



REZONING STAFF REPORT

OFFICE OF PLANNING & ZONING

Tab Number: 9

Public Hearings: Planning & Zoning Board (PZB): August 6, 2025
Board of County Commissioners (BCC): September 2, 2025

Case No. and Project Name: PZ2024-355, Clermont West

Commissioner District: District 2 – Sean M. Parks

Applicant(s): Clermont West Investors, LLC

Owner(s): Fox Hill Builders, Inc.

Requested Action: 1) Rezone approximately 15.53 +/- acres from Urban Residential (R-6) District to Planned Unit Development (PUD)
2) Waiver request to Land Development Regulations (LDR) Section 15.02.01(C) to increase the maximum habitable building height to forty-five (45) feet and sixty (60) feet (including architectural features) in lieu of a maximum habitable building height of thirty-five (35) feet and forty-five (45) feet maximum finished building height
3) Waiver request to LDR Section 15.02.10(A)(6) to allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet
4) Waiver request to LDR Section 15.02.10(C) to allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet
5) Waiver request to LDR Table 15.02.01E to exempt the development from the additional fifteen (15) feet setback for each story over two (2) stories.

Staff Determination: Staff finds the waiver requests and rezoning request **inconsistent** with the Clermont JPA Land Development Regulations (LDR) and Comprehensive Plan.

Case Manager: James Frye, Planner II

PZB Recommendation:

Subject Property Information

Size: 15.53 +/- acres

Location: Generally located south of Hooks Street and east of US Highway 27, in the unincorporated Clermont area

Alternate Key No.: 2665831

Future Land Use: Regional Office (Attachment "A")

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

Proposed Zoning District: Planned Unit Development (PUD) (Attachment "C")

JPA/ISBA: Clermont JPA and Clermont ISBA

Overlay/Rural Protection Area: Lake Apopka Basin Overlay District (Attachment "D")

Adjacent Property Land Use Table

Direction	Future Land Use (Municipal)	Zoning (Municipal)	Existing Use	Comments
North	Commercial	General Commercial (C-2)	Commercial Retail and Right of Way	Hooks Street; City of Clermont, Hobby Lobby and Dick's Sporting Goods, Vacant Parcel with Pending CUP Submitted to City of Clermont
South	None – State of Florida	None – State of Florida	Wilma Lake	State of Florida; Wilma Lake; Wetlands;
East	Commercial	General Commercial (C-2)	Vacant	City of Clermont; Vacant
West	Commercial	General Commercial (C-2)	Medical Office	Under Construction: Medical Office

- Summary of Analysis -

The subject parcel identified by Alternate Key Number 2665831 contains approximately 15.53 acres, is zoned Urban Residential District (R-6), is designated with a Regional Office Future Land Use Category (FLUC) by the 2030 Comprehensive Plan, and is located within the Lake Apopka Basin Overlay District. The rezoning application seeks approval to rezoning the property from Urban Residential District (R-6) to Planned Unit Development (PUD) to facilitate the development of 300 multi-family units, generally located east of US Highway 27 and south of Hooks Street. The subject parcel is currently vacant.

The Concept Plan (Attachment "E") depicts the proposed seven (7) multi-family building sites containing a total of 300-units, associated parking area, stormwater and retention area, and proposed area for utilities. The concept plan also depicts a minimum required twenty-five percent (25%) open space, and a maximum of seventy percent (70%) impervious surface ratio.

The Applicant provided a Project Narrative as justification for the PUD rezoning request as shown on Attachment "F".

The Applicant is requesting the following waivers with the Planned Unit Development rezoning request (Attachment "F"):

1. Waiver request to Land Development Regulations (LDR) Section 15.02.01(C) to increase the maximum habitable building height to forty-five (45) feet and sixty (60) feet maximum building height (including architectural features) in lieu of a maximum habitable building height of thirty-five (35) feet and forty-five (45) feet maximum finished building height
2. Waiver request to LDR Section 15.02.10(A)(6) to allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet
3. Waiver request to LDR Section 15.02.10(C) to allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet, and to
4. Waiver request to LDR Table 15.02.01(E) to exempt the development from the additional fifteen (15) feet setback for each story over two (2) stories

Table 1. Existing and Property Development Standards.

	Zoning District	Allowable Development Program	Proposed Development Program	Maximum Impervious Surface Ratio	Minimum Open Space	Building Height
Existing	Urban Residential District (R-6)	Six (6) Dwelling Units per acre; Multifamily is Permitted and Approximately Ninety-Three (93) Dwelling Units	N/A	55%	N/A	40
Proposed	Planned Unit Development (PUD)	N/A	300 multi-family units (+/- 19.3 units per gross acre)	70%	25%	forty-five (45) feet for habitable portions of structures; sixty (60) feet for overall height, including architectural features

The subject property is located within the Lake Apopka Basin Overlay District and the request is consistent with LDR Section 6.15.00, *Lake Apopka Basin Development Design and Resource Protection Standards*, and Comprehensive Plan Objective I-6.3, *Lake Apopka Basin Overlay District*. Central water and wastewater shall be required prior to site plan approval and will be addressed during site plan review.

The subject parcel is located within the City of Clermont Joint Planning Area (JPA) and Interlocal Service Boundary Agreement (ISBA) and the application was provided to the City of Clermont for review and comment. The City of Clermont provided the following comment *"The City of Clermont does not support this project as presented. The project does not appear to meet the JPA requirements under Section 15.02.00. In addition, several items have been pointed out in the attached bulleted list."* (Attachment "G")

– Staff Analysis –

LDR Section 14.05.03 (Standards for Review)

A. Whether the rezoning is in conflict with any applicable provisions of the Code (Land Development Regulations).

The application seeks to rezone approximately 15.53 +/- acres from Urban Residential (R-6) District to Planned Unit Development (PUD).

The rezoning request is consistent with LDR Section 4.03.01 entitled *Purpose and Intent* which states that Planned Unit Developments shall be allowed in all land use classifications.

The rezoning request is consistent with LDR Section 4.03.03 entitled *General Site Development Standards*. Any future development of this property will require an analysis via submittal of a development application to demonstrate that the proposed development meets the General Site Development Standards. The subject parcel is not located within the boundaries of the Wekiva River Protection Area (WRPA) or the Green Swamp Area of Critical State Concern (GSACSC).

The Concept Plan is consistent with LDR Section 14.03.04 entitled *Planned Unit Developments*, which requires additional information for the review and approval of a PUD. The Applicant provided a Concept Plan that depicts the proposed multifamily apartment complex, parking space, and stormwater management. In addition, the Concept Plan emphasizes

that a minimum of 25% of the overall developable acreage will be dedicated as open space, with a maximum Impervious Surface Ratio (ISR) of 70% for the entire site (Attachment “E”).

The rezoning request is consistent with Comprehensive Plan Policy I-6.3.4 entitled *Permitted Uses within the Lake Apopka Basin Overlay District* and Policy I-6.3.6 entitled *Resource Protection Standards in the Lake Apopka Basin Overlay District*. Residential uses are permitted uses within the Lake Apopka Basin Overlay District, if development is clustered on the landward portion of the property, and away from environmentally sensitive features and habitat. The proposed development is clustered away from the existing wetlands on the adjacent parcel. The Applicant will be required to delineate the wetland line and establish a 50-foot buffer around the wetlands, with no development within the buffer.

The proposed development is inconsistent with LDR Section 15.02.00 entitled *Clermont Joint Planning Area (JPA) Land Development Regulations; Boundary*.

New development will be required to meet all criteria specified in the LDR, as amended.

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

The **Future Land Use Element** seeks to ensure compatibility between densities and intensities of development, providing for land use transitions as appropriate to protect the long-term integrity of both urban and rural areas; promote the conservation and preservation of Lake County’s natural and cultural resources; and direct compact development to established urban areas to prevent sprawl and the loss of rural land. The proposed is consistent with the Future Land Use Element as the project proposes compact development within an established urban area within the Urban Future Land Use Series. The rezoning request will allow the property to be developed in a manner consistent with existing uses adjacent to the northeast and east of the subject parcel. However, the proposed development is inconsistent with the surrounding density and the permitted density of the Clermont Comprehensive Plan.

The Applicant provided their position regarding the consistency of the proposed amendment with the surrounding land uses in the Project Narrative (Attachment “F”) and the Concept Plan (Attachment “E”).

The project proposes a density of +/- 19.3 units per gross acre. Table 2 compares the proposed development to existing development in the vicinity of the subject parcel. The proposed development is not consistent with the surrounding and permitted density of the existing development in the area as shown in Table 2, entitled *Adjacent and Surrounding Subdivisions*, both of which are within the municipal limits of the City of Clermont.

The subject parcel is located within the Lake Apopka Basin Overlay District and the request is consistent with Comprehensive Plan Policy I-6.3.4, entitled *Permitted Uses within the Lake Apopka Basin Overlay District* and Policy I-6.3.6 entitled *Resource Protection Standards in the Lake Apopka Basin Overlay District*. Residential uses are permitted uses within the Lake Apopka Basin Overlay District, provided that development is clustered on the landward portion of the property, and away from environmentally sensitive features and habitat. The proposed development is clustered away from the existing wetlands on the adjacent parcel. The Applicant will be required to delineate the wetland line and establish a 50-foot buffer around the wetlands, with no development within the buffer.

The proposed amendment is consistent with the Future Land Use Element.

Table 2. Adjacent and Surrounding Subdivisions

Project Name	Gross / Net Acres	Unit Count	Gross / Net Density	Min. Lot Size	Municipality
Cotton Wood Clermont Apartments	19.34 Gross Acres	230 Units	11.89 Units per Gross Acre	N/A	Clermont
Vue at Clermont	24.13 Gross Acres	289 Units	11.97 Units per Gross Acre	N/A	Clermont

The **Capital Improvements Element** seeks to maintain adopted level of service standards and ensure public facilities and services are available concurrent with development. The proposed development will not be issued a final development order by the County unless there is sufficient capacity of public facilities to meet the standards for levels of service for the existing population and for proposed development. The proposal is consistent with the Capital Improvements Element.

The **Conservation Element** is intended to provide a framework for the ongoing monitoring, management, and use of the County's natural resources. The Concept Plan, environmental assessment, and GIS aerial indicates there are no wetland areas on the subject parcel. The Applicant will be required to delineate the wetland line on the adjacent parcel and establish a 50-foot buffer around the wetlands if applicable, with no development within the buffer. Furthermore, an updated environmental assessment will be required prior to site plan approval. The proposed amendment is consistent with the Conservation Element.

The **Economic Element** seeks to strengthen the County's position as a business center for Central Florida by aggressively pursuing opportunities and building collaborative relations with regional allies. The proposed development introduces housing to accommodate different segments of the population, which includes the growing population living and working within Lake County as indicated in the Applicant's Project Narrative (Attachment "F"). The proposed amendment is consistent with the Economic Element.

The **Housing Element** is intended to guide Lake County in developing appropriate goals, objectives and policies that demonstrate the County's commitment to meet the identified needs of all its residents. The proposed multifamily development is consistent with the Housing Element of the Comprehensive Plan as it introduces necessary housing to a densely developed area as indicated in the Applicant's Project Narrative (Attachment "F").

The **Intergovernmental Coordination Element** strives to promote coordination between Lake County and other local, state, regional, and federal government entities. The rezoning application was provided to the City of Clermont on December 13, 2024, for their review and determination of consistency with their regulations. The City of Clermont provided comments shown in Attachment "G." The proposed project is consistent with this element to the extent Lake County has shared the application with the City of Clermont and incorporated their comments into this Staff Report; provided, however, that the City of Clermont has objected to the proposed density and requested waivers.

The **Parks and Recreation Element** is intended to facilitate the development and management of parks and facilities for a recreation system that includes environmental lands, trails, and other recreational opportunities that meets the diverse needs of a growing community. The Concept Plan depicts a minimum of 25% of the subject property to be dedicated as open space. The proposed rezoning is consistent with the Parks and Recreation Element.

The **Transportation Element** is intended to emphasize the more efficient use of the existing transportation system and contributes to the wider national objectives of energy conservation, improved air quality, and increased social and environmental amenity. The proposed rezoning is consistent with the Transportation Element.

The Traffic Analysis was received and approved.

The standard Level of Service (LOS) for the impacted roadway of Hooks Street is "D" with capacity of 3,455 trips in the peak hour both directions. With this project there will be no change in the LOS.

Currently the impacted segment of Hooks Street from US 27 to Oakley Sever Drive is operating at twenty seven percent (27%) with 928 trips in the peak hour. This project will be generating approximately two hundred and eighty-two (282) pm peak hour trips; in which one hundred and seventy-eight (178) trips will impact the westbound pm peak direction. Currently the peak direction is operating at twenty-five percent (25%). With this project the v/c will increase to thirty-four percent (34%), and a LOS of "C".

The Applicant will be required to complete a Tier 2 Traffic study prior to site plan approval.

The **Public Facilities Element** is intended to ensure that public facilities are available to meet the needs of Lake County residents; public facilities in this element refer to aquifer recharge, potable water, sanitary sewer, solid waste, stormwater, and public-school facilities. The Applicant will be required to provide 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 prior to site plan approval. The proposal is consistent with the Public Facilities Element.

New development will be required to meet all criteria specified in the Comprehensive Plan.

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

Proposed use for multi-family is consistent. However, the density is inconsistent and exceeds the existing surrounding multi-family development, and the allowed max density of the Clermont Comprehensive Plan.

Whether there have been changed conditions that justify a rezoning.

The Applicant provided the statement below to demonstrate compatibility with the character of the neighborhood:

"The project is an enclave abutting the City of Clermont, in an area of intensive growth, and a corridor identified by the City of Clermont as appropriate for high density residential development (See Clermont LDR Section 125-527, "Hooks Street Corridor."

The project is adjacent to an existing Lowe's big box store, a Dick's Sporting Goods a Hobby Lobby retail store, an automobile dealership and an assisted living complex. The property is adjacent to a new commercial/restaurant development consisting of four sit-down or fast casual restaurants.

The project is in an area that has critical need for rental units (i.e. the Chili's restaurant less than ¼ mile away recently was forced to close for lunch due to lack of employees; whose most common complaint is no affordable housing opportunities in the area)."

