



COMPREHENSIVE PLAN AMENDMENT
STAFF REPORT
OFFICE OF PLANNING & ZONING

Tab Number: 2

Public Hearings: Planning & Zoning Board (PZB): August 2, 2023
Board of County Commissioners (BCC): September 5, 2023

Case No. and Project Name: FLU-23-35-4, Eld, Roach, and Azad Properties

Applicant: Lake County BCC

Owner: Mr. Arthur Eld IV & Mrs. Meghan Eld, Mr. Mohammad A. Azad on behalf of Azad Enterprise Inc., and Mr. Eric G. Roach.

Requested Action: Amend the Future Land Use Map (FLUM) to change the Future Land Use Category (FLUC) on Alternate Key (AK) Numbers 1400856, 1400881, and 1673828 to Planned Unit Development (PUD) and amend associated Comprehensive Plan Policies to correct previous zoning errors to bring the existing residential uses on AK 1400856 (Eld Property) and AK 1673828 (Roach Property), and the commercial use on AK 1400881 (Azad Property) into conformance with the Comprehensive Plan and Land Development Regulations (LDR).

Staff Determination: Staff finds the application consistent with the LDR and Comprehensive Plan.

Case Manager: Bernice Gonzalez, MDUR, CMP, AICP, Senior Planner

PZB Recommendation:

Subject Property Information

Size: Approximate cumulative 5.38 +/- acres (no wetlands or floodplain)

Location: County Road (CR) 44A and Lake Norris Road within the Eustis area of unincorporated Lake County

Alternate Key Numbers: 1400856, 1400881, and 1673828

Current Future Land Use: Wekiva River Protection Area A-1-20 Receiving Area (Attachment "A")

Proposed Future Land Use: Planned Unit Development (PUD) (Attachment "B")

Current Zoning Districts: Planned Commercial (CP) Ordinance #1973-25 and Ordinance #1978-4 (Attachment "C") [Separate Application - RZ-23-32-4].

Joint Planning Area/ISBA: N/A

Overlay District(s): Wekiva River Protection Area and Wekiva Study Area Overlay Districts.

Adjacent Property Land Use Table

Direction	Future Land Use	Zoning	Existing Use	Comments
North	Receiving Area A-1-20	Agriculture (A)	Residential and Vacant	Existing Single-Family Dwellings
South	Receiving Area A-1-20	Agriculture (A)	Right-of-Way and Residential	Existing Single-Family Dwellings south of CR 44A
East	Receiving Area A-1-20	Agriculture (A)	Vacant	Vacant Large Tract of Agriculture Land
West	Receiving Area A-1-20	Rural Residential (R-1)	Right-of-Way and Residential	Existing Single-Family Dwellings west of Lake Norris Road

Staff Analysis

The proposed Future Land Use Amendment is for approximate cumulative 5.38 +/- acres, located at the corner of CR 44A and Lake Norris Road within the Eustis area of unincorporated Lake County. The subject property is identified by Alternate Key (AK) Numbers 1400856 (Eld Property), 1400881 (Azad Property), and 1673828 (Roach Property). GIS aerials do not indicate any flood zone or wetlands on the subject properties. The requested action proposes to amend the Future Land Use Category (FLUC) from Wekiva River Protection Area A-1-20 Receiving Area to Planned Unit Development FLUC to correct previous zoning errors and bring the existing residential uses on AK 1400856 (Eld property) and AK 1673828 (Roach property), and the commercial use on AK 1400881 (Azad property) into conformance with the Comprehensive Plan and LDR.

Eld Property:

Mr. and Mrs. Eld submitted for a zoning clearance to construct a pool on AK 1400856. The zoning clearance was denied as the Eld Property was zoned Planned Commercial (CP) in 1978, and, upon examination, it was found that the existing residential use was inconsistent with CP Ordinance #1978-4 (Rezoning from A to CP to allow for a used car sales lot/major repairs – Attachment “D”) despite the property having been granted a building permit for a residential structure in 1983 and a zoning conformance letter for residential uses in 2003. The zoning conformance letter indicated that the Future Land Use for the property was Suburban, which was incorrect. There is currently a single-family dwelling unit on the Eld Property which is inconsistent with the uses identified in the 1978 CP zoning ordinance.

Roach Property:

A portion of AK 1673828 (Roach Property) was included in Ordinance #1978-4. The remainder of the Roach Property was included in a separate CP Ordinance, Ordinance #1973-25 (Rezone from A to CP to allow for service station/grocery store use – Attachment “E”). There is currently a single-family dwelling unit on the Roach Property that was constructed in 1969 according to the Property Appraiser’s records which is inconsistent with uses identified in the 1978 and 1973 CP zoning ordinances.

Azad Property:

The Azad Property was encumbered by Ordinance #1973-25 as well, and there is currently a one-story free-standing store located on the property. This use is consistent with the 1973 zoning ordinance.

In order to correct the inconsistencies with the historic and present uses, and the 1978 and 1973 CP zoning ordinances, a county-initiated Comprehensive Plan Land Use Map Amendment and rezoning application was filed seeking to correct the zoning errors and bring the existing uses into conformance with current regulations.

Furthermore, because the Roach Property and Azad Property are covered under the same two historic CP Ordinances, the comprehensive plan amendment and rezoning must recognize the existing uses on those properties and establish a FLUC and zoning classification that is consistent with current regulations. Staff has contacted all three property owners who have provided their written consent to the proposed changes. (Attachment “G” – “I”).

The parcels are designated with a Wekiva River Protection Area A-1-20 Receiving Area FLUC in the Comprehensive Plan. Policy I-3.2.3 *Wekiva River Protection Area A-1-20 Receiving Area FLUC* allows for residential uses. The amendment request is consistent with Objective I-7.14 Planned Unit Development FLU Series, which states: “*The Planned Unit Development (PUD) Future Land Use Series is established to provide an implementing tool to accommodate site specific development standards for unique properties and developments which do not conform to an established Future Land Use Category.*”

This Future Land Use Amendment application is accompanied by a rezoning application that proposes to rezone the subject parcels to a PUD zoning classification and will be presented concurrently to the Board of County Commissioners – See RZ-23-32-4.

