



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 6

Public Hearings: Planning & Zoning Board (PZB): July 6, 2022
Board of County Commissioners (BCC): August 2, 2022

Case No. and Project Name: RZ-22-16-5, Illinois-Crown Property

Applicant: Ryan Shelley and Leslie Allen; Bradley and Denise Forsyth

Owner: Ryan Shelley and Leslie Allen; Bradley and Denise Forsyth

Requested Action: Rezone 3.86 +/- acres from Rural Residential (R-1) to PUD (Planned Unit Development) to facilitate the development of two (2) single-family residential lots and includes a utility waiver request to LDR Section 6.12.01(A) and Comprehensive Plan Policy IX-2.2.2, Mandatory Central Water Connection, and to LDR Section 6.12.01(B) and Comprehensive Plan Policy IX-3.1.2, Mandatory Sewer Connection for BCC consideration.

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

Case Manager: Ryan Winkler, Planner

PZB Recommendation:

Subject Property Information

Size: 3.86 +/- acres

Location: North of Bertsville Road and east of Illinois Street in the Lady Lake area.

Alternate Key No.: 2863056 and 2863099

Future Land Use Category: Rural Future Land Use Category (Attachment "A")

Proposed Future Land Use: Planned Unit Development (PUD) [Separate Application, see FLU-22-06-5]

Existing Zoning District: Rural Residential (R-1) (Attachment "B")

Proposed Zoning District: Planned Unit Development (PUD)

JPA / ISBA: Town of Lady Lake Interlocal Service Boundary Agreement (ISBA)

Overlay Districts: Town of Lady Lake Utility Service Area (USA)
Emerald Marsh Rural Protection Area (RPA) (Attachment "C")

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Rural	Rural Residential (R-1)	Residential and Agricultural uses	Single-Family Dwelling Unit and Barn structures
South	Rural	Rural Residential (R-1)	Bertsville ROW, Residential Development	Welhan Acres, six (6) 1-acre residential lot subdivision
East	Rural	Rural Residential (R-1)	Illinois Street ROW, Residential Use	Bert's Subdivision, twenty-seven (27) 0.5-acre lot residential subdivision
West	Rural	Rural Residential (R-1)	Crown Place ROW, Residential Use	Single-Family Dwelling Units on two (2)-acre parcels

- Summary of Analysis -

The subject property identified by Alternate Key Numbers 2863056 and 2863099 contain approximately 3.86 acres and are located north of Bertsville Road, east of Crown Place, and west of Illinois Street in Lady Lake area of unincorporated Lake County. The property is currently zoned Rural Residential (R-1) and is part of the Rural Future Land Use Category (Table 1). The subject properties are currently undeveloped.

The application seeks to rezone the subject properties from Agriculture (A) to Planned Unit Development (PUD) to facilitate the development of two (2) single-family dwelling units (Table 1). The concept plan (Attachment "D") depicts the proposed two (2) lots developed with a single-family dwelling unit and accessory structures on each, with a net density of one (1) dwelling unit per 1.93 net acres and 70% open space.

	Zoning District	Density	Maximum Dwelling Units	Minimum Open Space	Building Height
Existing	Rural Residential (R-1)	One (1) dwelling unit per net acres	3	N/A	Max. 40 feet
Proposed	Planned Unit Development (PUD)	One (1) dwelling unit per 1.93 net acre	2	70%	Max. 40 feet

This application was submitted in conjunction with an application to amend the Future Land Use Map (FLUM) to establish a Planned Unit Development (PUD) Future Land Use Category on the subject property. Approval of this rezoning is contingent upon the Board approving the FLUM amendment request.

In addition, this application includes a utility waiver request to LDR Section 6.12.01(A) and Comprehensive Plan Policy IX-2.2.2, Mandatory Central Water Connection, and to LDR Section 6.12.01(B) and Comprehensive Plan Policy IX-3.1.2, Mandatory Sewer Connection (Attachment "G"). A Utility Notification letter was provided from the Town of Lady Lake (Attachment "F") which states the Town is unable to provide services to the subject property at this time.

- 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 is consistent with LDR Section 4.03.01 which states that PUDs are allowed in all land use categories and that 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.

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

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

The **Future Land Use Element** seeks to ensure compatibility between densities and intensities of development, providing for land use transitions as appropriate to protect the long-term integrity of both urban and rural areas; promote the conservation and preservation of Lake County’s natural and cultural resources; and direct development to established urban areas to prevent sprawl.

The subject property is situated within the Rural FLUCs which allow a maximum density of one (1) dwelling unit per five (5) net acres. The proposed amendment will establish a maximum density of 1.93 dwelling units per net acre to be consistent with the surrounding development; the rezoning ordinance will provide additional development standards to maintain the rural character. Below is a breakdown of calculations for surrounding developments as proof that the proposed development plan is consistent and transitional with the existing development (Table 2).

Table 2. Comparison to Surrounding Developments.						
Project Name	Gross Acres	Net Acres	Units	Gross Density	Net Density	Lot Sizes
Illinois-Crown Property	3.86	3.86	2	1.93 du/ac	1.93 du/ac	280' x 300'
Bert's Subdivision	5.00	5.00	27	0.19 du/ac	0.19 du/ac	50' x 137.50 55' x 135' 50' x 140'
Bert's Subdivision 1 st Add	9.70	9.70	51	0.19 du/ac	0.19 du/ac	90' x 90' 85' x 90' 50' x 92.25'
Welhan Acres Subdivision	7.86	7.86	6	1.31 du/ac	1.31 du/ac	167.75' x 360.48' 150' x 335.43'

The **Capital Improvements Element** seeks to maintain adopted level of service standards and ensure public facilities and services are available concurrent with development. See the Applicant’s Justification Statement in Attachment “E”. The application is not in conflict with the Capital Improvements Element.

The **Conservation Element** is intended to provide a framework for the ongoing monitoring, management, and use of the County’s natural resources.

The subject properties are located within the Emerald Marsh Rural Protection Area (RPA), in accordance with Comprehensive Plan Object I-5.3 (Attachment “C”). The Emerald Marsh RPA, including its waters, wetlands, floodplain, and pasture, is a unique resource of unique value to Lake County and has been federally designated as a National Natural Landmark. Within the Emerald Marsh RPA, private land use is largely characterized by agrarian and equestrian-oriented activities that represent a valuable part of the history, culture, and lifestyle of rural Lake County. The development application proposed residential development at a density of 1.93 du/ac with seventy (70%) percent open space.