D. 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 the Applicant to submit an analysis to demonstrate that the proposed development does not adversely impact the County's adopted levels of service to public facilities and services.

Water and Sewage

The City of Clermont has provided documentation (Attachment "H") indicating *"the City can provide utility service for up to an average daily flow of 74,000 gallons per day of potable water and 50,000 gallons per day of wastewater subject to compliance with applicable City Code. With a development proposal of 19 units per acre, this project will exceed Clermont's Comprehensive Plan maximum density allotment of 12 units per acre. This development will also increase the demand for water and sewer capacity that would not be accounted for under the City of Clermont Consumptive Use Permit with St. Johns Water Authority."*

The Applicant must comply with Policy IX-3.1.1 as stated above.

Further, according to Comprehensive Plan Policy IX-3.1.1, entitled *Regional Wastewater Service Criteria*, any new development in the Urban Land Use Series where density occurs at one unit per net acre or greater or wastewater discharge of the development is equal to or greater than 100,000 GPD, shall be required to connect to a regional system. However, a central system may be used on a temporary basis until a regional system becomes available. The temporary system must be staffed by a Florida licensed wastewater treatment plant operator in accordance with state regulation and code and must be planned, designed and constructed to serve as a nucleus of a future regional system, or can act as a lift station with minimal modification.

Schools

Lake County Schools reviewed the application and determined school concurrency is required prior to final site plan approval and does not have to be completed prior to rezoning approval (Attachment “I”).

Parks

The proposed rezoning is not anticipated to adversely impact park capacity or levels of service.

Solid Waste

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

Public Safety

Fire protection water supply and emergency access will be addressed during the site plan review process, should the rezoning be approved by the Board.

Transportation Concurrency

The standard Level of Service (LOS) for the impacted roadway of Hooks Street is “D” with capacity of 3,455 trips in the peak hour both directions. With this project there will be no change in the LOS.

The Applicant will be required to complete a Tier 2 Traffic study prior to site plan approval.

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

An updated environmental assessment will be submitted with site plan application to indicate the presence of vegetation, soils, wetlands, threatened and endangered species on the site. Any required State permitting, or mitigation will be obtained before development can commence. All sensitive resources will be addressed through the development review process. New development will be required to meet all criteria specified by the Comprehensive Plan and Land Development Regulations (LDR).

An Environmental Assessment (EA) Report was submitted by the Applicant (Attachment “J”)

The Environmental Assessment specifically noted: *“No jurisdictional wetlands and/or surface waters were identified on the property. A large wetland system around the surface waters of Wilma Lake was observed directly to the south, south of Lake Wilma Road. Based on observations during the site reconnaissance, and survey stakes observed in the field, it appears that the property boundary is more than 25’ from any wetland areas associated with Wilma Lake, which would satisfy any required buffers.”*

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

There is no indication that the rezoning application will affect property values in the area.

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

The proposed rezoning would not disrupt the existing orderly and logical development pattern of the area as the subject parcel is surrounded by existing development of varying commercial uses and is in proximity to existing multifamily development. However, the rezoning proposes a greater density than the surrounding existing development as shown in Table 2, above.

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

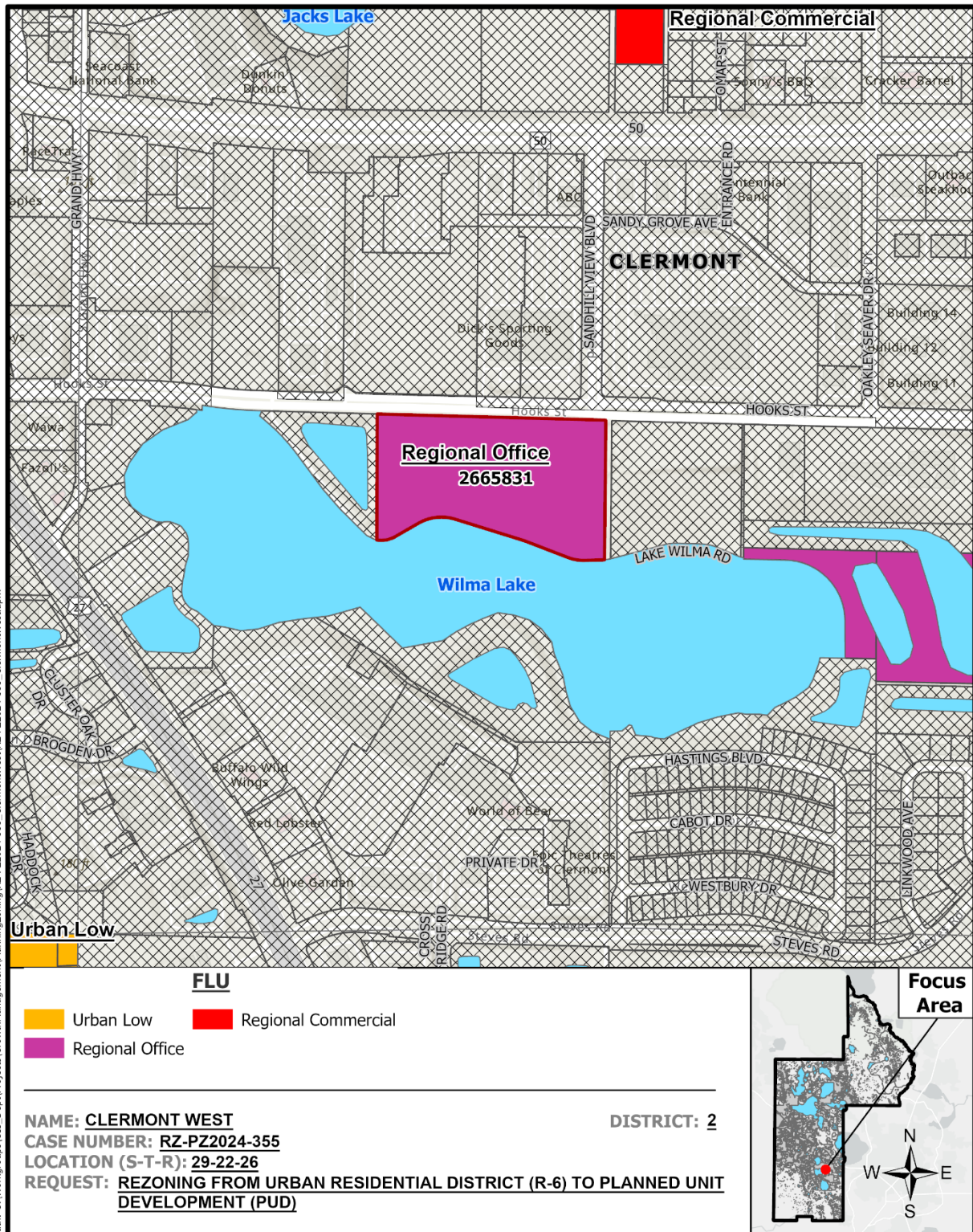
The proposed development is inconsistent with LDR Section 15.02.00 entitled *Clermont Joint Planning Area (JPA) Land Development Regulations; Boundary*.

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

The proposed rezoning application was submitted concurrently with a site specific proposed Comprehensive Plan Map Future Land Use Category to Planned Unit Development being presented under a separate cover as case.

Attachment "A" – Future Land Use Map

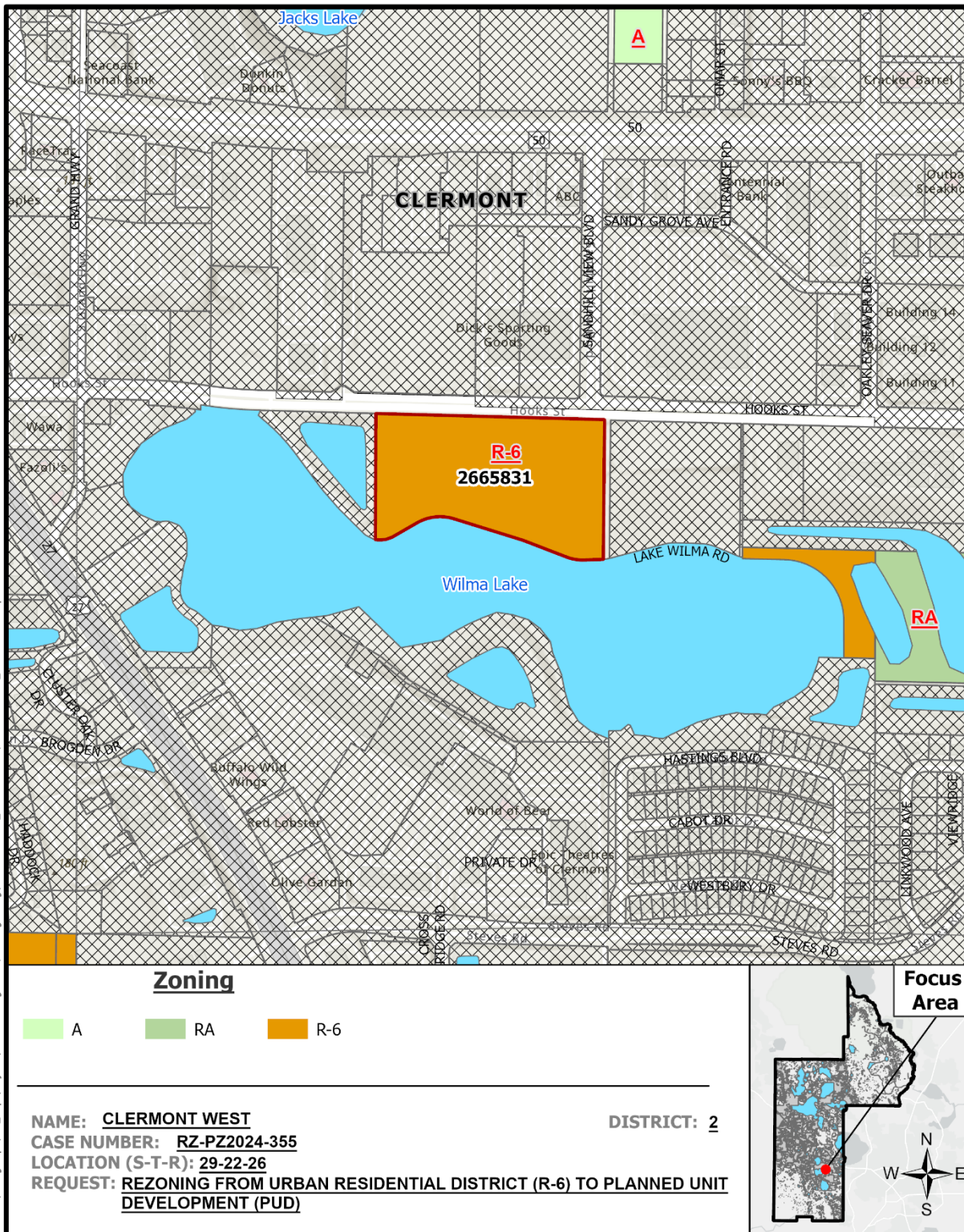
CURRENT FUTURE LAND USE



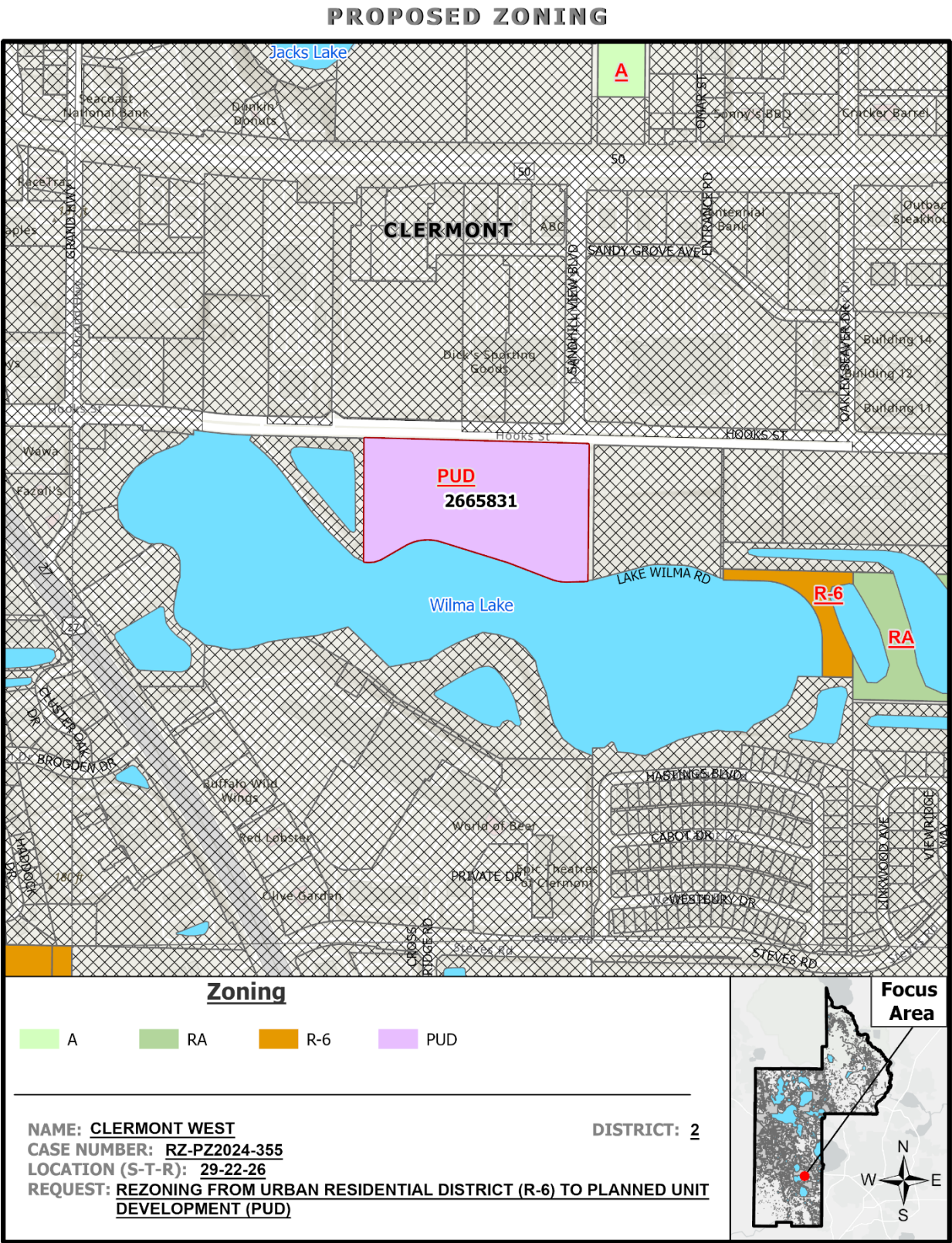
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Attachment "B" – Zoning District Map