Table 1. Existing and Proposed Development Standards.

	Zoning District	FLUC	Maximum Density LDR	Maximum Density Comp Plan	Maximum ISR LDR	Maximum ISR Comp Plan	Minimum Open Space	Maximum Floor Area Ratio Comp Plan	Maximum Building Height LDR/Comp Plan
Existing	CP	Receiving Area A-1-20	N/A	1 du/20 net acre	70%	20%	50%	-	50 Feet for residential/ 75 Feet for non-residential
Proposed	PUD	PUD	N/A	AK 1400856 = 1 du/5 net acre AK 1673828 = 1 du/net acre	10%	10%	25%	AK 1400881 = 0.20	40 Feet

Standards for Review (LDR Section 14.02.03)

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

The proposed Comprehensive Plan Future Land Use (FLU) Map Amendment request is consistent with Objective I-7.14 *Planned Unit Development Future Land Use Series*. The PUD FLUC was established to provide an implementing tool to accommodate site specific development standards for unique properties which do not conform to an established future land use category. The Wekiva River Protection Area A-1-20 Receiving Area FLUC allows for residential uses at a maximum density of one (1) dwelling unit per 20 net buildable acres. The two existing single family dwelling units on a cumulative acreage of 5.38 +/- acres are inconsistent with the current future land use

category. The proposed map amendment will allow the existing uses to be in compliance with current regulations so that the property owners may add accessory structures or uses to their residential properties.

B. Whether the proposed amendment is in conflict with any applicable provisions of these regulations.

The proposed amendment is not in conflict with any provisions of the LDR. A separate rezoning application is being presented to the Board to consider rezoning the subject parcels to a PUD zoning classification, which will incorporate the applicable Comprehensive Plan policies and regulations.

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

The proposed amendment is consistent with Objective I-7.14 Planned Unit Development FLU Series, which states: *“The Planned Unit Development (PUD) Future Land Use Series is established to provide an implementing tool to accommodate site specific development standards for unique properties and developments which do not conform to an established Future Land Use Category.”*

The proposed amendment is consistent with the existing land uses. Properties to the north, south, east, and west of the subject parcels are either vacant residential or existing single family residential uses. The store is a pre-existing use approved in 1973. The proposed amendment to PUD FLUC will bring the existing residential uses on AK 1400856 (Eld property) and AK 1673828 (Roach property), and the commercial use on AK 1400881 (Azad property) into conformance with the Comprehensive Plan and LDR, as amended.

D. Whether there have been changed conditions that justify an amendment.

The county-initiated Comprehensive Plan Land Use Map Amendment is necessary to correct previous zoning errors regarding AK 1400856 (Mrs. Eld’s property) as follows:

1. Approval of single-family residential building permit issued in 1983 that was inconsistent with the 1978 CP Ordinance; and
2. Issuance of zoning conformance letter (ZCL-2003-003) on January 2, 2003, describing the Future Land Use as Suburban, which was an incorrect future land use classification.

Furthermore, the comprehensive plan amendment and rezoning request shall include all properties owned by others affected by the inconsistency with Ordinance #1973-25 and Ordinance #1978-4, identified as AK 1673828 (Roach property), and AK 1400881 (Azad property).

E. Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure and services, 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 existing uses are on well and septic systems. No additional utility requests are being made for the properties. The proposed future land use map amendment does not change the current uses or demand on services provided by the County.

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

No additional development or uses are being proposed with this application. Future development shall be consistent with the requirements of Lake County Comprehensive Plan and Land Development Regulations.

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

There should be no impact on surrounding property values as the uses currently exist and are compatible with the surrounding uses.

H. Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The proposed amendment would not disrupt the existing orderly and logical development pattern of the area. No additional development or uses are being proposed with this future land use amendment application. The surrounding properties are of similar size and similar use. Future development shall be consistent with the requirements of Lake County Comprehensive Plan and LDR.

I. Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and interest of these regulations.

