



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): January 6, 2021
Board of County Commissioners (BCC): January 26, 2021

Case No. and Project Name: RZ-20-37-5, May and Whitaker Property

Owner: May and Whitaker Family Partnership, Thomas B. Whitaker and John C. Whitaker

Applicant: Ray and Associates

Requested Action: Rezone 27.89 +/- acres from Agriculture (A) and Agriculture Residential (AR) to Planned Unit Development (PUD) to accommodate residential subdivision development and consideration of central sewer system connection waiver.

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

Case Manager: Janie Barrón, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 27.89 +/- Acres

Location: South of County Road 452 and west of Apiary Road, in the Grand Island area.

Alternate Key Nos.: 1705665, 1407435 and 2831642

Future Land Use Category: Urban Low Density

Existing Zoning District: Agriculture (A) and Agriculture Residential District (AR)

Proposed Zoning District: Planned Unit Development (PUD)

Joint Planning Area / ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Urban Low Density	Agriculture (A)	Right-of-Way, Residential and Agricultural	CR 452, Adjoining Single-Family Residences North of R-O-W and Orange Grove
South	Urban Low Density	Agriculture (A)	Residential	Large Tract of Land with Single-Family Residence
East	Urban Low Density	Agriculture (A), Rural Residential (R-1), Urban Medium (R-3)	Residential and Subdivision	Large Agriculture Tracts with Single-Family Residences and Windy Ridge Subdivision
West	Urban Low Density	Agriculture (A)	Residential Subdivision, Lake and Pond	Vacant Large Tract of Agriculture Land

– Summary of Analysis –

The subject 27.89 +/- acres is zoned Agriculture (A) and Agriculture Residential District (AR) and designated as Urban Low Density Future Land Use Category (FLUC) by the 2030 Comprehensive (Comp) Plan. The subject parcels are currently undeveloped and vacant. The subject parcels are generally located south of County Road 452 and west of Apiary Road, in the Grand Island area.

The application seeks to rezone the subject 27.89 +/- acres to Planned Unit Development (PUD) to facilitate the development of a residential subdivision at a density of 2.47 dwelling units per net acre, which would allow a maximum of a sixty-nine (69) single-family dwelling units (Attachment "A"). The property is located within the Urban Low Density FLUC, which allows residential development at a maximum density of four (4) dwelling units per net acre.

The application includes a waiver request to the Board of County Commissioners (BCC) to the central sewer system connection requirements established in LDR Section 6.12.01(B) and Comp Plan Policy IX-3.1.2 (Attachment "B") which requires developments exceeding one (1) dwelling unit per acre to connect to central sewer. Approval of the waiver request will allow use of on-site septic systems for the residential lots as permitted by the Florida Department of Health (DOH). The proposed ordinance contains a condition that requires the subject property to connect to a central sewer system when the service becomes available.

- 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 request is consistent with the purpose and intent of the PUD zoning district, as allowed by LDR Section 4.03.00. The LDR specifies that PUDs are allowed in all land use classifications. PUD zoning is intended to allow a diversification of uses, structures and open space in a manner compatible with both the existing and proposed surrounding uses. The concept plan illustrates consistency with this LDR provision.

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

The rezoning application seeks to develop a residential subdivision utilizing limited urban utilities (central water) consistent with Comp Plan Policy I-1.1.3, which encourages direct growth and development to urban areas where public facilities and services are presently in place or planned.

The proposed request is consistent with Comp Plan Policy I-1.3.2, Urban Low Density FLUC, which allows residential uses. The application seeks to rezone the subject parcels to accommodate the development of a residential subdivision at a density of 2.47 dwelling units per net acre, consistent with Comp Plan Policy I-1.3.2, Urban Low Density FLUC, which allows a density of four (4) dwelling units per net acre.

The Urban Low Density FLUC requires residential developments in excess of ten (10) dwelling units to provide a minimum of twenty-five (25) percent net buildable area of the entire site as common open space. The concept plan proposes to designate more than twenty-five (25) percent of the net buildable area as open space which is consistent with Comp Plan Policy I-1.3.2, Urban Low Density FLUC.

The rezoning application to accommodate the future development of 69 dwelling units is consistent with Comp Plan Policy I-7.8.1, which requires PUD zoning for any application seeking fifty (50) or more dwelling units.