CURRENT ZONING



Attachment “C” – Proposed Zoning District

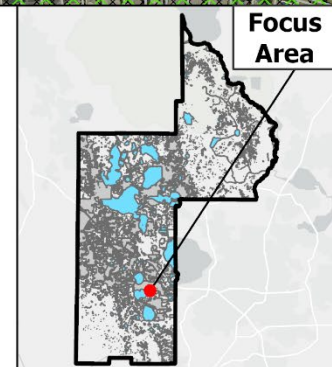


Attachment “D” – Overlay District

RZ-PZ2024-355
Clermont West

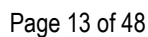


Rezoning from Urban Residential District (R-6) to Planned Unit Development (PUD)

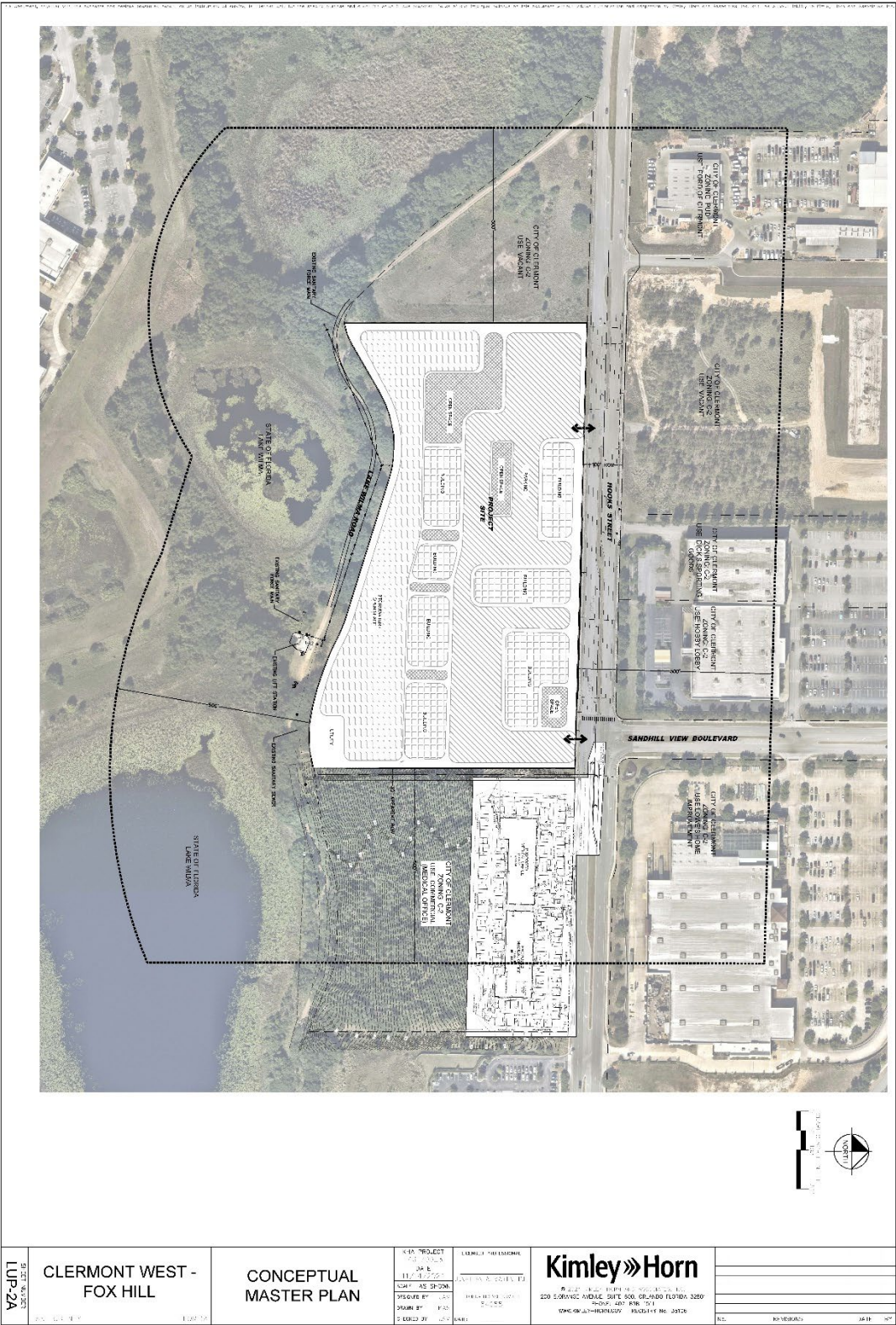


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Attachment “E” - Concept Plan (Page 2 of 3)



Attachment “E” - Concept Plan (Page 3 of 3)

DEVELOPMENT NOTES:

SITE DATA:

TOTAL PROJECT AREA:	+/-15.371 Acres
EXISTING USE:	Vacant
EXISTING ZONING:	R-6
PROPOSED ZONING:	PUD - Planned Unit Development
EXISTING FUTURE LAND USE:	Regional Office
PROPOSED FUTURE LAND USE:	PUD - Planned Unit Development
PROPOSED DENSITY:	300 Units (+/-19.6 DU / Acre)
OVERLAY PROTECTION AREA:	Lake Apopka Basin Overlay District

DEVELOPMENT SUMMARY:

DESIGN STANDARDS:	Lake County Design Standards
PERMITTED USES:	Multi-Family
PHASING:	One Phase
OPEN SPACE:	25%
RECREATION AREA:	Per Lake County LDR
MAXIMUM IMPERVIOUS AREA:	70%
EXISTING WETLANDS:	None
EXISTING WETLAND IMPACTS:	None
FLOOD ZONE:	Per Lake County LDR
REQUIRED PARKING:	Per Lake County LDR
LANDSCAPE BUFFERS:	Per Lake County LDR
PEDESTRIAN CIRCULATION:	Per Lake County LDR
STORMWATER:	To comply with the City of Clermont and SJRWMD standards.
WATER SERVICE:	On-site private facilities or City of Clermont
WASTEWATER SERVICE:	On-site private facilities or City of Clermont
RECLAIMED WATER SERVICE:	On-site private facilities or City of Clermont
DEVELOPMENT PROGRAM:	300 Unit Multi-Family Project
BUILDING SETBACKS:	
FRONT (HOOKS STREET)	25'
REAR	25'
SIDE	25'
PAVING SETBACKS:	
FRONT (HOOKS STREET)	15'
REAR	15'
SIDE	10'
MAXIMUM BUILDING HEIGHT:	70' (5 Stories)

OPEN SPACE AMENITIES MAY INCLUDE:

1. Playground
2. Grill
3. Fire Pit
4. Shaded Seating
5. Dog Park
6. Dry Storm Water Pond

Attachment “F” - Project Narrative (Page 1 of 5)

PROJECT NARRATIVE STATEMENT IN SUPPORT FOX HILL BUILDERS, INC. LUPA AND PUD ZONING

1. Whether the rezoning is in conflict with any applicable provisions of the Land Development Regulations (LDR).

Response: The project is consistent with all applicable LDR provisions. Specifically:

LAND DEVELOPMENT REGULATIONS.

- a. 4.03.00 - "PUD" Planned Unit Development District.

4.03.01 Purpose and Intent.

Planned Unit Developments Shall be allowed in all Land Use classifications. It is the purpose and intent of this Section to establish a Planned Unit Development (PUD) zoning district in effort to:

1. Exercise greater ingenuity and imagination in the planning and Development of Tracts of Land under unified control than generally is possible under these regulations; 2.Allow a diversification of uses, Structures, and Open Space in a manner compatible with both the surrounding, existing and approved Development of Land surrounding and abutting the PUD Site; 3.Provide a means for Land to be used more effectively, and for utilization of smaller networks of utilities and Roads;4.Detail the natural amenities of Land encouraging scenic and functional Open Space within the PUD; 5.Provide for the reasonable protection of Designated Species of plants and animals; 6. Ensure that Development will occur according to limitation of use, design, Density, and phasing stipulated on an approved Development Plan; and 7. Provide reasonable assurance of approval of a PUD application before a Developer expends complete design monies, while providing the County with assurances that the PUD will be Developed according to approved specifications.

- b. 4.03.03 General Site Development Standards.

D. Traffic Analysis. A preliminary traffic analysis Shall be provided to evaluate the impacts of the proposed Development on area Roadways.

2. The proposed LUPA and rezoning are consistent with existing and proposed land uses.

Response: The project is an enclave abutting the City of Clermont, in an area of intensive growth, and a corridor identified by the City of Clermont as appropriate for high density residential development (See Clermont LDR Section 125-527, “Hooks Street Corridor.”

Attachment “F” - Project Narrative (Page 2 of 5)

The project is adjacent to an existing Lowe’s big box store, a Dick’s Sporting Goods a Hobby Lobby retail store, an automobile dealership and an assisted living complex. The property is adjacent to a new commercial/restaurant development consisting of four sit-down or fast casual restaurants.

The project is in an area that has critical need for rental units (i.e. the Chili’s restaurant less than ¼ mile away recently was forced to close for lunch due to lack of employees; whose most common complaint is no affordable housing opportunities in the area).

3. Changed conditions:

Response: See response to No. 2 above.

4. Demand on public facilities.

Response: Concurrency requirements will require the project, at site plan submittal, to satisfy all public facilities’ requirements. The City of Clermont has adequate capacity to serve sewer, and water (regarding infrastructure). In the event the City fails to serve the project with central utilities, such will be provided by individual FDEP-approved potable water well and OnSyte sewer treatment system.

5. Impacts on the natural environment:

Response: The project is previously disturbed and is not in natural condition. Lake Wilma is to the south of the project, and all applicable environmental and stormwater rules and requirements will be adhered to.

6. Effect on property values:

Response: There is no evidence property values will be negatively affected. The nearest residential use is approximately 1500 from the project and consists of a rental apartment community.

7. The project will result in an orderly and logical development pattern.

Response: See Responses to Nos. 1 and 2 above.

8. The project is not in conflict with the public interest and is in harmony with the purpose and intent of the LDR and Comp Plan.

Response: See Responses above.

9. The proposed development program is compliant with LDR Section 6.15 and Comprehensive Plan Objective I-6.3:

A. No stormwater from the site can ever reach any waters connected to Lake Apopka. Evidence of that statement will be supplied at Site Plan application.

Attachment “F” - Project Narrative (Page 3 of 5)

- B. Multi-family development as shown is allowed if not within ½ mile of Lake Apopka. The project is 3.7 miles from the closest Lake Apopka shoreline.
- C. The project is not a mixed-use development.
- D. The project shall maintain a 50' setback from all wetlands and open water.
- E. The project will be connected to central water and sewer facilities.
- F. The project will comply with all county and SJRWMD stormwater requirements and will have no direct discharge to waters connected to lake Apopka.
- G. The use is permitted under Policy I-6.3.4.
- H. Policies I-6.3.6 and I-6.3.7 do not place requirements on projects or applicants; but instead require Lake County to adopt land development regulations, which it has, and which the project complies with (see above).

Attachment “F” - Project Narrative (Page 4 of 5)

Waiver from: Section 15.02.01.C – Max Building Height

Request:

Waiver from Section 15.02.01.C for Maximum habitable building height of forty-five (45) feet and sixty (60) feet maximum building height (including architectural features) in lieu of a maximum habitable building height of thirty-five (35) feet and forty-five (45) feet maximum building height.

Justification:

Due to shape and slope constraints of the site, an increased building height is needed to allow for enough units to create a more cost-effective option for residents. As the finished grade of the site will be lower than the elevation of Hooks St., the overall building height will appear lower than it actually is. A sight-line exhibit indicating the Hooks St. elevation and view of the buildings will be provided prior to public hearings.

Waiver from: Section 15.02.10.A.6 & 15.02.10.C – Max Grading Cut/Fill

Request:

Waiver from Section 15.02.10.A.6 to allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet.

Justification:

Due to the extreme cutting and topographic modifications from previous mining operations and the artificial constructed elevation of Hooks Street, the site needs to be filled more than 10' to create a suitable site for development.

Request:

Waiver from Section 15.02.10.C to allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet.

Justification:

Due to the extreme cutting and topographic modifications from previous mining operations and the artificial constructed elevation of Hooks Street, the site needs to be filled more than 10' to create a suitable site for development.

Attachment “F” - Project Narrative (Page 5 of 5)

Waiver from: Section 15.02.01E Side Setback

Request:

Waiver from Section 15.02.01E to allow no additional building setback requirement in lieu of an increase of fifteen (15) feet for each story over two (2).

Justification:

Due to the severe existing artificial slope of the property, the additional building setback does not allow for sufficient spacing to provide appropriate grading between building. Further, there are no neighbors that will be impacted by the reduced side setback.

WAIVER REQUESTS

REQUEST:

Waiver from Section 15.02.01.C for maximum habitable building height of forty-five (45) feet and sixty (60) feet maximum building height (including architectural features) in lieu of a maximum habitable building height of thirty-five (35) feet and forty-five (45) feet maximum building height.

JUSTIFICATION:

Due to shape and slope constraints of the site, an increased building height is needed to allow for enough units to create a more cost-effective option for residents. as the finished grade of the site will be lower than the elevation of Hook St., the overall building height will appear lower than it actually is.

REQUEST:

Waiver from Section 15.02.10.A.6 to allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet.

JUSTIFICATION:

Due to the extreme cutting from previous mining operations, the site needs to be filled more than 10' to create a suitable site for development.

REQUEST:

Waiver from Section 15.02.10.C to allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet.