According to GIS Aerials, there are no presence of wetlands or bodies of water on the subject properties.

See the Applicant’s Justification Statement in Attachment “E”. The application is not in conflict with the Conservation Element.

The **Economic Element** seeks to strengthen the County's position as a business center for Central Florida by aggressively pursuing opportunities and building collaborative relations with regional allies. See the Applicant's Justification Statement in Attachment "E". The application is not in conflict with the Economic Element.

The purpose of the **Housing Element** is to guide Lake County in developing appropriate goals, objectives and policies that demonstrate the County's commitment to meet the identified needs of all its residents. See the Applicant's Justification Statement in Attachment "E". The application is not in conflict with the Housing Element.

The **Intergovernmental Coordination Element** strives to promote coordination between Lake County and other local, state, regional, and federal government entities. The subject property is located within the Town of Lady Lake ISBA. The Town was provided with a copy of the application to provide input. The Town stated that they cannot provide potable water and center wastewater service to the proposed residential development (Attachment "F"). Based on the information provided by the Town (Attachment "F"), their potable water and sewer lines are not close enough to require the development to connect to the Town's utilities. The application is not in conflict with the Intergovernmental Coordination Element.

The goal of the **Parks and Recreation Element** is to facilitate the development and management of parks and facilities for a recreation system that includes environmental lands, trails, and other recreational opportunities that meets the diverse needs of a growing community. The proposed increase in density is not anticipated to adversely impact the level of services established for parks. The application is not in conflict with the Parks and Recreation Element.

The goal of the **Transportation Element** is to prepare a plan that emphasizes more efficient use of the existing transportation system and contributes to the wider national objectives of energy conservation, improved air quality, and increased social and environmental amenity. See the Applicant's Justification Statement in Attachment "D". The application is not in conflict with the Transportation Element.

The purpose of the **Public Facilities Element** is to ensure that public facilities are available to meet the needs of Lake County residents; public facilities in this element refers to aquifer recharge, potable water, sanitary sewer, solid waste, stormwater, and public-school facilities. See Section 5 below.

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

The application seeks to develop the subject property with two (2) single family dwelling units and accessory uses (Attachment "D"). These uses are specifically named in the draft PUD ordinance and are consistent with the draft policy for the Illinois-Crown PUD FLUC.

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

The Applicant has provided a justification statement which is included as Attachment "E".

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 subject properties are located within the Town of Lady Lake ISBA. The Town of Lady Lake has indicated that central water and central sewer are not available to the subject property. Based on the information provided by the Town (Attachment "E"), their potable water and sewer lines are not close enough to require the development to connect to the Town's utilities.

Schools

Residential impact fees will be required at the time of permitting.

Parks

The proposed comprehensive plan amendment is not anticipated to adversely impact park capacity or levels of service.

Solid Waste

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

Public Safety

Lake County Fire Rescue #54 is located approximately 5.9 miles from the subject property at 6200 Lake Griffin Road, Lady Lake, and will provide advanced life support should an emergency on the property demand this service. Fire protection water supply and emergency access will be addressed during the site plan review process.

Transportation Concurrency

Public Works reviewed the application and noted that the project will be generating approximately two (2) pm peak hour trips.

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

New development will be required to meet all criteria contained within the Comprehensive Plan and LDR, as amended. The proposed development will be required to provide a minimum of 70% open space. According to GIS aeriels, there are no presence of wetlands or bodies of water on the subject properties.

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

There is no indication that the rezoning application will affect 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 property is surrounded by low-density residential development. The application proposes a PUD zoning district to accommodate two (2) single family dwelling units at a density of 1.93 dwelling units per net acre.

South of the subject property, along the south side of Bertsville Road, is the Welhan Acres subdivision which is zoned Rural Residential (R-1). This subdivision is developed at a density of 1.31 dwelling units per net acre.

East of the subject property, on the east side of Illinois Street, is the Bert's Sub development which is zoned R-1. The five (5) +/- acre subdivision includes twenty-seven (27) residential lots of single-family dwelling units at a density of 0.19 dwelling units per net acre.

Southeast of the property, further south along Illinois Street, is the Bert's Subdivision 1st Addition, zoned R-1, developed with single-family dwelling units on fifty-one (51) residential lots at a density of 0.19 +/- dwelling units per net acre.

North of the subject property is developed with single-family dwelling units on lots ranging from 1.5 – 3 acres in size.

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 LDR as stated in Sections A through H above.