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

The rezoning request is to facilitate the development of a residential subdivision consistent with the Urban Low Density FLUC as established in the 2030 Comp Plan. The Urban Low Density FLUC fulfills the County's vision for the area to be developed in an urban form. The adjoining parcels are not developed in an urban form or with urban land uses. However, nearby subdivisions were developed in accordance with the Suburban FLUC, which was a FLUC established in the prior 1991 Comp Plan and allowed a density of three (3) dwelling units per acre. These subdivisions were developed prior to the adoption of the 2030 Comp Plan. Residential development at that time required a demonstration of timeliness of urban services to obtain residential density greater than 1 dwelling per 5 gross acres. As such, those developments were allowed to develop at three (3) dwelling units per acre.

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

Over the past five (5) years, the County's historical zoning map does not indicate any rezoning trends for residential uses within close proximity of the subject properties. Based on the review of the surrounding area, staff found that Apiary Point Subdivision, Windy Ridge Subdivision, and Wedgewood Club 6th Addition are located within 25-feet and 660-feet of the subject property. The residential subdivisions were developed prior to the adoption of the 2030 Comp Plan. The surrounding subdivisions were designed with a Suburban FLUC by the 1991 Comp Plan and developed in accordance with the Suburban FLUC, which allowed a density of three (3) dwelling units per acre.

The application indicates that the Owners wish to develop in a low density urban manner as envisioned by the Lake County Comp Plan. The Urban Low Density FLUC allows a density of four (4) dwelling units per net acre.

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

Pursuant to Comp Plan Policy IX-3.1.2, connection to central sewer services is required for development within the Urban Future Land Use Series. The City of Eustis, being the nearby service provider, has indicated that central sewer is not available to the subject parcel (Attachment "C"). To address the lack of services, the Applicant has submitted a waiver to the central sewer connection requirement for BCC consideration. Should the BCC approve the sewer connection waiver, the subdivision lots will be allowed to install an on-site septic system consistent with the Florida DOH permit regulations. However, the proposed ordinance contains a condition that the parcel shall connect to central sewer when the service becomes available.

Parks and Recreation

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

Public Safety

The nearest fire station is Umatilla Fire Station #72, located within less than two (2) miles of the subject property at 12340 County Road 44, Leesburg. This station will provide advanced life support should an emergency on the property demand this service.

Solid Waste

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

Schools

Lake County School Board has indicated adequate student capacity is available to address the potential school impacts of this rezoning in their Adequate Public Facilities Determination Letter (Attachment "D"). A School Concurrency capacity reservation is required prior to final development order approval.

Transportation Concurrency

A Traffic Impact Analysis (TIA) was submitted and reviewed by Public Works Department Transportation Engineering, which found the analysis to be adequate.

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 sensitive natural resources will be addressed through the development review process. New development will be required to meet all criteria specified by the Conservation Element of the Comp Plan and the Resource Protection provisions contained in the LDR. An environmental survey shall be conducted in accordance with the LDR to identify the presence of natural resources and specify protection and necessary mitigation of any endangered or threatened wildlife, flora and/or fauna, to include those that are species of special concern.

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

There is no information within the application that specifies impacts on property values.

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

Over the past five (5) years, the County's historical zoning map does not indicate any rezoning trends for residential uses within proximity of the properties. The proposed rezoning request will facilitate the development of a residential subdivision consistent with the Urban Low Density FLUC and the County's vision for the area to be developed in an urban form in accordance with the 2030 Comp Plan.

