



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 5

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

Case No. and Project Name: RZ-22-08-4, Goose Creek PUD

Owner: Burgland Investments, LLC; John Stoneburner, Inc.

Applicant: Burgland Investments, LLC

Requested Action: Rezone approximately 46.43 +/- acres from Agriculture Residential (AR) and Urban Residential (R-6) to Planned Unit Development (PUD) to facilitate development of a 145-lot single-family residential subdivision.

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

Case Manager: Ryan Winkler, Senior Planner

PZB Recommendation:

Subject Property Information

Size: 46.43 +/- gross acres (41.87 +/- net acres)

Location: South of Goose Creek Road, in the Leesburg area

Alternate Key Nos: 1387728, 1387736, 1387779, and 3829154

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

Existing Zoning District: Agriculture Residential (AR) and Medium Suburban Residential (R-6) (Attachment "B")

Proposed Zoning District: Planned Unit Development (PUD)

Flood Zone: "AE" and "X"

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	Mixed Residential (RM) and Medium Suburban Residential (R-6)	Residential	Single-Family Dwelling Units
South	Urban Low Density	Medium Suburban Residential (R-6)	Vacant and Residential	Single-Family Dwelling Unit
East	Urban Low Density	Mixed Residential (RM), Estate Residential (R-2), and Medium Suburban Residential (R-6)	ROW, Residential	Holland Drive ROW, Shangri-La Shores Subdivision Ph 1, Trinity Trail Subdivision, Lake Eustis Village Subdivision, Eagle Point Subdivision, and Single Family Dwelling Units
West	Conservation	Agriculture Residential (AR) and Medium Suburban Residential (R-6)	Conservation	Undeveloped land

- Summary of Analysis -

The subject properties are identified by Alternate Key Numbers 1387728, 1387736, 1387779, and 3829154, and contain approximately 46.43 gross acres (41.87 +/- net acres). The parcels are located South of Goose Creek Road, in the Leesburg area. The subject parcels are zoned Agriculture Residential (AR) and Medium Suburban Residential (R-6) and are located within the Urban Low Density Future Land Use Category (FLUC). The subject properties are vacant.

The applicant is requesting to rezone 46.43 +/- acres from Agriculture Residential (AR) and Medium Suburban Residential (R-6) to Planned Unit Development (PUD) to develop the property with a 145-lot single-family residential subdivision (density of approximately 3.46 dwelling units per net acres) as depicted in the Concept Plan (Attachment "C"). The Concept Plan depicts lots with a minimum width of 50-feet and a minimum lot area of 6,000-sf. The proposed development is expected to provide 25% open space for the overall development (Attachment "C"). The residential development is expected to be accessed via Eagle Point Court. Should the rezoning be approved, the applicant is requesting to develop a residential subdivision consisting of 145-lots.

Table 1. Existing and Proposed Development Standards.

	Zoning District	Maximum Density	Density	Maximum ISR	ISR	Minimum Open Space	Open Space	Maximum Building Height	Building Height
Existing	AR and R-6	185	One (1) dwelling unit per 2.5 net acres; One (1) dwelling unit/per six (6) net acres	60%	0%	25%	0%	40-Feet	0
Proposed	PUD	145	3.46 dwelling units per one (1) net acre	60%	22%	25%	25%	40-feet	40-Feet

Standards of 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 the PUD Zoning is intended to allow 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. The proposed development is located within the Urban Low Density Future Land Use Category, which allows residential development at a maximum density of four (4) dwelling units per net acre pursuant to Comprehensive Plan Policy I-1.3.2, Urban Low Density Future Land Use Category. The applicant is proposing to develop the property with a residential subdivision at a density of 3.46 dwelling units per net acre. The Concept Plan (Attachment “C”) shows the properties to 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%, consistent with the Comprehensive Plan Policy I-1.3.2, Urban Low Density Future Land Use Category

The proposed rezoning is consistent with Comprehensive Plan Policy I-7.8.1, Requirements for Planned Unit Developments, which states that a PUD shall be required for any application seeking to increase the existing density with the potential of fifty (50) or more dwelling units, and such proposed rezoning shall not exceed the underlying Future Land Use Category.