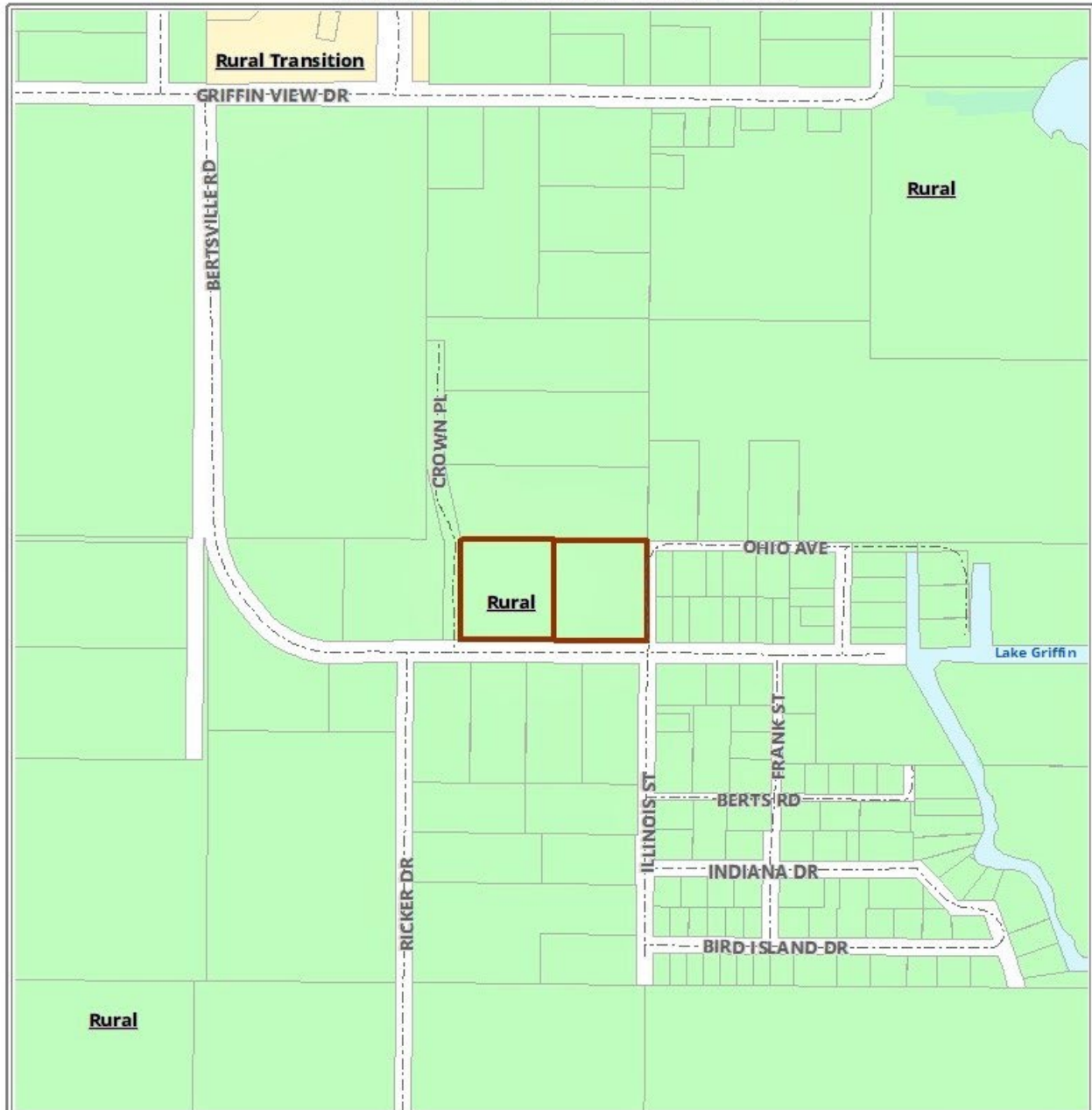
J. Any other matters that may be deemed appropriate by the Lake County Zoning Board or the Board of County Commissioners, in review and consideration of the proposed rezoning.

The rezoning application was submitted in conjunction with an application to amend the Future Land Use Map (FLUM) to establish a Planned Unit Development (PUD) Future Land Use Category on the subject property. Approval of this rezoning is contingent upon the Board approving the FLUM amendment request.

In addition, this application includes a utility waiver request to LDR Section 6.12.01(A) and Comprehensive Plan Policy IX-2.2.2, Mandatory Central Water Connection, and to LDR Section 6.12.01(B) and Comprehensive Plan Policy IX-3.1.2, Mandatory Sewer Connection.

Attachment "A"- Future Land Use Category

CURRENT FUTURE LAND USE



Future Land Use

 Rural  Rural Transition

NAME: **ILLINOIS-CROWN PROPERTY**

CASE NUMBER: **FLU-22-06-5**

LOCATION (S-T-R): **24-18-24**

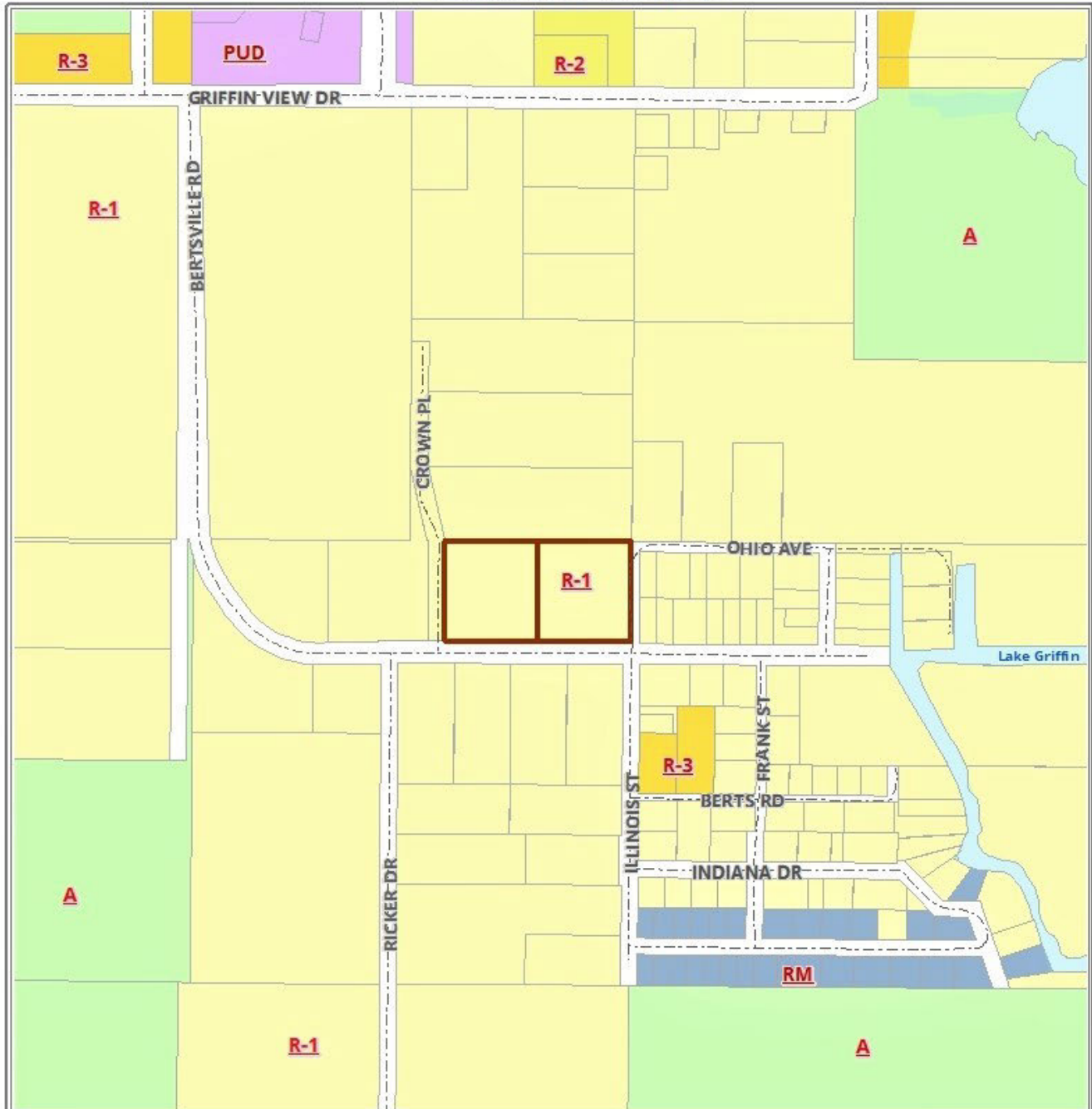
REQUEST: **RURAL TO PLANNED UNIT DEVELOPMENT**