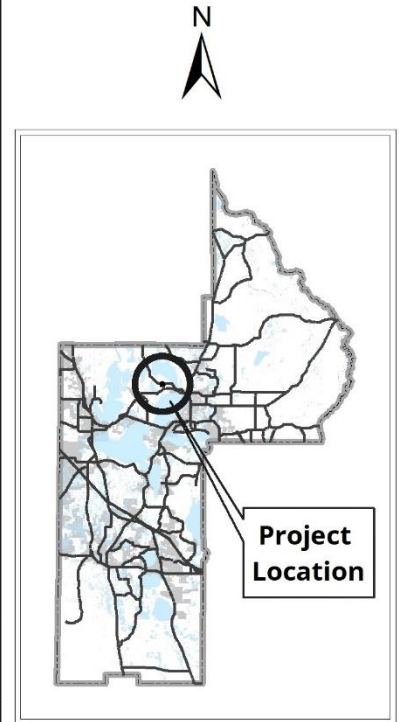
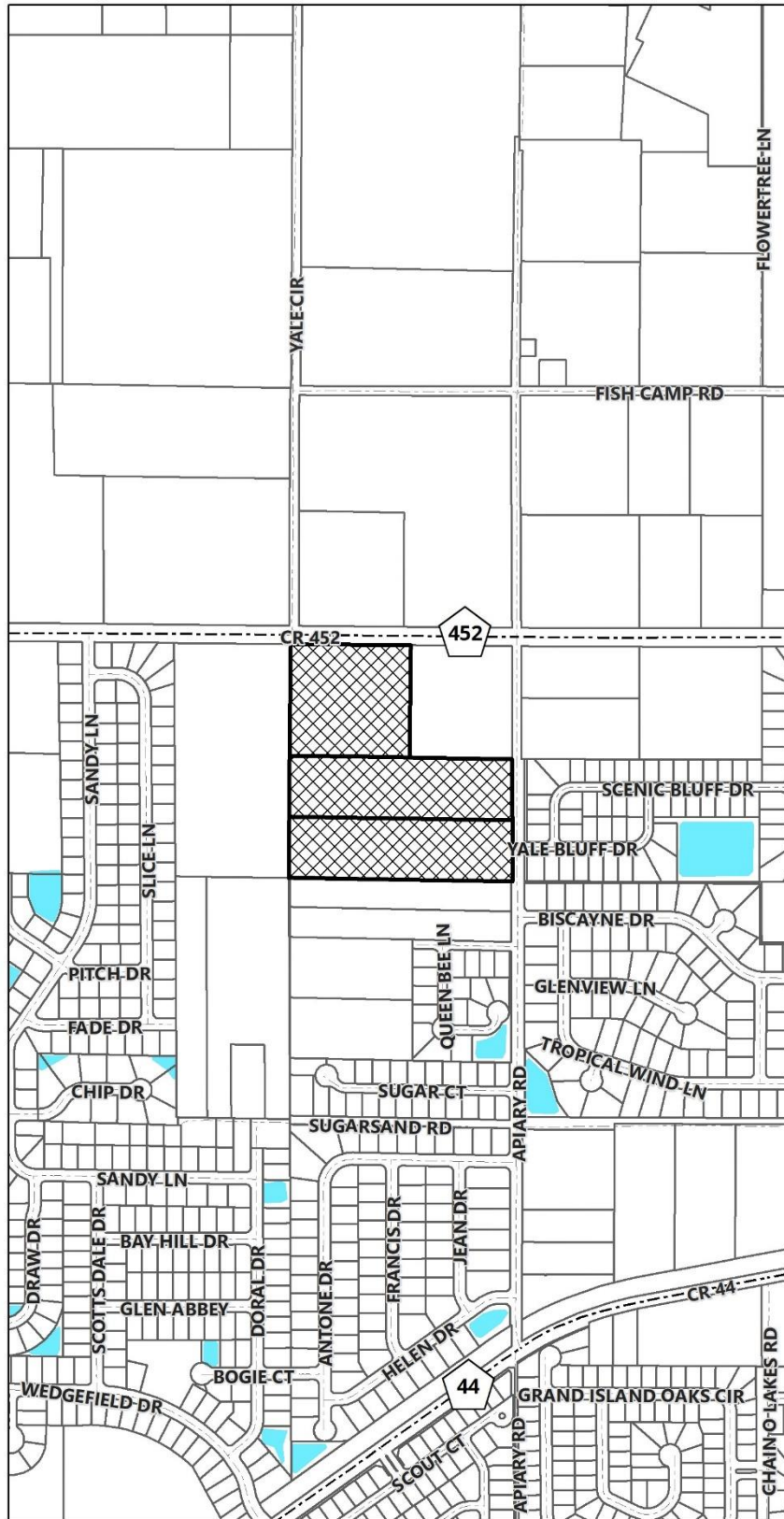
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

The rezoning application is in harmony with the general intent of the Comp Plan and LDR, 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.

This rezoning application includes a utility connection waiver request for consideration by the BCC. Comp Plan Policy IX-3.1.2 requires development within the Urban Future Land Use Series to connect to central water and central sewer services. The application seeks to waive the connection requirement to the central sewer system to allow the subdivision to be constructed with septic tanks. Staff must emphasize that approval of this rezoning is contingent upon the BCC approving the waiver to the utility connection requirement.

