

**Ordinance #2019-75
Phillips Landing (aka 27 at O'Brien Property)
RZ-19-16-1**

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

3 **WHEREAS**, Green Consulting Group, Inc. (the "Applicant"), has submitted an application on
4 behalf of 27 @ O'Brien LLC (the "Owners") to amend Planned Unit Development (PUD) Ordinance 56-
5 87 by removing parcels identified as Alternate Key Numbers 1024617 and 3870955 to establish a new
6 Planned Unit Development (PUD) ordinance consisting of the aforementioned alternate key numbers for
7 a residential subdivision on 39.66 +/- acres; and

8 **WHEREAS**, the subject property consists of 39.66 +/- acres, located west of the Florida Turnpike,
9 east of O'Brien Road and north of US Highway 27, in the Groveland area within Section 21, Township
10 21 South, Range 25 East, consisting of Alternate Key Numbers 1024617 and 3870955, and is more
11 particularly described in Exhibit "A"; and

12 **WHEREAS**, all remaining conditions of PUD Ordinance 56-87 shall remain in full force and effect;
13 and

14 **WHEREAS**, on September 8, 1987, the Board of County Commissioners approved Petition PH-
15 125-87-2 (PUD Ordinance 56-87) to allow development of a commercial/industrial complex; and

16 **WHEREAS**, the Lake County Planning & Zoning Board reviewed Petition RZ-19-16-1 on the 2nd
17 day of October, 2019, after giving notice of the hearing on the petition for a change in zoning, including
18 notice that the petition would be presented to the Board of County Commissioners of Lake County,
19 Florida, on the 17th day of December, 2019; and

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

23 **WHEREAS**, upon review, certain terms pertaining to the development of the above described
24 property have been duly approved; and

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

27 **Section 1. Terms.** The County Manager or designee shall amend the Lake County Zoning Map to
28 establish a new PUD ordinance consisting of the Alternate Key Numbers 1024617 and
29 3870955. All land uses must be generally consistent with the Concept Plan as shown in
30 Exhibit "B" of this Ordinance. To the extent that there are conflicts between the
31 Conceptual Plan and this Ordinance, this Ordinance will take precedence.

32 **A. Permitted Land Uses.**

33 1. Residential (153 residential lots).

34 Accessory uses may be approved by the County Manager or designee.

35 Any other use of the property will require approval of an amendment to this
36 Ordinance by the Board of County Commissioners.

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

- 2 1. Building Height shall not exceed forty (40) feet, maximum.
- 3 2. The maximum Impervious Surface Ratio (ISR) will be 0.70 per residential lot.
- 4 The preliminary plat must calculate the maximum ISR allowed on each platted
- 5 lot.
- 6 3. The development shall provide a minimum of 20% open space of the net
- 7 developable area, consistent with the Comprehensive Plan, as amended.
- 8 4. All other development standards must be in accordance with the Comprehensive
- 9 Plan and Land Development Regulations (LDR), as amended.

10 **C. Development Standards/Design Criteria.**

- 11 1. All buildings shall utilize three (3) of the following design features including
- 12 garage vehicle doors to provide visual relief along all elevation of the building.
- 13 Designs may vary throughout the development.
- 14 a. Dormers
- 15 b. Gables
- 16 c. Recessed or raised entries
- 17 d. Covered porch entries
- 18 e. Cupolas
- 19 f. Pillars or decorative posts
- 20 g. Bay window (minimum 12 inch projections)
- 21 h. Eaves (minimum 6-inch projections)
- 22 i. Front windows with arched glass tops and minimum 4-inch trim
- 23 j. Garage vehicle doors shall incorporate the following elements: raised
- 24 decorative panels, decorative glass panels or panes, decorative
- 25 hinges, etc.
- 26 k. Front doors shall incorporate the following decorative panels,
- 27 decorative glass panels or panes, decorative handles, etc.
- 28 2. The total exterior wall area of each building elevation shall be composed of one
- 29 of the following:
- 30 a. At least thirty-five percent (35%) full-width brick or stone (not including
- 31 window and door areas and related trim areas), with the balance being
- 32 any type of lap siding and/or stucco.
- 33 b. At least thirty percent (30%) full-width brick or stone, with the balance
- 34 being stucco and/or a "cementitious" lap siding. (A "cementitious" lap
- 35 siding product is defined as a manufactured strip siding composed of
- 36 cement-based materials rather than wood fiber-based or plastic-

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1 based materials. For example, Masonite or vinyl lap siding would not
2 be allowed under this option).

