



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 4

Public Hearings: Planning & Zoning Board (PZB): September 7, 2022
Board of County Commissioners (BCC): October 4, 2022

Case No. and Project Name: RZ-22-07-3, Harbor Shores Road PUD

Applicant: Jason Lee, Burgland Investments, LLC

Owner: Fleck Holdings 3 LLC C/O Peter Fleck
330 Story Road LLC C/O Peter Fleck

Requested Action: Rezone approximately 34.46+/- acres from Medium Residential (R-3) to Planned Unit Development (PUD) to facilitate development of a 120-lot single-family residential subdivision.

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

Case Managers: Janie Barrón, Chief Planner
Bernice Gonzalez, AICP, MCIP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 34.46+/- gross acres (30.91 +/- net acres)

Location: South of State Road 44, northwest and east of Harbor Shores Road, west of Lake Eustis.

Alternate Key Nos: 1214564, 2563036, and 1489954

Current Future Land Use: Urban Low Density

Proposed Future Land Use: Urban Low Density (Attachment "A")

Current Zoning District: Medium Residential (R-3) & Urban Residential (R-6) (Attachment "B")

Proposed Zoning District: Planned Unit Development (PUD)

Flood Zone: "X" & "AE"

Joint Planning Area / ISBA: N/A

Overlay Districts: N/A

Adjacent Property Land Use Table

<u>Direction</u>	<u>Future Land Use</u>	<u>Zoning</u>	<u>Existing Use</u>	<u>Comments</u>
North	Urban Low Density	R-6 RM	Urban Residential Mixed Home Residential	Single-Family Residences
South	Urban Low Density	R-2 R-6 RM	Estate Residential Urban Residential Mixed Home Residential	Single-Family Residences
East	Urban Low Density	R-6	Urban Residential	Single-Family Residences; Lake Eustis.
West	Urban Low Density	RM	Mixed Home Residential	Single-Family Residences

Staff Analysis

The subject properties are identified by Alternate Key Numbers 1214564, 2563036, and 1489954, and contain approximately 34.46+/- gross acres (30.91 +/- net acres), and are located south of State Road 44, northwest and east of Harbor Shores Road, west of Lake Eustis. The subject properties are currently zoned Medium Residential (R-3) & Urban Residential (R-6) and are located within the Urban Low Density Future Land Use Category.

The applicant is requesting to rezone 34.46 +/- gross acres from Medium Residential (R-3) & Urban Residential (R-6) to Planned Unit Development (PUD) to develop the property with a 120-lot single-family residential subdivision (density of approximately 3.88 dwelling units per net acre) as depicted in the Concept Plan (Attachment "C"). The Concept Plan (Attachment "C") depicts access to the site from Harbor Shores Road. Minimum lot sizes are proposed at 40' x 120' (4,800 square feet), with a 1200-square foot living area. The Concept Plan proposes a 60% maximum impervious surface and 25% minimum open space. Additionally, the applicant provided a Project Summary (Attachment "E") which provided the existing and proposed development standards as listed in Table 1.

Table 1. Existing and Proposed Development Standards.							
	Zoning District	Density	Maximum Dwelling Units	Maximum Impervious Surface Ratio	Minimum Open Space	Proposed Open Space	Building Height
Existing	Urban Low Density	Four (4) dwelling units per one (1) net acre	123	0.60	N/A	N/A	40 Feet
Proposed	Planned Unit Development (PUD)	3.88 dwelling units per one (1) net acre	120	0.60	25% 7.72 Acres	33% 10.33 Acres	35 Feet

Standards for Review (LDR Section 14.03.03)

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

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

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

The proposed rezoning is consistent with all elements of the Comprehensive Plan. Comprehensive Plan Policy I-1.3.2 Urban Low Density Future Land Use Category allows residential development at a maximum density of four (4) dwelling units per net acre. The applicant is proposing to develop the property with a residential subdivision at a density of 3.88 dwelling units per net acre, which is consistent with the Urban Low Density FLUC. Additionally, the proposed single-family residential subdivision will be developed with a minimum 25% of the net buildable area of the entire site dedicated to common open space, and the maximum impervious surface ratio (ISR) to be 60%.

The request is consistent with Comprehensive Plan Policy I-7.8.1, Requirements for Planned Unit Developments, which states that density shall not exceed the underlying Future Land Use Category and that a PUD shall be accompanied by a Concept Plan.

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

The subject property is located within the Urban Low Density FLUC, which permits up to 4 dwelling units per acre. The application is consistent with the Urban Low Density FLUC (Attachment “A”).

The surrounding subdivisions are developed at the following densities:

Subdivision Name	Number of Lots	Total Acreage (Gross)	Gross Density	Year Approved
Shangri La Shores Subdivision Replat	3	1.34	2.24	2000
Shangri La Shores Subdivision Ph1	35	9.31	3.76	1999
Shangri La Estates	8	4.30	1.86	1992
Lake Eustis Village	149	43.58	3.42	1963
Harbor Shores Unit 1 Sub	69	37.02	1.86	1960
Pine Island Shores	72	44.87	1.60	1957

Additionally, a rezoning application (RZ-22-08-4, Goose Creek PUD) for a proposed development of a 145-lot single-family residential subdivision that contains approximately 46.43+/- gross acres (41.87 +/- net acres) is anticipated to be presented to the Board of County Commissioners at the same meeting as this application.

The applicant provided the following statement (Attachments “D” and “E”) regarding the compatibility with existing and proposed land uses:

“The proposed Zoning is PUD. This rezoning is required by the Lake County Comprehensive Plan Policy I-7.8.1 as more than 50 units are proposed. Not rezoning the property and seek a straight zoning for more than 50 units would be inconstant [sic] with the Comprehensive Plan Urban Low FLU designation. The proposed Density of 3.65 DU/Net Ac. The proposed development is consistent with the surrounding community as established in by the Lake County Comprehensive Plan FLU Category Urban Low. The rezoning is a requirement to demonstrate consistency with the Comprehensive Plan.”