Map of Subject Property



CURRENT FUTURE LAND USE

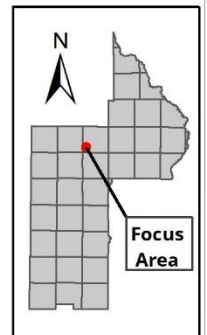


FUTURE LAND USE LEGEND

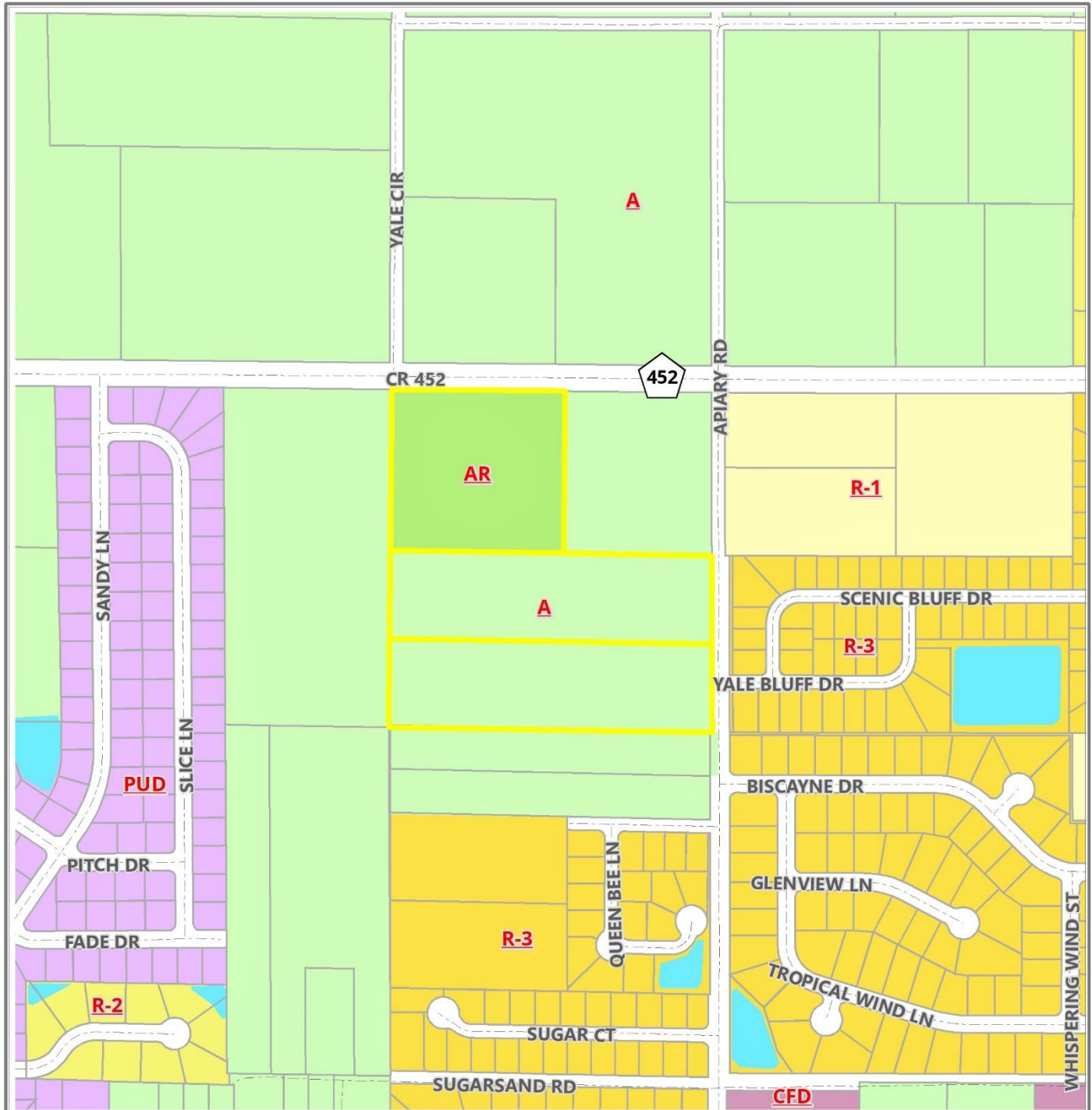
Urban Low Rural Transition

NAME: **MAY & WHITAKER PROPERTY**
CASE NUMBER: **RZ-20-37-5**
LOCATION (S-T-R): **30-18-26**
REQUEST: **AGRICULTURAL RESIDENTIAL (AR) & AGRICULTURE (A) TO
PLANNED UNIT DEVELOPMENT (PUD)**

