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CLERK OF DISTRICT COURT  
TALLAHASSEE, FLORIDA

CFN 2009077773  
Bk 03796 Pgs 2462 - 2471; (10pgs)  
DATE: 07/21/2009 11:30:05 AM  
NEIL KELLY, CLERK OF COURT  
LAKE COUNTY  
RECORDING FEES \$6.50

**ORDINANCE #2009-37**

**Center Lake Properties, LTD, a Florida Limited Partnership  
PH# 03-09-3**

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

**WHEREAS**, Cecelia Bonifay, Esquire, (the "Applicant") and Center Lake Properties, LTD, a Florida  
Limited Partnership (the "Owner") requested a rezoning from Agriculture (A) and Planned Unit Development  
(PUD) to Planned Unit Development (PUD); and

**WHEREAS**, the subject property consists of approximately 117 acres and is located in the Montverde  
area, located south and west of the intersection of Fosgate Road and Blackstill Lake Road, in Sections 10 &  
15 - Township 22S - Range 26E, and having Alternate Keys # 1724813, 3809251, 2873752, and 3809254,  
further described as:

**LEGAL DESCRIPTION: [EXHIBIT "A" - ATTACHED]**

**WHEREAS**, the property is located within the Urban Expansion Future Land Use Category subject to  
Ordinance #2007-58 (LPA#02/3/1-3 Center Lake Properties, LTD./Harold Ward, III); and

**WHEREAS**, the Lake County Zoning Board did, on the 3<sup>rd</sup> day of June, 2009, review Petition PH #03-  
09-3;

**AND**, after giving Notice of Hearing on petition for a change in the use of land, including notice that  
said Ordinance would be presented to the Board of County Commissioners of Lake County, Florida, on the  
23<sup>rd</sup> day of June, 2009; and

**WHEREAS**, the Board of County Commissioners reviewed said petition, the recommendations of the  
Lake County 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, and

Attn: Sherie Ross  
PLANNING AND COMMUNITY DESIGN  
315 WEST MAIN STREET  
5TH FLOOR RM 511  
TAVARES, FL 32778

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

Florida, that the Land Development Regulations of Lake County, Florida, be altered and amended as they pertain to the above tract of land, as described in EXHIBIT "A", subject to the following terms:

**Section 1. Terms:** Uses of the property shall be limited to those shown on the Conceptual Plan attached hereto as Exhibit "B" with revisions dated May 1, 2009. To the extent where there are conflicts between Exhibit "B" and this Ordinance, this Ordinance shall take precedence.

**A. Land Uses:**

**1. Residential Uses:**

- a. The overall gross density of the development shall not exceed one (1) dwelling unit to the acre (1du/ Gross Acre) or a total of one hundred fourteen (114) dwelling units whichever is less.

**2. Site Configuration:**

- a. The property shall be developed in substantial conformance with the Conceptual Plan attached as Exhibit "B".

**3. Minimum Building Setbacks & Dimensions:**

**a. Front Setbacks:**

- i. A minimum of twenty-five (25) feet from the property line for all roads/streets interior to the subdivision.
- ii. A minimum front setback of fifty (50) feet from the right-of-way for all lots which are adjacent to a federal, state, or county arterial and collector highways.
- iii. A secondary front yard setback shall be a minimum of twenty-five (25) feet from the property line.

- b. Side Setbacks: A minimum of ten (10) feet from the property line for all structures.

**c. Rear Setbacks:**

- i. Twenty-five (25) feet from the rear property line for the primary structures, additions, detached buildings/structures.

ii. Pools and pool enclosures may be permitted ten (10) feet from the rear property line.

d. Lot Size: A minimum of 21,780 square feet as depicted on the Conceptual Plan attached as Exhibit "B".

B. Buffers, Landscaping, and Noise Impacts:

1. The buffer shall be provided around the entire perimeter of the property with a minimum width of twenty-five (25) feet, as depicted on the Conceptual Plan attached as Exhibit "B". The landscape buffer shall contain a minimum of four (4) canopy trees, three (3) ornamental trees, and a single row of thirty-inch (30") or three (3) gallon shrub material for every one hundred (100) linear feet, consistent with the planting requirements of a Type "B" or equivalent buffer described in the Land Development Regulations.

