

ORDINANCE 2011- 44  
LPA#11-7-3  
Nola Land Company, Inc.

FILED  
011 JUL 29 AM 9:14  
DEPARTMENT OF STATE  
ALLAHASSEE, FLORIDA

**AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, FLORIDA, AMENDING THE LAKE COUNTY 2030 COMPREHENSIVE PLAN AND FUTURE LAND USE MAP TO CHANGE THE FUTURE LAND USE CATEGORY FROM REGIONAL OFFICE TO URBAN LOW DENSITY FOR SAID PARCEL; AMENDING THE TEXT OF THE FUTURE LAND USE ELEMENT BY CREATING POLICY I-1.6.9, WHICH LIMITS RESIDENTIAL DENSITY TO 894 AGE-RESTRICTED UNITS ON SAID 541-ACRE PARCEL; PROVIDING FOR VESTING PERIOD OF 12 YEARS FOR DEVELOPMENT PLANNED IN ORDINANCE NO. 2006-30; PROVIDING FOR PROOF OF PUBLICATION AS REQUIRED BY SECTION 163.3184(11), FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Community Planning Act is set forth in Chapter 163, Part II, Florida Statutes; and

**WHEREAS**, Chapter 125, Florida Statutes, Section 125.01(g), authorized the Board of County Commissioners of Lake County to prepare and enforce comprehensive plans for the development of the county; and

**WHEREAS**, Section 163.3184, Florida Statutes, sets forth the process for adoption of comprehensive plan amendments; and

**WHEREAS**, pursuant to Chapters 163 and 125, Florida Statutes, on the 25<sup>th</sup> day of May, 2010, the Board of County Commissioners enacted Ordinance No. 2010-25, adopting the Lake County 2030 Comprehensive Plan Amendment; and

**WHEREAS**, on the 23<sup>rd</sup> day of July, 2010, the State of Florida Department of Community Affairs published a Notice of Intent finding the Lake County 2030 Comprehensive Plan Amendment "In Compliance" with Chapter 163, Florida Statutes; and

**WHEREAS**, on the 13<sup>th</sup> day of August, 2010, Nola Land Company, Inc. Pospisil filed a Petition for an Administrative Hearing challenging the adoption of Lake County Ordinance No. 2010-25 and the related Notice of Intent filed by the Department of Community Affairs; and

**WHEREAS**, on the 26<sup>th</sup> day of July, 2011, the State of Florida Department of Community Affairs, the Lake County Board of County Commissioners and Nola Land Company, Inc. did enter into a Compliance Agreement for DOAH Case Number 10-8959GM, as permitted by Section 163.3184(6), Florida Statutes; and

**WHEREAS**, on the 26<sup>th</sup> day of July, 2011, this Ordinance was heard at a public hearing before the Lake County Board of County Commissioners pursuant to Section 163.3184, Florida Statutes; and

**WHEREAS**, it serves the health, safety and general welfare of the residents of Lake County to adopt these amendments to the Lake County Comprehensive Plan;

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

**Section 1. Comprehensive Plan Text Amendment.** The following Policy is added to the Comprehensive Plan:

**Policy I-1.6.9 Specific Limitations on the Nola Land Company Property**

In order to resolve all outstanding issues related to that portion of the DOAH Case No. 10-8959GM, challenging the Lake County Comprehensive Plan adopted on May 25, 2010 by Ordinance 2010-25 applicable to an approximately 541-acre parcel of land generally located south of State Road 50 at Emil Jahna Road, described as:

Govt Lot 1, LESS begin at NW cor of Govt Lot 1, run E 660 ft, S to N'ly r/w line of Hartle Rd & Pt A, return to POB, run S 660 ft, E 510 ft, S to N'ly r/w line of Hartle Rd, NE'ly along said road r/w to Point A, NW 1/4 of SW 1/4 of NW 1/4, begin 50.25 N of SE cor of NW 1/4, run W 1305 ft., S 8.3 ft, W to SW cor of NW 1/4, N to NW cor of S 1/2 of SW 1/4 of NW 1/4, E to NE cor of S 1/2 of SE 1/4 of NW 1/4, S to POB, LESS Hartle Rd 66 ft r/w, Sec 35 Twp. 22S Range 26E; E 3/4 of S 1/2 of Sec 27 Township 22S Range 26E; N 1/2 – LESS W 1660 ft of Section 34 Township 22S Range 26E (also described by Lake County Property Appraiser Alternate Key Number 1095964, 1095972 and 2717874).

The property shall be assigned the Urban Low Density Future Land Use Category (maximum density 4 du/1 net acre). The owner of the property is hereby allowed to develop, and shall not exceed, 894 age-restricted residential units.

The Future Land Use Map shall contain a note stating this limitation.

**Section 2. Future Land Use Map Amendment.** The Future Land Use Map is hereby amended to include the limitations as specified in Policy I-1.6.9 Specific Limitations on the Nola Land Company Property and is attached hereto as Exhibit "A" of the this Ordinance.

**Section 3. Vesting to Land Development Regulations and 2030 Comprehensive Plan.**

The County agrees that the development described in Ordinance #2006-30 shall be vested for a period of 12 years from execution of this agreement. The development shall be allowed in accordance with the terms of the approved PUD under Ordinance #2006-30. Where any requirement of the Comprehensive Plan is in conflict with the terms of the approved PUD, Ordinance #2006-30, as may be amended, shall govern.

**Section 4. Advertisement.** This Ordinance was advertised pursuant to Section 163.3184(11), Florida Statutes.

**Section 5. Severability.** If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

**Section 6. Effective Date.** This Ordinance shall become effective as provided by Section 163.3189, Florida Statutes.

Ordinance No. 2011-~~44~~LPA11-7-3 Nola Land Company

ENACTED this 26 day of July, 2011.

FILED with the Secretary of State July 29, 2011.

EFFECTIVE July 29, 2011

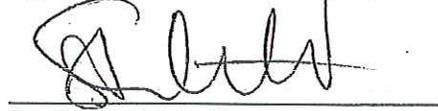
BOARD OF COUNTY COMMISSIONERS  
LAKE COUNTY, FLORIDA

  
\_\_\_\_\_  
Jennifer Hill, Chairman  
This 26 day of July, 2011.

ATTEST:

  
\_\_\_\_\_  
Neil Kelly, Clerk of the  
Board of County Commissioners,  
Lake County, Florida

Approved as to form and legality:

  
\_\_\_\_\_  
Sanford A. Minkoff  
County Attorney

**EXHIBIT A**  
**LPA#11-7-3**  
**Nola Land Company, Inc.**