DISTRICT: **5**



Attachment "B" - Zoning District

CURRENT ZONING



Zoning Legend



NAME: **ILLINOIS-CROWN PROPERTY**

DISTRICT: **5**

CASE NUMBER: **FLU-22-06-5**

LOCATION (S-T-R): **24-18-24**

REQUEST: **RURAL TO PLANNED UNIT DEVELOPMENT**



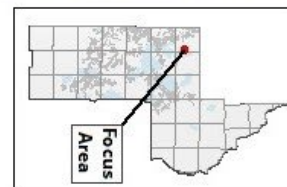
Attachment "C" – Emeralda Marsh Rural Protection Area



FLU-22-06-5
Illinois-Crown Property



Rural
to
Planned Unit
Development



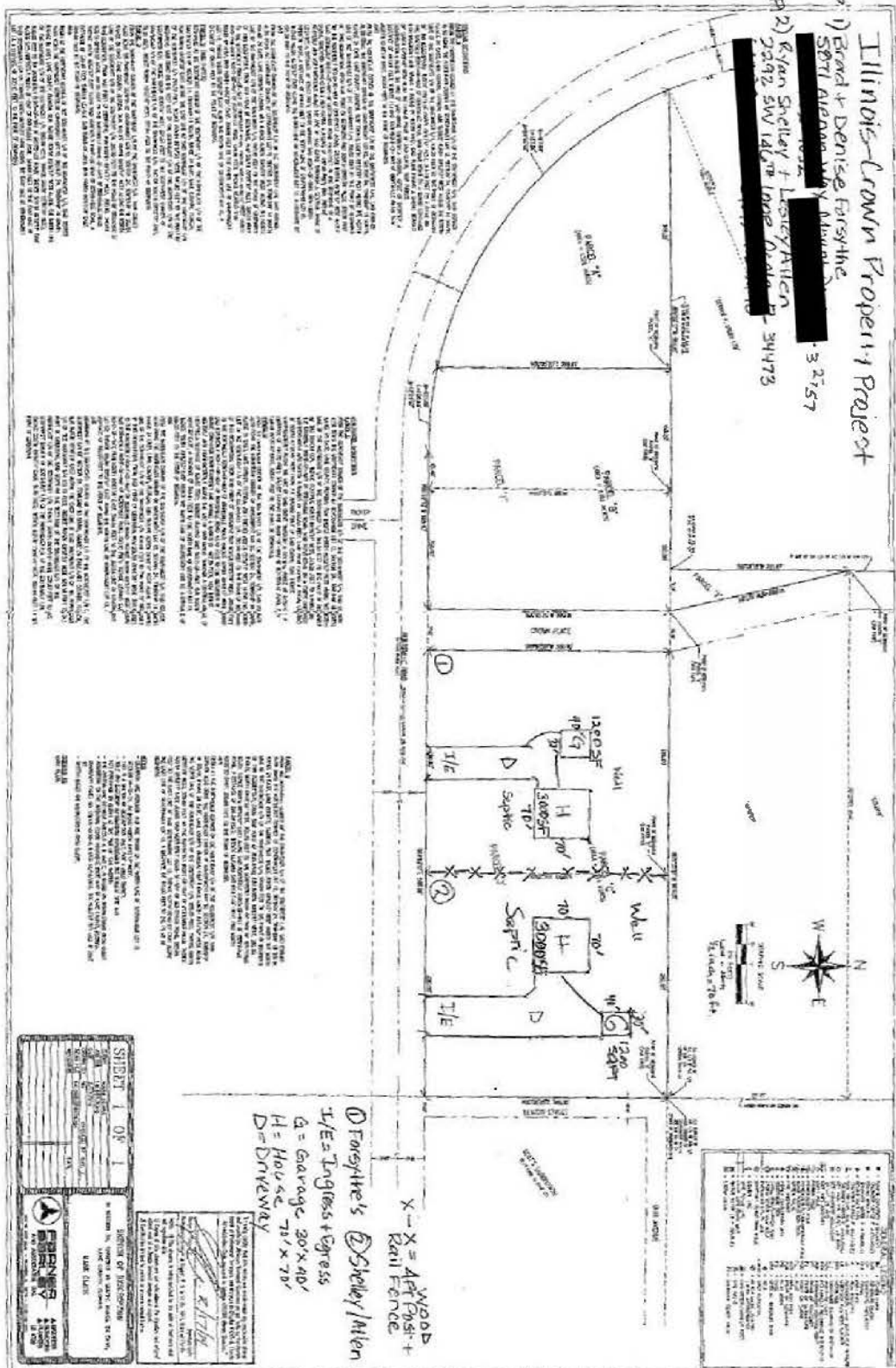
Attachment "D" - Concept Plan

DATE - APRIL 11, 2023

Illinois-Crown Property Project

APP 1) Brand + Denise Forsythe
32157
SPR1 Alton Hwy Alton

APP 2) Ryan Shelley + Lester Alton
34473
2092 SW 14th Loop Alton



O Forestry's Shelley/Alton
 T/E = Ingress + Egress
 H = House 71' x 70'
 D = DRIVEWAY

X-X = Apt Post +
 Rail Fence

SHEET 1 OF 1
 PROJECT NO. 2023-001
 DATE: APRIL 11, 2023
 DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 APPROVED BY: [Signature]
 TITLE: [Blank]
 SCALE: [Blank]

Attachment “E”- Narrative of the Project

Project Narrative

The Illinois-Crown Property Project will require a change in zoning from Rural Residential (R-1) FLUC to Planned Unit Development (PUD) Future Land Use Category (FLUC). The parcel is currently zoned R-1 and is part of the Rural FLUC. The R-1 zoning district requires a density of one dwelling unit per acre and the Rural FLUC require a density of one dwelling unit per five net acres; each parcel individually as described by AK 2863099 and AK 2863056 contain approximately 1.98 acres. Lake County Planning and Zoning staff has provided the option of submitting a comprehensive plan amendment to amend the Future Land Use Map from Rural FLUC to PUD FLUC to facilitate the 3.86 acre parcel to be platted into two individual lots to allow for construction of a single-family dwelling on each individual lot.