2. Common Area Landscaping. A minimum of ten (10) Live Oak trees per one (1) acre of common pervious land area excluding single-family lots and all impervious areas such as roads, parking, and building footprints. Canopy trees shall meet the minimum size as specified in the Land Development Regulations, as amended.

Retention Pond Landscaping. A minimum of one canopy tree for every fifty linear feet of retention pond "top of bank" line. The "top of bank" line shall be defined as the place where the traditionally steeper pond slopes transitions into a less steep natural grade. The retention pond trees shall be located within thirty (30) feet from the top of bank slope line to allow for maintenance access, if required.

3. Turnpike Buffer. A minimum one hundred (100)-foot wide landscape buffer between the Florida Turnpike and the residential lots. Planting consistent with Subsection (1) above and shall utilize existing native or noninvasive vegetation to the maximum extent possible.

4. The landscape plan shall adhere to Florida-Friendly Landscaping Principles.

C. Noise Study. A noise impact study with the preliminary plat addressing mitigation for any noise impacts to neighboring uses including those that the Turnpike may have on the proposed residential project.

D. Open Space/Impervious Surface/Recreational Uses:

1. A minimum of thirty percent (30%) of the gross developable acres, excluding water bodies, shall be dedicated as open space, as shown on Exhibit B "Conceptual Plan".

2. The maximum impervious surface ratio shall conform to the standards of the Land Development Regulations and Comprehensive Plan, as amended.



3. All common recreational, buffer and open space shall be platted as separate tracts, dedicated to and accepted by the homeowner's/property owner's association for ownership.

E. Environmental Review:

1. An environmental assessment meeting the requirements of the Land Development Regulations shall be submitted with the preliminary plat.
2. All necessary permits from the state & federal governments in regards to protected species shall be required prior to construction plan approval.

F. Public Facilities:

1. Storm Water:

- a. The storm water management system shall be designed in accordance with all applicable Lake County and St. Johns River Water Management District (SJRWMD) requirements.
- b. The entity responsible for the maintenance of the storm water management system shall be indicated prior to approval of the final plat.
- c. A copy of the SJRWMD permit and all supporting calculations are required prior to final approval of the construction plan.
- d. All retention ponds shall meet or exceed the requirements of the SJRWMD and Lake County, as amended.
- e. The existing Blackstill Lake Road swale shall be maintained, and all stormwater runoff shall be accommodated for by the developer.
- f. Fosgate Road swale drainage shall be maintained and shall not be altered.

2. Utilities:

- a. Central potable water must be provided in accordance with Lake County Comprehensive Plan Policies and Land Development Regulations, as amended.
- b. An approved utility service agreement with the Town of Montverde shall be submitted to Lake County prior to preliminary plat approval.
- c. Central sewer shall be provided by the developer as an on-site Waste Water Treatment Plant (WWTP) as an Interim System. The interim system shall be designed to meet the established urban level of service standards contained in the Comprehensive Plan and shall be subject to any state and federal regulations

1 and permitting requirements. The WWTP shall have a two hundred (200)-foot  
3 setback from all potable wells. The owner of the system shall provide acceptable  
4 assurances to the County that it is financially able to operate and maintain the  
5 system. When a regional system is available, the interim system shall terminate  
6 and the development shall connect to the regional system.

7 3. Schools and Parks:

- 8
- 9 a. Development of this project may proceed upon compliance with all adopted  
10 concurrency regulations governing the provision of school and park facilities.
- 11
- 12 b. Prior to final plat approval for residential development, the Applicant shall obtain a  
13 written statement from the Lake County School Board that adequate school  
14 capacity exists for each level of school, that the development is exempt from  
15 concurrency requirements, or that appropriate mitigation has been accepted by  
16 the School Board for the development.

