

Summary of Ordinance

This Ordinance amends Section 4.03.04, Lake County Code, Appendix E, Land Development Regulations, entitled *Residential Development Standards*, to temporarily require any new subdivision of 50 lots or more to rezone to a Planned Unit Development for purposes of establishing residential design standards for the community.

Changes are shown as follows: ~~Strikethrough~~ for deletions and Underline for additions to existing Code sections. The notation “* * *” shall mean that all preceding or subsequent text remains unchanged (excluding any renumbering or relettering that might be needed).

ORDINANCE NO. 2023-__

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA; AMENDING SECTION 4.03.04, LAKE COUNTY CODE, APPENDIX E, LAND DEVELOPMENT REGULATIONS, ENTITLED RESIDENTIAL DEVELOPMENT STANDARDS; REQUIRING ANY SUBDIVISION OF 50 LOTS OR MORE TO REZONE TO A PLANNED UNIT DEVELOPMENT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR FILING WITH THE DEPARTMENT OF STATE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on January 24, 2023, the Board adopted Ordinance 2023-8 and Ordinance 2023-9 for the purposes of amending the Lake County Comprehensive Plan and Land Development Regulations to establish policies and regulations governing rural conservation subdivisions; and

WHEREAS, as part of the Comprehensive Plan amendment, the Board increased the threshold from 50 lots to 200 lots to trigger the requirement that a Planned Unit Development zoning classification is needed; and

WHEREAS, the County is actively engaged in the process of developing residential subdivision design standards to apply to subdivisions that are not being developed under the rural conservation design regulations, and anticipates that such process will take approximately six (6) months to complete; and

WHEREAS, the Board of County Commissioners, in order to protect the status quo while residential subdivision design guidelines are being prepared for future consideration, has determined that reinstating a requirement to obtain a Planned Unit Development zoning classification for developers seeking to plat 50 or more lots for a subdivision is in the best interests of the health, safety and welfare of the residents of Lake County, Florida.

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

Section 1. Legal Findings of Fact. The foregoing recitals are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

1 **Section 2. Amendment.** Section 4.03.04, Lake County Code, Appendix E, Land
2 Development Regulations, entitled *Residential Development Standards*, shall be amended to read as
3 follows:
4

5 **4.03.04 Residential Development Standards.**

6 A. Density. The criteria for establishing the residential Gross Density Shall:

- 7 1. Be based on the Conservation of natural features and environmental assets of the Site.
- 8 2. Provide for the adequacy of Public Roads, utilities, public services, and facilities required
9 to serve the Development.
- 10 3. Be based on the point rating system established in Chapter VII for PUDs within the Wekiva
11 River Protection Area.
- 12 4. Not be Developed at a Density exceeding five and one-half (5.5) Dwelling Units per net
13 acre in the Mount Plymouth-Sorrento Urban Compact Node.
- 14 5. Not exceed two (2) Dwelling Units per Base Site Area unless central water is provided
15 wherefore the maximum allowable Density Shall not exceed three (3) Dwelling Units per
16 Base Site Area in a designated rural village.

17 B. Maximum Height. The maximum height of any residential Structure Shall be forty (40) feet.

18 C. Open Space.

- 19 1. A minimum of twenty-five (25) percent of the Base Site Area of Land of the PUD Shall be
20 used for Open Space. At least sixty (60) percent of the Open Space for public purpose Shall
21 be common Open Space used for golf courses, passive recreation or parks. The provision
22 of such Open Space may consist of:
 - 23 a. Designation of all such Open Space as a condition of the final PUD plan;
 - 24 b. Conveying the Land to a Public Agency that will, upon acceptance, agree to maintain
25 the common Open Space and any Buildings, Structures, or Improvements that have
26 been placed on it.
- 27 2. No such Parcel of Land dedicated for Open Space Shall be less than one (1) contiguous
28 acre, and all such areas Shall be physically part of the PUD.

29 D. Impervious Surface and Floor Area Ratios. The maximum Permitted Impervious Surface ratio
30 (ISR) and Floor area ratio (FAR) Shall be determined at the time of PUD plan approval.
31 However, in no case Shall the ISR or FAR exceed the maximum Permitted for the RM district,
32 as set forth in Table 3.02.06.

33 E. Planned Unit Development. A Planned Unit Development shall be required for any developer
34 seeking to apply to plat a residential subdivision consisting of fifty (50) or more dwelling units
35 unless the applicant proposes to use a Rural Conservation Subdivision design.