DISTRICT: **5**



CURRENT ZONING



ZONING LEGEND

A AR R-1 R-2 R-3 CFD PUD

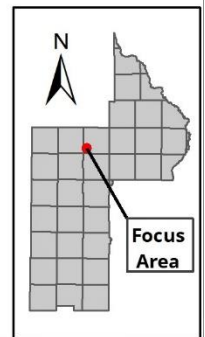
NAME: **MAY & WHITAKER PROPERTY**

DISTRICT: **5**

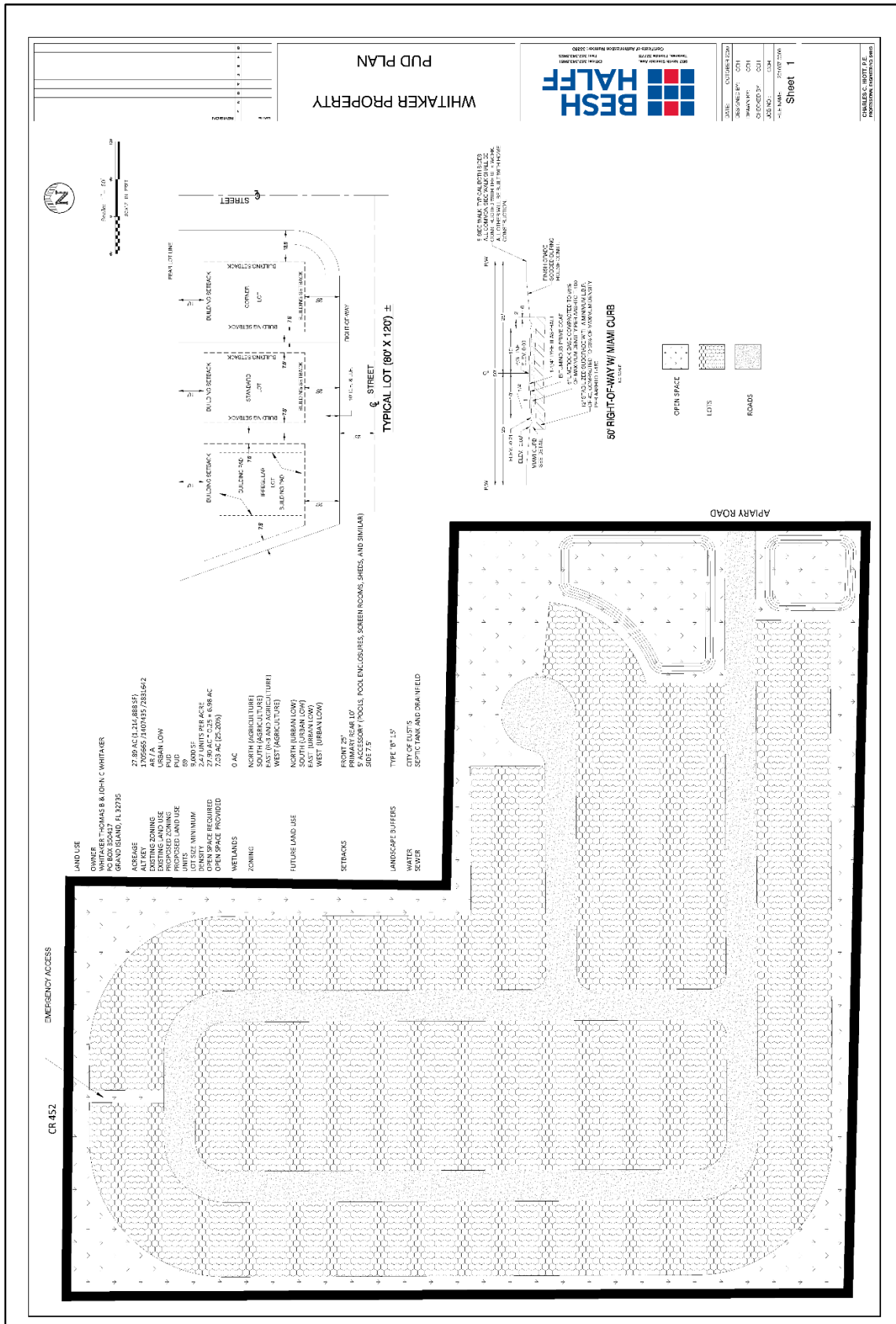
CASE NUMBER: **RZ-20-37-5**

LOCATION (S-T-R): **30-18-26**

REQUEST: **AGRICULTURAL RESIDENTIAL (AR) & AGRICULTURE (A) TO
PLANNED UNIT DEVELOPMENT (PUD)**



Attachment "A" – Concept Plan



Attachment "B" – Central Sewer Waiver Request



Ray and Associates

Planning & Environmental

2712 SE 29th Street Ocala, Florida 34471

352-425-8881

wrayassoc@aol.com

Date: December 4th, 2020

Memo To: Tim McClendon, AICP; Planning Manager
Janie Barron, Senior Planner
Office Planning and Zoning, Lake County

From: William (Bill) A. Ray, AICP
CC: Chuck Hiott, PE

Subject: Sewer Connection Waiver Request
Rezoning Application – May and Whitaker Property (RZ-20-37-5)
Project No. 2020110005,
Application Request No. 4240
Alternate Key No. 1705665, 1407435 and 2831642

Transmitted Via Email:

Dear Janie;

The City of Eustis has confirmed by the execution of Utility Notification form previously submitted that they are not able to provide central sewer as there is no service within 1,000 feet of the subject project.