JUSTIFICATION:

Due to the extreme cutting from previous mining operations, the site needs to be filled more than 10' to create a suitable site for development.

REQUEST:

Waiver from Section 3.02.05 to allow 25' front building setback requirement for the western 600' of property frontage in lieu of a 50' front building setback.

JUSTIFICATION:

Due to the severe existing slope towards the rear of the property, the additional building setback does not allow sufficient depth for a building, required parking, and open space without encroaching further into the backslope of the property.

REQUEST:

Waiver from Section 15.02.01E to allow no additional building setback requirement in lieu of an increase of fifteen (15) feet for each story over two (2).

JUSTIFICATION:

Due to the severe existing slope of the property, the additional building setback does not allow for sufficient spacing to provide appropriate grading between buildings.

Attachment “G” – City of Clermont Correspondence

Clermont West – Fox Hill Multifamily Comments – City of Clermont – 12/31/2024

1. The proposed PUD is seeking many variances to the JPA code (15.02.00) within Lake County. If the project connects to the City’s utility service, the project will be required to develop to the City’s Land Development Code as part of utility agreement.
2. The proposed density of 19.6 du/acre exceeds density in this area. How is this being proposed since this does not appear to be a live local project? The current zoning allows 89 units based upon table 15.02.01A. of 7,500 sf per unit under the R-6 zoning.
3. Topography changes exceed more than 10 feet over 15% of the project. What is the greatest depth of cut/fill within the project and where is this located within the project?
4. The overall height exceeds the City’s 55 foot height limitation along with the height limitation in 15.02.01 (C).
5. The front setback shall be 50 feet, as required in table 15.02.01B.
6. Based upon 15.2.03(A)(1), a minimum of 12 dumpsters shall be provided.
7. Section 15.02.04 requires architectural review. No elevations were provided.
8. The proposed conceptual master plan does not provide the level of detail in order to make specific comments relating to the project.
9. The project should be developed according to the JPA and City of Clermont Standards.

Attachment “H” – Utility Letter



Mark Griffin
Public Services Assistant Director
3335 Hancock Road
Clermont, FL 34711

352-241-0178 X 6623
mgriffin@clermontfl.org

6/12/2025

Jimmy Crawford, Esq.
702 W. Montrose Street
Clermont, FL, 34711

RE: ALT Key 2665831

This letter is in response to your request regarding utility availability for the project located at ALT Key 2665831.

The property referenced is not located within the city limits of Clermont. The property is, however, located within the City's water/sewer utility service area and therefore, the City can provide utility service for up to an average daily flow of 74,000 gallons per day of potable water and 50,000 gallons per day of wastewater subject to compliance with applicable City Codes.

With a development proposal of 19 units per acre, this project will exceed Clermont's Comprehensive Plan maximum density allotment of 12 units per acre. This development will also increase the demand for water and sewer capacity that would not be accounted for in the City of Clermont Consumptive Use Permit with St Johns Water Authority.

Final approval for the provision of utility services to the property must be granted by the Clermont City Council and may be subject to additional conditions. To initiate the consideration process, the property owner must submit a request for a water and sewer utility agreement to be approved by City Council. Please contact Curt Henschel, Planning and Development Services Director, to proceed with requesting utility service for this project.

If you have any questions regarding the information provided, please contact me at (352) 241-0178.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mark Griffin', written over a light blue horizontal line.

Mark Griffin

Public Services Assistant Director

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Attachment “I” - School Concurrency

From: Croney, Heather N <CroneyH@lake.k12.fl.us>
Sent: Monday, January 13, 2025 2:54 PM
To: Sitler, Cory; LaValley, Helen
Cc: Martin, Jonathan; Ryan Stahl; Jimmy Crawford; Erin Wysocki; Starkey, Kelly
Subject: RE: Clermont West (Fox Hill) | PZ2024-355 and PZ2024-356

Hi Cory,

I sincerely apologize for the delay in response to your email from November 21.

The school concurrency is required to be obtained prior to final site plan approval, and does not have to be completed prior to rezoning approval.

Feel free to reach out to myself or Helen with any further questions.

Heather Croney
Senior Planner
Growth Planning
201 West Burleigh Boulevard
Tavares, FL 32778
Phone: 352-253-6696
croneyh@lake.k12.fl.us
www.lake.k12.fl.us
www.facebook.com/LakeSchools



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January 9, 2023

Ryan P. Stahl, Manager
EQX Holdings, LLC
630 S. Maitland Avenue, Suite 100
Maitland, Florida 32751

RE: Wetland Jurisdictional Evaluation, Protected Wildlife Species Survey, and Report of Findings
Fox Hill Property
Clermont, Lake County, Florida
Thomson Project No. 22-1352

Thomson Environmental Consulting, LLC (Thomson) completed an Ecological Constraints Report, consisting of a Jurisdictional Wetland Delineation and Listed Wildlife Species Survey, of the property identified as the Clermont Ridge Property (“the property”). The field portion of the survey was conducted on January 4, 2023. The purpose of the field visit was to evaluate the subject property for the presence of jurisdictional wetlands and/or surface waters and listed wildlife species and/or their habitat. The following report (and referenced exhibits) describes relevant ecological conditions observed on the site during the field investigation and the results of documented literature resources.

SITE DESCRIPTION AND LOCATION

The property is generally located south of Hooks Street (and south of its intersection with Sandhill View Boulevard) and north of Lake Wilma Road. The property is one legal parcel identified by the Lake County Property Appraiser as Parcel Identification No. 09-22-26-1300-37A-00000, measuring ±15.53 acres.

Figure 1 is a location map showing the property and surrounding infrastructure.

Figure 2 is a true-color rectified aerial (circa 2020) of the property and its immediate surroundings.

Figure 3 is a topographic quadrangle map showing the topographic relief on the property and in the local region surrounding the site.

SOILS

Soils were identified using the Natural Resource Conservation Service’s *Soil Survey of Lake County, Florida*. The following soil units and descriptions were mapped by the soil survey on the property:

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Candler Sands, Variable Slopes (Map Units 9 and 10) – These excessively drained soils are on uplands and knolls on flatwoods. Areas of these soils range from about 30 to several hundred acres. Slopes are smooth to concave. Typically, this soil has a dark brown sand surface layer about 6 inches thick. The subsurface layer to a depth of about 63 inches is brownish yellow sand that grades to yellow. The next layer to a depth of at least 80 inches is yellow sand that has very thin, strong brown lamellae. Included with this soil in mapping are small areas of Apopka, Astatula, Millhopper, and Tavares soils. Apopka and Millhopper soils have a loamy subsoil. Astatula and Tavares soils are similar to the Candler soil. The included soils make up 15 to 20 percent of the map unit. This Candler soil does not have a high water table within a depth of 80 inches. The available water capacity is low or very low, and permeability is rapid. Most areas of this soil are in citrus. Some remain in natural vegetation that is mostly turkey oak, post oak, live oak, South Florida slash pine, and other pines and a sparse understory of indiagrass, pineland threeawn, hairy panicum, and annual forbs.

Figure 4 shows the property and soils as mapped by the soil survey. The soils onsite were noted to be sandy and uplands, but it was evident that historical manipulation of the soils had taken place.

JURISDICTIONAL WETLAND AND SURFACE WATER EVALUATION

Documented Literature Search

Prior to the field visit, Geographic Information System (GIS) data from the Florida Fish and Wildlife Conservation Commission (FWC) and the Florida Natural Areas Inventory (FNAI) was used to identify documented vegetative communities and land uses per the Florida Land Cover Classification System (FLCCS, FWC 2018) on the property. Additionally, the US Fish and Wildlife Service (USFWS) has compiled a reference dataset known as the National Wetland Inventory (NWI) which provides information on the abundance, characteristics, and distribution of wetlands, primarily as determined through detailed imagery analysis. In addition to these resources, the previously-discussed topographic map and county soil survey were reviewed to identify indicators of potential jurisdictional wetlands and/or surface waters on the property.

Vegetative Communities and Land Cover Classification (FLCCS)

The FLCCS coverage identifies one vegetative community/land use on the property.

The entire property is identified as FLCCS 1831, Rural Land. This is a typical designation for undeveloped lots within developed, urban areas.

Figure 5 shows the property with the FLCCS code as mapped by the FWC and ground-truthed by

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Thomson.

National Wetland Inventory (NWI)

The NWI does not identify any wetlands on the property. Just south of the property's southern property boundary is a large wetland system, which is identified as an interconnected series of wetlands and surface waters known as Wilma Lake.

Figure 6 shows the NWI as mapped by the USFWS.

Topographic Map

The topographic map (Figure 3) depicts the property ranging from historical elevations of approximately 200 feet above mean sea level (in the northeast property corner) to approximately 120 feet above MSL along the southern property boundary. The property is depicted with citrus crops.

Hydric Soils

The soils map (Figure 4) depicts the property as mapped as Candler Sands of various slopes, which are entirely upland soils in Lake County.

Field Reconnaissance and Observations

Thomson performed a field visit to the property on January 4, 2023, to assess the property for wetlands.

During the field reconnaissance, the entire property was traversed by pedestrian transects to evaluate the onsite conditions relevant to jurisdictional wetlands and/or surface waters.

The property was observed to be undeveloped and vegetated by a variety of upland, opportunistic, and invasive/exotic species including cogongrass, lantana, beggar-ticks, switchgrass, rose natal grass, vasey grass, smooth rattlebox, gama grass, slash pine, earpod tree, sicklepod, saltbush, Brazilian pepper-tree, saw palmetto, dog fennel, ragweed, caesarweed, broomsedge, Virginia creeper, catbrier, and muscadine.

No jurisdictional wetland and/or surface water areas were identified on the property.

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PROTECTED WILDLIFE SPECIES SURVEY

Protected wildlife species are defined as those listed as Threatened, Endangered, or Species of Special Concern by the (USFWS) and/or the Florida Fish and Wildlife Conservation Commission (FWC). The survey consisted of both a search of documented literature and a field reconnaissance.

Documented Literature Search

Prior to the field investigation, documented literature resources were consulted regarding known occurrences of protected wildlife species on or in the vicinity of the project site. These included the FWC's Bald Eagle (*Haliaeetus leucocephalus*) Nest Locator (<https://public.myfwc.com/FWRI/EagleNests/nestlocator.aspx>) and Waterbird Colony Locator (<http://atoll.floridamarine.org/waterBirds/>) online locator sites.

The closest documented eagle's nest (Nest ID LA199) is located over 3.1 miles west of the property. The closest documented waterbird colony (Atlas No. 612021) is located over 3.9 miles east-northeast of the property. All documented nests or colonies are located outside of any applicable buffer protection zones.

The USFWS Information for Planning and Consultation (IPaC) website was utilized, along with the property boundary, to determine potential protected wildlife species that could utilize the property. The property was identified within the USFWS Consultation Area and/or has potential onsite habitat for the following federally-listed wildlife species:

AUDUBON'S CRESTED CARACARA

Polyborus plancus audubonii

Threatened

Audubon's crested caracara is a large raptor with a crest, naked face, heavy bill, elongate neck, and unusually long legs. It is about 50 to 64 cm long and has a wingspan of 120 cm. The adult is dark brownish black on the crown, wings, back, and lower abdomen. The lower part of the head, throat, upper abdomen, and under tail coverts are white, sometimes tinged with yellow; the breast and upper back are whitish, heavily barred with black. The tail is white with narrow, dark crossbars and a broad, dark terminal band. Prominent white patches are visible near the tips of the wings in flight. The large, white patches in the primaries and the white tail, broadly tipped with black, are both very conspicuous in flight and can be recognized at a long distance. Juveniles have a similar color pattern but are brownish and buffy with the breast and upper back streaked instead of barred. Subadults resemble adults but are more brownish in color. Adults have yellow- orange facial skin and yellow legs. Facial skin of juveniles is

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pinkish in color, and the legs are gray. Full adult plumage is obtained sometime after 2 years of age. The bare skin on the face of this bird is an interesting and distinctive feature. When the bird is at rest, preening or being preened, or engaged in other non-aggressive behaviors, the facial skin is bright orange-red. When threatened, the color of the facial skin changes to a pumpkin color and finally to pale yellow. Apparently, threat or fear causes blood to bypass the subepidermal blood vessels, resulting in a change in facial skin color. The caracaras crest provides another method for communication. When a caracara is comfortable and not threatened, the crest lies flat. The crest is raised when they feel threatened, frightened, or are on alert. A caracaras feet and flight behavior are also notable. Their feet are clearly those of a raptor; however, their talons are flatter, enabling caracaras to run and walk more easily than other raptors. Caracaras are strong fliers and may reach speeds of 40 mph. They have also been observed soaring in large circles at great heights.

The region of greatest abundance for this subspecies is a five-county area north and west of Lake Okeechobee, including Glades, Desoto, Highlands, Okeechobee, and Osceola counties. The Florida population commonly occurs in dry or wet prairie areas with scattered cabbage palms. It may also be found in lightly wooded areas. Scattered saw palmetto, scrub oaks, and cypress may also be present. Widespread changes in land use may have forced a change in the type of habitat this subspecies will use. The caracara now uses improved or semi-improved pasture. The presence of seasonal wetlands may be an important factor in the attractiveness of these pastures to caracaras. (Reference: USFWS Audubon's Crested Caracara Profile <https://www.fws.gov/verobeach/MSRPPDFs/AudubonsCrestedCaracara.pdf>, refer to original for embedded citations)

EASTERN BLACK RAIL

Laterallus jamaicensis jamaicensis

Threatened

The black rail is the smallest rail in North America. Adults range from 10-15 centimeters in total length and have a wingspan of 22-28 cm. Eastern black rails weigh 35 grams on average and are larger but have less brightly colored plumage than California black rails. Males and females are similar in size, and adults are generally pale to blackish gray, with a small blackish bill and bright red eyes. The underparts from chin to abdomen are uniformly colored but are lighter on the chin and throat. The nape and upper back are chestnut and the remaining back, uppertail feathers, and remiges (wing flight feathers) are dark gray to blackish with small white spots and sometimes washed with chestnut-brown. The lower abdomen, undertail feathers and flanks are blackish streaked with narrow white and dark gray barring, washed with chestnut. Overall, males are darker and have pale to medium gray throats, while females are lighter and have pale gray to white throats. The tarsi (lower legs) and toes are a brownish gray or gray to blackish-brown.