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

The subject properties are surrounded by existing residential development. 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 Ph 1	35	10.45	3.35 du/ac	1999
Trinity Trail Subdivision	4	1.60	2.5 du/ac	2007
Lake Eustis Village Subdivision	149	51.72	2.9 du/ac	1963
Eagle Point Subdivision	27	17.91	1.5 du/ac	2005

Additionally, a new subdivision is also being proposed consisting of 120 lots, with a total acreage of 30.91 acres and a gross density of 3.88 dwelling units per net acre, to be called Harbor Shores PUD. Harbor Shores PUD will also be presented to the Board during the same meeting as this development.

The applicant provided the following statement (Attachment “D”) regarding the compatibility 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 are 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.”*

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

The subject parcel is assigned an Urban Low Density FLUC, which allows residential uses; and the applicant proposes to develop the property with a residential subdivision.

In addition, the applicant provided the following justification for the proposed residential development (Attachment “D”):

"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. 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."

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;

Any future development of this property will require an analysis via submittal of a development application to demonstrate that the proposed development does not adversely impact the County's adopted levels of service to public facilities and services.

Water and Sewer

The application included a utility notification (Attachment "E") which indicates that Lakeside Waterworks will provide connection to central water and sewage services to this property. The subject properties are located within 1,000-feet of an existing or future wellhead.

Solid Waste

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

Office of Public Safety

Lake County Fire Rescue Station #72 is located two (2) miles of the subject property 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 proposed level of service along State Road 44 segment CR 473 to Apiary Road is "C".

The application was reviewed by the Lake County Public Works Department. The Public Works department provided the following comment: *"Harbor Shores Rd, Forest Lake Road, Golden Tree Drive, and Eagle Point Court 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 the board of the lane width concerns for the county-maintained roads and potential increase in road maintenance may be required with the increase in traffic. 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 Rd 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;

The property is currently undeveloped. 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. Additionally, 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 development 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 parcels are designed with an Urban Low Density FLUC and developed with residential uses. The applicant provided a justification statement (Attachment "D") describing how the proposed rezoning 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."*