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

The applicant seeks to develop the properties with residential uses. The subject properties are designated with an Urban Low Density Future Land Use Category, which provides for a range of residential development at a maximum density of four (4) dwelling units per net buildable acre in addition to civic, commercial, and office uses at an appropriate scale and intensity to serve this category. The application is consistent with the Lake County Comprehensive Plan FLUC.

Additionally, the applicant provided the following justification for the proposed rezoning:

“It is anticipated that the development of the subject project would have a positive effect on the surrounding property values due to the proposed Open Space, Treatment of Stormwater, Wetland buffers, Landscaping and compliance with existing Land Development Regulations.”

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.

The proposed development is consistent with the Capital Improvements Element and the approved facility and service plans that have been established by the County to discourage urban sprawl. The proposed PUD meets the adopted level of service (LOS) standards, and thereby minimize associated public costs.

Water and Sewer

Lakeside Waterworks provided documentation (Attachment "F") that states that central sewage is located within 1000-feet and central water is located within 300-feet from the proposed development area. In addition, the documentation states that the proposed development area is not located within 1,000-feet of an existing or future wellhead.

Schools

Lake County Schools reviewed the application and stated that the Harbor Shores Road PUD has a valid school concurrency capacity reservation (LCS2021-34).

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 Station #72 is located two (2) miles of the subject properties at 12340 CR 44, Leesburg, 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, should the rezoning request be approved by the Board.

Transportation Concurrency

The standard Level of Service (LOS) for the impacted roadway of CR 44 and the impacted segment from CR 439 to Apiary Rd is "C."

The application was reviewed by the Lake County Public Works Department. The Public Works department provided the following comment: *"Harbor Shores Road is a narrow road with limited right-of-way. The additional traffic proposed by the development will increase potential vehicle tracking along the stabilized shoulders of the roadway. Public Works advises that if the development is approved then the development should contribute to widening the road to 12-ft lanes at a minimum along the developments Harbor Shores Road frontage. A traffic signal is warranted with the approval and construction of both the Goose Creek and Harbor Shores PUDs at the intersection of Harbor Shores Road and CR 44. The signal will need to be constructed and operational with the construction of the subdivision by the developer and prior to building permits."*

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, a tree removal permit application will be required to ensure tree protection in accordance with LDR Section 9.02.00. In addition, all environmental resources will be addressed through the development review process and submittal of an Environmental Assessment prior to development. To further lessen any negative impacts to the surrounding parcels, pursuant to LDR Section 9.09.00, a noise assessment shall be submitted for review and acceptance prior to the commencement of the operation of the new uses identified in the Ordinance.

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

There is no information within the rezoning application that specifies the effects on area property values.

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

Surrounding properties are designated with an Urban Low Density FLUC, and the subject properties are in an area recommended to change to the Urban Low Density FLUC.

Additionally, the applicant provided the following statement as how the proposed rezoning would result in an orderly and logical development pattern:

“The proposed Zoning is PUD. This rezoning is required by the Lake County Comprehensive Plan Policy I-7.8.1. The subject project is in the Urban Low Future Land Use district. As defined in the Comp specific intent of this district states; “The Urban Low Density Future Land Use Category provides for a range of residential development at a maximum density of four (4) dwelling units per net buildable acre in addition to civic, commercial, and office uses at an appropriate scale and intensity to serve this category.” The existing FLU of Urban Low, established by the Comprehensive Plan specifically envisioned this style, density and form of development so as to result in an orderly and logical development pattern.”

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

The proposed rezoning application is in harmony with the general intent of the Comprehensive Plan and LDR as stated in Sections A through H above.

Additionally, the applicant provided the following statement as how the proposed rezoning would not be in conflict with the public interest, and in harmony with the purpose and intent of these regulations:

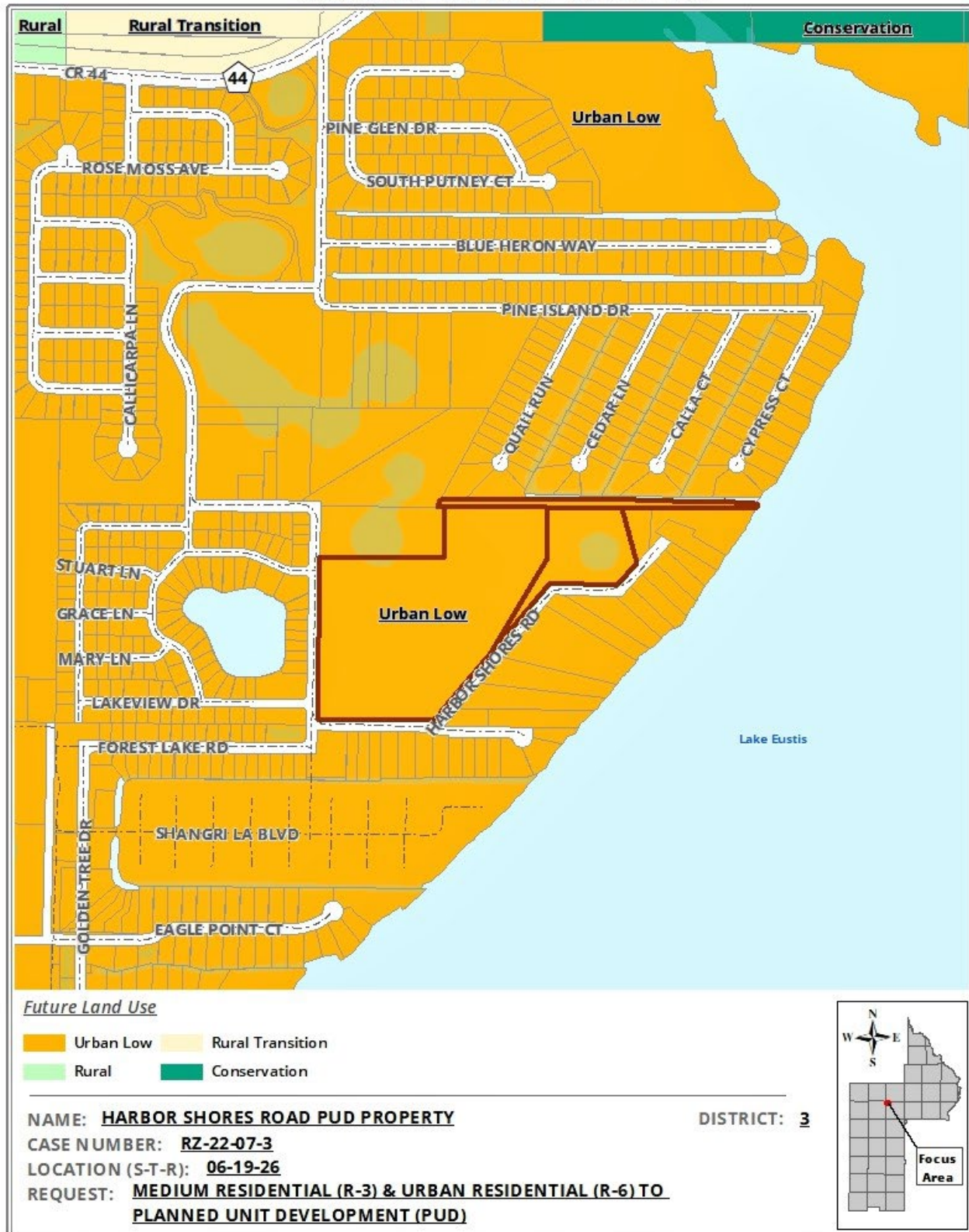
“The proposed zoning is a requirement of the Comprehensive Plan Policy I-7.8.1 as more than 50 units are proposed. The proposed PUD as required by Lake County, and subsequent compliance with Local, state and Federal Land Development Regulation associated with actual site development and construction assures development of up to 4.0 DU per net developable acre will not be in conflict with the public interest and in harmony with the purpose and intent of Lake County Land Development Regulations.”