- 3 3. All other development standards/design criteria shall adhere to architectural
4 design standards in accordance with the Comprehensive Plan and Land
5 Development Regulations (LDR), as amended.

6 **D. Setbacks.** The minimum setbacks for residential development will be as specified
7 below, as measured from the property line:

Development	Front ¹	Side	Rear ²	Multiple/Secondary Front
Single Family Residence	Fifteen (15) Feet	Five (5) Feet	Twenty (20) Feet	Fifteen (15) feet
Note 1: Garages shall have a twenty-five (25) foot setback from the front property line.				
Note 2: Pools, pool enclosures, screen rooms, sheds and similar accessory structures shall have a five (5) foot side and rear setback.				

- 8 1. Driveways for single family lots shall be setback a minimum of five (5) feet from
9 the side property lines.
- 10 2. With the exception of water dependent structures, all development must be
11 setback a minimum of fifty (50) feet from the jurisdictional wetland line.
- 12 3. Any setback not specified herein must be in accordance with the Lake County
13 Land Development Regulations (LDR), as amended.

14 **E. Parking Requirements.** Off-street parking must be provided in accordance with the
15 Lake County Land Development Regulations (LDR), as amended.

16 **F. Landscaping, Buffering, and Screening.**

- 17 1. Trees within the residential lots and other parcels, including common areas, shall
18 be a minimum distance of ten (10) feet from right-of-way or sidewalk, whichever
19 is greater.
- 20 2. All new development must provide landscaping in accordance with the Lake
21 County Land Development Regulations (LDR), as amended.

22 **G. Environmental Requirements.**

- 23 1. An environmental assessment dated within six (6) months of the Preliminary Plat
24 submittal date is required. The environmental assessment will need to indicate
25 the presence of vegetation, soils, threatened and endangered species that may
26 exist on the site. Any State permitting or mitigation will be required before
27 development can commence.
- 28 2. Environmental resources shall be protected in accordance with the
29 Comprehensive Plan and Land Development Regulations (LDR), as amended.

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- 1 3. Open space shall be provided in accordance with the Comprehensive Plan, as
2 amended.
- 3 4. All wetlands within the property shall be placed into a conservation easement
4 that shall run in favor of, and be enforceable by, a homeowners' association, a
5 public agency acceptable to Lake County, or Lake County, at its option. The
6 conservation easement shall require that all wetlands and wetland buffers be
7 maintained in their natural and unaltered state. Any such easement shall allow
8 access to water dependent structures such as docks and walkways.
- 9 **H. Noise.** A noise assessment will be required with submittal of the development
10 application to demonstrate compliance must be in accordance with the Lake County
11 Land Development Regulations, as amended.
- 12 **I. Stormwater and Floodplain Management.**
- 13 1. The stormwater management system must be designed in accordance with all
14 applicable Lake County and St. Johns River Water Management District
15 requirements, as amended.
- 16 2. The developer shall be responsible for any flood studies required for developing
17 the site and comply with the Federal Emergency Management Agency (FEMA)
18 requirements, Comprehensive Plan, and Land Development Regulations (LDR),
19 as amended. Any development within the floodplain as identified on the FEMA
20 maps will require compensating storage.
- 21 **J. Transportation Improvements.**
- 22 1. Additional right-of-way will be required for O'Brien Road.
- 23 2. Offsite road improvements will be required on O'Brien Road at the time of
24 development.
- 25 3. All other access management shall be in accordance with the Comprehensive
26 Plan and Land Development Regulations, as amended.
- 27 **K. Utilities.** The development shall be served with central potable water and central
28 sewer, in accordance with the Comprehensive Plan and Land Development
29 Regulations (LDR), as amended.
- 30 **L. Lighting.** Exterior lighting must be in accordance with the Lake County Land
31 Development Regulations, as amended, and consistent with Dark-Sky Principles.
- 32 **M. Signage.** All signage must be in accordance with the Lake County Land
33 Development Regulations, as amended.
- 34 **N. Concurrency Management Requirements.** Any development must comply with the
35 Lake County Concurrency Management System, as amended.
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1 **O. Development Review and Approval.**