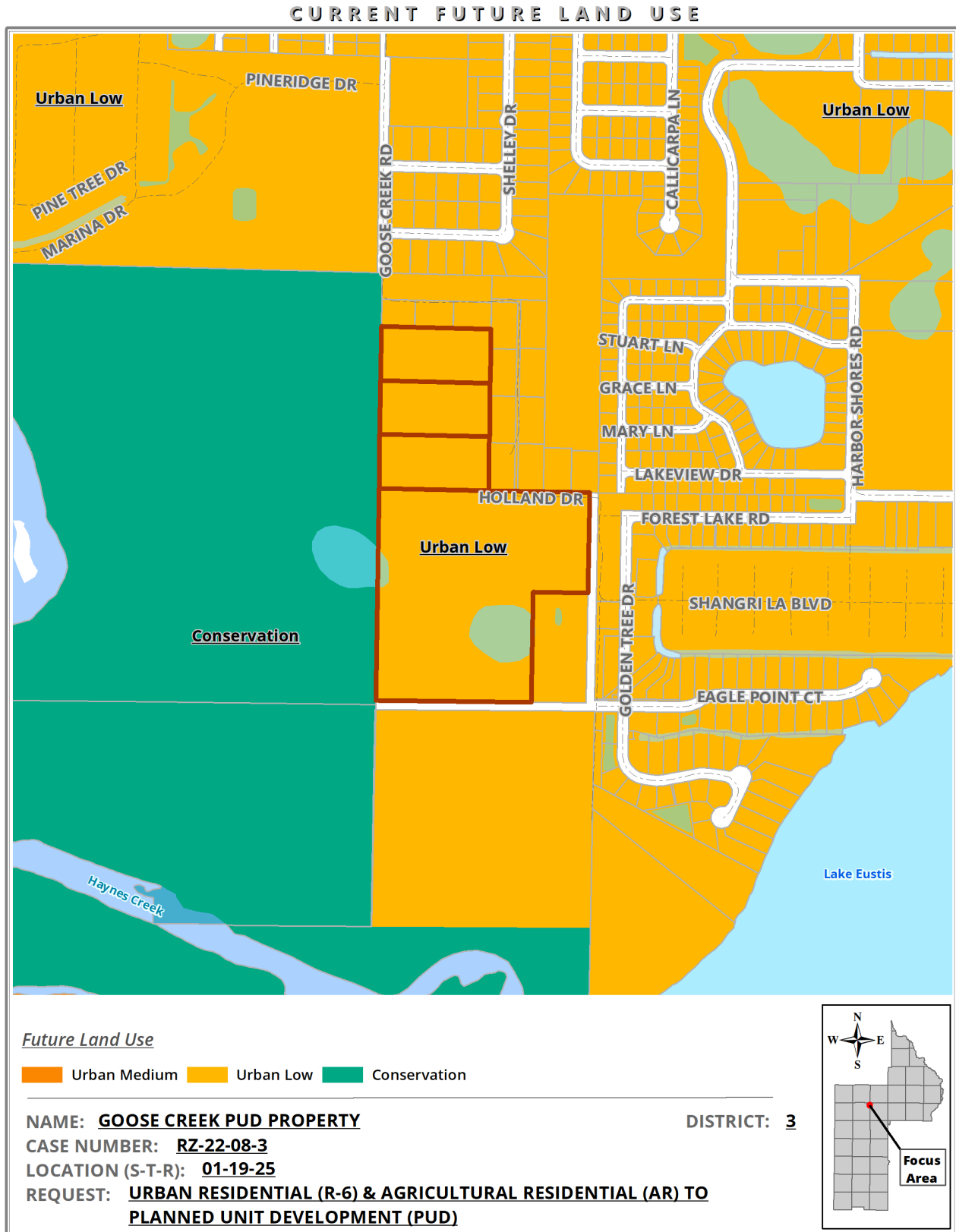
I. Whether the proposed rezoning would be in conflict with the public interest, and in harmony with the purpose and intent of these Regulations; and