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.

A rezoning application (RZ-22-08-4, Goose Creek PUD) for a proposed development of a 145-lot single-family residential subdivision that contains approximately 46.43+/- gross acres (41.87 +/- net acres) is anticipated to be presented to the Board of County Commissioners at the same meeting as this application.

Attachment "A" – Future Land Use Map

CURRENT FUTURE LAND USE



Attachment "B" – Zoning District Map

CURRENT ZONING



Zoning Legend

- A
- R-2
- R-6
- RMRP
- CP
- AR
- R-3
- R-7
- RM

NAME: HARBOR SHORES ROAD PUD PROPERTY

CASE NUMBER: RZ-22-07-3

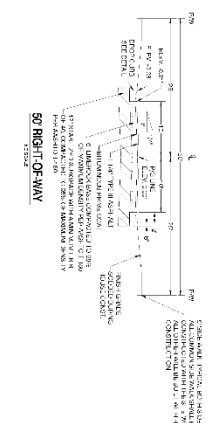
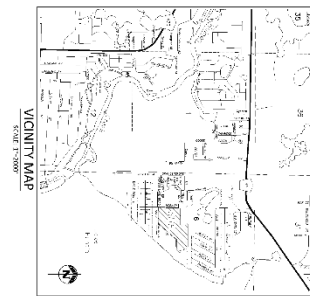
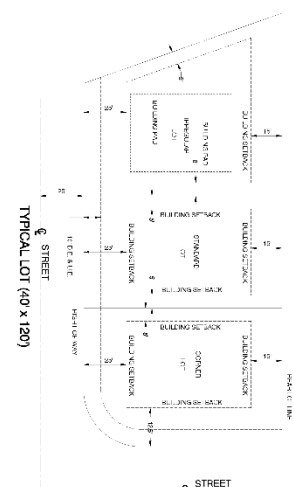
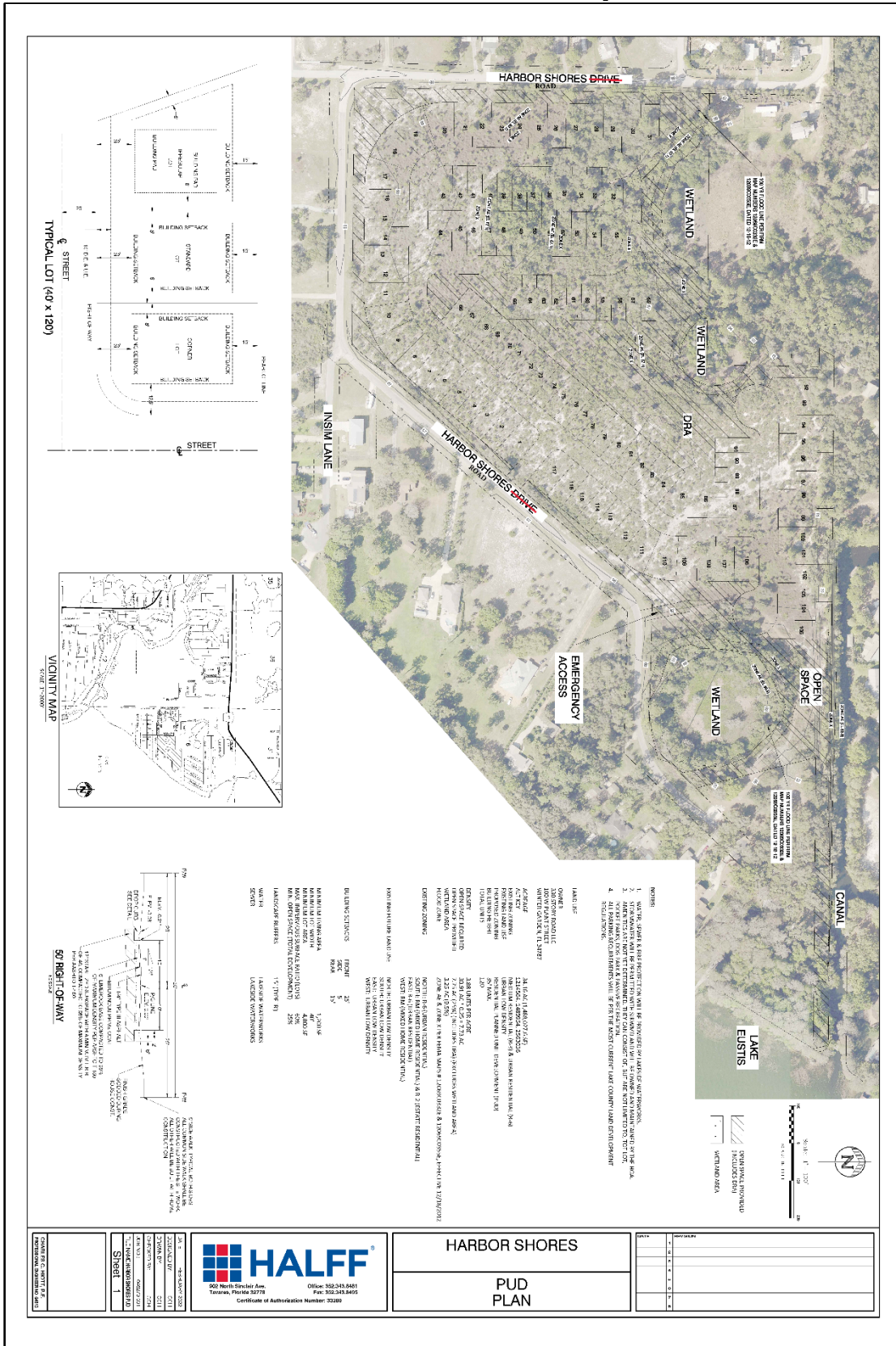
LOCATION (S-T-R): 06-19-26