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The eastern black rail is a wetland dependent bird primarily associated with herbaceous, persistent, emergent wetland plant cover. The subspecies requires dense overhead cover and soils that are moist to saturated (occasionally dry) and interspersed with or adjacent to very shallow water. The substrate of ideal habitat is generally considered to be moist soil with scattered small pools. Eastern black rails occur across an elevation gradient that lies between the lower and wetter portions of estuarine and palustrine marshes and the higher and drier adjacent uplands. Location of individuals across this gradient varies depending on hydrologic conditions. These habitat gradients have gentle slopes such that wetlands are capable of having large areas of shallow inundation (sheet water). These wetlands are able to shrink and expand based on hydrologic conditions and thus provide dependable foraging habitat across the wetted areas and wetland-upland transition zone for the subspecies. The wetland-upland transition zone is a narrow band of habitat where wetlands and uplands intersect and contains vegetation types from both habitats. These transition areas also provide important refugia during flooding events and minimize the risk of predation to black rails when well vegetated. (Reference: USFWS Species Status Assessment Report for the Eastern Black Rail, August 2019, <https://ecos.fws.gov/servcat/downloadfile/186791>, refer to original for embedded citations)

EVERGLADE SNAIL KITE

Rostrhamus sociabilis plumbeus

Endangered

The snail kite is a medium-sized raptor, with a total body length for adult birds of 36 to 39.5 cm and a wingspan of 109 to 116 cm. In both sexes, the tail is square-tipped with a distinctive white base, and the wings are broad, and paddle-shaped. Adults of both sexes have red eyes, while juveniles have brown eyes. The slender, decurved bill is an adaptation for extracting the kite's primary prey, the apple snail.

Snail kite habitat consists of freshwater marshes and the shallow vegetated edges of lakes (natural and man-made) where apple snails can be found. These habitats occur in humid, tropical ecoregions of peninsular Florida and are characterized as palustrine-emergent, long-hydroperiod wetlands often on an organic peat substrate overlying oolitic limestone or sand or directly on limestone or marl.

Snail kites require foraging areas that are relatively clear and open in order to visually search for apple snails. Therefore, dense growth of herbaceous or woody vegetation is not conducive to efficient foraging. The interspersed emergent vegetation enables apple snails to climb near the surface to feed, breathe, and lay eggs. Nearly continuous flooding of wetlands for > 1 year is needed to support apple snail populations that in turn sustain foraging by the snail kite. (Reference: USFWS Everglade Snail Kite Multi-Species Recovery Plan for South Florida, <https://www.fws.gov/verobeach/MSRPPDFs/EvergladeSnailKite.pdf>, refer to original for embedded citations)

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WOOD STORK

Mycteria americana

Threatened

Wood storks are large, long-legged wading birds, about 50 inches tall, with a wingspan of 60 to 65 inches. The plumage is white except for black primaries and secondaries and a short black tail. The head and neck are largely unfeathered and dark gray in color. The bill is black, thick at the base, and slightly decurved. Immature birds are dingy gray and have a yellowish bill.

Nesting primarily occurred in the Everglades. The generally accepted explanation for the decline of the wood stork is the reduction in food base (primarily small fish) necessary to support breeding colonies. This reduction is attributed to loss of wetland habitat as well as to changes in water hydroperiods from draining wetlands and changing water regimes by constructing levees, canals, and floodgates to alter water flow in south Florida. Wood storks have a unique feeding technique and require higher prey concentrations than other wading birds. Optimal water regimes for the wood stork involve periods of flooding, during which prey (fish) populations increase, alternating with dryer periods, during which receding water levels concentrate fish at higher densities coinciding with the stork's nesting season. Wood storks capture their prey by a specialized technique known as grope-feeding or tacto-location. Feeding often occurs in water 6 to 10 inches deep, where a stork probes with the bill partly open. (Reference: USFWS Arthur R. Marshall Loxahatchee Wood Stork fact page, https://www.fws.gov/refuge/ARM_Loxahatchee/wah/wood_stork.html, refer to original for embedded citations)

The Florida Wood Stork (*Mycteria americana*, Endangered) Nesting Colony and Foraging Habitat locator (<https://www.fws.gov/northflorida/WoodStorks/wood-storks.htm>) was used to identify potential wood stork colony locations. The property is not located within the foraging area of any documented wood stork colonies.

SAND SKINK

Neoseps reynoldsi

Threatened

Sand skinks are endemic to, which means they occur only on, the sandy ridges of central Florida. Skink distribution is defined by three factors: county, elevation, and soil types. Primary populations of sand skinks occur on the Lake Wales, Winter Haven, and Mt. Dora Ridges in Highlands, Lake, Marion, Orange, Osceola, Polk, and Putnam Counties. Skinks are generally found at elevations 82 ft above sea level and higher. Skinks occur in excessively drained, well-drained, and moderately well-drained sandy soils.

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Skink soils typically support scrub, sandhill, or xeric hammock natural ecological communities, such as oak-dominated scrub, turkey oak barrens, high pine, and xeric hammocks. Typical upland habitat for both sand skinks consists of sand pine-rosemary scrub or longleaf pine-turkey oak association. Sand skinks have also been documented in skink soils where natural vegetative cover has been altered for human uses such as pine plantations, active or inactive citrus groves, pastures, and residential developments, as well as neglected vegetative cover like old fields and overgrown scrub. Habitat condition or vegetative cover alone cannot be used to exclude areas that might be used by sand skinks.

Sand skinks typically occur in areas that contain a mosaic of open sandy patches interspersed with forbs, shrubs, and trees. Sand skink tracks are usually observed in open sandy areas. Sand skink tracks appear most abundant in the ecotone, or edges, between areas with abundant leaf litter and vegetative cover and adjacent open sands. Specific physical structures of habitat that sustain sand skink populations include a well-defined leaf litter layer on the ground surface and shade from either a tree canopy or a shrub layer, but not both. Leaf litter likely provides important skink foraging opportunities. Shade provided by a tree canopy or a shrub layer likely helps skinks regulate body temperature to prevent overheating. However, having both a tree canopy and a shrub layer appears to be detrimental to skinks. (Reference: *USFWS Peninsular Florida Species Conservation and Consultation Guide: Sand Skink and Blue-Tailed (Bluetail) Mole Skink*, refer to original for embedded citations)

EASTERN INDIGO SNAKE

Drymarchon corais couperi

Threatened

The eastern indigo snake is a large, non-venomous snake with populations occurring in portions of Florida and southeastern Georgia. Historically, the eastern indigo snake occurred throughout Florida and in the coastal plain of Georgia, Alabama and Mississippi. Although the eastern indigo snake is difficult to consistently locate in the field, important life history characteristics and species needs have been learned from numerous studies. The eastern indigo snake is a diurnal species. The species prefers upland habitat types (e.g., longleaf pine sandhills, scrub, pine flatwoods, tropical hardwood hammocks, and coastal dunes), but also uses a variety of lowland and human-altered habitats. They may move seasonally between upland and lowland habitats, especially in northern portions of their range. Throughout their range, eastern indigo snakes use below-ground shelter sites for refuge, breeding, feeding and nesting.

Visual encounter surveys are intended to locate eastern indigo snakes above ground and to identify refugia for subsequent inspection of the impact area. The impact area is defined as the project footprint or that part of the parcel to be built out that will no longer constitute eastern indigo snake habitat after the construction of the project. Underground refugia commonly used by this species include active or

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inactive burrows excavated by gopher tortoises or other species, ground holes, hollows at the base of trees and other similar formations. Above ground refugia includes thick shrub formations, stumps, the base of thick palmetto, ground litter, brush piles, trash piles, and abandoned structures, and crevices of rock-lined ditch walls and other similar refugia. (Reference: USFWS Eastern Indigo Snake Profile, <https://www.fws.gov/verobeach/MSRPPDFs/EasternIndigoSnake.pdf>, refer to original for embedded citations)

GOPHER TORTOISE

Gopherus polyphemus

Candidate (State-Threatened)

The gopher tortoise is a moderate-sized, terrestrial turtle, averaging 9–11 inches in length when fully grown, though it can reach lengths of up to 15 inches (Ernst et al. 1994). The species is identifiable by its stumpy, elephantine hind feet and flattened, shovel-like forelimbs covered in thick scales. Hatchling (<1-year-old) and juvenile tortoises tend to be yellow-orange and brown in color (see hatchling photo, right), but the bright coloration fades with age. The shell of an adult gopher tortoise is generally tan, brown, or gray in coloration. Adult male and female tortoises can be differentiated by the presence or absence of a concavity on their lower shell (plastron); mature males will exhibit this concavity, whereas females will have a flat lower shell.

Gopher tortoises prefer well-drained, sandy soils found in habitats such as longleaf pine sandhills, xeric oak hammocks, scrub, pine flatwoods, dry prairies, and coastal dunes. They are also found in a variety of disturbed habitats including pastures and urban areas. Suitable gopher tortoise habitat contains well-drained sandy soils for digging burrows and nesting, abundant herbaceous plants for forage, and open, sunny areas with sparse canopy for nesting and basking. Periodic natural fires historically played an important role in many of the habitats where tortoises are found, as fire reduces canopy cover and promotes growth of herbaceous forage plants. When fire is suppressed from these environments, the habitat may become unsuitable for gopher tortoises.

The NRCS Web Soil Survey (<https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx>) was used to identify soils suitable for the burrowing needs of gopher tortoises. The soil criteria that are taken into account in this soil interpretation are those that have been determined to have the most effect on burrow excavation, maintenance, and preservation. These include the soil texture, percent coarse fragments, depth to a restrictive layer or layer with greater than or equal to 35% clay, ponding or flooding frequency, slope, and depth to seasonal high water table. A portion of the property in the northeast corner was mapped as Candler Sands with slopes ranging from 5 to 12%, which are rated as “Highly Suited”. The majority of the property was mapped as Candler Sand, 12 to 40% slopes and rated as “Less Suited”.

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No USFWS-identified Critical Wildlife Habitat was mapped on (or in a relevant proximity) to the property.

Documented potential wildlife species issues were identified on Figure 7.

Field Reconnaissance and Observations

A protected wildlife species survey and habitat assessment was conducted on the property on January 4, 2023.

No bald eagles or protected wading birds were observed during the field visit. No nests or individuals were observed on the property, and no nest trees preferential to the bald eagle were present on the property. No wetland areas were observed that would provide wading bird nesting or foraging opportunities for the wetland-dependent, protected avifauna that could occur in the area.

No habitat preferential to the or Audobon’s crested caracara was observed on the property (or in the relevant vicinity).

A survey of the upland habitat on the property was performed for the occurrence of gopher tortoise burrows. No gopher tortoise burrows were observed on the property.

The property meets the criteria for sand skink habitat based on soils, elevation, and location. A pedestrian survey for the sand skink was performed during the habitat assessment, and no potential habitat was observed on the property due to the thick cover of vegetation and weathered slopes of any open sand. No tracks or individuals were observed during the survey. As depicted in Figure 8, which is a 1995 aerial photograph of the property, the majority of the property was utilized in mining and therefore this disturbance altered the original soils and degraded the potential habitat.

Based on the lack of gopher tortoise burrows, as well as the observation of little other refugia such as mammal holes, the potential presence of the Eastern indigo snake is considered to be minimal.

No other protected wildlife species concerns were observed during the course of the field survey.

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407.374.3681 – tel
407.405.8725 – cell

SUMMARY

Jurisdictional Surface Water and/or Wetland Summary

No jurisdictional wetlands and/or surface waters were identified on the property. A large wetland system around the surface waters of Wilma Lake was observed directly to the south, south of Lake Wilma Road. Based on observations during the site reconnaissance, and survey stakes observed in the field, it appears that the property boundary is more than 25' from any wetland areas associated with Wilma Lake, which would satisfy any required buffers.

Protected Wildlife Species Summary

The property meets the criteria for sand skink habitat based on soils, elevation, and location. A pedestrian survey for the sand skink was performed during the habitat assessment, and no potential habitat was observed on the property due to the thick cover of vegetation and weathered slopes of any open sand. No tracks or individuals were observed during the survey. As depicted in Figure 8, which is a 1995 aerial photograph of the property, the majority of the property was utilized in mining and therefore this disturbance altered the original soils and degraded the potential habitat. Note that according to the USFWS, to confirm the absence of the sand skink a formal coverboard survey may be required. The formal coverboard survey can only be performed March 1st – May 15th. It consists of the placement of 40 2'x2' pieces of plywood per acre over potential habitat, which are then checked for skink tracks (or specimens) every week for four consecutive weeks. Alternatively, and possibly to prevent the need for a formal coverboard survey, a summary email of observed site conditions and the negative results of the informal skink survey may be forwarded to USFWS for concurrence. If the USFWS concurs that there is an extremely low likelihood of skink presence, they can rule out the need for a formal coverboard survey with an email response.

No other protected wildlife species issues were observed or indicated on the property during the literature search and field reconnaissance. It is the opinion of Thomson that the site provides poor habitat for most protected wildlife due to its historical use as a citrus grove, as a sand mine, and its location within an urbanized, developed area of Clermont.

LIMITATIONS OF THIS REPORT

It is important to note that the conclusions of this report are necessarily based on the conditions observed on the day of the field reconnaissance. Due to this “snapshot” view of the site, the results presented in this report may not accurately reflect changing site conditions and/or wildlife species' temporal and spatial movements.

Attachment “J” – Environmental Assessment (Page 12 of 23)



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Thomson appreciates the opportunity to provide these services to you. If there are questions regarding this report, or a need for further information, please contact the undersigned at your convenience.

Respectfully,

A handwritten signature in black ink, appearing to read "J. Thomson", is written over the printed name.