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

Attachment "A" – Current Future Land Use Map

CURRENT FUTURE LAND USE

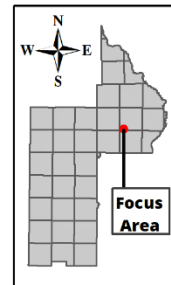


Future Land Use

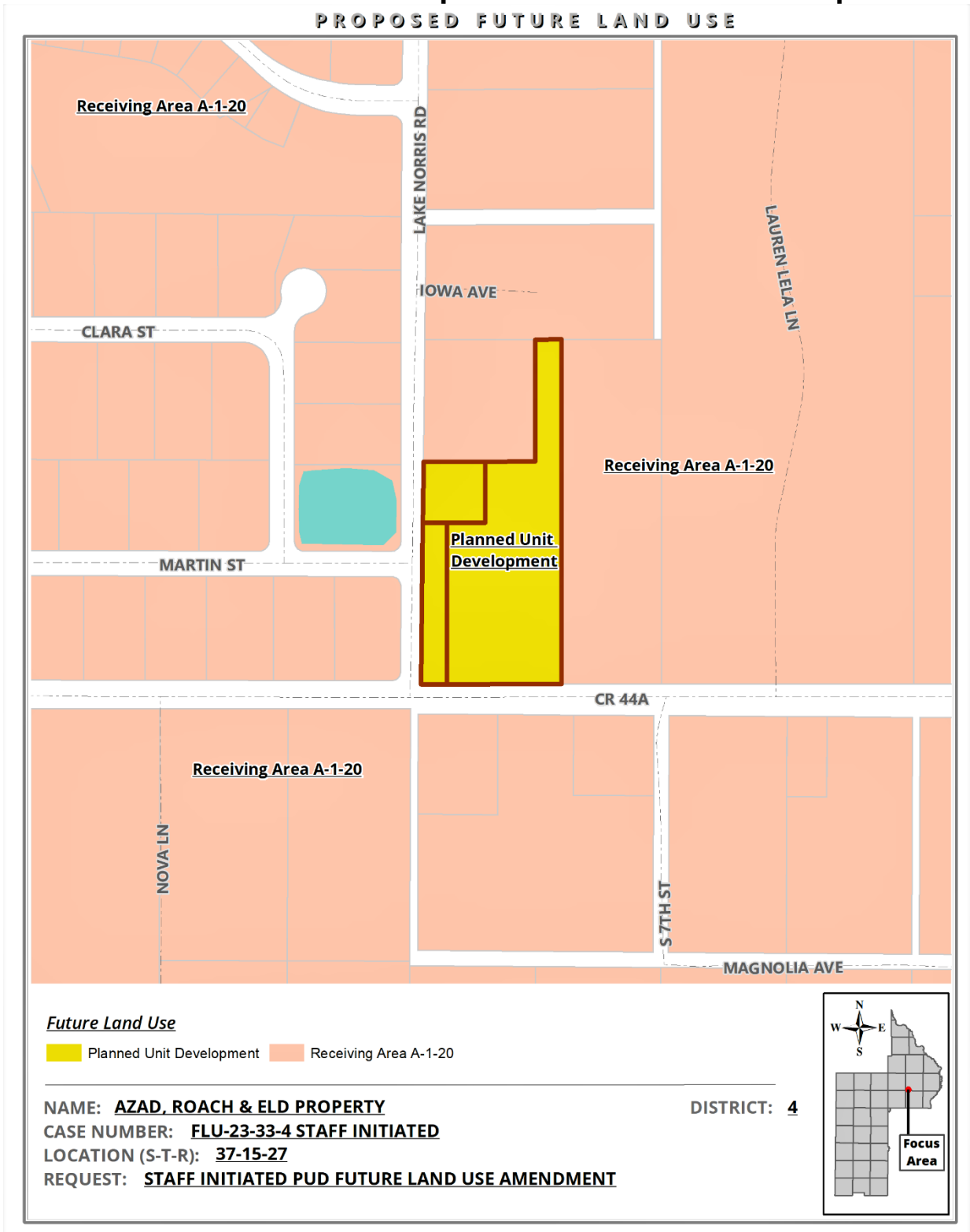
Receiving Area A-1-20

NAME: AZAD, ROACH & ELD PROPERTY
CASE NUMBER: FLU-23-33-4 STAFF INITIATED
LOCATION (S-T-R): 32-18-28
REQUEST: STAFF INITIATED PUD FUTURE LAND USE AMENDMENT

DISTRICT: 4

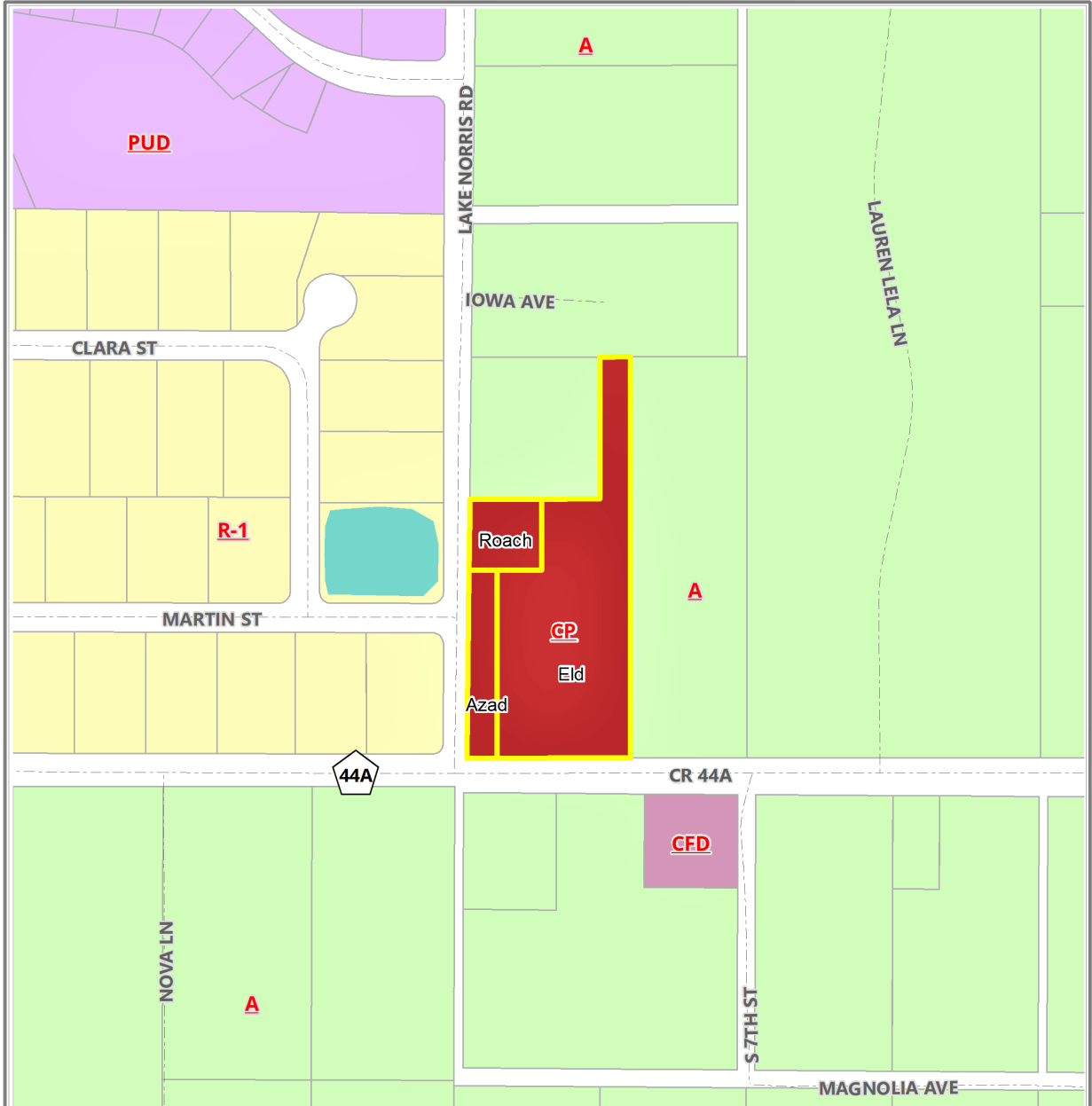


Attachment "B" – Proposed Future Land Use Map



Attachment "C" – Zoning Map

CURRENT ZONING

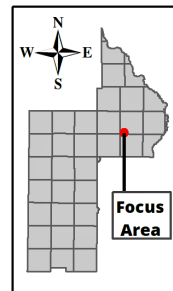


Zoning Legend

A R-1 CP CFD PUD

NAME: **AZAD, ROACH & ELD PROPERTY**
CASE NUMBER: **FLU-23-33-4 STAFF INITIATED**
LOCATION (S-T-R): **32-18-28**
REQUEST: **STAFF INITIATED PUD FUTURE LAND USE AMENDMENT**