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

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

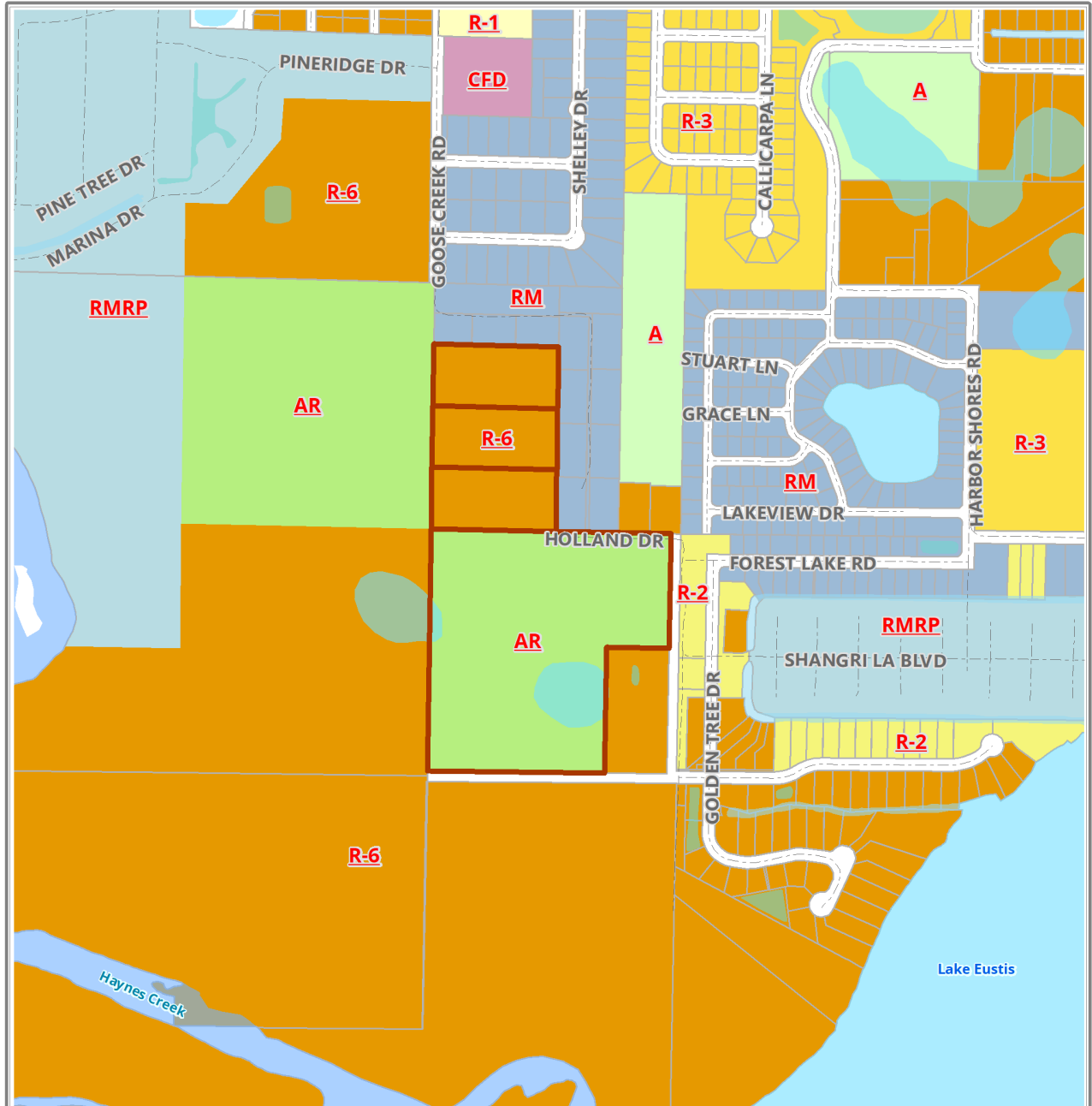
A separate rezoning application (RZ-22-07-3 Harbor Shores PUD) proposes to rezone approximately 34.16 acres directly south of the subject properties from Medium Residential District (R-3) and Urban Residential District (R-6) to PUD, to facilitate the development of a 120-single family residential subdivision at a proposed density of 3.88 dwelling units per net acre. This application is anticipated to be presented to the Board of County Commissioners at the same meeting as this application.

Attachment "A" – Future Land Use Category



Attachment "B" – Zoning District

CURRENT ZONING



Zoning Legend

 A	 R-1	 R-3	 RMRP	 C-1
 AR	 R-2	 R-6	 RM	 CFD

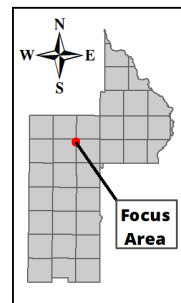
NAME: **GOOSE CREEK PUD PROPERTY**

DISTRICT: **3**

CASE NUMBER: **RZ-22-08-3**

LOCATION (S-T-R): **01-19-25**

REQUEST: **URBAN RESIDENTIAL (R-6) & AGRICULTURAL RESIDENTIAL (AR) TO PLANNED UNIT DEVELOPMENT (PUD)**



Attachment “D” - 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 Goose Creek Development PUD

Parcel Number	Alternate Key #	Wetlands*	Actual Wetlands Surveyed	Uplands*	Acreage* ^{+/-}
01-19-25-0004-000-03100	1387779	3.0	4.56	29.76	32.76
01-19-25-0004-000-03000	1387728	0.0		5.0	5.0
01-19-25-0004-000-04100	3829154	0.0		5.0	5.0
01-19-25-0004-000-02700	1387736	0.0		5.0	5.0
Total		3.0		43.76	46.43

*Per Lake County Property Appraiser

Maximum density: Urban Low 4 DU/Ac

46.43 Total Acres – 4.56 Wetland Acres = 41.87 Net acres

41.87 X 4 DU/Ac = 167 Maximum Units

145 Proposed or 3.46 DU/Ac

Open space Required: 25% of 41.87 Ac = 10.46 Acres

Open space Provided: _____ 13.50 _____

***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 46.43^{+/-} Acres (based on Property Appraiser data) comprised of 4 parcels located in North Central Lake County, south of Goose Creek Road and north of Eagle Point Court, 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 145-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.