REQUEST: MEDIUM RESIDENTIAL (R-3) & URBAN RESIDENTIAL (R-6) TO PLANNED UNIT DEVELOPMENT (PUD)

DISTRICT: 3



Attachment "C" – Concept Plan



NOTES:

1. ALL THE SHOWN & NOT SHOWN ITEMS SHALL BE REVIEWED BY OWNER FOR ANY REVISIONS.
2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.

LEGEND:

- EMERGENCY ACCESS
- OPEN SPACE/INVENTORY INCLUDED (DIA)
- WETLAND AREA

SCALE: 1" = 200'

ORIENTATION: NORTH

<p>HALFF 300 North Lincoln Ave. Troy, MI 48063 Office: 585-243-9401 Fax: 585-243-9455 Certificate of Authorization Number: 32289</p>	<p>HARBOR SHORES</p> <p>PUD PLAN</p>	<table border="1"> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </table>	DATE	DESCRIPTION						
	DATE	DESCRIPTION								
<p>OWNER: RZ-22-07-3</p> <p>DESIGNER: HALFF</p> <p>DATE: 08/20/2022</p> <p>PROJECT: HARBOR SHORES PUD</p>	<p>SCALE: 1" = 200'</p> <p>ORIENTATION: NORTH</p>									

Attachment “D” – Project Narrative (Page 1 of 2)



PROJECT NARRATIVE

- A. Whether the rezoning is in conflict with any applicable provisions of the Land Development Code.
Response: No conflicts are envisioned or proposed with the applicable provisions of the Lake County Land Development Code
- B. How the application is consistent with all elements of the Comprehensive Plan.
Response: As defined in the Comp specific intent of this district states; “The Urban Low Density Future Land Use Category provides for a range of residential development at a maximum density of four (4) dwelling units per net buildable acre in addition to civic, commercial, and office uses at an appropriate scale and intensity to serve this category.”
No adverse impacts to the Natural environment, as defined in the Comprehensive plan is associated with the proposed development. Sufficient regulations at the Local, State and Federal levels are established to prevent unmitigated environmental impacts.
The proposed development meets the existing LOS for County Infrastructure.
- C. How the proposed rezoning is inconsistent with existing and proposed land uses.
Response: The proposed Zoning is PUD. This rezoning is required by the Lake County Comprehensive Plan Policy I-7.8.1 as more than 50 units are proposed. Not rezoning the property and seek a straight zoning for more than 50 units would be inconstant with the Comprehensive Plan Urban Low FLU designation. The proposed Density of 3.65 DU/Net Ac
- D. A statement describing any changed conditions that would justify the rezoning.
Response: This rezoning is required by the Lake County Comprehensive Plan Policy I-7.8.1 as more than 50 DU are proposed. The proposed density of 3.65 DU/Net Ac is below the established density of 4.0DU/Ac in the Urban Low FLU category.

The subject project is in the Urban Low Future Land Use district. As defined in the Comprehensive Plan the specific intent of this district states; “The Urban Low Density Future Land Use Category provides for a range of residential development at a maximum density of four (4) dwelling units per net buildable acre in addition to civic, commercial, and office uses at an appropriate scale and intensity to serve this category.”
- E. Description of how 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.
Response: The proposed development is consistent with the Capital Improvements Element and the approved facility and service plans that have been established by the County to discourage urban sprawl. The prosed PUD meets the adopted level of service (LOS) standards, and thereby minimize associated public costs.
- F. Any impacts the rezoning application would affect the natural environment.
Response: No adverse impacts to the natural environment are proposed. Rezoning does not authorize site development or disturbance. Prior to Construction Plan approval by Lake County and site development, compliance with all Local, (Lake County LDRs), State (FDEP / SJRWMD) and Federal (USFWS) regulations protecting the natural environments shall be complied with.
- G. Whether, and the extent to which, the proposed rezoning would affect the property values in the area.
Response: It is anticipated that the development of the subject project would have a positive effect on the surrounding property values due to the proposed Open Space, Treatment of Stormwater, Wetland buffers, Landscaping and compliance with existing Land Development Regulations.
- H. How the proposed rezoning would result in an orderly and logical development pattern.
Response: The proposed Zoning is PUD. This rezoning is required by the Lake County Comprehensive Plan Policy I-7.8.1. The subject project is in the Urban Low Future Land Use district. As defined in the Comp specific intent of this district states; “The Urban Low Density Future Land Use Category provides for a range of residential development at a maximum density of four (4) dwelling units per net buildable acre in addition to civic, commercial, and office uses at an appropriate scale and intensity to serve this category.”
The existing FLU of Urban Low, established by the Comprehensive Plan specifically envisioned this style,

Attachment “D” – Project Narrative (Page 2 of 2)



density and form of development so as to result in an orderly and logical development pattern.