Joel A. Thomson
President

Figures 1 – 8

Attachment “J” – Environmental Assessment (Page 13 of 23)

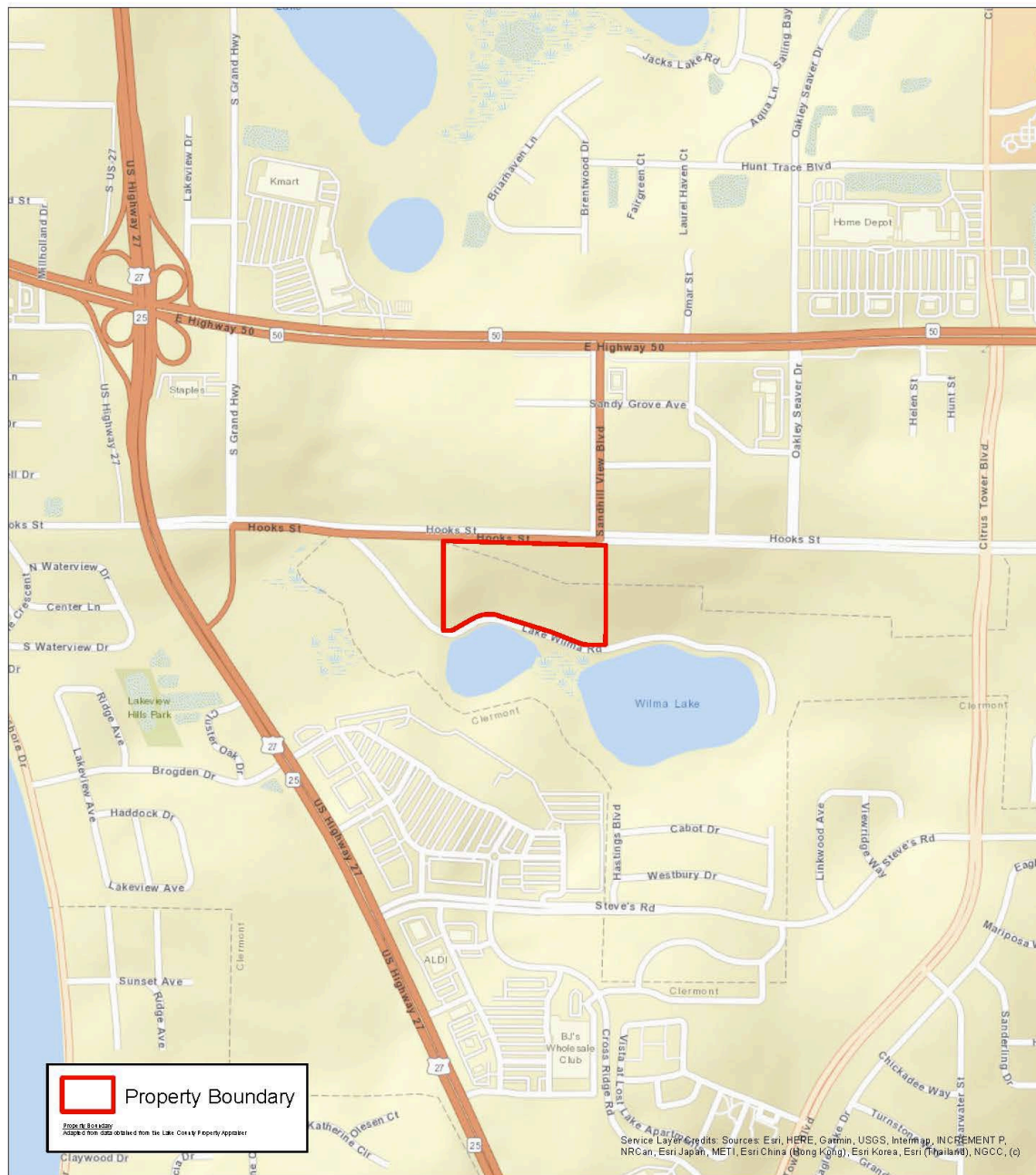


Figure 1
Location Map
Fox Hill Property
Clermont, Lake County, Florida
Section 29, Township 22 S, Range 26 E

Thomson Project No. 22-1352
January 2023

Attachment “J” – Environmental Assessment (Page 14 of 23)

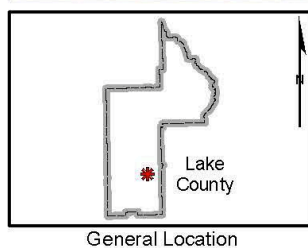


Figure 2
Aerial Photograph
Fox Hill Property
Clermont, Lake County, Florida
Section 29, Township 22 S, Range 26 E

Thomson Project No. 22-1352
January 2023

Attachment “J” – Environmental Assessment (Page 15 of 23)

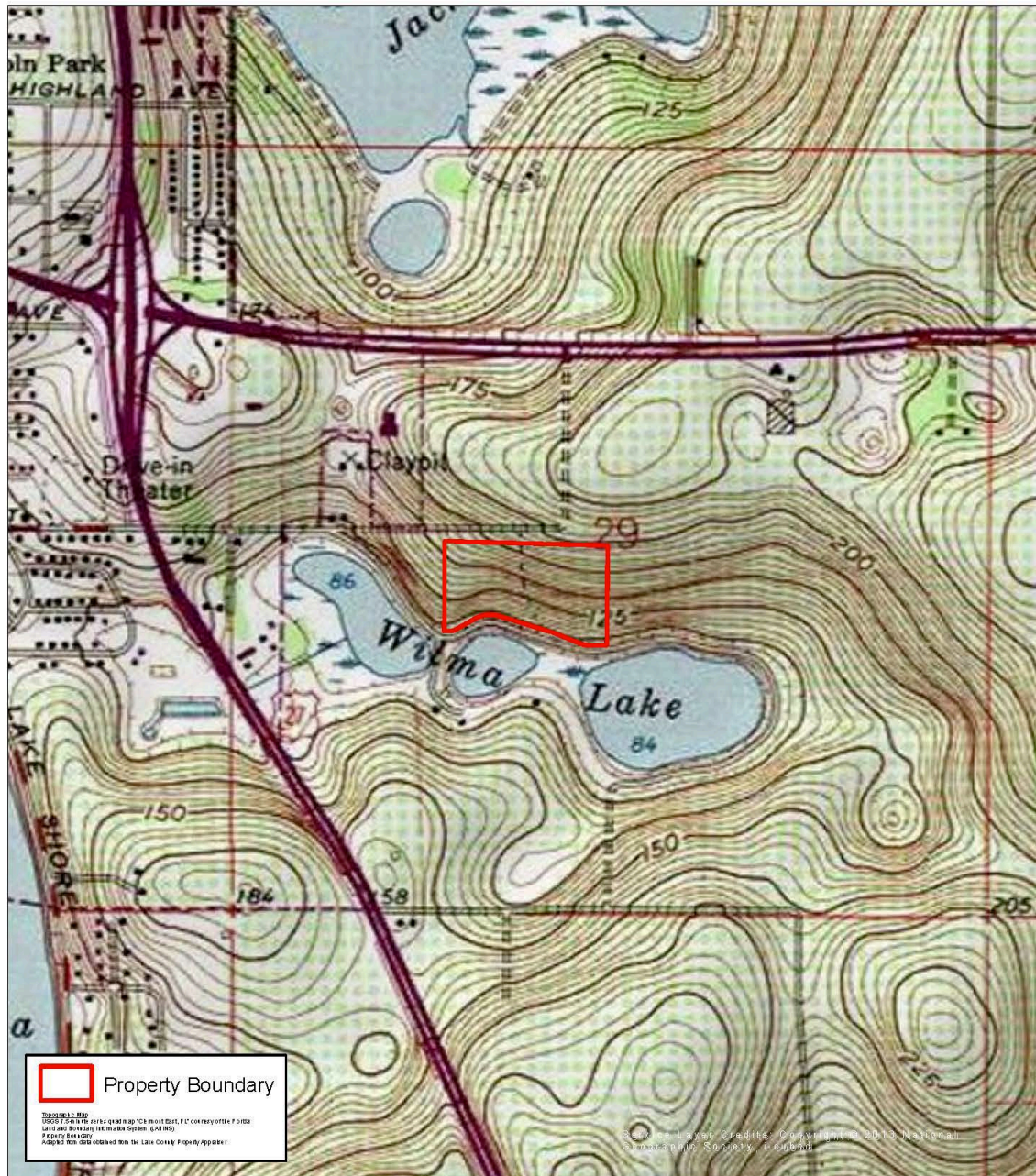


Figure 3
Topographic Map
Fox Hill Property
Clermont, Lake County, Florida
Section 29, Township 22 S, Range 26 E

Thomson Project No. 22-1352
January 2023

Attachment “J” – Environmental Assessment (Page 16 of 23)

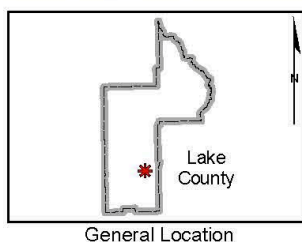


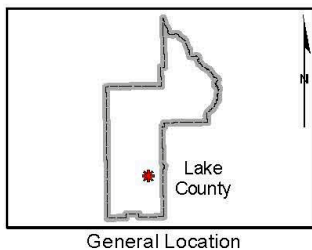
Figure 4
Soils Map
Fox Hill Property
Clermont, Lake County, Florida
Section 29, Township 22 S, Range 26 E

Thomson Project No. 22-1352
January 2023

Attachment “J” – Environmental Assessment (Page 17 of 23)



Attachment “J” – Environmental Assessment (Page 18 of 23)



General Location



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WWW.THOMSONENV.COM

Figure 6
National Wetland Inventory Map
Fox Hill Property
Clermont, Lake County, Florida
Section 29, Township 22 S, Range 26 E

Thomson Project No. 22-1352
January 2023

Attachment “J” – Environmental Assessment (Page 19 of 23)

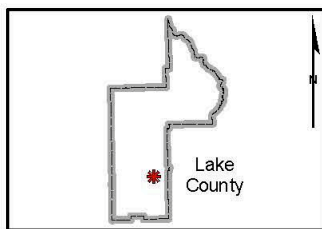
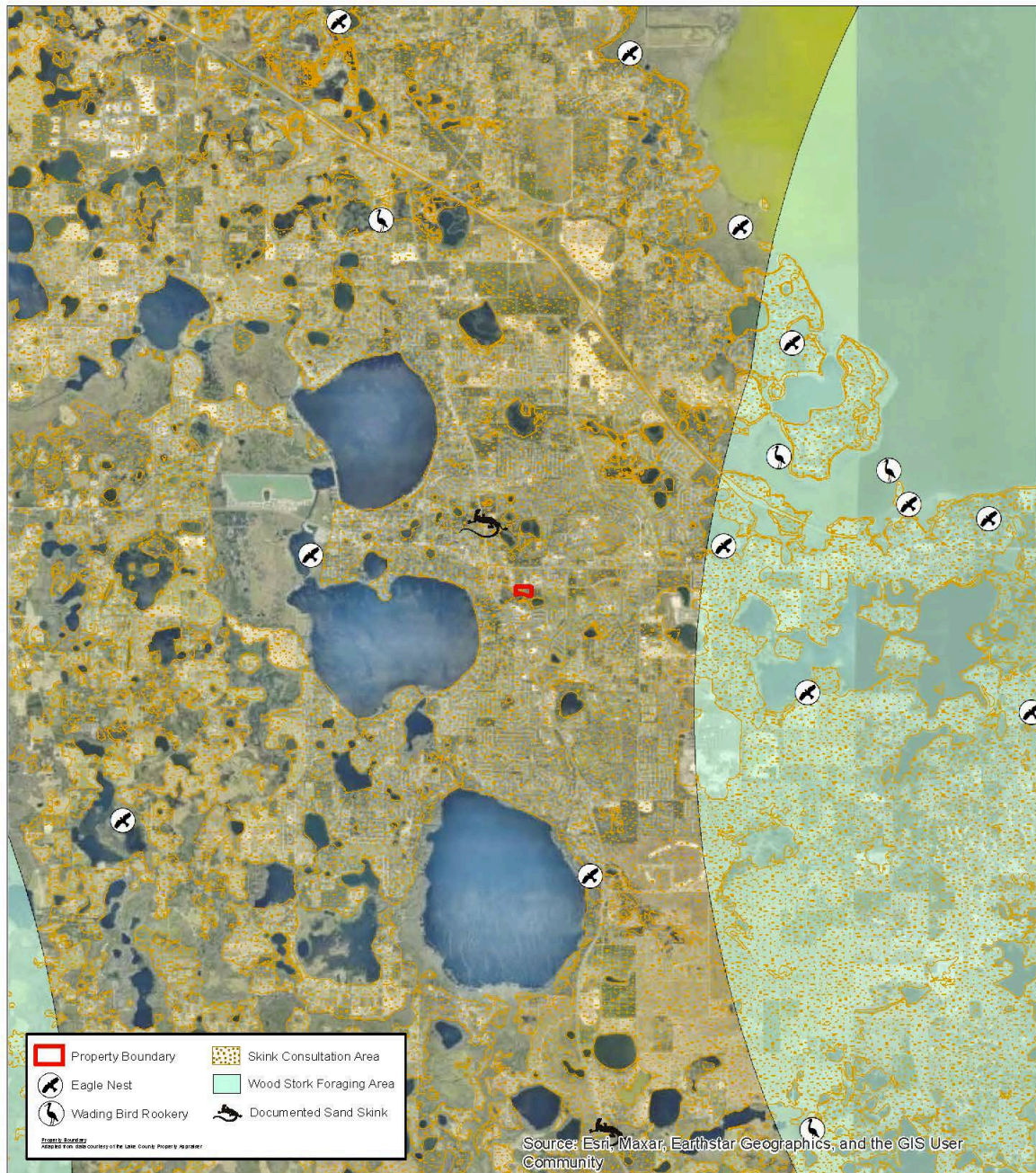


Figure 7
Documented Wildlife Species Issues
Fox Hill Property
Clermont, Lake County, Florida
Section 29, Township 22 S, Range 26 E

Thomson Project No. 22-1352
January 2023

Attachment “J” – Environmental Assessment (Page 20 of 23)

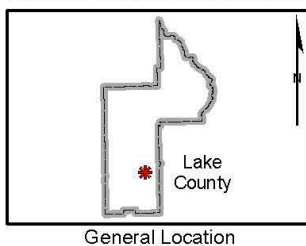


Figure 8
1995 Aerial Photograph
Fox Hill Property
Clermont, Lake County, Florida
Section 29, Township 22 S, Range 26 E

Thomson Project No. 22-1352
January 2023

Attachment “J” – Environmental Assessment (Page 21 of 23)

Kristin Banks

From: Joe Bove <joe@bovecompany.com>
Sent: Monday, February 27, 2023 9:42 AM
To: joel@thomsonenv.com; Gabe Bove
Cc: Kristin Banks; Kirsten Davis; Ryan Stahl
Subject: Re: [EXTERNAL] Request for Concurrence on Informal Sand Skink Survey, Clermont, Lake County - Fox Hill Property

Thanks Joel, great news!