DISTRICT: **4**



Attachment "D" – CP Ordinance #1978-4 (Page 1 of 2)

ORDINANCE #4-78

WHEREAS, the Lake County Planning and Zoning Commission did, on the 25th day of January, 1978, review petition #124-77-4, a request for rezoning from A to CP (Planned Commercial) zoning district for a used car lot on property generally located in the Lake Norris Area: 80 ft. East of the junction of Lake Norris Rd. (4-7187) and S-44A on the North side of S-44A, and more particularly described as follows:

Begin at a point on the South line 560 ft. West of the SE corner of Lot 41 of PHILIPSBURG, a subdivision in Lake County, Florida, according to the plat thereof recorded in Plat Book A, page 9, Lake County, Florida, run North 660 ft. to the South line of Lot 40 in above named subdivision thence East along lot line 230 ft., thence North 330 ft., thence East 88 ft., thence South 990 ft. to the South line of Lot 41, thence West 318 ft. to point of beginning, less Right of way on South side for road.

AND, after giving notice of hearing on petition for site plan approval (including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida, on the 21st of February, 1978) and

WHEREAS, the Lake County Planning and Zoning Commissioners of Lake County, Florida, reviewed said petition, the recommendation of the Lake County Planning and Zoning Commission, any comments favorable or unfavorable from the Public and surrounding property owners, and being further advised in the premises at a Public Hearing duly advertised, and

WHEREAS, upon review, certain conditions pertaining to the development of the above described property have been duly approved, and

NOW THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County be altered and amended as they pertain to the above described tract of land subject to the following conditions:

1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land, without first submitting the necessary plans in accordance with Section 70.31 of the Zoning Ordinance of Lake County, and obtaining approval from the Director of Planning upon obtaining the permits required from the other appropriate Governmental Agencies.

Attachment "D" - CP Ordinance #1978-4 (Page 2 of 2)

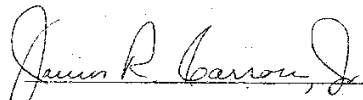
ORDINANCE #4-78

2. This rezoning shall inure to the benefit of and shall constitute a covenant running with the land and the terms, conditions and provisions hereof shall be binding upon the present owner and any successor shall be subject to each and every condition herein set out.
3. This approval is for the following land use only:
 - a. Used car lot to include major mechanical repairs.
 - b. All repair work must be done inside.
 - c. The storage area for inoperable vehicles must be screened.
 - d. There will only be vehicles allowed on the property at any one time in order to prevent this from turning into a junk yard.
 - e. Development shall conform to the site plan submitted to and on file in the Planning Department.
4. All outdoor lighting shall be so shaded and adjusted that the light therefrom is directed to fall only on the same premises where such light sources are located.
5. Approval of drainage plans by the Director of Public Works is required. (If applicable)
6. Only such signs as approved by the Director of Planning will be permitted.

DONE AND RESOLVED by the Lake County Board of County Commissioners on the 21st day of February, 1978.

STATE OF FLORIDA)

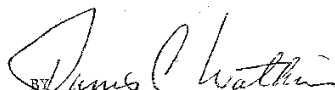
COUNTY OF LAKE)



 James R. Carson, Jr., Chairman
 Board of County Commissioners

I HEREBY CERTIFY that the above and foregoing is a true copy of an Ordinance adopted by the Board of County Commissioners in regular session on Feb. 21, 1978 as the same appears on record of County Commissioners Minute Book 27 page --,
 WITNESS my hand and official seal this 7 day of March, 1978, A.D.

JAMES C. WATKINS
 Clerk of the Circuit Court
 and Ex-Official Clerk of the
 Board of County Commissioners
 Lake County, Florida.



 BY James C. Watkins
 Clerk

Attachment "E" – CP Ordinance #1973-25 (Page 1 of 2)

REZONING RESOLUTION 25-73

WHEREAS, The Lake County Planning and Zoning Commission did, on the 31st day of October, 1973, review application #135-73-4, a request for rezoning from A to CP.

Property described as:

Section 32, Twp. 18, Range 28. The West 80 feet of Lot 41, Phillipsburg Subdivision, according to plat thereof shown upon the public records of Lake County, Florida.

And after giving Notice of a Hearing on applications for changes of zoning classifications (including a Notice that said applications would be presented to the Board of County Commissioners of Lake County, Florida, on the 20th day of November, 1973) and

WHEREAS, The Lake County Planning and Zoning Commission did make recommendations as to the change as requested in the aforementioned application subject to the approval of the Board of County Commissioners of Lake County, Florida and

WHEREAS, The Board of County Commissioners of Lake County, Florida, reviewed said application the recommendation of the Lake County Planning and Zoning Commission, any comments, favorable or unfavorable from the public and surrounding property owners, and being further advised in the premises at a Public Hearing duly advertised, and

WHEREAS, upon review, certain conditions pertaining to the development of the above described property have been duly approved and

NOW THEREFORE, BE IT RESOLVED BY The Board of County Commissioners of Lake County, Florida, that the Zoning Rules and Regulations of Lake County, be altered and amended as they pertain to the above described tract of land subject to the following conditions:

1. No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, or alter the land in any manner, within the boundaries of the above described land, without first submitting the necessary plans in accordance with Section 70.31 of the Zoning Ordinance of Lake County, and obtaining approval from the Director of Planning upon obtaining the permits required from the other appropriate Governmental Agencies.
2. This rezoning shall inure to the benefit of and shall constitute a covenant running with the land, and the terms, conditions and provisions hereof shall be binding upon the present owner and any successor shall be subject to each and every condition herein set out.