Attachment “D” - Project Summary (Page 2 of 2)

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.

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 Goose Creek 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 "E" – Utility Notification



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 180 Multi-Family Units _____ Duplex _____ Commercial _____

Administrative Lot Split _____ Commercial Project _____ Rezoning _____

Legal description: Section 01 Township 19 Range 25 Alt Key # 0004-000-0300

Subdivision Holland Dr Lot _____ Block _____ Additional Legal attached 02700
03100
04100

Hook up to Central Sewage IS within 1,000 feet of the above described property.

Hook up to Central Water IS within 300 feet of the above described property.

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. TBD

City Official or Private Provider Signature Troy Rendell

Print Name, Title and Entity: Troy Rendell V.P. Lakeside NW Date 1/13/22

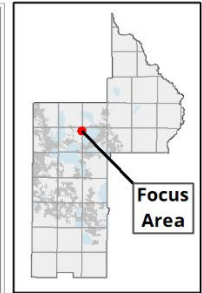
Please return this completed form to the Office of Planning & Zoning via facsimile to (352) 343-9767, or email it to zoning@lakecountyfl.gov.

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

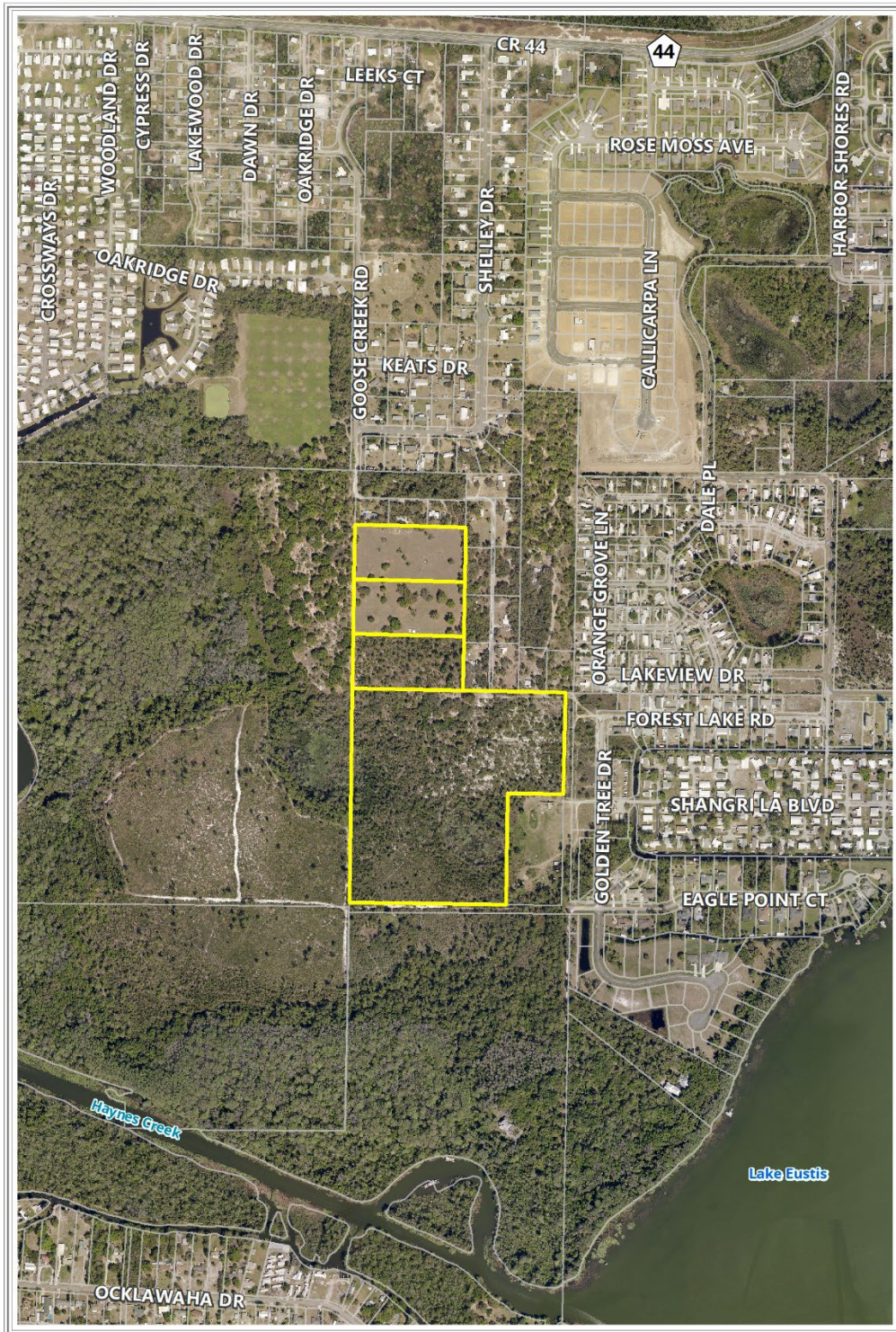
Map of Subject Parcel



RZ-22-08-3
Goose Creek Property



Urban Residential (R-6)
& Agricultural
Residential (AR)
to
Planned Unit
Development (PUD)



1 3. Any other use of the site not specified above will require approval of an amendment to
2 this Ordinance by the Board of County Commissioners.

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

6 **C. Setbacks.** The minimum setback for Single-Family Dwelling Units shall be as follows:

Development Type	Front	Secondary Front	Side	Rear
Single-Family Residence	25-feet	15-feet	5-feet	20-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.

- 7 1. All setbacks must be measured from the property line.
8 2. Any setback not specified must be in accordance with the Land Development
9 Regulations (LDR), as amended.

10 **D. Architectural Design Standards.**