- I. How the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

Response: The proposed zoning is a requirement of the Comprehensive Plan Policy I-7.8.1 as more than 50 units are proposed. The proposed PUD as required by Lake County, and subsequent compliance with Local, state and Federal Land Development Regulation associated with actual site development and construction assures development of up to 4.0 DU per net developable acre will not be in conflict with the public interest and in harmony with the purpose and intent of Lake County Land Development Regulations.

Should you have any additional questions or concerns regarding this information, please do not hesitate to contact our office.

Sincerely,

Half Associates, Inc.

A handwritten signature in blue ink that reads "CCH".

Charles C Hiott, P.E.
Director of Land Development, VP
chiott@half.com

CCH/tc
Enclosures

Attachment “E” – Project Summary (Page 1 of 2)



Ray and Associates
Planning & Environmental
 2712 SE 29th Street Ocala, Florida 34471
 352-425-8881 wrayassoc@aol.com

PUD Application Project Summary Harbor Shores Development PUD

Parcel Number	Alternate Key #	Wetlands*	Uplands*	Acreage ^{±,*}
06-19-26-0003-000-00800	1214564	0.36	27.64	28.00
06-19-26-0004-000-02200	2563036	1.25	4.35	5.6
06-19-26-0400-005-00000	1489954	0.0	1.85	1.85
Total*		1.61	33.84	34.46
Actual Survey Totals		3.25		34.16

*Per Lake County Property Appraiser

Maximum density: Urban Low 4 DU/Ac

34.16 Total Acres – 3.25 Wetland Acres = 30.91 Net acres

30.91 X 4 DU/Ac = 123 Maximum Units

120 Proposed or 3.88 DU/Ac

Open space Required: 25% of 30.91Ac = 7.73 Acres

Open space Provided: 10.33

*Wetland are not calculated as part of the required open space

**Numbers based on Survey

Burgland Investments LLC is proposing the development the subject property, which is 34.46[±] Acres (based on Property Appraiser data) comprised of 3 parcels located in North Central Lake County, East of Enchantment Lane and North of Harbor Shores Road, west of Lake Eustis.

List of alt. key #'s, Acreage and Warranty Deeds is attached.

There are no Structures on the property.

The applicant proposes to develop a 1120-Unit single-family development.

Streets within the community shall be public owned and maintained by the HOA or thru a financing instrument such as a CDD, MSTU, MSBU or other agreement approved by Lake County.

12. A statement describing any changed conditions that would justify the rezoning:

The proposed development is consistent with the surrounding community as established in by the Lake County Comprehensive Plan FLU Category Urban Low. The rezoning is a requirement to demonstrate consistency with the Comprehensive Plan.

A statement describing why there is a need for the proposed rezoning:

The proposed Rezoning is a specific requirement of the Lake County Comprehensive Plan for any proposed development in the Urban Land Use category of more than 50 lots.

A statement describing whether and how the proposed rezoning is consistent with the Lake County Comprehensive Plan:

The proposed Rezoning is a specific requirement of the Lake County Comprehensive Plan.

Attachment “E” – Project Summary (Page 2 of 2)

A statement outlining the extent to which the proposed rezoning:

A. Is compatible with existing land uses:

- No impacts to onsite environmental resources are proposed.
On site wetlands are protected in accordance with Lake County and State regulations. Impacts to any species listed for protection will be mitigated in accordance with Federal, State and Local Regulations
- No impacts to Floodplains are proposed
- The proposed use and density is allowed and envisioned in the adopted Urban Low FLU Category in the Comprehensive Plan for Lake County. Allowed uses identified within the Urban Low FLU are compatible with other identified and allowed uses within the same Land use Category.
- The proposed use is Residential and Adjacent developed lands are in Residential or undeveloped use. Pursuant to Lake County requirements Buffers are provided to mitigate impacts resulting from adjacent uses.
- The site will be served by central water and wastewater utilities. Traffic impacts do not exceed the adopted LOS for adjacent roads serving the subject site.

B. Affects the capacities of public facilities and service:

- The development of the subject project will not exceed any established LOS by Lake County.

C. Affects the natural environment:

- No adverse impacts to the Natural environment are proposed or anticipated.

D. Will result in an orderly and logical development pattern:

- The local area is developing in accordance with densities and intensities defined in the Lake County Comprehensive Plan which governs future density and intensity of development.

Specific Development requirements for all Functional Areas within the Harbor Shores PUD

Dark Sky Lighting

Florida Friendly

Landscaping

Energy Star appliances

Front porches shall be allowed to extend 5' into the front yard setbacks.

Ancillary Structures shall be allowed 5' from the rear property line

Attachment "F" – Utility Availability Letter



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 ~~120~~ Multi-Family Units _____ Duplex _____ Commercial _____

Administrative Lot Split _____ Commercial Project _____ Rezoning _____

Legal description: Section 06 Township 19 Range 26 Alt Key # 0003-000-0080
Subdivision Harbor Shores Lot _____ Block _____ Additional Legal attached 2
-0004-000-02200
-0001-005-0000

Hook up to Central Sewage is 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 Lakeside Waterworks, will provide immediate hook up to this property for:

Central Sewage: Yes No _____ Central Water: Yes No _____
Will the connection to the central sewage system be via a _____ gravity line or a _____ force main/pump?

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 within 1,000 feet of an existing or future wellhead.

