within the Green Swamp Rural Land Use Category as shown on the Lake County Comprehensive Plan Future Land Use Map (FLUM); and

WHEREAS, the property will be rezoned to Rural Residential (R-1) in accordance with the Lake County Zoning Regulations; and

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-20-16-1 on the 1st day of July 2020, after giving notice of a hearing for a change in the use of land, including a notice that the petition will be presented to the Board of County Commissioners of Lake County, Florida, on the 21st day of July 2020; and

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

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

WHEREAS, the approval of this ordinance shall supersede and replace any and all previous zoning ordinances on the properties, including Ordinance #2004-30.

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

Section 1. Terms: The County Manager or designee shall amend the Official Zoning Map to rezone the subject property to Rural Residential (R-1).

Section 2. Development Review and Approval: Prior to the issuance of any permits, the Owner shall submit applications for and receive necessary final development order approvals as provided in the Lake County Comprehensive Plan and Land Development Regulations, as amended. The applications for final development orders must meet all submittal requirements and comply with all County codes and ordinances, as amended.

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

4 **Section 4. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy of
5 this Ordinance to the Secretary of State for the State of Florida in accordance with Section
6 125.66, Florida Statutes.

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

8 ENACTED this _____ day of _____, 2020.

9
10 FILED with the Secretary of State _____, 2020.

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12 EFFECTIVE _____, 2020.

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15 BOARD OF COUNTY COMMISSIONERS
16 LAKE COUNTY, FLORIDA

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20 LESLIE CAMPIONE, CHAIRMAN

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23 **ATTEST:**

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27 GARY J. COONEY, CLERK OF THE
28 BOARD OF COUNTY COMMISSIONERS
29 LAKE COUNTY, FLORIDA

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32 **APPROVED AS TO FORM AND LEGALITY:**

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35 _____
36 MELANIE MARSH, COUNTY ATTORNEY