- 11 1. Building Design.
- 12 a. Single-Family Residential (SFR) units shall be designed utilizing Craftsman,
13 Bungalow, Florida Cracker/Low Country, Southern Living (front porch), or
14 Historical Dubsdread style architectural design standards which shall require a
15 variety of architectural features and materials such as stone, stucco, craftsman
16 columns, porches, metal roofs, tile, shutters, decorative doors, etc. to achieve
17 each architectural style.
 - 18 b. Minimum structure size shall be 1,500 square feet living area (heated and air-
19 conditioned space).
 - 20 c. Either side load or front load garage design may be utilized. All SFR units shall
21 be designed and built with a 2-car garage minimum
 - 22 d. Conversion of garage into living space shall be prohibited.
 - 23 e. Only architectural shingles may be utilized. Roof pitch shall be a minimum of 5
24 to 12 pitch.
 - 25 f. Exterior finish shall be stucco/hardy board with stone or brick accents.
 - 26 g. All exterior colors shall be earth tones.
 - 27 h. A minimum of two (2) off-street parking spaces shall be provided for each SFR
28 lot and shall be shown on the plot plan for each SFR building permit application.
 - 29 i. All amenities such as sidewalks, golf cart paths, sidewalks, pocket parks, or
30 open space shall be dedicated to the public, owned and maintained by the
31 Homeowner's Association, and accessible morning to dusk by lot owners.

- 1 2. Driveway Access. All SFR units shall have a paved 2-car wide driveway access from
2 garage to street (concrete or pavers). Only one (1) driveway access per lot. Double road
3 frontage driveway access is prohibited.
- 4 3. Front yard fencing shall be limited to 4-feet in height.
- 5 4. RV Storage on lots with or without a SFR unit is prohibited.
- 6 5. The Architectural Design Standards above shall be incorporated into the Homeowners
7 Association declarations.
- 8 6. All areas of the Planned Unit Development shall maintain a grass height of 12 inches or
9 less until such time as the PUD fully develops.