Attachment "E" - CP Ordinance #1973-25 (Page 2 of 2)

REZONING RESOLUTION 25-73

Page 2

3. This approval is subject to the following special conditions:
- A. The subject property shall be used for a Service Station and Grocery Store.
 - B. The final plans shall be reviewed and approved by the Director of Planning and Zoning, The Building Official, and Director of Public Works of Lake County.
 - C. The proposed project shall be developed according to establish Site Planning Criteria of the Lake County Board of County Commissioners.

The Director of Planning or his Designee shall be charged with the enforcement of the conditions contained herein.

DONE AND RESOLVED BY the Lake County Board of County Commissioners on the

_____ day of NOV 20 1973, 1973.

STATE OF FLORIDA)

:

COUNTY OF LAKE)

I HEREBY CERTIFY THAT the above and foregoing is a true copy of a Resolution adopted by the Board of County Commissioners in regular session

NOV 20 1973 as the same appears on record in County Commissioners Minute

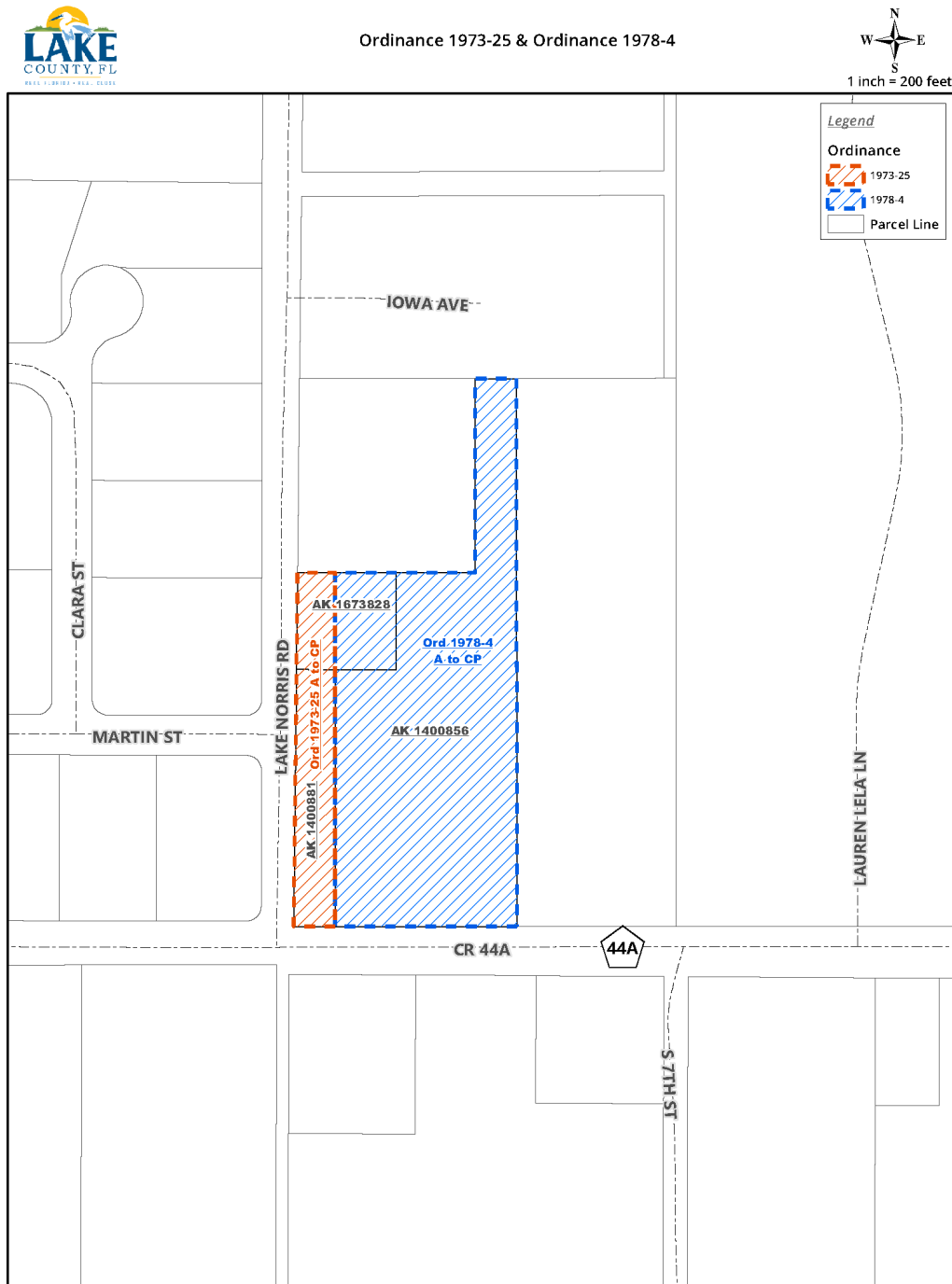
Book 24, Page _____.

WITNESS my hand and official seal this 14 day of Jan, A.D., 1974

James C. Watkins
Clerk of the Circuit Court
and Ex-Official Clerk of the
Board of County Commissioners,
Lake County, Florida.

BY: Marion H. Powers
Deputy Clerk

Attachment "F" – Ordinance #1978-4 and Ordinance #1973-25 Legal Descriptions GIS Parcels Comparison



Attachment "G" – Consent to Changes AK 1400856 (Mrs. Eld's Property)

From: [Meghan Eld](#)
To: [Gonzalez, Bernice](#)
Subject: Re: Eld Property - AK 1400856
Date: Friday, February 17, 2023 4:41:17 PM

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

You have my consent, please can we make this quick and seamless. As I've already been arguing with this office since October and interest are continuing to increase. I'd hate to have to contact a lawyer for compensation.

Bernice, I appreciate your efforts.