Joe Bove, P.E.
Development Manager
Bove LLC
904.303.4225
www.bovecompany.com

From: joel@thomsonenv.com <joel@thomsonenv.com>
Date: Friday, February 24, 2023 at 3:16 PM
To: Joe Bove <joe@bovecompany.com>, Gabe Bove <gabe@bovecompany.com>
Cc: 'Kristin Banks' <Kristin@equinox-development.com>, 'Kirsten Davis' <kirsten@equinox-development.com>, 'Ryan Stahl' <RStahl@equinox-development.com>
Subject: FW: [EXTERNAL] Request for Concurrence on Informal Sand Skink Survey, Clermont, Lake County - Fox Hill Property

Joe,

Please see below for the email granting concurrence (that no coverboard survey is required and that the site is cleared by USFWS for the presence of sand skinks).

Feel free to reach me if you have any additional questions, thanks.

Joel Thomson



2324 Leu Road
Orlando, Florida 32803
Office – 407.374.3681
Cell – 407.405.8725

From: Gawera, Erin <erin_gawera@fws.gov>
Sent: Friday, February 24, 2023 1:30 PM
To: joel@thomsonenv.com
Subject: Re: [EXTERNAL] Request for Concurrence on Informal Sand Skink Survey, Clermont, Lake County - Fox Hill Property

Attachment “J” – Environmental Assessment (Page 22 of 23)

Hi Joel,

The Service agrees that this site does not contain suitable habitat for sand skink based on its history as a sand mine and the dense ground cover currently on the site.

A cover board survey will not be needed as we do not believe this site is suitable habitat for sand skinks.

Thank you,

Erin

Erin M. Gawera, Fish and Wildlife Biologist

US Fish and Wildlife Service

Email: erin_gawera@fws.gov

<https://www.fws.gov/office/florida-ecological-services>

Florida Ecological Services Field Office

7915 Baymeadows Way, Suite 200

Jacksonville, FL 32256-7517

904/731-3121 (direct)

904/731-3336 (main)

Fax: 904/731-3045 or 3048

From: joel@thomsonenv.com <joel@thomsonenv.com>

Sent: Thursday, February 23, 2023 6:50 PM

To: Gawera, Erin <erin_gawera@fws.gov>

Subject: [EXTERNAL] Request for Concurrence on Informal Sand Skink Survey, Clermont, Lake County - Fox Hill Property

This email has been received from outside of DOI - Use caution before clicking on links, opening attachments, or responding.

Erin,

(PLEASE NOTE THAT THE SUBJECT PROPERTY OF THIS MAIL IS RIGHT ACROSS THE ROAD, TO THE SOUTH, FROM ANOTHER PROPERTY THAT WE COMMUNICATED ABOUT PREVIOUSLY, AND THEY ARE BOTH VERY SIMILAR IN

Attachment “J” – Environmental Assessment (Page 23 of 23)

CONDITION AND WERE BOTH PART OF A FORMER MINE...YOU RESPONDED ON **NOVEMBER 17, 2022**, THAT THE PROPERTY ACROSS THE STREET DID NOT CONTAIN SAND SKINK HABITAT).

We performed a protected wildlife species survey of the attached property, located in Clermont, Lake County (location map attached).

We conducted an informal sand skink survey as part of the assessment. No sand skink tracks were noted.

As you can see from the attached 1995 aerial, the property was part of a sand/clay mine historically. During the site visit, the property was noted to contain various disturbed areas, vegetated by cogongrass and earpod tree, with portions of the property planted in pine trees.

There were no areas of bare sand on the property suitable for the movement of the skink. The only areas of bare sand, as can be seen in the attached photograph, were the steep banks of the former mining area that were hard, weathered mineral soils.

It is our contention that the site conditions are not sufficient to allow for sand skink movement and therefore it does not represent habitat.

On our client's behalf, we are requesting concurrence with the informal sand skink survey results (and lack of a need for formal coverboard survey) so that it may inform the client on future planning for development of the property.

Please let me know if there is anything else I can provide to aid in your review.

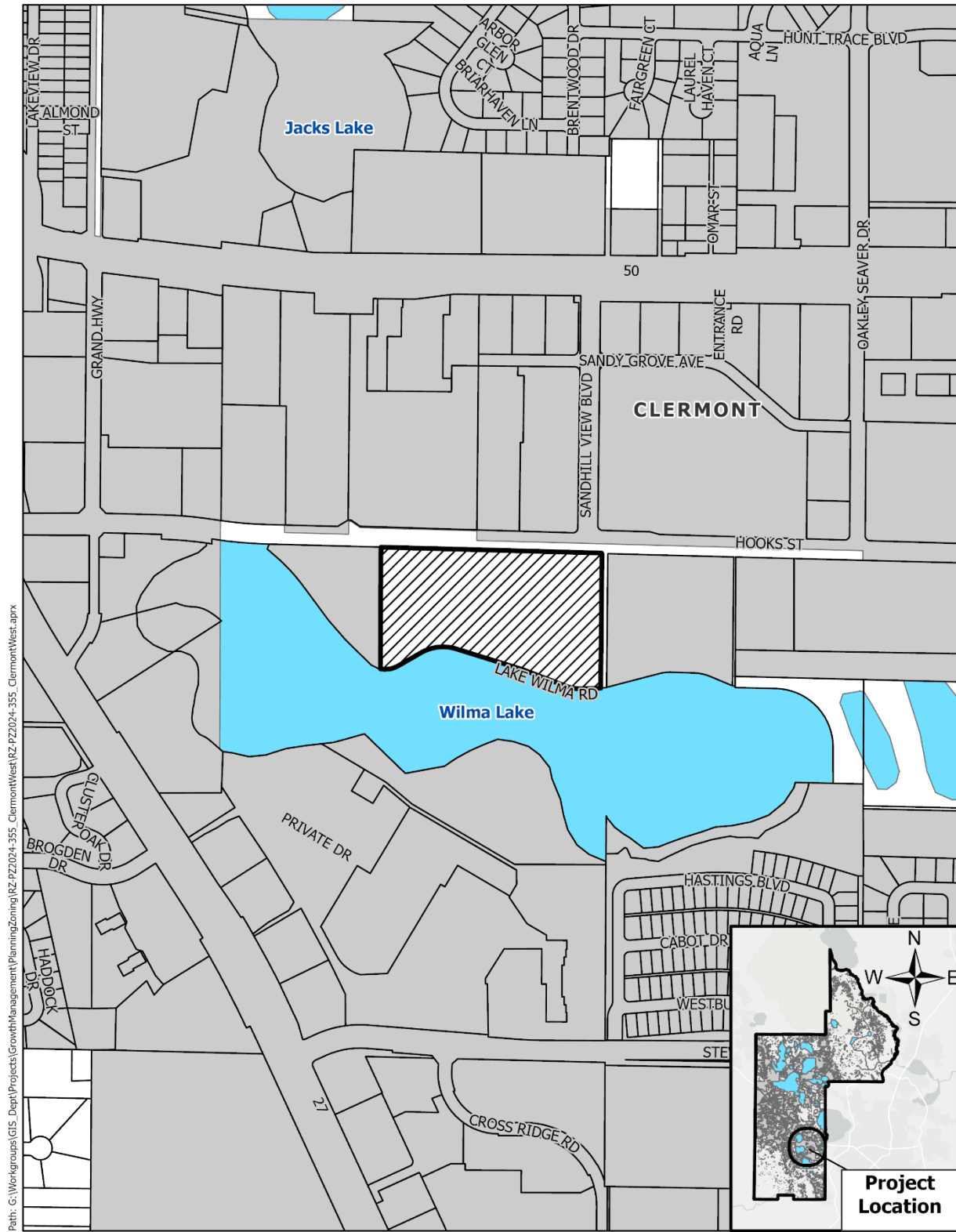
Thanks for your time!

Joel Thomson



2324 Leu Road
Orlando, Florida 32803
Office – 407.374.3681
Cell – 407.405.8725

Map of Subject Property

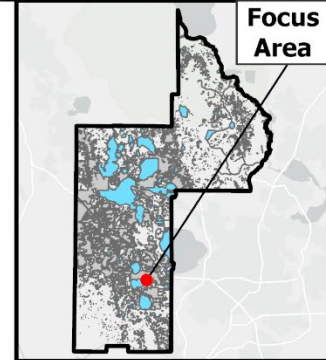


Aerial Map of Subject Property

**RZ-PZ2024-355
Clermont West**



Rezoning from Urban Residential District (R-6) to Planned Unit Development (PUD)



Path: G:\Workgroups\GIS_Dept\Projects\GrowthManagement\PlanningZoning\RZ-PZ2024-355_ClermontWest\RZ-PZ2024-355_ClermontWest.aprx

5/8/2025

AN ORDINANCE OF THE LAKE COUNTY BOARD OF COUNTY COMMISSIONERS AMENDING THE LAKE COUNTY ZONING MAPS; REZONING APPROXIMATELY 15.53 +/- ACRES FROM URBAN RESIDENTIAL (R-6) DISTRICT TO PLANNED UNIT DEVELOPMENT (PUD) FOR PROPERTY IDENTIFIED AS ALTERNATE KEY NUMBER 2665831, LOCATED IN SECTION 29, TOWNSHIP 22 SOUTH, RANGE 26 EAST; AND REQUESTING WAIVERS FROM LAND DEVELOPMENT REGULATIONS (LDR) SECTION 15.02.01(C) TO INCREASE THE MAXIMUM HABITABLE BUILDING HEIGHT TO FORTY-FIVE (45) FEET AND SIXTY (60) FEET (INCLUDING ARCHITECTURAL FEATURES) IN LIEU OF A MAXIMUM HABITABLE BUILDING HEIGHT OF THIRTY-FIVE (35) FEET AND FORTY-FIVE (45) FEET MAXIMUM FINISHED BUILDING HEIGHT; LDR SECTION 15.02.10(A)(6) TO ALLOW ELEVATION CHANGES IN TOPOGRAPHY THAT EXCEED TEN (10) FEET OVER NO MORE THAN 15% OF THE PROJECT SITE (EXCLUDING ROADS AND STORMWATER AREAS) IN LIEU OF ELEVATION CHANGES THAT ARE LIMITED TO TEN (10) FEET; LDR SECTION 15.02.10(C) TO ALLOW ELEVATION CHANGES IN TOPOGRAPHY THAT EXCEED TEN (10) FEET OVER NO MORE THAN 15% OF THE PROJECT SITE (EXCLUDING ROADS AND STORMWATER AREAS) IN LIEU OF ELEVATION CHANGES THAT ARE LIMITED TO TEN (10) FEET; AND TO LDR TABLE 15.02.01(E) TO EXEMPT THE DEVELOPMENT FROM THE ADDITIONAL FIFTEEN (15) FEET SETBACK FOR EACH STORY OVER TWO (2); AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Clermont West Investors, LLC (the "Applicant") submitted a rezoning application on behalf of Fox Hill Builders, Inc. (the "Owner"), to rezone approximately 15.53 +/- acres from Urban Residential (R-6) District to Planned Unit Development (PUD), including waiver requests to Land Development Regulations (LDR) section 15.02.01(C) to increase the maximum habitable building height to forty-five (45) feet and sixty (60) feet (including architectural features) in lieu of a maximum habitable building height of thirty-five (35) feet and forty-five (45) feet maximum finished building height, LDR section 15.02.10(A)(6) to allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet, LDR section 15.02.10(C) to allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet, and to LDR Table 15.02.01(E) to exempt the development from the additional fifteen (15) feet setback for each story over two (2); and

WHEREAS, the subject property consists of approximately 15.53 +/- acres located south of Hooks Street and east of US Highway 27 in the unincorporated Clermont area in Section 29, Township 22 South, Range 26 East, known as Alternate Key Number 2665831, and more particularly described in Exhibit "A"; and

WHEREAS, the property is located within the Planned Unit Development Future Land Use Category; and

WHEREAS, the Lake County Planning and Zoning Board did on the 6th day of August 2025, review Petition PZ2024-355; after giving Notice of Hearing on petition for a change in the use of land, including notice that the Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the 2nd day of September 2025; and

WHEREAS, the Board of County Commissioners reviewed the petition, the recommendations of the Lake County Planning and Zoning Board, 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 Planned Unit Development (PUD) for the property described in Exhibit "A". The uses of the property will be limited to those uses specified in this Ordinance and generally consistent with the Conceptual Plan attached as Exhibit "B". To the extent there are conflicts between Exhibit "B" and this Ordinance, this Ordinance will take precedence.

A. Permitted Land Uses.

1. Multi-family apartment complex with a maximum of 300 rental residences.
2. Accessory uses directly associated with the above uses may be approved by the County Manager or designee.
3. Any other use of the site not specified above will require approval of an amendment to this Ordinance by the Board of County Commissioners.

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

1. A minimum of twenty-five percent (25%) of the subject property acreage must be dedicated in perpetuity for preservation as common open space using a conservation or open space easement, or plat/site plan restrictions. The Owner shall be responsible for maintaining the open space.
2. The maximum Impervious Surface Ratio (ISR) for the entire subdivision is seventy percent (70%) consistent with the Comprehensive Plan, as amended.
3. Maximum Building Height as set forth in Subsection E below.
4. All other development standards must be in accordance with the Comprehensive Plan and Land Development Regulations, as amended.

C. Setbacks. The minimum setback for residential development will be as follows:

1. Front:
 - a. 25-feet for the first 600-feet from the western property line
 - b. 50-feet for remainder of the parcel
2. Side: 25-feet
3. Rear: 25-feet
4. All setbacks must be measured from the property line.
5. The minimum wetland setback is 50-feet from the jurisdictional wetland line.