10 **E. Bear Management.**

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

24 **F. Landscaping, Buffering, and Screening.**

- 25 1. Drought tolerant, native trees and vegetation shall be utilized for all street trees,
26 landscape buffers, and stormwater retention/detention areas.
- 27 2. Best Management Practices for native landscaping and "right plant-right place"
28 landscaping techniques shall be utilized in the design and installation of invasive exotic
29 plant species in all landscape plantings is prohibited.
- 30 3. Smart Irrigation Best Management Practices shall be utilized for all landscape irrigation
31 and shall incorporate soil moisture and rain sensors into the irrigation design.
- 32 4. Landscaping and screening shall be in accordance with the Comprehensive Plan and
33 LDR, as amended.

34 **G. Environmental Requirements.**

- 35 1. An environmental assessment dated within six (6) months of the date the preliminary
36 plat is submitted will be required to demonstrate the presence of vegetation, soils,
37 threatened and endangered species that may exist on the site. Any State permitting or
38 mitigation will be required before development can commence compliance in
39 accordance with the Comprehensive Plan and LDR, as amended.

- 1 2. Environmental resources shall be protected in accordance with the Comprehensive Plan
2 and LDR, as amended.
3 3. Copies of permits from all jurisdictional agencies will be required prior to the
4 commencement of construction.

5 **H. Noise.** Compliance must be in accordance with the LDR, as amended

6 **I. Transportation.**

- 7 1. Access to the property will require improvements to meet county paved road standards.
8 2. Traffic calming will need to be included in the subdivision design utilizing the Florida
9 Greenbook Traffic Calming Treatments and acceptable measures by Lake County.
10 3. The intersection of Harbor Shores Road and Enchantment Lane shall be realigned to a
11 multi-way intersection by this development. The developer shall work cooperatively
12 with the developer of Harbor Shores PUD to make these improvements; provided,
13 however, that no building permits will be issued for either development until such time
14 as these improvements are completed. Goose Creek may complete the improvements
15 at their sole cost and expense if they elect to do so in order to obtain building permits.
16 4. A traffic signal as identified by the signal warrant is warranted at the intersection of
17 Harbor Shores Road and CR 44. The developer shall be responsible for the design,
18 permitting, and construction of the traffic signal. The traffic signal must be operational
19 prior to any building permits being issued. Developer shall work cooperatively with the
20 developer of Goose Creek PUD to design, permit and install the traffic signal; provided
21 however, that Goose Creek may design, permit and install the traffic signal at its sole
22 cost and expense in order to obtain building permits.
23 5. Sidewalks will be required per LDR, as amended.
24 6. All internal roads shall be designed to meet Lake County Road Design Standards.
25 7. Future road maintenance will be funded through the use of a municipal service taxing
26 unit (MSTU), or municipal service benefit unit (MSBU) as authorized under Section 2
27 125.01(1)(q), Florida Statutes. Before or concurrent with any final plat or site plan
28 approval, the Owner shall provide any documentation required by the County to impose
29 an MSTU or MSBU, at the County's discretion, on the platted lots. Additionally, the
30 Owner acknowledges and agrees that the MSTU or MSBU shall be collected as a non-
31 ad valorem assessment using the uniform method of collection set forth under Section
32 7 197.3632, Florida Statutes.

33 **J. Stormwater Management.**

- 34 1. The stormwater management system shall be designed in accordance with all
35 applicable Lake County and St. Johns River Water Management District (SJRWMD)
36 requirements, as amended.
37 2. The developer shall be responsible for any flood studies required for developing the site
38 and comply with FEMA, Comprehensive Plan and LDR, as amended. Any development
39 within the floodplain as identified on the FEMA maps will required compensating storage.

40 **K. Utilities.** Water and sewer shall be provided to the development by Lakeside waterworks.
41 A copy of the utility service agreement shall be provided.