Meghan Eld
407-417-1127

On Feb 17, 2023, at 4:25 PM, Gonzalez, Bernice
<bernice.gonzalez@lakecountyfl.gov> wrote:

Good afternoon, Mrs. Meghan

Following our phone conversation earlier today, we thank you for allowing staff to look into the best way to help you move forward in your desire to develop your property. As I mentioned during our call, staff has identified that a staff initiated Comprehensive Plan amendment and rezoning to permit the house and accessory structures as a path forward. A fee waiver request for the Comprehensive Plan amendment and rezoning fees will be prepared and submitted to the County Attorney's Office and the County Manager for approval. You will only cover the notice, legal ad and ordinance registration fees. Please respond to this email indicating your consent to these changes. Much appreciated. Thank you.

Do not hesitate to contact our Office if you have questions or need help.

Regards

Bernice



Attachment “H” – Consent to Changes AK 1673828 (Mr. Roach’s Property)

From: [Eric Roach](#)
To: [Gonzalez, Bernice](#)
Subject: Fwd: Zoning and land use for 36330 Lake Norris Rd Eustis
Date: Wednesday, June 14, 2023 10:37:41 AM

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

----- Forwarded message -----

From: **Eric Roach** <egroach39@gmail.com>
Date: Fri, May 26, 2023 at 11:23 AM
Subject: Zoning and land use for 36330 Lake Norris Rd Eustis
To: <bernice.gonzalez@lakecountyfl.gov>

Good morning,

I have spoken with Bernice about the change in zoning and use for my property and I am in agreement to the change.

Thank you,
Eric Roach

Attachment “I” – Consent to Changes AK 1400881 (Mr. Azad’s Property)

From: [Mohammad Azad](#)
To: [Gonzalez, Bernice](#)
Subject: REQUEST FOR EXPEDITED REVIEW | Comprehensive Plan Land Use Map Amendment - Eld, Roach & Azad Properties (Project 2023060007; AR 5305)
Date: Wednesday, June 28, 2023 10:40:53 PM

CAUTION: This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I, Mohammad Azad as principal for Azad Enterprises of 25003 CR 44a, Eustis, Florida approved the proposed amendment as presented below :

- **Project Type:** Comprehensive Plan Land Use Map Amendment (AR 5305 – FLU-23-35-4).
- **Project Name:** Eld, Roach & Azad Properties.
- **Description:** Comprehensive Plan Land Use Map Amendment to change FLUC from A-1-20 Receiving Area to PUD.
- **Alternate Keys:** [1400856](#), [1400881](#), and [1673829](#).
- **Current Future Land Use Category:** A-1-20 Receiving Area.
- **Proposed Future Land Use Category:**Planned Unit Development (PUD).
- **Zoning:** CP (Ordinance #1973-25 & Ordinance #1978-4). **NOTE: A concurrent Rezoning (AR 5304 – RZ-23-32-4/Rezoning from CP to PUD) application is being submitted in conjunction with this Comprehensive Plan Land Use Map Amendment application.**
- **Case Manager:** Bernice Gonzalez.

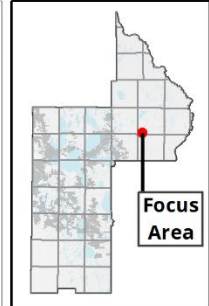
Regards
Mohammed Azad

Sent from my iPhone

Aerial



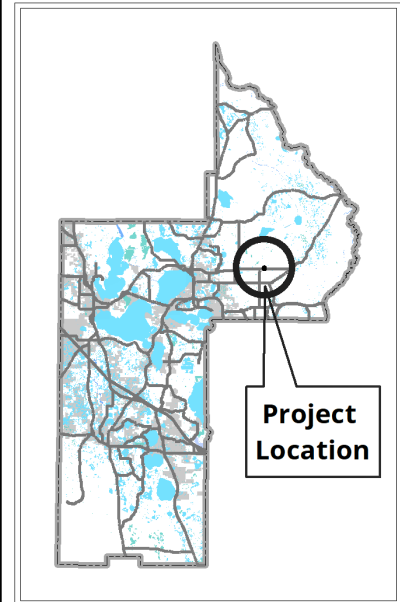
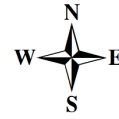
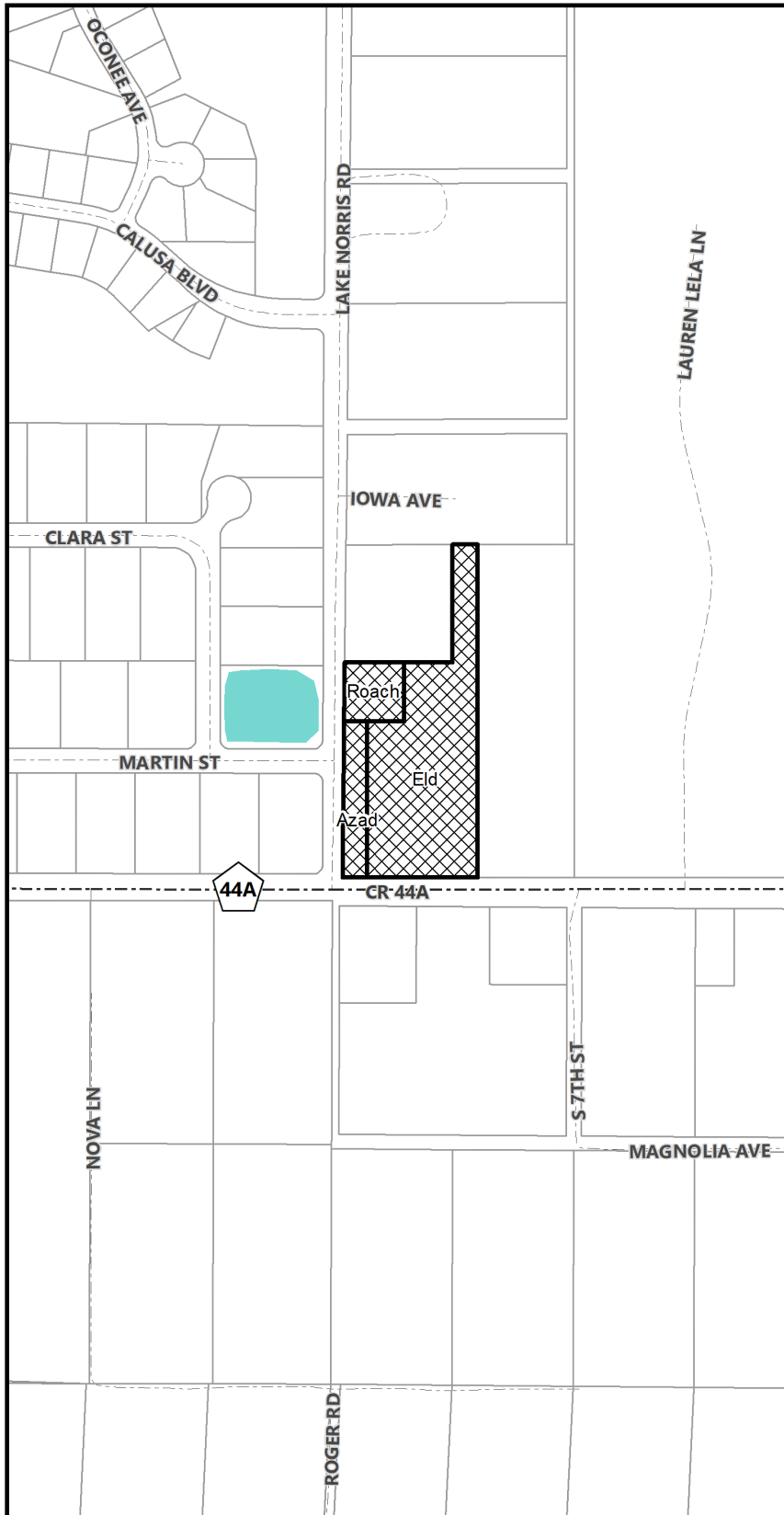
RZ-23-32-4 Staff Initiated
Azad, Roach & Eld Property