Pursuant to Comprehensive Plan Policy IX-3.1.2 where a public sanitary sewer system is not available, development exceeding a density of 1 unit per acre must provide a regional/sub-regional sanitary sewer system unless exempted by the Board of County Commissioners.

This Letter/Memo is provided requesting a Waiver to Lake County's Central Sewer Connection Requirement on behalf of May and Whitaker property owners.

The fee for the central sewer connection waiver of \$250.00 has been paid and derived to the County on 12/03/2020.

Do not hesitate to contact me if you have any questions or require additional information.

Thank you;

Authorized Agent:

William A. Ray, AICP
Ray and Associates

Attachment "C" – City of Eustis Utility Notification Request



Office of Planning and Zoning

Utility Notification

In an effort to assure governmental cooperation and assistance in the use of approved utility facilities, Lake County shall, per Land Development Regulations, Section 6.12.00, require connection to those facilities upon development, within 1,000 feet of an approved central sewage system and/or within 300 feet of an approved central water system.

The owner of the following property has either a pending public hearing, commercial project under review or is in the process of obtaining a permit. It is understood that a one-day turn around for this information is required so that delays for issuance will be minimized.

Please acknowledge the availability to serve the following property with central utility systems.

The applicant is proposing the following:

Single-Family Dwelling XXXX Multi-Family Units _____ Duplex _____ Commercial _____

Administrative Lot Split _____ Commercial Project _____ Rezoning XXXX

Legal description: Section 30 Township 18 Range 26 Alt Key # 1705665
1407435

Subdivision _____ Lot _____ Block _____ Additional Legal attached XXXX
2831642

Hook up to Central Sewage is not within 1,000 feet of the above described property.
(is or is not)

Hook up to Central Water is within 300 feet of the above described property.
(is or is not)

The City of Eustis, will provide immediate hook up to this property for:

Central Sewage: Yes _____ No XXX Central Water: Yes XXX No _____
Will the connection to the central sewage system be via a _____gravity line or a _____force main/pump? NA

Wellfield Protection:

To protect the principal source of water in Lake County, per section 6.03.00 of the Land Development Regulations, the area within 1,000 feet radius shall be considered a wellhead protection area.

This property is _____ or is not XXX within 1,000 feet of an existing or future wellhead.

Please attach any conditions that affect the availability of provision of service to this property.

City Official or Private Provider Signature [Signature]

Print Name and Title: Sally Mayer, Public Utilities Admin Date 12-2-20

Please return this completed form to the Office of Planning & Zoning via facsimile to (352) 343-9767, or email it to zoning@lakecountyfl.gov.

To be completed by County staff: Staff Name: _____
Date Received: _____ Address #: _____ Project Name: _____

Attachment "D" – School Board Comments



Lake County Schools Adequate Public Facilities Determination

REVIEWING AUTHORITY	Lake County Schools	LCS APF29-2020
PROJECT NAME/CASE#	Apiary Rd Residential Development Whitaker Rezoning Proj#2020110005, AR#4240	(Lk County) May
ITEM DESCRIPTION	Proposed 69 single family dwelling unit subdivision. Project acreage 30+/-	
LOCATION	County Road 452 and Apiary Road	
AK's	1705665, 1407435, 2831642	

	SF-DU	MF-DU	MH-DU	SF Impacts	MF Impacts
NEW DU IMPACT				69	
STUDENT GENERATION	0.350	0.282	0.185	24	0
Elementary School	0.157	0.153	0.095	11	0
Middle School	0.079	0.061	0.044	5	0
High School	0.114	0.068	0.046	8	0

*Students generated may differ from distribution percentages due to rounding

Assigned Schools:	CSA #4					
	Enrollment 2020-2021	Concurrency Capacity*	Projected Five Year Capacity %	Student Enrollment w/ Impact	% of Perm. Capacity w/ Impact	Planned Capacity Project
Treadway Elementary	729	833	88%	740	89%	No
Eustis Middle	841	1,327	63%	846	64%	No
Eustis High	1,180	1,615	73%	1,188	74%	No

*Lake County School District Five-Year Plan, Fiscal Year 2021-2025

Please note that this is NOT a School Concurrency capacity reservation.

Please be aware that at time of school concurrency review that proportionate share mitigation may be required.
This review does not include already reserved capacities.