This project will not be creating any additional parcels other than splitting the original parcel purchased into two separate parcels; thereby following the laws as they were recognized back in the late 1980s.

The City of Lady Lake does not provide water and sewer services to this area; therefore, owners will install and permit individual onsite water well and septic tank. Attached is documentation from Lady Lake Utilities department stating no available utilities to the property.

Summary of events resulting in the need of the proposed rezoning

In 2014, the original owners submitted a lot line deviation application to which resulted in the combination of the two said parcels into a single lot for zoning and building purposes, thereby also subjected both parcels as rural; which sets a development threshold of 1 unit per 5 acres. Parcels identified by Alternate Key Numbers 2863099 and 2863056 were sold individually after they were combined as one site through the lot line deviation process. These two parcels were sold as 2 individual parcels in September and October of 2021 to the two parties involved, The Forsythe's and Mr. Shelly/Mrs. Allen, respectively. However, the two parcels were recognized as two separate parcels by Property Appraiser. The individual MLS listings by the listing real estate agent, indicated that the lots were buildable, and with almost 2 acres each, to “come build your dream home”. The buyers, closed on these properties individually, with the intention to start the building process, to then find out from planning and zoning that these parcels are not buildable and should have not been sold as such.

Both buyers paid cash in full for these properties, and without the opportunity to build or sell as buildable lots, have decided that after meeting with Lake County Planning & Zoning staff, the County commissioner, and the Lake County attorney, that applying for a PUD FLUC may be the best course of action in order to create two individual lots to construct a single-family dwelling unit on each lot.

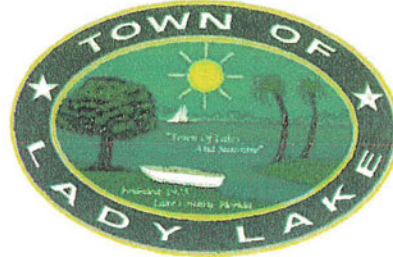
Wetlands Determination/Environmental Assessment. GIS arial maps do not indicate presence of wetlands or flood zones on the subject property. See GIS arial map attached.

Transportation Demand Impact Analysis. The proposed amendment will not impact levels of transportation as the property is residential. Each household has two vehicles, resulting in a total of four vehicles.

Residential Justification Statement. All structures adjacent to the to the property are pre-existing and residential lots

Land Use Compatibility Analysis. The single-family homes and future accessory buildings (detached garage, pole-barn, shed etc.) that will be constructed are compatible with the style and size of the existing adjacent homes and will maintain compatibility with the lot sizes of the adjacent properties in the community, including provision of open space and landscaping. The existing surrounding lots vary in size from 0.959 acres to 3 acres.

Attachment "F" – Town of Lady Lake Utility Notification (page 1 of 2)



Public Works Department
Physical location: 136 Skyline Drive, Lady Lake, Florida
352-751-1526 FAX: 352-751-1595

Date 3-28-22

Lake County Growth Management
P.O. Box 1305
Tavares, Florida 32778
Email: dlchd35evh@FLHealth.gov
Fax: (352) 253-6133
Ph: (352) 253-6130

RE: Water/Sewer Physical Availability

Requested by: Lesley Allen
LOCATION: Bertsville Road, Lady Lake

Attention Permitting Technician:

The Town of Lady Lake **does** ____ or does **not** currently have **water service** physically available to the above referenced property.

The Town of Lady Lake **does** ____ or does **not** currently have **sewer service** physically available to the above referenced property.

If service is physically available or once service becomes physically available, connection to our water or sewer lines would be required per the Land Development Regulations.

The Town does not commit to reserve capacity for water or wastewater until all impact fees have been paid, all commercial utility agreements, and site plans have been approved through Town Commission and Growth Management.

If you have any questions, please contact this office at the Public Works Department or call (352) 751-1526.

Very truly yours,
PUBLIC WORKS DEPARTMENT

Butch Goodman
Utility Supervisor

3-29-22

H:\Sewer Avail Form - Lake Co. Growth Mgt.doc

Attachment "F" – Town of Lady Lake Utility Notification (page 2 of 2)

TOWN OF LADY LAKE Water/Sewer/Reuse Physical Availability

To Robert
3-29-22
TC

Work Order Date: 3-28-22

Residential-Single Family Commercial Subdivision PUD Other Unknown

Requested by: Lesley Allen

Owner: _____

Misc. Details: _____

Phone: 407-810-3368 Fax: _____ Email: ORLnurse@gmail.com

Location/Description: AK# 2863056 and 2863099
Bertsville Rd.

Is WATER physically available at site: ___ Yes No

Approximate distance from site: ___ ft. Over 200 ft. or 1320 ft.

Is Jack & Bore required: ___ Yes ___ No

Is Water Tap required: ___ Yes ___ No

Is Meter Installation required: ___ Yes ___ No

Misc. Information: _____

Is SEWER physically available at site: ___ Yes No

Approximate distance from site: ___ ft. Over 200 ft. or 1320 ft.

Is Jack & Bore required: ___ Yes ___ No

Is Sewer Tap required: ___ Yes ___ No

Misc. Information: _____

All Town Utilities out of Service
Area at this Time

Is REUSE physically available at site: ___ Yes No

Approximate distance from site: ___ ft. Over 200 ft. or 1320 ft.

Is Jack & Bore required: ___ Yes ___ No

Is Water Tap required: ___ Yes ___ No

Is Meter Installation required: ___ Yes ___ No

Misc. Information: _____

Date Completed: 3-29-22 Completed by: [Signature]

BLANK WORD FORM Water-Sewer-Reuse Avail Update 03-2021.doc
(use this form for copies: ABLANKPDFFORMPRINTSBOXESWater-Sewer-ReuseAvailUpdate03-2021.pdf)