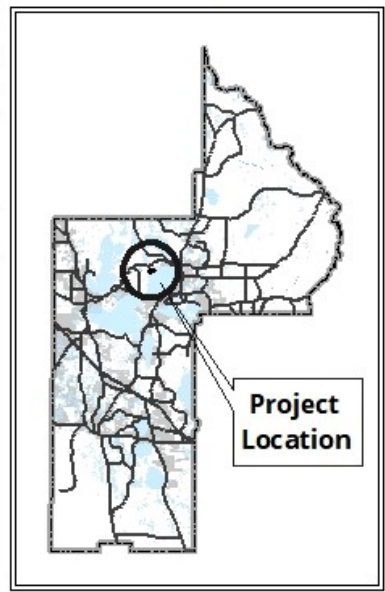
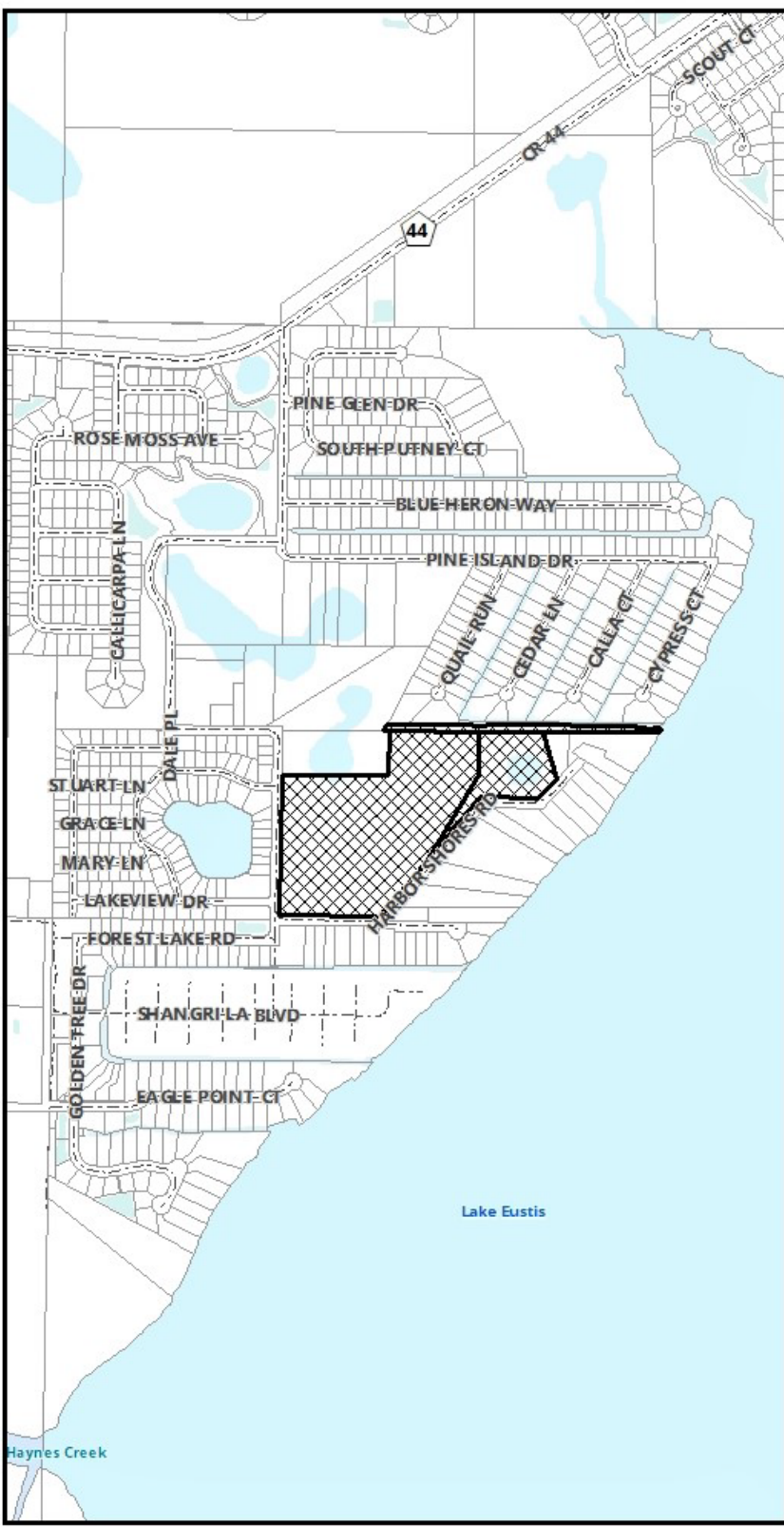
Please attach any conditions that affect the availability of provision of service to this property.

City Official or Private Provider Signature [Signature]
Print Name, Title and Entity: Troy Renell V.P. Lakeside WW Date 1/15/22

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: _____

Map of Subject Property



ORDINANCE #2022-XX
HARBOR SHORES ROAD DEVELOPMENT
RZ-22-07-3

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

WHEREAS, Burgland Investments, LLC (the “Applicant”) on behalf of Fleck Holdings 3 LLC and 330 Story Road LLC (the “Owners”), applied to rezone property from Medium Residential District (R-3) to Planned Unit Development (PUD) to accommodate a 120-lot residential subdivision; and

WHEREAS, the subject property consists of approximately 34.46+/- acres (based on Property Appraiser data) and is comprised of 3 parcels located South of State Road 44, northwest and east of Harbor Shores Road, west of Lake Eustis, and west of Lake Eustis, and is identified by Alternate Key Numbers 1214564, 2563036, and 1489954 and more particularly described below:

EXHIBIT “A” – LEGAL DESCRIPTION

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

WHEREAS, the property will be rezoned to Planned Unit Development (PUD) in accordance with the requirements of the Lake County Comprehensive Plan for any proposed development in the Urban Low Future Land Use category of more than 50 lots, and the Lake County Land Development Regulations; and

WHEREAS, Lake County Planning and Zoning Board did review petition RZ-22-07-3 on the 7th day of September 2022, 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 4th day of October 2022; and

WHEREAS, the Board of County Commissioners reviewed the 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.