- 2 1. Prior to the issuance of any permits, the Applicant shall be required to submit a
3 preliminary plat, construction plans, and final plat generally consistent with the
4 Concept Plan as shown on EXHIBIT "B" for review and approval in accordance
5 with the Comprehensive Plan and Land Development Regulations (LDR), as
6 amended.
- 7 2. PUD Expiration: Physical development shall commence within three (3) years
8 from the date of this Ordinance approval. Failure to commence construction
9 within three (3) years of approval shall cause the revocation of this ordinance, in
10 accordance with the Comprehensive Plan or superseding documents amended.
11 Prior to expiration of the three (3) year time frame, the Board of County
12 Commissioners may grant, via a Public Hearing, one (1) extension of the time
13 frame for a maximum of two (2) years upon a showing that reasonable efforts
14 have been made towards securing the required approvals and commencement
15 of work.
- 16 3. Final approval of development shall require action by the Board of County
17 Commissioners.

18 **Section 2. Specific Condition.**

- 19 A. The Applicant agrees to file a request for voluntary annexation with the City of
20 Groveland one-hundred eighty (180) days prior to the sale of any individual lots or
21 homes in the development, subject to compliance with chapter 171, Florida Statutes,
22 or the then existing Interlocal Service Boundary Agreement, as may be applicable.

23 **Section 3. Conditions.**

- 24 B. After establishment of the facilities as provided in this Ordinance, the property may
25 only be used for the purposes identified in this Ordinance. Any other proposed use
26 must be specifically authorized by the Lake County Board of County Commissioners.
- 27 C. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove,
28 improve, move, convert, or demolish any building structure, add other uses, or alter
29 the land in any manner within the boundaries of the above described land without
30 first obtaining the necessary approvals in accordance with the Lake County Code,
31 as amended, and obtaining the permits required from the other appropriate
32 governmental agencies.
- 33 D. This Ordinance will inure to the benefit of, and will constitute a covenant running with
34 the land, and the terms, conditions, and provisions of this Ordinance will be binding
35 upon the present Owners and any successor, and will be subject to each and every
36 condition set out in this Ordinance.
- 37 E. The transfer of ownership or lease of any or all of the property described in this
38 Ordinance must include in the transfer or lease agreement, a provision that the
39 purchaser or lessee is made good and aware of the conditions established by this
40 Ordinance and agrees to be bound by these conditions. The purchaser or lessee

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may request a change from the existing plans and conditions by following the procedures contained in the Land Development Regulations, as amended.

F. 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 4. 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 5. Filing with the Department of States. 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.

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1 **Section 6. Effective Dates. This Ordinance will become effective as provided by law.**

2 ENACTED this 17th day of December, 2019.

3 FILED with the Secretary of State January 15th, 2020

4 EFFECTIVE December 17, 2019.

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BOARD OF COUNTY COMMISSIONERS

LAKE COUNTY, FLORIDA

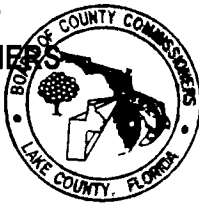
Leslie Campione

LESLIE CAMPIONE, CHAIRMAN

ATTEST:

Debbie Bell, for

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



APPROVED AS TO FORM AND LEGALITY:

Melanie Marsh

MELANIE MARSH, COUNTY ATTORNEY

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EXHIBIT A, Legal Description.