17

18 4. Lighting:

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- 20 a. Lighting shall not illuminate adjacent properties or public right-of-way. The  
21 developer shall submit a lighting plan with the preliminary plat and construction  
22 plans to insure compliance with the Land Development Regulations.
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- 24 b. Lighting plans shall be submitted to the property owners' or homeowners'  
25 association demonstrating that ambient light will be minimized. Such requirement  
26 shall be included in the recorded deed restrictions.

27

28 G. Transportation Improvements:

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- 30 1. The developer shall provide a traffic study utilizing standard methodology acceptable  
31 to the Florida Department of Transportation (FDOT), the Lake/Sumter MPO, and the  
32 Lake County Public Works Department to determine any impacts this development  
33 may have on the Level of Service (LOS) standards for roads/highways connected to  
34 this project. Any deficiencies shall be addressed up to and including mitigation for  
35 proportionate share costs prior to preliminary plat approval.
- 36
- 37 a. Additional right-of-way dedication shall be required for Blackstill Lake Road and  
38 Fosgate Road.
- 39
- 40 b. Blackstill Lake Road shall be required to be reconstructed to meet County  
41 development standards from the end of the Bella Collina improvements to the end  
42 of the proposed Black Grove East entrance turn lane taper.
- 43
- 44 c. Turn lanes shall be required at all entrances.
- 45

2. All roads internal to the subdivision shall be constructed in accordance with the Land Development Regulations, as amended, and may be public or private. If the roads remain private, they shall be dedicated to the homeowners' association or property owners' association, which shall maintain the roads.

3. All roads within the development shall be designed both horizontally and vertically to meet the Land Development Regulation requirements for their classification.

4. Provisions for bicycle and pedestrian traffic shall be in compliance with the provisions of the Land Development Regulations, as amended.

5. Sidewalks shall be constructed on both sides of all internal streets and thoroughfares.

H. Development Review and Approval:

Prior to the issuance of any permits, the Applicant shall be required to submit a formal preliminary plat, construction plans, and a final plat for review and approval in accordance with the Comprehensive Plan and Land Development Regulations. The preliminary plat, construction plans, and final plat shall meet all submittal requirements and comply with all County codes and ordinances, as amended. The Town of Montverde shall be included in the review process for any site plan, preliminary plat, construction plan, or final plat submitted to the County for this site.

I. Future Development Orders

Any requested development order must comply with the Lake County Land Development Regulations, as amended, and the Lake County Comprehensive Plan, as amended.

J. Concurrency Management Review and Vested Development Rights:

Prior to requesting approval of the preliminary plat, the development must undergo Lake County Concurrency Management Review. Future rights to develop the property are subject to a future finding that the development meets the concurrency standards contained in the Lake County Comprehensive Plan and Land Development Regulations through Concurrency Management Review; without such a Review, no vested development rights shall have been granted by the County or acquired by the Owner or their successor.

K. Future Amendments to Statutes, Code, Plan and/or Regulations:

The specific references in this Ordinance to the Florida Statutes, Florida Administrative Code, Lake County Comprehensive Plan, and Lake County Land Development Regulations, include any future amendments to the Statutes, Code, Plan, and/or Regulations.

**Section 2. Conditions** as altered and amended which pertain to the above tract of land shall mean:



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- A. After establishment of the facilities as provided herein, the aforementioned property shall only be used for the purposes named in this Ordinance. Any other proposed use must be specifically authorized by the Zoning Board and the Board of County Commissioners.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner within the boundaries of the above described land without first submitting the necessary plans in accordance with the Lake County Land Development Regulations, and obtaining approval from the County Manager or designee upon obtaining the permits required from the other appropriate governmental agencies.
- C. This amendment shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor, and shall be subject to each and every condition herein set out.
- D. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.

21 The transfer of ownership or lease of any or all of the property described in this Ordinance shall include in the  
22 transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the  
23 conditions pertaining to this Ordinance, and agrees to be bound by these conditions. The purchaser or lessee  
24 may request a change from the existing plans and conditions by following procedures contained in the Lake  
25 County Land Development Regulations, as amended.  
26

27 **SECTION 3. Severability:** If any section, sentence, clause or phrase of this Ordinance is held to be invalid  
28 or unconstitutional by any court of competent jurisdiction, then said holding shall in no way  
29 affect the validity of the remaining portions of this Ordinance.  
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31 **SECTION 4. Effective Date:** This Ordinance shall become effective as provided by law.  
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33 ENACTED this 23rd day of June, 2009.