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 Lake County Zoning Map to designate the property described in Exhibit “B” of this Ordinance as Planned Unit Development (PUD) in accordance with this Ordinance. This Ordinance shall revoke, rescind, and replace any previous zoning ordinance on the properties.

A. Permitted Land Uses. The following uses shall be allowed on the property:

1. A maximum of 120-Single-Family Dwelling Units, not to exceed 4 dwelling units per net acre. A mandatory Homeowners Association must be established.
2. Accessory uses as may be approved by the County Manager or designee.
3. Any other use of the property will require approval of an amendment to this Ordinance by the Board of County Commissioners.

1 **B. Open Space, Impervious Surface Ratio, and Building Height.** Open space, impervious
 2 surface ratio, and building height will be in accordance with the Comprehensive Plan, and
 3 LDR, as amended.

4 **C. Setbacks.** The development standards for Single-Family Dwelling Units shall be as
 5 follows:

Development Type	Front	Secondary Front	Side	Rear
Single-Family Residence	25-feet	15-feet	5-feet	15-feet
Accessory Structures	25-feet	15-feet	5-feet	5-feet

Note: Pools, pool enclosures, screen rooms, and associated pool enclosures shall have side and rear setbacks of 5-feet from the property line.

- 6 2. All setbacks detailed in the chart above must be measured from the property line.
- 7 3. With the exception of water dependent structures, all structures must be setback a
 8 minimum of fifty (50) feet from the jurisdictional wetland line.
- 9 4. Any setback not specified must be in accordance with the LDR, as amended.

10 **D. Architectural Design Standards.** The following Standards shall apply to all development
 11 on the property:

- 12 1. Building Design:
- 13 a. Single-Family Residential (SFR) units shall be designed utilizing
 14 Craftsman, Bungalow, Florida Cracker/Low Country, Southern Living
 15 (front porch), or Historical Dubsdread style architectural design standards
 16 which shall require a variety of architectural features and materials such
 17 as stone, stucco, craftsman columns, porches, metal roofs, tile, shutters,
 18 decorative doors, etc. to achieve each architectural style; the goal is to
 19 achieve "custom" home design generally consistent with the Design
 20 Renderings as Exhibit "C" of this Ordinance. Fifty (50%) percent of the
 21 SFR units shall have an 8' x 14' minimum size covered front porch
 22 consistent with the Craftsman, Bungalow, Florida Cracker/Low Country,
 23 Southern Living (front porch), or Historical Dubsdread style architectural
 24 design, unless enhanced by brick or stone home.
- 25 b. Minimum structure size shall be 1,200 square feet living area (heated and
 26 air-conditioned space.
- 27 c. Either side load or front load garage design may be utilized. All SFR units
 28 shall be designed and built with a 2-car garage minimum. If front load
 29 garage is utilized, the garage shall be recessed behind the front
 30 porch/entry of the residential unit.
- 31 d. Conversion of garage into living space shall be prohibited.

- 1 e. A minimum of twenty-five (25) percent of the total dwelling units (197 x
2 0.25= 50 units) shall be designed and built with side load garages.
- 3 f. Only architectural shingles may be utilized. Roof pitch shall be a minimum
4 of 5 to 12 pitch.
- 5 g. Exterior finish shall be stucco/hardy board with stone or brick accents.
- 6 h. All exterior colors shall be earth tones.
- 7 i. A minimum of two (2) off-street parking spaces shall be provided for each
8 SFR lot and shall be shown on the plot plan for each SFR building permit
9 application.
- 10 2. Driveway Access: All SFR units shall have a paved 2-car wide driveway access from
11 garage to street (concrete or pavers). Only one (1) driveway access shall be permitted
12 per lot. Double road frontage driveway access is prohibited.
- 13 3. Front yard fencing shall be limited to 4-feet in height.
- 14 4. RV storage on lots with or without a SFR unit is prohibited.
- 15 5. The Architectural Design Standards above shall be incorporated into the Homeowners
16 Association declarations.
- 17 6. No more than four home builders shall be used for the project.
- 18 7. All areas of the Planned Unit Development shall maintain a grass height of 12 inches
19 or less.
- 20 8. All amenities such as sidewalks, golf cart paths, sidewalks, pocket parks, or open
21 space shall be owned and maintained by the Homeowner's Association, and
22 accessible morning to dusk by lot owners.

23 **A. Bear Management.**

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

37 **E. Landscaping, Buffering, and Screening.**

- 38 1. Drought tolerant, native trees and vegetation shall be utilized for all street trees,
39 landscape buffers, and stormwater retention/detention areas.

- 1 2. Best Management Practices for native landscaping and “right plant-right place”
2 landscaping techniques shall be utilized in the design and installation of invasive exotic
3 plant species in all landscape plantings is prohibited.
- 4 3. Landscaping and screening shall be in accordance with the Comprehensive Plan and
5 LDR, as amended.

6 **F. Environmental Requirements.**

- 7 1. An environmental assessment dated within six (6) months of the date the preliminary
8 plat is submitted will be required to demonstrate the presence of vegetation, soils,
9 threatened and endangered species that may exist on the site. Any State permitting or
10 mitigation will be required before development can commence compliance in
11 accordance with the Comprehensive Plan and LDR, as amended.
- 12 2. Environmental resources shall be protected in accordance with the Comprehensive
13 Plan and LDR, as amended.

14 **G. Noise.** Compliance must be in accordance with the Land Development Regulations (LDR)
15 as amended.

