

**ORDINANCE #2020-71**  
**Lake Swatara PUD Amendment**  
**RZ-20-31-4**

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

**WHEREAS**, Leslie Campione, P.A. (the "Applicant") made a request on behalf of Lake Swatara Properties, Inc., Jack Cassell, M.D., and Leslie Campione, P.A. (the "Owners") to amend Planned Unit Development (PUD) Ordinance #2008-43 to extend the central water connection waiver, specify Tract B development and to include additional uses; agriculture and non-intensive agriculture use, non-home occupation business, bed and breakfast, event venue use (50-guests, maximum), and passive recreation; and

**WHEREAS**, the subject Planned Unit Development consists of 40.78 +/- acres and is generally located on the south side of County Road 44A, and east of County Road 44, in the Eustis area of unincorporated Lake County, situated in Section 6, Township 19, Range 27, having Alternate Key Numbers 1040141, 3881335, 1754071, 3913835, 3834278, and 1040132, and more particularly described below:

Legal Description – (Exhibit "A" Attached)

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

**WHEREAS**, on the 27th day of September 2005, the Board of County Commissioners (BCC) approved PUD Ordinance #2005-79 rezoning 34.77 +/- acres from Medium Residential (R-3) and Agriculture (A) to Planned Unit Development (PUD) for a 34-unit single-family residential subdivision with agricultural uses; and

**WHEREAS**, on the 24th day of April 2007, the BCC approved PUD Ordinance #2007-18 to amend PUD Ordinance #2005-79 by adding 5.93 +/- acres of Agriculture zoned property to the PUD, and to include multi-family use; and

**WHEREAS**, on the 24th day of June 2008, the BCC approved PUD Ordinance #2008-43 as a text amendment to PUD Ordinance #2007-18; and

**WHEREAS**, the Lake County Planning and Zoning Board reviewed Petition RZ-20-31-4 on the 4th day of November 2020, after giving Notice on petition for a change in use of land, including a notice that said petition would be presented to the Board of County Commissioners of Lake County, Florida on the 10th day of November 2020; and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the Lake County Planning and Zoning Board, staff report, and any comments, favorable or unfavorable, from the public and surrounding property owners at a public hearing duly advertised; and

**WHEREAS**, upon review, certain terms pertaining to the development of the above described property have been duly approved.

**WHEREAS**, the approval of this Ordinance shall replace and supersede all prior ordinances, including PUD Ordinance #2005-79, PUD Ordinance #2007-18, and PUD Ordinance #2008-43 and;

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

**Section 1. Terms and Condition:** The County Manager or designee shall amend the Lake County Zoning Map to reflect this Ordinance. The uses of the subject properties, as described in Exhibit "A" (Legal Description). To the extent where there are conflicts between the Exhibit "B" (Conceptual Plan) and this Ordinance, this Ordinance shall take precedence. The adoption of this Ordinance shall revoke and replace PUD Ordinance #2005-79, PUD Ordinance #2007-18, and PUD Ordinance #2008-43.

**A. Waivers**

The requirement of connection to central water service pursuant to Central Water Service System requirements of LDR Section 6.12.01(A) and Comprehensive Plan Policy IX-2.2.2 is hereby waived. However, future development that exceeds the densities, intensities or land uses established herein shall connect to potable water when central water service becomes available, in accordance with the Comprehensive Plan and LDR, as amended. Service shall not be deemed "available" unless a mutually acceptable agreement for said connection can be reached between the Owners and the service provider.

**B. Land Uses:**

- Residential (20 residential dwellings; single-family detached or attached; 1 dwelling per 1 net-acre density, maximum)
- Agriculture and Non-Intensive Agriculture
- Bed and Breakfast Home (with event venue, 50 guests maximum)
- Passive Recreation

**C. Single-Family Development Specifications.**

1. Height: All detached single-family dwelling units shall be limited to forty (40) feet in height.
2. Setbacks: Detached single-family dwelling units shall maintain the following minimum setbacks.
  - a. Front: fifteen (15) feet
  - b. Side: ten (10) feet
  - c. Rear: fifteen (15) feet
3. All structures shall be setback a minimum of twenty-five (25) feet from all rights-of-way bounding the project area.

**Wetlands:**

All principal and accessory structures shall maintain a minimum setback of fifty (50) feet from these boundaries.