36
37 **Section 3. Severability.** If any section, sentence, clause, or phrase or word of this
38 Ordinance is for any reason held or declared to be invalid, unconstitutional, inoperative or void by any court
39 of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of
40 this Ordinance; and it shall be construed to have been the Commissioners' intent to pass this Ordinance
41 without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after
42 the exclusion of such part or parts shall be deemed and held to be valid, as if such parts had not been
43 included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person,

1 groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not
2 affect the applicability thereof to any other person, property or circumstances.

3
4 **Section 4. Inclusion in the Code.** It is the intent of the Board of County Commissioners that
5 the provisions of this Ordinance shall become and be made a part of the Lake County Code and that the
6 sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to
7 "section," "article," or such other appropriate word or phrase in order to accomplish such intentions.

8
9 **Section 5. Filing with the Department of State.** The Clerk shall be and is hereby directed
10 forthwith to send an electronic copy of this Ordinance to the Secretary of State for the State of Florida in
11 accordance with Section 125.66, Florida Statutes.

12
13 **Section 6. Effective Date.** This Ordinance shall become effective as provide for by law.

14
15 Enacted this _____ day of _____, 2023.

16
17 Filed with the Secretary of State _____, 2023.

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22 ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF LAKE COUNTY, FLORIDA

23
24
25 _____
26 Gary J. Cooney, Clerk of the
27 Board of County Commissioners
28 of Lake County, Florida

_____ Kirby Smith, Chairman

This ____ day of _____, 2023.

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32
33 Approved as to form and legality:

34
35
36 _____
37 Melanie Marsh, County Attorney



ECONOMIC IMPACT STATEMENT

Date:	03/28/2023	Contact Name:	Mary Ellen Stern
Dept./Division:	Economic Growth	Contact Phone:	352-742-3927

Describe the Ordinance:

This Ordinance amends Section 4.03.04, Lake County Code, Appendix E, Land Development Regulations, entitled *Residential Development Standards*, to temporarily require any new subdivision of 50 lots or more to rezone to a Planned Unit Development for purposes of establishing residential design standards for the community.

Describe the direct economic impact of the ordinance upon the operation of the County:

There is no direct economic impact on the operation of the County.

Describe the direct economic impact of the ordinance upon the property owner/taxpayers/citizens who are expected to be affected:

Economic Impacts for property owners/taxpayers/citizens cannot be fully determined at this time. The Planned Unit Development process adds review time and public meetings to the development process, therefore one impact to the property owner or developer is the is additional cost for such meetings.

Identify any potential indirect economic impacts, positive or negative which might occur as a result of the ordinance:

Indirect economic impacts cannot be fully determined at this time.



AFFORDABLE HOUSING IMPACT STATEMENT

Contact Information

Date:	March 22, 2023	Contact Name:	Mike "Turk" Taylor
			Affordable Housing Advisory Committee Member

Ordinance Information

Describe the Ordinance:

This Ordinance amends Section 4.03.04, Lake County Code, Appendix E, Land Development Regulations, entitled Residential Development Standards, to temporarily require any new subdivision of 50 lots or more to rezone to a Planned Unit Development for purposes of establishing residential design standards for the community.

Describe the direct impact of the ordinance upon the provision of affordable housing:

The direct impact of the Ordinance will be unfavorable to any extent the adoption of this proposed Ordinance might mitigate or otherwise reduce development requirements that support and/or further of the County's existing affordable housing initiatives.

Describe the direct impact of the ordinance upon the property owner/taxpayers/citizens who need affordable housing:

Direct impact on:

- 1) Property Owners: A decrease in the marketability of land to Developers might occur in instances where land owned by Property Owners to small to support the development of 200 or more units.
- 2) Taxpayers: Expansion of needed public services (i.e., law enforcement, fire/rescue, schools, roads, public utilities, etc.) may logically increase the tax burden on Taxpayers.
- 3) Citizens in need of affordable housing: I am unable to envision a favorable impact for Citizens in need of affordable housing unless residential design standards expressly include provisions to ensure a real net increase affordable housing inventory within the County.

Identify any potential indirect impacts, positive or negative which might occur as a result of the ordinance:

Indirect impacts which might occur:

- 1) Positive: Continued economic and tax-base growth. A positive impact can occur in the event County Officials are willing to leverage PUD approvals to achieve from Developers an increase in affordable housing stock via specific residential design standards.
- 2) Negative: Continued, even accelerated, urban sprawl where the County's native beauty (i.e., rolling hills covered with trees) is eliminated and transformed into barren land covered by housing to yield an increase in noise/light pollution, traffic congestion, displacement of native wildlife together with the permanent destruction of native wildlife habit. Too many potential negative impacts exist to be fully outlined here.