Attachment "G" – Utility Waiver Request

June 17, 2022

Lake County Office of Planning and Zoning

To whom it may concern

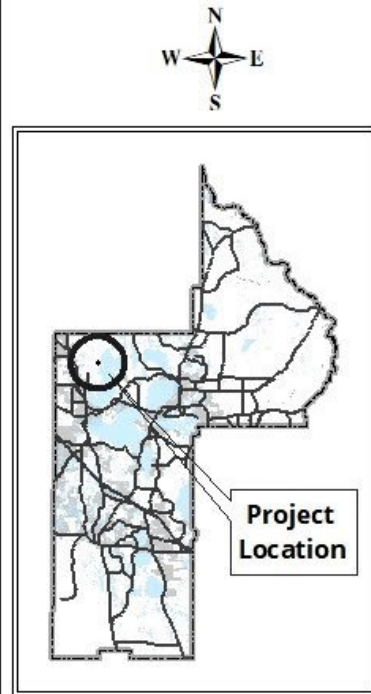
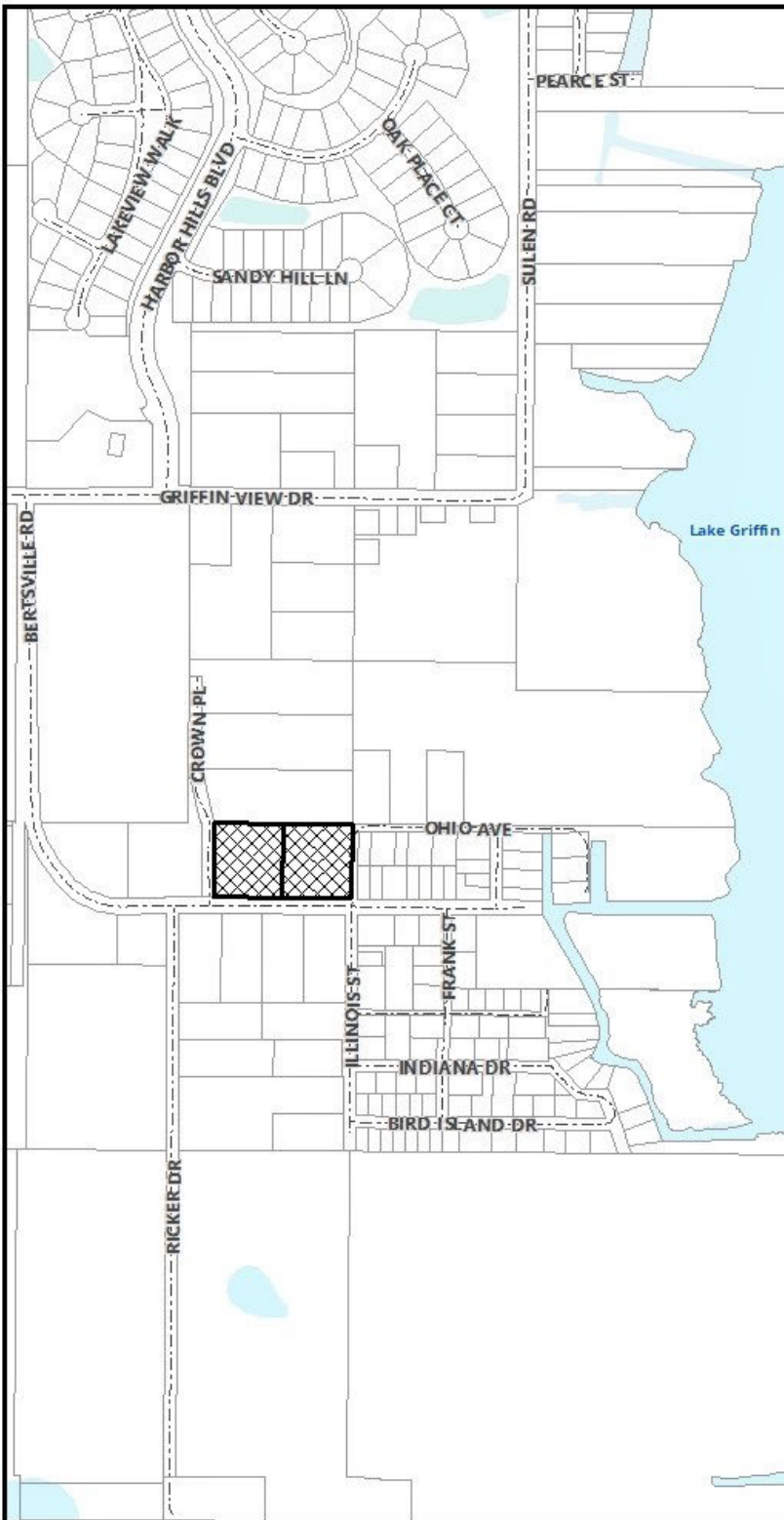
Please accept this letter as a Waiver Request to have central water and sewer at our property locations in the Urban Future Land Use Series. The Town of Lady Lake, Public Works Department issued a Utility Availability letter indicating that water and sewer are not available at said locations; therefore, we are requesting a waiver. Once the two homes are built on the properties, each home will be using its own private septic tank and well for water and sewer utilities.

Thank you. Should you need additional information, please contact us.

Brad Forsythe, Denise Forsythe

Ryan Shelley, Lesley Allen

Map of Subject Property



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

A. Utility Waiver Request

- 1. A waiver is hereby granted to exempt the development from the mandatory connection requirements contained in LDR Section 6.12.01(A) and Comprehensive Plan Policy IX-2.2.2 for developments exceeding one dwelling unit per one net acre.
- 2. A waiver is hereby granted to exempt the development from the mandatory connection requirements contained in LDR Section 6.12.01(B) and Comprehensive Plan Policy IX-3.1.2 for developments exceeding one dwelling unit per one net acre.
- 3. These waivers remain in effect until:
 - a. The Board of County Commissioners has determined that the existing method of providing water and wastewater is endangering the environment, public health, safety, or welfare; or
 - b. The private system fails, and a replacement is required, the property is in the Urban Land Use Series, and is within the distance established by the LDR to be considered available; or
 - c. The private system is relocated, and the property is within the Urban Land Use Series.

B. Permitted Land Uses.

- 1. Residential Dwelling Units. A maximum of two (2) single-family dwelling units, not to exceed 1.93 dwelling units (du) per net acre.
- 2. Accessory Uses directly associated with the above uses may be approved by the County Manager or designee.
- 3. Any other use of the site not specified above shall require approval of an amendment to this Ordinance by the Board of County Commissioners.

C. Open Space, Impervious Surface Ratio, and Building Height.

- 1. A minimum of seventy (70%) percent of the subject property acreage must be dedicated for open space.
- 2. A maximum impervious surface ratio shall not exceed 0.30 per individual lot.
- 3. The maximum building height for all structures is forty (40) feet.