4. Lot Size: 8,700 square feet (minimum) for single-family lots

**D. Multi-Family Development Specifications.**

1. Multi-family units may only be allowed on Tracts A, D, or E.
2. A maximum of twenty (20) attached multi-family residential units shall be permitted. Short-term rental of these units is prohibited.

3. Parking: Two parking spaces shall be dedicated for each residential unit.
4. Height: All attached multi-family residential units shall be limited to forty (40) feet in height.
5. Setbacks: Attached multi-family dwelling units shall maintain the following minimum setbacks.
  - a. Front: fifteen (15) feet.
  - b. Side: ten (10) feet.
  - c. Rear: fifteen (15) feet.
6. All structures shall be setback a between twenty-five (25) to fifty (50) feet from the rights-of-way of County Road 44 and County Road 44A.

**E. Agricultural Uses.**

Agricultural uses which qualify as a bona-fide agricultural use under Florida Statutes, including but not limited to a tree farm and nursery operation, shall be permitted within all undeveloped areas or existing lots of record.

1. Tract A: May be used for wholesale or retail sales for items/products that are raised or produced on said farm or nursery. Additional retail sales, in accordance with cottage farms legislation, may be permissible.

**F. Non-Intensive Agricultural Uses.**

Non-intensive agricultural uses shall include cattle grazing, equestrian uses, hay production, citrus groves, tree farms, vineyards, and sheep or goat grazing. Structures constructed for passive recreational or agricultural uses within Tract C as shown on the concept plan shall be permitted a setback of fifteen (15) feet from the boundary line.

**G. Passive Recreational Uses:** The developer may include passive recreational uses.

**H. Existing Lots of Record.**

Documentation must be provided to demonstrate of the six (6) parcels comprising the PUD are lots of record as described in Exhibit "A". Nothing herein shall prevent each lot of record from being used according to their present uses, including bona-fide agricultural uses and residential uses.

**I. Tract B – Historical House.**

Tract B, 5.04 +/- acres, comprised of a historical homestead and five (5) accessory structures allows the following uses.

1. Single-family residence
2. Bed and Breakfast Home
3. Event venue for ceremonies (weddings, retreats, and/or educational events) – Not to exceed 50 guests
4. Non-home occupation business
5. Non-intensive agricultural uses

The PUD conditions pertaining to Tract B shall remain in effect should Tract B ownership change. A joinder and consent of the owner of Tract B is not be required for the development of the remaining portion of the PUD.

**J. Future Development and Allowable Land Uses.**

The Phase 1 Construction Plan (approved on September 29, 2011) should be amended or withdrawn to accommodate future development of the PUD. All future development must be in accordance with the conditions of this ordinance, the Urban Low future land use category and the LDR, as amended.

**K. Open Space.**

A minimum of twenty-five (25) percent of the net land area of the PUD shall be set aside for use as open space. Open space may include all "common areas" designated for conservation, passive recreation. Net land area shall be as defined by the Comprehensive Plan, as amended.

**L. Sidewalks.**

In accordance with the LDR, PUDs located within the Urban Low-Density Future Land Use Category shall provide internal sidewalks; however, if the roads contained within the PUD are privately maintained, then stabilized or designated walking paths shall suffice to meet this requirement.

**M. Fences, Walls, and Landscape Buffers.**

1. The developer shall provide a Type "B" landscape buffer, with a minimum width of fifteen (15) feet, around the perimeter of the site, except for those portions abutting wetlands and/or shoreline. The landscape buffer shall be installed at such time each phase is developed.
2. For purposes of minimizing noise from County Road 44 and County Road 44A, a perimeter-wall up to ten (10) feet in height may be installed.
3. Existing vegetation may be used to supplement minimum landscape requirements.
4. All other landscaping shall be consistent with the LDR, as amended.

**N. Floodplain.**

1. As the PUD is partially located in Flood Zone "AE", a 100-year floodplain, the project shall comply with all floodplain requirements, as established in the LDR, as amended.
2. A Letter of Map Revision (LOMR) from the Federal Emergency Management Agency (FEMA) shall be required to remove any portion of the site from a floodplain.

**O. Utilities.**

1. Unless a waiver is granted by the BCC, central connection to potable water and sanitary sewer services will be required when services become available to the property in accordance with the Comprehensive Plan and LDR, as amended.

