

ORDINANCE 2016-07

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, PROVIDING FOR AN EXCEPTION TO THE REAR YARD MINIMUM BUILDING SETBACK IN CERTAIN ZONING DISTRICTS; CORRECTING SCRIVENER'S ERRORS IN SECTION 10-56 OF THE LAND DEVELOPMENT CODE AS WELL AS IN OTHER SECTIONS OF THE CODE; CORRECTING DESIGNATION OF PLANNING AND ZONING BOARD THROUGHOUT CHAPTER 10; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Montverde regulates building setbacks in all zoning districts within the Town of Montverde; and

WHEREAS, the Town desires to reduce the minimum rear yard building setback in most of its zoning districts to 15 feet but only for metal roofed screened enclosures, patios and porches which are prohibited from being used as living quarters or ever being enclosed with material other than screen; and

WHEREAS, the Town desires to correct the code to reference planning and zoning board, rather than committee, and to correct scrivener's errors; and

WHEREAS, the Town of Montverde has determined that it in the best interest of the health, safety, and welfare of its citizens to amend the City's Land Development Code;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montverde, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. Exception to rear yard building setbacks. That Article X in Chapter 4, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to insert the language detailed below in each of the zoning districts listed also listed below:

Sec. 10-51. - R1L—Single-family low density district.

Sec. 10-52. - R1M—Medium district.

Sec. 10-53. - RA/MH—Single-family residential affordable/manufactured housing district.

Sec. 10-54. - R2—Duplex district.

Sec. 10-55. - R3—Multifamily district.

Sec. 10-57. – ORC – Office/residential/commercial district.

Exceptions. The following exception shall apply to site development standards for this zoning district for residential uses only:

The minimum rear yard setback for a roofed screen enclosure or “screened patio or porch with metal roof” is 15-ft. A roofed screen enclosure or “screened patio or porch with metal roof” must be attached to the dwelling structure and contain a metal roof and be fully screened. The roofed screen enclosure or “screened patio or porch with metal roof” can contain an aluminum or other metal kick plate that is no more than 18-inches in height or must be completely screened to the ground. The roofed screen enclosure or “screened patio or porch with metal roof” is prohibited from ever being enclosed with any material other than screen, or utilized in any manner as living quarters.

SECTION 3. Correction of scrivener’s errors. In Section 10-56. – PUD – Planned Unit Development district, “Complementary” is stricken and inserted in its place is the word Complimentary.

SECTION 4. Correction of scrivener’s errors. In Section 10-62. – C2 – Commercial District 2 district, (c)(8), “detetmined” is stricken and inserted in its place is the word determined.

SECTION 5. Planning and zoning board. In Chapter 10, in each instance where planning and zoning committee is referenced, it shall be corrected to reference the planning and zoning board.

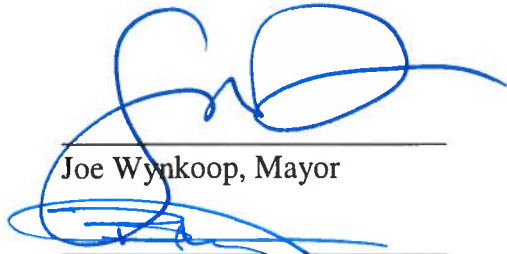
SECTION 6. Codification. It is the intent of the Town Council of the Town of Montverde that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance.


SECTION 7. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 8. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, the provision of this Ordinance shall govern.

SECTION 9. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this 12 day of APRIL, 2016.




Joe Wynkoop, Mayor


Bill Bates, Council President

Attest: 

Graham Wells, Town Clerk

Approved as to form and legality:


Anita Geraci-Carver, Town Attorney

First Reading MARCH 8, 2016
Second Reading APRIL 12, 2016

Council Member LEY moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member SMITH and upon roll call on the motion the vote was as follows:



	YEA	NAY
Bill Bates	✓	
Glenn Burns	✓	
Jim Ley	✓	
Jim Peacock	✓	
Judy Smith	✓	