Prepared by: Helen LaValley, Lake County Schools Growth Planning Dept. Issue Date: 11/24/2020

ORDINANCE #2020-XX
May and Whitaker Property
RZ-20-37-5

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

3 **WHEREAS**, Ray and Associates (the “Applicant”) submitted a rezoning application on behalf of
4 May and Whitaker Family Partnership, Thomas B. Whitaker and John C. Whitaker (the “Owners”) to
5 rezone property from Agriculture (A) and Agriculture Residential District (AR) to Planned Unit
6 Development (PUD) to accommodate residential subdivision development; and

7 **WHEREAS**, the subject property consists of approximately 27.89 +/- acres, is generally located
8 south of County Road 452 and west of Apiary Road, in the Grand Island area , in Section 31, Township
9 18 South, Range 26 East, is identified by an Alternate Key Numbers 1705665, 1407435 and 2831642,
10 and more particularly described below:

11 **LEGAL DESCRIPTION: EXHIBIT “A” – ATTACHED**

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

14 **WHEREAS**, the property will be rezoned to Planned Unit Development (PUD) in accordance with
15 the Lake County Zoning Regulations; and

16 **WHEREAS**, Lake County Planning and Zoning Board did review petition RZ-20-37-5 on the 6th
17 day of January 2021, after giving notice of a hearing for a change in the use of land, including a notice
18 that the petition will be presented to the Board of County Commissioners of Lake County, Florida, on the
19 26th day of January 2021; and

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

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

25 **WHEREAS**, the approval of this ordinance shall supersede and replace any and all previous
26 zoning ordinances on the property.

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

29 **Section 1. Terms:** The County Manager or designee shall amend the Lake County Zoning Map to
30 designate the property described in the above legal description in this Ordinance as Planned
31 Unit Development (PUD) zoning in accordance with this Ordinance. All uses shall be
32 generally consistent with the Concept Plan as shown in Exhibit “B” of this Ordinance. To the
33 extent where there are conflicts between the Conceptual Plan and this Ordinance, this
34 Ordinance shall take precedence.

1 **A. Utility Connection Waivers.** Approval to waive the Central Sewer Service System
 2 connection requirement pursuant to LDR Section 6.12.01(B) and Comprehensive Plan
 3 Policy IX-3.1.2 for development within the Urban Future Land Use Series, is granted until
 4 such time as the service becomes available, in accordance with the Comprehensive Plan
 5 and LDR, as amended.

6 **B. Land Uses.**
 7 1. Residential Development, 69 residential lots, maximum (2.47 dwelling unit/net acre).
 8 Other accessory uses may be approved by the County Manager or designee.

9 Any other use of the property will require approval of an amendment to this Ordinance
 10 by the Board of County Commissioners.

11 **C. Setbacks.** The minimum setbacks for residential development will be as specified below,
 12 as measured from the property line:

Development Type	Front	Side	Rear ¹	Secondary Front
Single Family Residence	25-Feet	7.5 Feet	10-Feet	15-Feet
Note 1: Pools, pool enclosures, screen rooms, sheds and similar accessory structures shall have a five (5) foot rear setback.				

- 13 1. Driveways for single family lots shall be setback a minimum of five (5) feet from the
 14 side property lines.
 15 2. Except for water dependent structures, all development must be setback a minimum
 16 of fifty (50) feet from the jurisdictional wetland line.
 17 3. Any setback not specified herein must be in accordance with the LDR, as amended.

18 **D. Transportation Improvements.**
 19 1. Additional right-of-way for Apiary Road shall be required.
 20 2. Offsite road improvements that include turn lanes will be required at the subdivision
 21 entrance from Apiary Road.
 22 3. Sidewalks will be required per LDR commercial design standards, as amended.
 23 4. All access management shall be in accordance with the Comprehensive Plan and
 24 LDR, as amended.

25 **E. Landscaping, Buffering and Screening.** Landscaping, buffering and screening shall
 26 be in accordance with the LDR, as amended.

27 **F. Open Space, Impervious Surface Ratio and Building Height.** Open space,
 28 impervious surface and building height shall be in accordance with the Comprehensive
 29 Plan and LDR, as amended.
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G. Environmental Requirements.

1. An environmental assessment dated within six (6) months of the development application submittal is required to demonstrate the presence of vegetation, soils, threatened and endangered species that may exist on the site. Any State permitting or mitigation will be required before development can commence in accordance with the Comprehensive Plan and LDR, as amended.
2. Environmental resources shall be protected in accordance with the Comprehensive Plan and LDR, as amended.
3. Copies of permits from all jurisdictional state agencies will be required prior to the commencement of construction.

H. Stormwater Management. The stormwater management system shall be designed in accordance with St. Johns River Water Management District (SJRWMD) requirements and LDR, as amended.