Staff Initiated
Planned Unit
Development (PUD)



Map of Subject Properties



ORDINANCE 2023 – ____
FLU-23-35-4
Map Amendment - Eld, Roach, and Azad Properties

1 **AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA,**
2 **AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN; AMENDING THE FUTURE LAND**
3 **USE MAP FROM WEKIVA RIVER PROTECTION AREA A-1-20 RECEIVING AREA FUTURE LAND**
4 **USE CATEGORY TO PLANNED UNIT DEVELOPMENT FUTURE LAND USE CATEGORY FOR 5.38**
5 **+/- ACRES LOCATED AT CR 44A AND LAKE NORRIS ROAD WITHIN THE EUSTIS AREA OF**
6 **UNINCORPORATED LAKE COUNTY, IDENTIFIED AS ALTERNATE KEY NUMBERS 1400856,**
7 **1400881, AND 1673828, AND LEGALLY DESCRIBED IN EXHIBIT “A”; AMENDING**
8 **COMPREHENSIVE PLAN POLICY I-7.14.4 ENTITLED ‘PLANNED UNIT DEVELOPMENT LAND USE**
9 **CATEGORY’ TO INCLUDE THE LAKE NORRIS/CR 44A PLANNED UNIT DEVELOPMENT AND**
10 **ASSOCIATED DEVELOPMENT PROGRAM WHICH WILL ALLOW FOR TWO SINGLE FAMILY**
11 **DWELLING UNITS AND A COMMERCIAL BUILDING; PROVIDING FOR PUBLICATION AS**
12 **REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY;**
13 **AND PROVIDING FOR AN EFFECTIVE DATE.**
14

15 **WHEREAS**, Chapter 163, Florida Statutes, Part II, governs growth policy, county and municipal
16 planning, and land development regulation in the State of Florida; and

17 **WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(1)(g), authorizes the Board of County
18 Commissioners of Lake County to “[p]repare and enforce comprehensive plans for the development of the
19 county”; and

20 **WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, on the 25th day of May 2010, the
21 Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030
22 Comprehensive Plan; and

23 **WHEREAS**, on the 23rd day of July 2010, the State of Florida Department of Community Affairs,
24 now known as the Community Planning and Development Division of the Florida Department of Economic
25 Opportunity, published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In
26 Compliance" with Chapter 163, Florida Statutes; and

27 **WHEREAS**, on the 22nd day of September 2011, the Lake County 2030 Comprehensive Plan
28 became effective and designated the property as part of the Regional Office Future Land Use Category; and

29 **WHEREAS**, Section 163.3184, Florida Statutes, sets forth the process for adoption of
30 Comprehensive Plan Amendments; and

31 **WHEREAS**, on the 2nd day of August 2023, this Ordinance was heard at a public hearing before the
32 Lake County Planning & Zoning Board in its capacity as the Local Planning Agency; and

33 **WHEREAS**, on the 5th day of September 2023, this Ordinance was heard at a public hearing before
34 the Lake County Board of County Commissioners for approval to adopt and transmit to the state planning
35 agency and other reviewing agencies; and

36 **WHEREAS**, it serves the health, safety and general welfare of the residents of Lake County to adopt
37 the amendment to the Lake County Comprehensive Plan and Future Land Use Map.

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

40 **Section 1. Comprehensive Plan Future Land Use Map Amendment.** The 2030 Comprehensive
41 Plan Future Land Use Map is hereby amended to change the Future Land Use Category for the subject

1 properties, described in Exhibit “A” attached hereto, and incorporated in this Ordinance, from Wekiva River
 2 Protection Area A-1-20 Receiving Area to Planned Unit Development Future Land Use Category.