- 1 **L. Lighting.** All development will adhere to the dark-sky principles set forth in Section 3.09.00,
2 LDR, as amended. These same provisions shall apply to individual lot owners as well as the
3 common areas.
- 4 **M. Signage.** All signage must be in accordance with the LDR, as amended.
- 5 **N. Schools.** School Concurrency shall be met before final plat approval in accordance with the
6 Comprehensive Plan and LDR, as amended.
- 7 **O. Concurrency Management Requirements.** All development must comply with the Lake
8 County Concurrency Management System, as amended.
- 9 **P. Development Review and Approval.** Prior to the issuance of any permits, the Owner shall
10 submit a preliminary plat, construction plans, and final plat generally consistent with the
11 Conceptual Plan attached as Exhibit "B" for review and approval in accordance with the
12 Comprehensive Plan and LDR, as amended.
- 13 **Q. PUD Expiration.** Physical development shall commence within three (3) years from the date
14 of this Ordinance approval. Failure to commence construction within three (3) years of
15 approval shall cause the revocation of this ordinance, in accordance with the
16 Comprehensive Plan or superseding documents, as amended. Prior to expiration of the
17 three-year time frame, the Board of County Commissioners may grant, via a Public Hearing,
18 one (1) extension of the time frame for a maximum of two (2) years upon a showing that
19 reasonable efforts have been made towards securing the required approvals and
20 commencement of work. Notwithstanding the foregoing, if at any time the developer is
21 granted an extension of time pursuant to Section 252.363, Florida Statutes, or Section 7-5,
22 Lake County Code, to the preliminary plat, construction plans, or final plat, commencement
23 of physical development shall be equally extended so long as the development is proceeding
24 in good faith and does not allow the originally extended development order to expire.
- 25 **R. Future Amendments to Statutes, Code, Plans, and/or Regulations.** The specific references
26 in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County
27 Comprehensive Plan, and Lake County LDR shall include any future amendments to the
28 Statutes, Code, Plans, and/or Regulations.

29 **Section 2. Conditions.**

- 30 **A.** After establishment of the facilities as provided in this Ordinance, the property identified in
31 this Ordinance may only be used for the purposes identified in this Ordinance. Any other
32 proposed use must be specifically authorized by the Board of County Commissioners.
- 33 **B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve,
34 move, convert, or demolish any building structure, add other uses, or alter the land in any
35 manner within the boundaries of the above-described land without first obtaining the
36 necessary approvals in accordance with the Lake County Code, as amended, and obtaining
37 the permits required from the other appropriate governmental agencies.
- 38 **C.** This Ordinance will inure to the benefit of and will constitute a covenant running with the land
39 and the terms, conditions, and provisions of this Ordinance, and will be binding upon the
40 present Owner and any successor and will be subject to each condition in this Ordinance.

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

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

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

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

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

ENACTED this _____ day of _____, 2022.

FILED with the Secretary of State _____, 2022.

EFFECTIVE _____, 2022.

**BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

SEAN M. PARKS, CHAIRMAN

ATTEST:

**GARY COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

APPROVED AS TO FORM AND LEGALITY:

MELANIE MARSH, COUNTY ATTORNEY

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EXHIBIT "A" – LEGAL DESCRIPTION (PAGE 2 OF 2)

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ALTERNATE KEY 3829154 -

THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 01, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA. TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS DESCRIBED AS FOLLOWS: AN EASEMENT EXTENDING 182.56 FEET, BEGINNING AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 01, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, THENCE RUNNING SOUTH ACROSS THE WEST 20 FEET OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 01, AND CONTINUING SOUTH 147.44 FEET ACROSS THE WEST 15 FEET OF SAID NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 01 THEREOF. ALSO, AN EASEMENT EXTENDING SOUTH 330 FEET, ACROSS THE EAST 5 FEET OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SAID SECTION 01 THEREOF. ALSO AN EASEMENT FOR INGRESS AND EGRESS OVER THE FOLLOWING DESCRIBED PARCEL OF LAND: THE WEST 50 FEET OF THE SOUTH 1/2 OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE WEST 50 FEET OF THE NORTH 170.46 FEET OF THE NORTH 1/2 OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 01, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.

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EXHIBIT "B" - CONCEPTUAL PLAN