6. Any setback not specified must be in accordance with the Land Development Regulations (LDR), as amended.

D. Lake Apopka Basin Overlay District. Project design shall be consistent with the development design standards for the Lake Apopka Basin Overlay District, in accordance with Objective I-6.3 of the Comprehensive Plan, and with any other applicable provisions of the Comprehensive Plan and Land Development Regulations, as amended. Lake County shall have the right, but not the obligation, to enforce such provisions.

E. LDR Section 15.02.00 Clermont Joint Planning Area of Lake County. Development will comply with LDR, as amended except with the following **Waivers**:

1. Maximum habitable building height of forty-five (45) feet and sixty (60) feet maximum building height including architectural features.
2. Allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet.
3. Allow elevation changes in topography that exceed ten (10) feet over no more than 15% of the project site (excluding roads and stormwater areas) in lieu of elevation changes that are limited to ten (10) feet
4. No additional 15' setback requirement for structures exceeding two (2) stories.

F. Bear Management.

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

G. Landscaping, Buffering, and Screening.

1. Drought tolerant, native trees, and drought tolerant, native vegetation shall be utilized for all street trees, landscape buffers, and stormwater retention/detention areas.
2. Perimeter buffers shall consist of canopy and understory trees and plants utilizing 100% Florida native plant materials from the IFAS list. Exotic/invasive species shall be removed. Existing vegetation located along the perimeter of the PUD may be used to count towards the minimum perimeter landscaping requirement.
3. Best Management Practices for native landscaping and "right plant-right place" landscaping techniques shall be utilized in the design and installation of invasive exotic plant species in all landscape plantings is prohibited.

4. The Owner shall manage buffer areas in accordance with a management plan that protects native habitats and limits the proliferation of nuisance/exotic vegetative species. A copy of the management plan will be provided to the County.
5. Smart Irrigation Best Management Practices shall be utilized for all landscape irrigation and shall incorporate soil moisture and rain sensors into the irrigation design.
6. Topsoil and/or soil amendments will be required prior to any landscape planting to help reduce the irrigation needs to maintain healthy landscaping. Landscaping and screening shall be in accordance with the Comprehensive Plan and LDR, as amended.
7. Landscaping and screening shall be in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

H. Environmental Requirements.

1. Open space shall be in accordance with the Comprehensive Plan, as amended.
2. An environmental assessment dated within six (6) months of the date the site plan application is submitted will be required to demonstrate the presence of vegetation, soils, threatened and endangered species that may exist on the site. Any State permitting or mitigation will be required before development can commence compliance in accordance with the Comprehensive Plan and LDR, as amended.
3. Due to the extreme topography of the property which involves approximately fifty (50) feet of vertical fall within the property, grade changes in excess of ten (10) feet will be allowed, not to exceed fifteen (15) percent of the property, excluding roads and stormwater management areas.

I. Noise. Compliance must be in accordance with the LDR, as amended.

J. Transportation.

1. All access management shall be in accordance with the Comprehensive Plan and LDR, as amended.
2. Sidewalks will be required per Land Development Regulations, as amended.
3. Offsite road improvements that include turn lanes on Hooks Street at the site's entrance shall be required.
4. Additional median modifications on Hooks Street will be required to meet the county access management standards.
5. A signal warrant will be required for the access proposed at the intersection of Sandhill View Boulevard and Hooks Street.

K. Stormwater Management.

1. The stormwater management system shall be designed in accordance with all applicable Lake County, Lake Apopka Basin Overlay District, and St. Johns River Water Management District (SJRWMD) requirements, as amended.

2. The Owner shall be responsible for any flood studies required for developing the site and comply with FEMA, Comprehensive Plan and LDR, as amended. Any development within the floodplain as identified on the FEMA maps will require compensating storage.

L. Mass Grading for Site Development: All Grading for the site development shall be in accordance with the Clermont JPA, Comprehensive Plan and LDR, as amended, except as provided in Section 1.E. above.

M. Utility:

1. Utility Service Agreement for water and sewer with the City of Clermont shall be required prior to site plan approval.
2. Connection to central water is required and shall comply with all applicable State, Regional, and Lake County policies and regulations, as amended.
3. According to Comprehensive Plan Policy IX-3.1.1, entitled *Regional Wastewater Service Criteria*, any new development in the Urban Land Use Series where density occurs at one unit per net acre or greater or wastewater discharge of the development is equal to or greater than 100,000 GPD, shall be required to connect to a regional system. However, a central system may be used on a temporary basis until a regional system becomes available. The temporary system must be staffed by a Florida licensed wastewater treatment plant operator in accordance with state regulation and code and must be planned, designed and constructed to serve as a nucleus of a future regional system, or can act as a lift station with minimal modification.

N. Parking Requirements. Parking shall be provided in accordance with the LDR, as amended

O. Lighting. All development will adhere to the dark-sky principles set forth in Section 3.09.00, Land Development Regulations, as amended. These same provisions shall apply to the common areas.

P. Signage. All signage must be in accordance with the Land Development Regulations (LDR), as amended.

Q. Schools. School Concurrency shall be met before site plan approval in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

R. Concurrency Management Requirements. Any development must comply with the Lake County Concurrency Management System, as amended.

S. Development Review and Approval. Prior to the issuance of any permits, the Owner shall submit a site plan application generally consistent with the Conceptual Plan attached as Exhibit "B" for review and approval in accordance with the Comprehensive Plan and Land Development Regulations (LDR), as amended.

T. PUD Expiration. Physical development shall commence within three (3) years from the date of this Ordinance approval. Failure to commence construction within three (3) years of approval shall cause the revocation of this ordinance, in accordance with the Comprehensive Plan or superseding documents, as amended. Prior to expiration of the three-year time frame, the

Board of County Commissioners may grant, via a Public Hearing, one (1) extension of the time frame for a maximum of two (2) years upon a showing that reasonable efforts have been made towards securing the required approvals and commencement of work. Notwithstanding the foregoing, if at any time the Owner is granted an extension of time pursuant to Section 252.363, Florida Statutes, or Section 7-5, Lake County Code, to the site plan, commencement of physical development shall be equally extended so long as the development is proceeding in good faith and does not allow the originally extended development order to expire.

U. Future Amendments to Statutes, Code, Plans, and/or Regulations. The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County LDR shall include any future amendments to the Statutes, Code, Plans, and/or Regulations.

Section 2. Conditions.

- A.** After establishment of the facilities as provided in this Ordinance, the property identified in this Ordinance may only be used for the purposes identified in this Ordinance. Any other proposed use must be specifically authorized by the Board of County Commissioners.
- B.** No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above-described land without first obtaining the necessary approvals in accordance with the Lake County Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- C.** This Ordinance will inure to the benefit of and will constitute a covenant running with the land and the terms, conditions, and provisions of this Ordinance, and will be binding upon the 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 Land Development Regulations, 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 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 shall become effective upon recordation in the public records of Lake County, Florida. The Applicant shall be responsible for all recording fees.

ENACTED this _____ day of _____, 2025.

FILED with the Secretary of State _____, 2025.

EFFECTIVE _____, 2025.

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

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

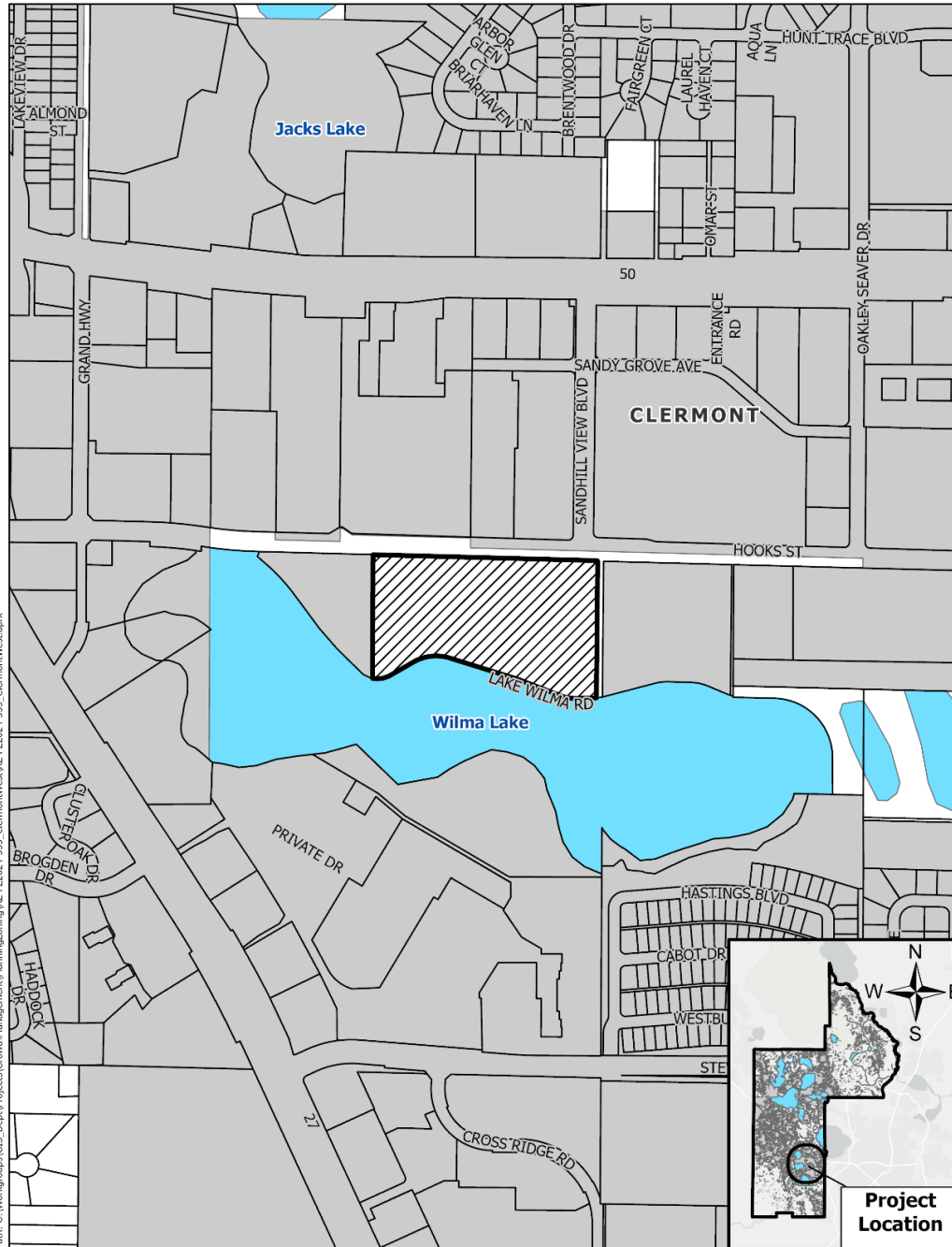
**GARY J. COONEY, CLERK OF THE
BOARD OF COUNTY COMMISSIONERS
LAKE COUNTY, FLORIDA**

APPROVED AS TO FORM AND LEGALITY

MELANIE MARSH, COUNTY ATTORNEY

Exhibit "A" – Legal Description

LAKE HIGHLANDS 29-22-26, TRACTS 37A, 37B, 38A, E 170.51 FT OF TRACT 38B--LESS BEG AT NE COR OF TRACT 37A, RUN S 0-15-47 W 35.01 FT, N 88-26-40 W 164.46 FT, N 0-15-47 E 35.01 FT, S 88-26-40 E 164.46 FT TO POB FOR RD R/W & LESS FROM SW COR OF NW 1/4 OF SEC 29 RUN S 88-26-37 E ALONG S LINE OF NW 1/4 A DIST OF 1483.16 FT, S 0-12-04 W 15 FT TO S LINE OF HOOKS ST & THE INTERSECTION WITH W LINE OF E 170.51 FT OF TRACT 38B FOR POB, CONT S 88-26-37 E 983.16 FT, S 0-15-50 W 35 FT, N 88-26-37 W 983.07 FT, N 0-12-04 E 35 FT FOR RD R/W--PB 2 PG 25 ORB 1008 PG 668



[illegible]

Exhibit "B" – Conceptual Plan Page 2 of 2

DEVELOPMENT NOTES:

SITE DATA:

TOTAL PROJECT AREA:	+/-15.371 Acres
EXISTING USE:	Vacant
EXISTING ZONING:	R-6
PROPOSED ZONING:	PUD - Planned Unit Development
EXISTING FUTURE LAND USE:	Regional Office
PROPOSED FUTURE LAND USE:	PUD - Planned Unit Development
PROPOSED DENSITY:	300 Units (+/-19.6 DU / Acre)
OVERLAY PROTECTION AREA:	Lake Apopka Basin Overlay District

DEVELOPMENT SUMMARY:

DESIGN STANDARDS:	Lake County Design Standards
PERMITTED USES:	Multi-Family
PHASING:	One Phase
OPEN SPACE:	25%
RECREATION AREA:	Per Lake County LDR
MAXIMUM IMPERVIOUS AREA:	70%
EXISTING WETLANDS:	None
EXISTING WETLAND IMPACTS:	None
FLOOD ZONE:	Per Lake County LDR
REQUIRED PARKING:	Per Lake County LDR
LANDSCAPE BUFFERS:	Per Lake County LDR
PEDESTRIAN CIRCULATION:	Per Lake County LDR
STORMWATER:	To comply with the City of Clermont and SJRWMD standards.
WATER SERVICE:	On-site private facilities or City of Clermont
WASTEWATER SERVICE:	On-site private facilities or City of Clermont
RECLAIMED WATER SERVICE:	On-site private facilities or City of Clermont
DEVELOPMENT PROGRAM:	300 Unit Multi-Family Project
BUILDING SETBACKS:	
FRONT (HOOKS STREET)	25'
REAR	25'
SIDE	25'
PAVING SETBACKS:	
FRONT (HOOKS STREET)	15'
REAR	15'
SIDE	10'
MAXIMUM BUILDING HEIGHT:	70' (5 Stories)

OPEN SPACE AMENITIES MAY INCLUDE:

1. Playground
2. Grill
3. Fire Pit
4. Shaded Seating
5. Dog Park
6. Dry Storm Water Pond