D. Setbacks and Development Standards.

- 1. Development Standards for residential lots

Front	50-feet from centerline of the traveling surface
-------	--

Secondary Front	15-feet from ROW
Side	25-feet
Rear	25-feet
Accessory Structures	25-feet from side and rear property line
Maximum Impervious Surface Ratio (ISR)	30% for each lot
Minimum Open Space	70% for each lot
Maximum Building Height	40-feet

2. All setbacks detailed in the chart above must be measured from the property line/right-of-way.
3. All other setbacks shall be as established in the Land Development Regulations (LDR), as amended.

E. Architectural Design Standards.

1. All buildings shall utilize at least three (3) of the following design features including garage vehicle doors to provide visual relief along all elevation of the building. Designs may vary throughout the development.
 - a. Dormers
 - b. Gables
 - c. Recessed or raised entries
 - d. Covered porch entries
 - e. Cupolas
 - f. Pillars or decorative posts
 - g. Bay window (minimum 12-inch projections)
 - h. Eaves (minimum 6-inch projections)
 - i. Front windows with arched glass tops and minimum 4-inch trim
 - j. Garage vehicle doors shall incorporate the following elements: raised decorative panels, decorative glass panels or panes, decorative hinges, etc.
 - k. Front doors shall incorporate the following decorative panels, decorative glass panels or panes, decorative handles, etc.
2. The total exterior wall area of each building elevation shall be composed of one

of the following:

- a. At least thirty-five percent (35%) full-width brick or stone (not including window and door areas and related trim areas), with the balance being any type of lap siding and/or stucco.
- b. At least thirty percent (30%) full-width brick or stone, with the balance being stucco and/or a “cementitious” lap siding. (A “cementitious” lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option).
- c. A combination of stucco and/or a “cementitious” lap siding. (A “cementitious” lap siding product is defined as a manufactured strip siding composed of cement-based materials rather than wood fiber-based or plastic-based materials. For example, Masonite or vinyl lap siding would not be allowed under this option).

3. Front yard fencing shall be limited to 4-feet in height.

4. All areas of the Planned Unit Development shall maintain a grass height of 12-inches or less until such time as the PUD fully develops.

F. Landscaping, Buffering, and Screening. Landscaping, buffering, and screening shall be in accordance with the Comprehensive Plan and LDR, as amended.

G. Bear Management.

1. Homeowners shall be required to use County approved, bear-resistant garbage carts, if available. If bear resistant garbage carts are not available, regular carts shall be modified to be bear or keeping cans in a secured location.
2. Homeowners shall not have bird and wildlife feeders that are not modified to exclude bears.
3. Homeowners shall be placed on notice that they are purchasing a property within an area known for Florida Black Bear habitat. New homeowners shall be given information published by the Florida Fish and Wildlife Conservation Commission regarding living among the Florida Black Bear and ways to reduce encounters.
4. All PUD requirements regarding the Florida Black Bear management shall be included in the homeowner governing documents for the community and shall be enforced by the homeowner’s association for the property. Lake County shall have the right, but not the obligation, to enforce such provisions.

H. Transportation.

1. All access management shall be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

- 1 2. Sidewalks will be required per Land Development Regulations, as amended.
- 2 **I. Environmental Requirements.** Any State permitting or mitigation will be required
- 3 before development can commence compliance in accordance with the
- 4 Comprehensive Plan and LDR, as amended.
- 5 **J. Noise.** The development shall comply with the noise protection provisions contained
- 6 within the LDR, as amended.
- 7 **K. Stormwater Management.**
- 8 1. The stormwater management system shall be designed in accordance with all
- 9 applicable Lake County and St. Johns River Water Management District
- 10 (SJRWMD) requirements, as amended.
- 11 2. The developer shall be responsible for conducting any flood studies required for
- 12 developing the site and shall comply with applicable FEMA regulations,
- 13 Comprehensive Plan requirements and Land Development Regulations, as
- 14 amended. Any development within the floodplain as identified on the FEMA maps
- 15 will require compensating storage.
- 16 **L. Signage.** All signs shall be consistent with the LDR, as amended.
- 17 **M. Mass Grading for Site Development.** All grading for the site development shall be
- 18 in accordance with the Comprehensive Plan and LDR, as amended.
- 19 **N. Concurrency Management Requirements.** All development must comply with the
- 20 Lake County Concurrency Management System, as amended.
- 21 **O. Lighting.** Exterior lighting must be in accordance with the LDR, as amended.
- 22 **P. Fire Protection.** Fire Protection shall be in accordance with all applicable federal,
- 23 state, and local codes and/or regulations, as amended.
- 24 **Q. Development Review and Approval.**
- 25 1. Prior to the issuance of permits, the Owners shall be required to submit a plot
- 26 plan generally consistent with Exhibit "B" - Conceptual Plan, attached, for review
- 27 and approval in accordance with the Comprehensive Plan and LDR, as amended.
- 28 2. A proposed amendment to an approved PUD land use designation that increases
- 29 the approved intensities or densities of the PUD shall require an amendment to
- 30 the Comprehensive Plan.
- 31 **R. PUD Expiration.** Physical development shall commence within three (3) years from
- 32 the date of this Ordinance approval. Failure to commence construction within three
- 33 (3) years of approval shall cause the revocation of this Ordinance. Prior to expiration
- 34 of the three-year time frame, the Board of County Commissioners may grant, via a
- 35 Public Hearing, one (1) extension of the time frame for a maximum of two (2) years
- 36 upon a showing that reasonable efforts have been made towards securing the
- 37 required approvals and commencement of work.

1 **S. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific
2 references in this Ordinance to the Florida Statutes, Florida Administrative Code,
3 Lake County Comprehensive Plan, and Land Development Regulations (LDR) shall
4 include any future amendments to the Statutes, Code, Plans, and/or Regulations.

5 **Section 2. Conditions.**

6 A. After establishment of the facilities as provided herein, the property shall only be used
7 for the purposes named in this ordinance. Any other proposed use must be
8 specifically authorized by the Board of County Commissioners.

9 B. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove,
10 improve, move, convert, or demolish any building structure, or alter the land in any
11 manner within the boundaries of the above-described land without first obtaining the
12 necessary approvals, including preliminary plat, construction plans, and final plat
13 approval, in accordance with the Lake County Code, as amended, and obtaining the
14 permits required from the other appropriate governmental agencies.

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

19 D. Construction and operation of the proposed use shall always comply with the
20 regulations of this and other governmental permitting agencies.