16 **H. Transportation.**

- 17 1. The intersection of Harbor Shores Road and Enchantment Lane shall be realigned to a
18 multi-way intersection by this development. The developer shall work cooperatively
19 with the developer of the Goose Creek PUD to make these improvements; provided,
20 however, no building permits will be issued for either development until such time as
21 these improvements are completed. Harbor Shores may complete the improvements
22 at their sole cost and expense in order to obtain building permits.
- 23 2. Harbor Shores Road shall be widened along the development’s frontage and
24 improvements to other sections of the roadway may also be required to accommodate
25 the development’s traffic impacts.
- 26 3. A traffic signal as identified by the signal warrant is warranted at the intersection of
27 Harbor Shores Road and CR 44. The developer shall be responsible for the design,
28 permitting, and installation of the traffic signal. The traffic signal must be operational
29 prior to any building permits being issued. Developer shall work cooperatively with the
30 developer of Goose Creek PUD to design, permit and install the traffic signal; provided
31 however, that Harbor Shores may design, permit and install the traffic signal at its sole
32 costs and expense in order to obtain building permits.
- 33 4. Sidewalks will be required per Land Development Regulations, as amended.
- 34 5. All internal roads shall be designed to meet Lake County Road Design Standards.
- 35 6. Future road maintenance will be funded through the use of a municipal service taxing
36 unit (MSTU), or municipal service benefit unit (MSBU), as authorized under Section
37 125.01(1)(q), Florida Statutes. Before or concurrent with any final plat or site plan
38 approval, the Owner shall provide any documentation required by the County to
39 impose an MSTU or MSBU, at the County’s discretion, on the platted lots. Additionally,
40 the Owner acknowledges and agrees that the MSTU or MSBU shall be collected as a
41 non- ad valorem assessment using the uniform method of collection set forth under

- 1 Section 197.3632, Florida Statutes.
- 2 **I. Parking Requirements.** Parking will be provided in accordance with the LDR, as
3 amended, or as set forth in the Architectural Design Standards above.
- 4 **J. Stormwater and Floodplain Management:**
- 5 1. The stormwater management system shall be designed in accordance with all
6 applicable Lake County and St. Johns River Water Management District (SJRWMD)
7 requirements, as amended.
- 8 2. The developer shall be responsible for any flood studies required for developing the
9 site and comply with FEMA, Comprehensive Plan and Land Development Regulations,
10 as amended. Any development within the floodplain as identified on the FEMA maps
11 will required compensating storage.
- 12 **K. Utilities.** Water and sewer shall be provided to the development by Lakeside Waterworks.
13 A copy of the utility service agreement shall be provided.
- 14 **L. Lighting.** All development shall adhere to the dark-sky principles set forth in Section
15 3.09.00, Land Development Regulations, as amended. These same provisions shall apply
16 to individual lot owners as well as to the common areas.
- 17 **M. Signage.** All signage shall be in accordance with the LDR, as amended.
- 18 **N. Schools.** School Concurrency shall be met before final plat approval in accordance with
19 the Comprehensive Plan and LDR, as amended.
- 20 **O. Concurrency Management Requirements.** All development must comply with the Lake
21 County Concurrency Management System, as amended.
- 22 **P. Development Review and Approval:** Prior to the issuance of any permits, the Owner
23 shall submit applications for and receive necessary final development order approvals as
24 provided in the Lake County Comprehensive Plan and Land Development Regulations, as
25 amended. The applications for final development orders must meet all submittal
26 requirements and comply with all County codes and ordinances, as amended.
- 27 **Q. PUD Expiration.** Physical development shall commence within three (3) years from the
28 date of this Ordinance approval. Failure to commence construction within three (3) years of
29 approval shall cause the revocation of this ordinance, in accordance with the
30 Comprehensive Plan or superseding documents, as amended. Prior to expiration of the
31 three-year time frame, the Board of County Commissioners may grant, via a Public
32 Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a
33 showing that reasonable efforts have been made towards securing the required approvals
34 and commencement of work. Notwithstanding the foregoing, if at any time the developer is
35 granted an extension of time pursuant to Section 252.363, Florida Statutes, or Section 7-5,
36 Lake County Code, to the preliminary plat, construction plans, or final plat, commencement
37 of physical development shall be equally extended so long as the development is
38 proceeding in good faith and does not allow the originally extended development order to
39 expire.
- 40 **R. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references
41 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County

1 Comprehensive Plan, and Lake County Land Development Regulations shall include any
2 future amendments to the Statutes, Code, Plans, and/or Regulations.

3 **Section 2. Conditions.**

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

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

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

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

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

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

29
30 **Section 4. Filing with the Department of State.** The clerk is hereby directed to send a copy of this
31 Ordinance to the Secretary of State for the State of Florida in accordance with Section 125.66,
32 Florida Statutes.

33

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

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

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

1

Exhibit “A” – Legal Description

That part of Government Lot 12 lying Northwesterly of County Road 5-5942 and West of the following described line: Begin 3315.05 feet East of the West 1/4 corner on the mid-section line, run South 15 degrees 32' East 333.16 feet to the Northwest right-of-way of said road and the terminus of the line, all in Section 6, Township 19 South, Range 26 East, Lake County, Florida.

2

3

and

GOVERNMENT LOT 7 IN SECTION 6, TOWNSHIP 19 SOUTH, RANGE 26 EAST, IN LAKE COUNTY, FLORIDA, LESS RIGHT OF WAY FOR PUBLIC ROAD CONVEYED TO LAKE COUNTY BY AN INSTRUMENT DATED FEBRUARY 25, 1958 AND RECORDED TN OFFICIAL RECORDS BOOK 43, PAGE 632, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND ALSO LESS THE FOLLOWING:

BEGIN AT THE INTERSECTION OF THE EAST LINE OF THE ABOVE RIGHT OF WAY WITH THE NORTH LINE OF SAID GOVERNMENT LOT 7 AND RUN THENCE EAST ALONG THE NORTH LINE OF SAID GOVERNMENT LOT 7 A DISTANCE OF 726 FEET; THENCE SOUTH AND PARALLEL WITH THE EAST LINE OF SAID RIGHT OF WAY 300 FEET; THENCE WEST AND PARALLEL WITH THE NORTH LINE OF SAID GOVERNMENT LOT 7 A DISTANCE OF 726 FEET TO THE EAST LINE OF SAID RIGHT OF WAY; THENCE NORTH ALONG THE EAST LINE OF SAID RIGHT OF WAY 300 FEET TO THE POINT OF BEGINNING.

4

Exhibit "B" – Concept Plan