34 FILED with the Secretary of State July 6, 2009.

35 EFFECTIVE July 6, 2009.  
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39 BOARD OF COUNTY COMMISSIONERS  
40 LAKE COUNTY, FLORIDA

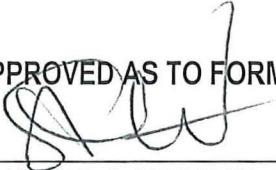
41   
42  
43 JENNIFER HILL, VICE CHAIR  
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1 ATTEST:

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4 NEIL KELLY, Clerk of the  
5 Board of County Commissioners  
6 Lake County, Florida

10  
11 APPROVED AS TO FORM AND LEGALITY

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13  
14 SANFORD A. MINKOFF, County Attorney



EXHIBIT "A"

LEGAL DESCRIPTION

A parcel of land lying in Sections 10 and 15, Township 22 South, Range 26 East, Lake County, Florida, being more particularly described as follows:

Commence at the West 1/4 Corner of said Section 10, thence South 89°35'08" East along the North line of the Southwest 1/4 of said Section 10 for a distance of 1046.68 feet; thence South 00°19'53" West, departing said North line, for a distance of 25.00 feet to the South Right of Way of Fosgate Road according to that Right of Way Deed recorded in Official Records Book 968, Page 200 of the Public Records of Lake County, Florida and the Point of Beginning; thence South 89°35'08" East along said South Right of Way for a distance of 1578.21 feet to the West Right of Way of Blackstill Lake Road according to that Right of Way Deed recorded in Official Records Book 968, Page 200 of the Public Records of Lake County, Florida; thence South 00°31'57" West along said West Right of Way for a distance of 1296.05 feet; thence thence South 89°32'53" East for a distance of 10.00 feet to the West Right of Way of Blackstill Lake Road according to the Plat of Lake Highlands Company as recorded in Plat Book 3, Page 51 of the Public Records of Lake County, Florida; thence South 00°31'57" West along said West Right of Way for a distance of 990.80 feet; thence South 89°31'09" East continuing along said platted Right of Way for a distance of 156.00 feet to a point on a non-tangent curve concave Easterly, having a radius of 239.46 feet; thence from a tangent bearing of South 23°17'27" West along said curve through a central angle of 19°05'09" for a distance of 79.77 feet to the Point of Reverse Curvature of a curve concave Westerly, having a radius of 708.13 feet; thence Southerly along said curve through a central angle of 07°51'11" for a distance of 97.06 feet to the Point of Compound Curvature of a curve concave Westerly having a radius of 2806.54 feet; thence Southerly along said curve through a central angle of 02°40'50" for a distance of 131.31 feet; thence South 13°44'40" West for a distance of 29.70 feet; thence North 89°30'35" West for a distance of 74.00 feet; thence South 00°30'59" West for a distance of 783.37 feet; thence North 89°10'32" West for a distance of 38.75 feet; thence South 00°49'28" West for a distance of 115.88 feet to the Point of Curvature of a curve concave Northwesterly having a radius of 226.48 feet; thence Southwesterly along the arc of said curve through a central angle of 87°03'00" for a distance of 344.09 feet to the Point of Tangency; thence South 87°52'28" West for a distance of 108.70 feet to the Northeasterly Right of Way of the Sunshine State Parkway (Florida Turnpike); thence North 35°37'32" West along said Northeasterly Right of Way for a distance of 3012.46 feet; thence South 89°32'53" East departing said Northeasterly Right of Way for a distance of 542.46 feet; thence North 00°19'53" East for a distance of 1310.02 feet to the Point of Beginning.

Contains 5,110,191 Square Feet or 117.314 Acres, more or less.



EXHIBIT "B"

