

ORDINANCE NO. 12-13-07

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF HIGHLANDS COUNTY, FLORIDA, AMENDING FUTURE LAND USE POLICY 15.2, SITE SPECIFIC DEVELOPMENTS OF THE FUTURE LAND USE ELEMENT OF THE HIGHLANDS COUNTY COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Sections 163.3161 through 163.3215, Florida Statutes empower the Highlands County Board of County Commissioners (hereinafter referred to as the "Board") to adopt and to amend the Highlands County Comprehensive Plan (hereinafter referred to as the "Plan"); and

WHEREAS, the Highlands County Planning and Zoning Commission, acting as the Local Planning Agency, held a duly noticed public hearing on November 13, 2012, to review large scale Plan amendment CPA-12-527LS, and recommended to the Board of County Commissioners to approve for transmittal to the Florida Department of Economic Opportunity (hereinafter referred to the "DEO"); and

WHEREAS, the Board held a duly noticed public hearing on December 18, 2012, to approve and to transmit large scale Plan amendment CPA-12-527LS to the DEO for its review; and

WHEREAS, the DEO submitted its Comment Letter and identified no comments related to important state resources for Highlands County (Amendment No. 13-1ESR [expedited state review]) on January 9, 2013; and

WHEREAS, the Board held a duly noticed public hearing on February 19, 2013, and approved adoption, by ordinance, of large scale Plan amendment CPA-12-527LS; and

NOW THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Highlands County, Florida, after due notice and public hearing, that Future Land Use (FLU) Policy 15.2, Site Specific Developments of the Plan is hereby amended as follows:

**SECTION 1. Amendment and Adoption.** Paragraph 48., of Policy 15.2 of the FLU Element of the Comprehensive Plan of Highlands County, Florida, is amended and adopted to read as follows:

48. CPA-05-34712-527LS: (Lost Lake Groves, Inc.) Approximately ~~350~~341.61 acres in Section 12, Township 37S, Range 29E, north of Placid View Drive and west of Lake Drive East Street on the south side of the Town of Lake Placid, changing the Future Land Use Map from "Agriculture" to "Medium Density Residential". The Applicant proposes development of 1,050 single family homes.

*Proposed Site Specific Conditions:*

- A. Central water and central wastewater are to be provided, either by the Town of Lake Placid or on site. If an on-site package plant is used as a temporary facility it shall be constructed and maintained at no cost to the County in accordance with standards approved by Highlands County. The system shall be connected to the Town, County or a regional provider that is acceptable to the County once the Town, County or regional provider extends a wastewater system to the site. In addition, the developer or owner will

- be required to dedicate the plant that has been constructed to County standards to either the Town, County or to the County approved regional provider.
- B. The number of dwelling units shall be limited to no more than 1,050.
  - C. Infrastructure on the parcel shall be planned and approved as a single development.
  - D. Connectivity with existing developments to the north, east, and west may be provided at time of development.
  - E. Adequate right of way of 100 feet is to be provided for a two lane extension of Lake Groves Road. If there are transportation impact fees in existence at the time actual development commences, ~~and if the transportation impact fee ordinance allows for right of way to be credited, then~~ a proportionate credit shall be provided.
  - F. The location of an EMS substation shall be jointly considered by the Applicant and staff.
  - G. Environmental clearance, if required, of impacts to Wetlands, Cutthroat Grass Seeps, and Xeric Uplands will be necessary prior to development. No development order or permit will be issued unless prescribed environmental mitigation is accomplished. Concurrency assessment for traffic circulation, central wastewater, potable water, solid waste disposal, storm water drainage, and recreation and open space will be required prior to development. All development orders and permits will specify any needed improvements, and a schedule for their implementation, including any conditions that require public facility improvements, be in place concurrent with the impacts of the proposed development.
  - H. Payment for transportation impacts shall be required prior to beginning development as follows:
    - a. The payment of the transportation assessment cost at the time of concurrency will be made according the Highlands County Land Development Regulations and will also be based upon the proportionate fair share cost calculated as part of an approved Traffic Study submitted through the County's concurrency review process.
    - b. Impact fee credits will be granted according to the procedures identified in Highlands County Proportionate Fair Share Ordinance and Impact Fee Ordinance.

**SECTION 2. Severability.** The sections, subsections, paragraphs, sentences, clauses and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph, subsection or section of this Ordinance shall be declared invalid, unconstitutional or unenforceable by the valid judgment or decree of a court of competent jurisdiction, such invalidity, unconstitutionality or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs, subsections, and sections of this Ordinance.

**SECTION 3. Inclusion.** When the text of this Ordinance is published for inclusion in the Highlands County Comprehensive Plan, the text marked for deletion by strike-through text shall be deleted and the additions appearing as underlined or double underlined shall be added so that the text of the Highlands County Comprehensive Plan shall be as amended rather than in the legislative format used in this Ordinance to highlight the changes being made.

**SECTION 4. Conflict.** Any ordinance or part thereof in conflict with this Ordinance or any part hereof is hereby repealed to the extent of the conflict.

**SECTION 5. Effective Date.** This ordinance shall take effect upon expiration of the period allowed by law to appeal the Notice of Intent to find the Plan amendment in compliance published by the



COUNTY: (HIGHLANDS )

COUNTY ORDINANCE # 12-13-D7

**PRIMARY KEYFIELD:**

**DESCRIPTOR:** (Comprehensive Plan Text Amendment)

**SECONDARY KEYFIELD:**

**DESCRIPTOR:** (CPA 12-527LS, Lost Lake Groves, Inc.; Fentress and Durrance)

**OTHER KEYFIELD DESCRIPTOR:** (\_\_\_\_)

**ORDINANCE DESCRIPTION:** (Future Land Use Element - Text Amendment)

(25 characters maximum including spaces)

**ORDINANCE AMENDED:** (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT # 1: (\_\_\_\_\_) AMENDMENT # 2: (\_\_\_\_\_)

**ORDINANCE REPEALED:** (List below the ordinances that are repealed by this legislation)

REPEAL # 1: (\_\_\_\_);

REPEAL # 3: (\_\_\_\_);

REPEAL # 2: (\_\_\_\_);

REPEAL # 4: (\_\_\_\_);

(Others repealed: list all that apply:

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: (\_\_\_\_)

KEYFIELD 1 CODE: (\_\_\_\_\_) KEYFIELD 2 CODE: (\_\_\_\_\_)

KEYFIELD 3 CODE: (\_\_\_\_\_)