I. Floodplain Management. The developer shall be responsible for any flood studies required for developing the site and comply with FEMA, Comprehensive Plan and LDR, as amended. Any development within the floodplain as identified on the FEMA maps will require compensating storage.

J. Noise. Noise assessment shall be in accordance with the LDR, as amended.

K. Lighting. Exterior lighting, if provided, will be consistent with Dark-Sky Principles and in accordance with the LDR, as amended.

L. Utilities.

1. Connection to City of Eustis central potable water service facility is required.
2. The development shall be serviced by an on-site system consistent with the Florida Department of Health permit requirements. The development shall connect to central sewer services when the service becomes available, in accordance with the Comprehensive Plan, as amended.

M. Signage. All signage must be in accordance with the LDR, as amended.

N. Concurrency Management Requirements. Any development must comply with the Lake County Concurrency Management System, as amended.

O. Development Review and Approval.

1. Prior to the issuance of any permits, the Applicant or Owner shall be required to submit a development application for review and approval in accordance with the Comprehensive Plan and LDR, as amended.
2. PUD Expiration: Physical development shall commence within three (3) years from the date of this Ordinance approval. Failure to commence construction within three (3) years of approval shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan or superseding documents amended. Prior to expiration of the three (3) year time frame, the Board of County Commissioners may grant, via a

1 Public Hearing, one (1) extension of the time frame for a maximum of two (2) years
2 upon a showing that reasonable efforts have been made towards securing the
3 required approvals and commencement of work.

4 **P. Future Amendments to Statutes, Code, Plans, or Regulations.** The specific
5 references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake
6 County Comprehensive Plan and LDR shall include any future amendments to the
7 Statutes, Code, Plans, or LDR.

8 **Section 2. Conditions.**

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

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

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

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

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

31 **Section 3. Development Review and Approval:** Prior to the issuance of any permits, the Owner shall
32 submit applications for and receive necessary final development order approvals as provided
33 in the Lake County Comprehensive Plan and LDR, as amended. The applications for final
34 development orders must meet all submittal requirements and comply with all County codes
35 and ordinances, as amended.

36 **Section 4. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid
37 or unconstitutional by any court of competent jurisdiction, the holding will in no way affect the
38 validity of the remaining portions of this Ordinance.

1 **Section 5. Filing with the Department of State.** The clerk is hereby directed forthwith to send a copy
2 of this Ordinance to the Secretary of State for the State of Florida in accordance with Section
3 125.66, Florida Statutes.

4 **Section 6. Effective Date. This Ordinance will become effective as provided by law.**

5 **ENACTED** this _____ day of _____, 2021.

6
7 **FILED with the Secretary of State** _____, 2021.

8
9 **EFFECTIVE** _____, 2021.

10
11 **BOARD OF COUNTY COMMISSIONERS**
12 **LAKE COUNTY, FLORIDA**

13
14
15 _____
16 **SEAN M. PARKS, CHAIRMAN**

17
18 **ATTEST:**

19
20 _____
21 **GARY J. COONEY, CLERK OF THE**
22 **BOARD OF COUNTY COMMISSIONERS**
23 **LAKE COUNTY, FLORIDA**

24
25 **APPROVED AS TO FORM AND LEGALITY:**

26
27 _____
28 **MELANIE MARSH, COUNTY ATTORNEY**

EXHIBIT "A" – LEGAL DESCRIPTION

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2

PARCEL NO. 1:

THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 26 EAST, IN LAKE COUNTY, FLORIDA, LESS AND EXCEPT THE RIGHT OF WAY OF STATE ROAD S-452.

PARCEL NO. 2:

THAT PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 26 EAST. IN LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: FROM THE SOUTHEAST CORNER OR THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 30, RUN THENCE NORTH 88°48'23" WEST ALONG THE SOUTH LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 553.44 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION. FROM SAID POINT OF BEGINNING CONTINUE NORTH 88°48'23" WEST ALONG SAID SOUTH LINE OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 40 FEET TO AN IRON PIPE LOCATED AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 30; THENCE NORTH 0°17'35" WEST ALONG THE WEST LINE OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 A DISTANCE OF 603.67 FEET TO THE SOUTHERLY LINE OF THE RIGHT OF WAY OF STATE ROAD S-452; THENCE SOUTH 89°39'27" EAST ALONG THE SOUTHERLY LINE OF SAID RIGHT OF WAY 49 FEET; THENCE SOUTH 0°33'40" WEST 604.23 FEET TO THE POINT OF BEGINNING.

PARCEL NO. 3

THE SOUTH 1/2 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA, SUBJECT TO A RIGHT OF WAY FOR APIARY ROAD ALONG THE EAST SIDE OF THE SUBJECT PROPERTY.

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