3 **Section 2. Comprehensive Plan Text Amendment.** The Lake County 2030 Comprehensive Plan,
 4 Policy I-7.14.4 entitled ‘Planned Unit Development Land Use Category,’ shall be amended to read as follows:
 5

6 **Policy I-7.14.4 Planned Unit Development Land Use Category**

7 The following land use table details the development program, including the maximum densities and
 8 intensities, for the adopted Planned Unit Development Future Land Use designations:

Amendment No.	Name / Location	Former FLU Designation	Development Program	Ordinance No.
FLU-19-02-4	Sorrento Pines	Rural Transition	Residential [328 dwelling units and 45% open space]	2019-72
FLU-19-07-2	Evergreen Estates	Wellness Way 1	Residential [Two (2) dwelling units per net acre]; there shall be no access, emergency or otherwise, to Flynn Court or Champagne Drive except for the 5-acre estate lots	2020-65
FLU-21-01-1	Holiday Travel Park	Urban Low and Urban Medium	995 Temporary RV spaces, 112 mobile home sites and associated facilities	2021-38
FLU-21-03-5	Wildwoods Campground	Rural	84 RV spaces, Three (3) dwelling units and accessory uses	2021-40
FLU-21-08-5	Expert Investments	Rural Transition	10 dwelling units	2022-29
FLU-22-06-5	Illinois-Crown	Rural	Residential [2 single family dwelling units with accessory structures]	2022-32
FLU-21-05-3	Drake Pointe	Rural Transition	Residential [535 dwelling units and 46% open space] with associated amenities	2022-49
FLU-22-04-4	Mount Dora Groves South	Regional Office	Residential [783 dwelling units with associated recreational facilities], Commercial [150,000-square feet], and 25% open space.	2022-56
FLU-22-01-4	Atlantic Housing	Urban High	Residential [175 dwelling units and 20% open space]	2023-01
<u>FLU-23-35-4</u>	<u>Lake Norris/CR 44A Properties</u>	<u>Wekiva River Protection Area A-1-20 Receiving Area</u>	<u>Residential [Two (2) single family dwelling units] and Commercial [one story free standing commercial building]</u>	<u>2023-XX</u>

1 **Section 3. Advertisement.** This Ordinance was advertised pursuant to Sections 125.66 and 163.3184,
2 Florida Statutes.

3 **Section 4. Severability.** If any section, sentence, clause, phrase or word of this Ordinance is for any
4 reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect
5 the remaining portions of this Ordinance; and it shall be construed to have been the Commissioners' intent
6 to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of
7 this Ordinance, after the exclusion of such part or parts shall be deemed and held to be valid, as if such parts
8 had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any
9 person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding
10 shall not affect the applicability thereof to any other person, property or circumstances.

11 **Section 5. Effective Date.** The effective date of this plan amendment, if the amendment is not timely
12 challenged, shall be 31 days after the state land planning agency notifies the local government that the plan
13 amendment package is complete. If timely challenged, this amendment shall become effective on the date
14 the state land planning agency or the Administration Commission enters a final order determining this
15 adopted amendment to be in compliance. No development orders, development permits, or land uses
16 dependent on this amendment may be issued or commence before it has become effective. If a final order
17 of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made
18 effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to
19 the state land planning agency.

20
21 ENACTED this ____ day of _____, 2023.

22
23 FILED with the Secretary of State _____, 2023.

24
25 **BOARD OF COUNTY COMMISSIONERS**
26 **LAKE COUNTY, FLORIDA**

27
28
29
30 _____
Kirby Smith, Chairman

31 **ATTEST:**

32
33 _____
34 Gary J. Cooney, Clerk
35 Board of County Commissioners of
36 Lake County, Florida

37
38
39 Approved as to form and legality:

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41 _____
42 Melanie Marsh, County Attorney

Exhibit “A” – Legal Descriptions

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ALTERNATE KEY #1400856

BEGINNING AT A POINT ON THE SOUTH LINE 560 FT. WEST OF THE SE CORNER OF LOT 41 OF PHILIPSBURG, A SUBDIVISION IN LAKE COUNTY, FLORIDA ACCORDING TO THE PLAT THEREOF RECORDED IN PLAT BOOK A, PAGE 9, ORANGE COUNTY, FLORIDA, SAID SUBDIVISION NOW LYING AND BEING IN LAKE COUNTY, FLORIDA, RUN NORTH 660 FT. TO THE SOUTH LINE OF LOT 40 IN ABOVE NAMED SUBDIVISION THENCE EAST ALONG LOT LINE 230 FT. THENCE NORTH 330 FT. THENCE EAST 88 FT. THENCE SOUTH 990 FT. TO THE SOUTH LINE OF LOT 41, THENCE WEST 318 FT. TO THE POINT OF BEGINNING.

LESS RIGHT OF WAY ON SOUTH SIDE FOR ROAD.

LESS AND EXCEPT:

BEGINNING AT A POINT ON THE SOUTH LINE 560 FEET WEST OF THE SOUTHEAST CORNER OF LOT 41 OF PHILIPSBURG, A SUBDIVISION IN ORANGE COUNTY, FLORIDA, SAID SUBDIVISION NOW LYING AND BEING IN LAKE COUNTY, FLORIDA, ACCORDING TO THE PUT THEREOF RECORDED IN PUT BOOK A, PAGE 9, LAKE COUNTY, FLORIDA, THENCE NORTH 460 FEET TO THE PRINCIPAL PUCE OF BEGINNING, THENCE EAST 100 FEET TO A POINT, THENCE NORTH 200 FEET TO THE SOUTH LOT LINE OF LOT 40 IN THE AFOREMENTIONED SUBDIVISION, THENCE WEST 100 FEET ALONG SAID SOUTH LINE OF LOT 40, THENCE SOUTH 200 FEET TO THE PRINCIPAL PLACE OF BEGINNING.

ALTERNATE KEY #1673828

THE WEST 180 FEET OF LOT 41 IN PHILLIPSBURG, A SUBDIVISION IN LAKE COUNTY, FLORIDA, ACCORDING TO PLAT THEREOF, WHICH WAS RECORDED IN PLAT BOOK A, PAGE 9, OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, LESS AND EXCEPT THE SOUTH 460 FEET THEREOF, ALL BEING IN SECTION 32, TOWNSHIP 18 SOUTH, RANGE 28, LAKE COUNTY, FLORIDA.

ALTERNATE KEY #1400881

THE SOUTH 460 FEET OF THE WEST 80 FEET OF LOT 41, PHILLIPSBURG, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK A, PAGE 9, PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA, SAID LAND NOW LYING AND BEING IN LAKE COUNTY, FLORIDA. BEING THE SAME PROPERTY DEEDED TO ALCANTARA FAMILY ONE, LLC, A DISSOLVED FLORIDA LIMITED LIABILITY COMPANY, DATED JULY I, 2008, RECORDED IN RECORDS BOOK 0659, PAGE 0639 PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.