**P. Transportation Improvements.**

The applicant shall comply with access management requirements as established in the LDR, as amended.

**Q. Development Review and Approval.**

Prior to the issuance of any permits, the owner shall be required to submit plats and/or site plans for review and approval by Lake County. The plats and/or site plans shall meet all submittal requirements as contained in the Comprehensive Plan, LDR, County Codes and Ordinances, as amended.

**R. Future Amendments to Statutes, Code, Plans and/or Regulations.**

The specific referenced in this Ordinance to the Florida Statutes, Florida Administrative Code, Comprehensive Plan, and LDR shall include any future amendment to said Statutes, Code, Plan, 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 and every condition in this Ordinance.

**D.** The transfer of ownership or lease of any or all of 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.** Action by the Lake County Code Enforcement Special Master. 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 will become effective as provided by law.

ENACTED this 10<sup>th</sup> day of November, 2020.

FILED with the Secretary of State November 17, 2020.

EFFECTIVE November 10<sup>th</sup>, 2020.

BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

Wendy R. Breeden  
WENDY R. BREEDEN

ATTEST:

[Signature]  
GARY J. COONEY, CLERK OF THE  
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA



APPROVED AS TO FORM AND LEGALITY

[Signature]  
MELANIE MARSH, COUNTY ATTORNEY

**Exhibit "A" – Legal Description**

**LEGAL DESCRIPTION:** Rehrrer's Sub N 776.8 ft of Lot 5 S of Eustis-Cassia Hwy, LESS E 25 ft Sec 6 Twp. 19S Rge. 27E; Rehrrer's Sub from NW cor of Lot 4, run S 00 deg. 39' 27" E 33.04 ft to S r/w line of Hwy 44-A & POB, run S 89 deg 26' 25" E along S r/w line 175 ft, S 00 deg 39' 27" E 135.01 ft, S 89 deg 55' 15"E 40 ft, S 01 deg 49' 36" W 461.40 ft to a point 629.18 ft S of N line of Lot 4, N 89 deg 55' 15" W 204.88 ft, N 00 deg 39' 27" W 64.32 ft, S 89 deg 55' 15" W 9.88 ft to W line of Lot 4, N 00 deg 39' 27" W 531.87 ft to POB (6-19-27); Rehrrer's Sub begin at intersection of W line of Lot 2 with S r/w line of CR 44-A, run N 89-18-42 E along said S r/w line 200 ft, S 0-40-02 E 379 ft, S 46-45-07 E 369.40 ft to S line of said Lot 2, N 89-49-29 W 466.15 ft to SW cor of Lot 2, N 0-40-02 W 628.28 ft to POB, LESS CR 44A – Lot 3, that part of Lots 4 & 5 described as follows: From NW cor of Lot 4 run S 33.04 ft to S r/w line of CR 44A, S 89-26-25 E along said S r/w line 195.03 ft, cont S 89-47-10 E along said S r/w line 200.02 ft for POB, cont S 89-50-45 E 83.35 ft to E line of Lot 4, S 0-40-31 E 628.04 ft to SW cor of Lot 3, cont S 0-40-31 E 252.14 ft to SE cor of Lot 4, N 89-46-22 W 478.62 ft to SW cor of Lot 4, N 0-39-27 W 137.27 ft, N 89-47-38 W 25 ft., N 0-39-27 W 744.05 ft to S r/w line of CR 44A, S 89-26-25 E 25 ft to E line of Lot 5, S 0-39-27 E 531.87 ft, S 89-55-15 E 9.88 ft, S 0-39-27 E 64.32 ft, S 89-55-15 E 204.88 ft, N 01-49-36 E 461.40 ft, S 89-55-15 E 180.02 ft, N 0-39-27 W 132.86 ft to POB (6-19-27); add: Rehrrer's Sub Lot 2 – LESS Begin at intersection with W line of Lot 2 with S r/w line of CR 44A, run N 89 deg 18' 42" E 200 ft, S 0 deg 40' 02" E 379 ft, S 46 deg 45' 07" E 369.40 ft to S line of Lot 2, N 89 deg 49' 29" W 466.15 ft to SW cor of Lot 2, N 0 deg 40' 02" W 682.28 ft to POB, Sec 6 Twp 19S Rge. 27E.

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