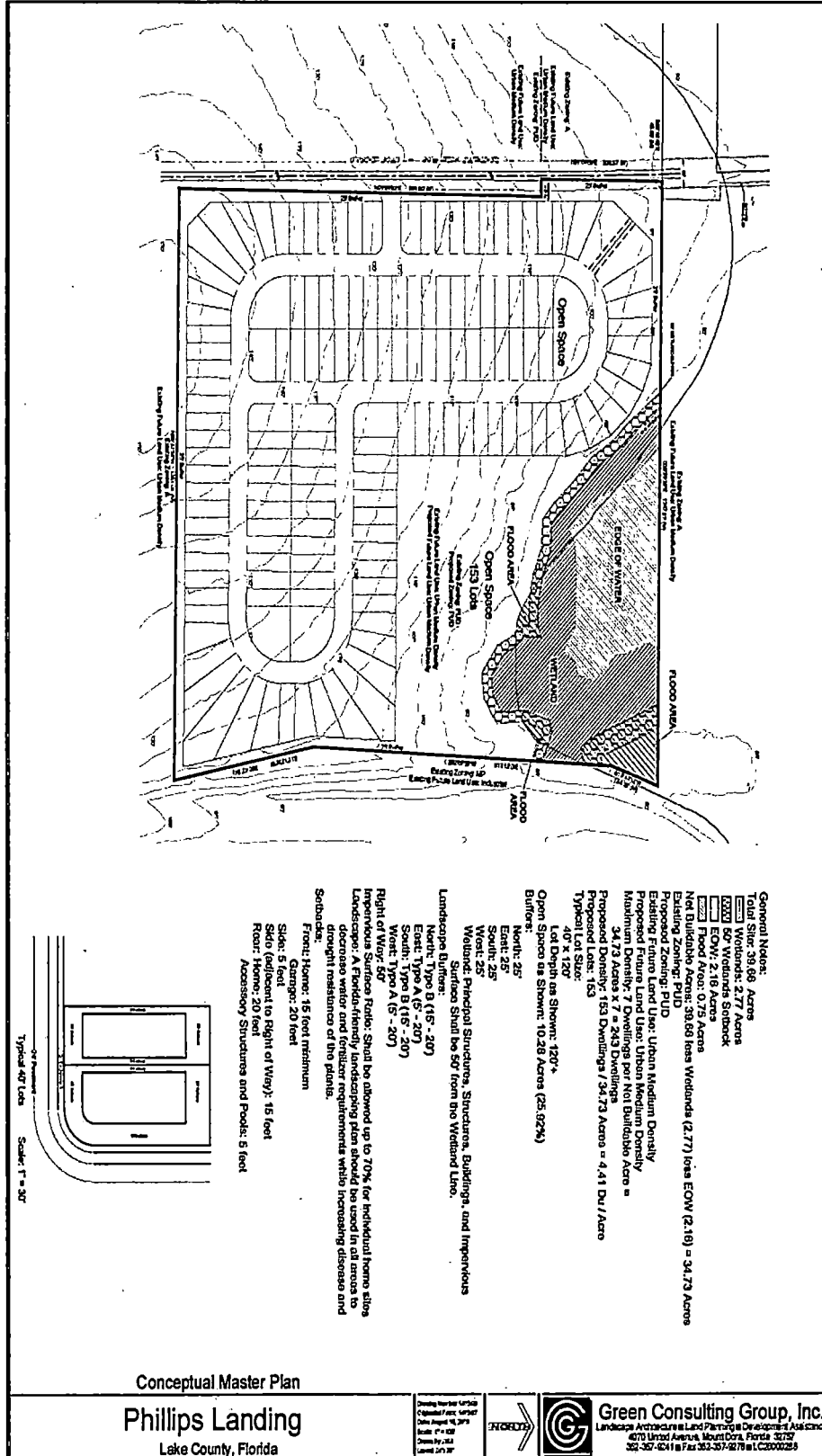
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THE EAST 3/4 OF THE NORTH 1/2 OF THE SW 1/4 OF THE NE 1/4; AND THE SOUTH 1/2 OF THE SW 1/4 OF THE NE 1/4; AND THE WEST 1/2 OF THE NW 1/4 OF THE SW 1/4 OF THE NE 1/4 IN SECTION 21, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.
AND ALSO THE EAST 40 FEET OF THE NE 1/4 OF THE NE 1/4 OF THE SE 1/4 OF THE NW 1/4 IN SECTION 21, TOWNSHIP 21 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA.
LESS AND EXCEPT THAT PART OF THE PROPERTY IN FINAL JUDGEMENT RECORDED IN O. R. BOOK 1222, PAGE 2347, PUBLIC RECORDS, LAKE COUNTY, FLORIDA.
CONSISTING OF 39.66 +/- ACRES.

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EXHIBIT B, Concept Plan.



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