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

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

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

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

1 **Section 5. Effective Date. This Ordinance will become effective as provided by law.**
2 **ENACTED** this _____ day of _____, 2022.
3
4 **FILED** with the Secretary of State _____, 2022.
5
6 **EFFECTIVE** _____, 2022.

7
8 **BOARD OF COUNTY COMMISSIONERS**
9 **LAKE COUNTY, FLORIDA**

10
11
12 _____
13 **SEAN M. PARKS, CHAIRMAN**

14
15 **ATTEST:**

16
17 _____
18 **GARY COONEY, CLERK OF THE**
19 **BOARD OF COUNTY COMMISSIONERS**
20 **LAKE COUNTY, FLORIDA**

21
22 **APPROVED AS TO FORM AND LEGALITY:**

23
24 _____
25 **MELANIE MARSH, COUNTY ATTORNEY**

1

EXHIBIT "A" – LEGAL DESCRIPTION

FROM THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF GOVERNMENT LOT 12, SECTION 24, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; RUN THENCE NORTH 89°52'17" WEST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, 280.00 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION, FROM SAID POINT OF BEGINNING; RUN NORTH 89°52'17" WEST, 280.00; THENCE SOUTH 00°05'20" WEST, 300.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF BERTSVILLE ROAD; THENCE SOUTH 89°52'17" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF BERTSVILLE ROAD, A DISTANCE OF 280.00 FEET; THENCE LEAVING SAID RIGHT-OF-WAY; RUN NORTH 00°05'20" EAST, 300.00 FEET TO THE POINT OF BEGINNING.

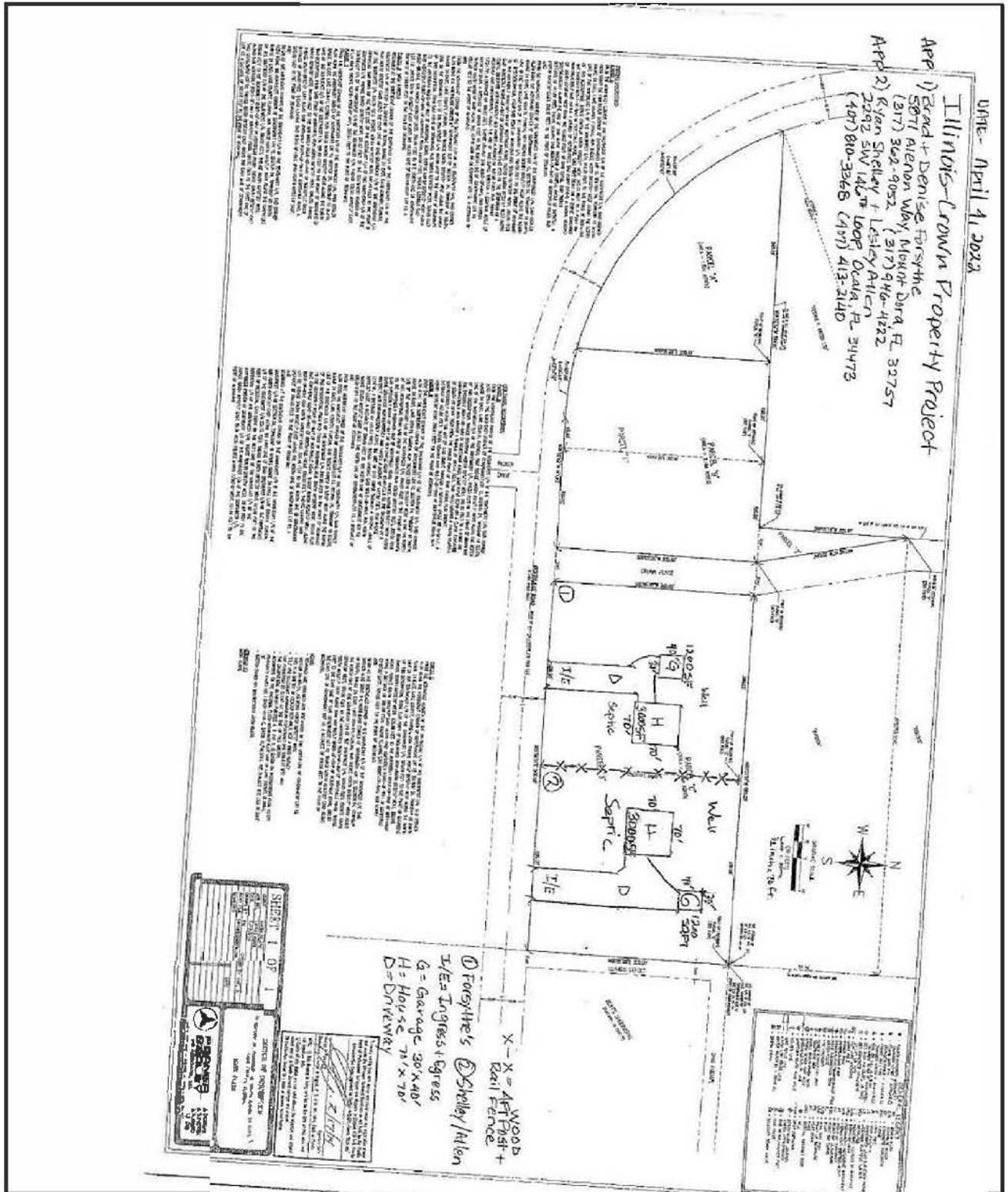
AND

BEGIN AT THE NORTHEAST CORNER OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, SAID CORNER ALSO BEING THE NORTHEAST CORNER OF GOVERNMENT LOT 12, SECTION 24, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE COUNTY, FLORIDA; RUN THENCE NORTH 89°52'17" WEST ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, 280.00 FEET; THENCE SOUTH 00°05'20" WEST, 300.00 FEET TO THE NORTHERLY RIGHT-OF-WAY OF BERTSVILLE ROAD; THENCE SOUTH 89°52'17" EAST ALONG SAID NORTHERLY RIGHT-OF-WAY OF BERTSVILLE ROAD, 280.00 FEET TO THE EAST LINE OF SAID GOVERNMENT LOT 12; THENCE NORTH 00°05'20" EAST ALONG THE EAST LINE OF GOVERNMENT LOT 12, A DISTANCE OF 300.00 FEET TO THE POINT OF BEGINNING.

2

1

EXHIBIT "B" - CONCEPTUAL PLAN



2