

ORDINANCE 2017-14

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING CHAPTER 6 AND 8, AS WELL AS VARIOUS SECTIONS IN CHAPTER 4 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE TO REQUIRE COMPLIANCE WITH NEIGHBORHOOD STANDARDS AND GUIDELINES MANUAL FOR NEW SUBDIVISIONS AND IMPOSING COMPLETE STREET DEVELOPMENT REQUIREMENTS; 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 construction of public sidewalks and streets for properties located within and annexed into the Town; and

WHEREAS, the Town desires to implement neighborhood standards and guidelines applicable to new subdivisions that may hereafter be constructed within the municipal boundaries of the Town of Montverde; and

WHEREAS, the Town of Montverde has determined that it is necessary to protect the health, safety, and welfare of its citizens to amend the Town'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. That Section 4-1, Article I in Chapter 4, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 4-1. – Applicability.

(a) These standards shall apply to regulate development allowed by this Code. The intent of this chapter is to promote development that is aesthetically pleasing, compatible with the community character, properly served with necessary public facilities and services and compatible with neighboring uses. Design requirements are included for the following categories:

- (1) Drainage, floodprone areas, and shoreline regulations;
- (2) Hillside development;
- (3) Roads and sidewalks;
- (4) Parking and loading areas;
- (5) Water and sanitary sewer;
- (6) Landscaping and buffers;

- (7) Signs;
- (8) Swimming pools;
- (9) Fencing;
- (10) Canopies;
- (11) Concurrency management;
- (12) Sinkhole regulations;
- (13) Satellite dish antenna; and
- (14) Neighborhood Standards and Guidelines Manual for New Subdivisions

(b) General requirements:

- (1) Phased development. Each phase of any development shall be designed and improvements installed so that the phase can stand on its own if subsequent phases are not developed.
- (2) Maintenance. Maintenance of all improvements shall be the responsibility of the developer until such time as the town explicitly accepts maintenance responsibility. Should the developer fail to properly maintain any improvements, the town may, with notice, undertake the necessary maintenance and recover the cost of such maintenance from the developer.

SECTION 3. That Section 4-78 in Article IV Chapter 4, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 4-78 – General Requirements.

- (a) Adequate paved access must be provided to all development and must be designed to sufficient standards so as to not become an undue burden on town maintenance. The function of arterial and collector roads to move traffic must be preserved. Complete Streets criteria as outlined in *Neighborhood Standards and Guidelines Manual for New Subdivisions* and as defined by the *Towns Complete Street Policy* must be utilized by an applicant proposing development where streets are constructed or resurfaced.
- (b) The character, width, grade and location of all streets and bridges shall conform to the standards in this section and shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (c) All subdivisions of four (4) or more lots must adhere to Complete Street requirements within this chapter and also design and construct utilizing Complete Street Principles as outlined in the *Neighborhood Standards and Guidelines Manual for New Subdivisions*.

SECTION 4. That Section 4-91(e) in Article IV Chapter 4, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 4-91(e) – Sidewalks for new development.

Concrete sidewalks, a minimum of five (5) feet in width (except as indicated hereafter) and four inches thick (six inches thick in driveways) with expansion joints constructed every five feet, shall be constructed on both sides of all streets, except where individual lot sizes are one acre in size or larger, wherein the town may require a concrete sidewalk on one side of the street. Sidewalks shall be six (6) feet in width for all proposed subdivisions with four (4) or more lots. If alternative path systems are approved instead of sidewalks, specifications for the materials and design shall be approved by the town.

SECTION 5. That Article XX in Chapter 4, Part III (Land Development Code) of the Montverde Code of Ordinances shall be created to read as follows:

ARTICLE XX. Neighborhood Standards and Guidelines.

Sec. 4-500. Applicability.

- (a) The Neighborhood Standards and Guidelines Manual for New Subdivisions in Montverde applies to any subdivision of land within the Town of Montverde where four (4) or more new lots are proposed.

The provisions of The Neighborhood Standards and Guidelines Manual for New Subdivisions in Montverde are also applicable to the division of a parcel of land into four (4) or more parcels of land, and apply, but are not limited to, in all cases instances where:

- (1) The applicant advocates, proposes, suggests or exhibits a proposed plan, map or plat of development of land; or
- (2) The applicant proposes to create a street, right-of-way or easement that joins or connects to an existing public street.
- (b) Plats. All plats filed for subdivisions with four (4) or more lots shall meet all requirements, as set forth in The Neighborhood Standards and Guidelines Manual for New Subdivisions, and follow the procedures as herein set forth.
- (c) Conflict with Code. The Neighborhood Standards and Guidelines Manual for New Subdivisions shall not be construed to have the effect of repealing any existing ordinance concerning the subject matter in

Chapter 4, Chapter 6, and Chapter 8, Town of Montverde Land Development Code (LDC), but the regulations established shall be supplemental and cumulative. In the case of a direct conflict with provisions of any existing ordinance, the provision which is more restrictive and imposes higher standards or requirements shall govern.

SECTION 6. That Section 6-63 in Article III Chapter 6, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 6-63. – Additional data.

- (a) All proposed residential subdivisions with four (4) or more lots must adhere to the submittal requirements of this Chapter and the requirements prescribed in *Neighborhood Standards and Guidelines Manual for New Subdivisions*.
- (b) Any additional data, maps, plans or statements, as may be required, which is commensurate with the intent and purpose of this article.

SECTION 6. That Section 8-18 in Article I Chapter 8, Part III (Land Development Code) of the Montverde Code of Ordinances shall be created to read as follows:

Sec. 8-18. – Neighborhood Standards and Guidelines Manual for New Subdivisions.

All proposed residential subdivisions of four (4) or more lots are required to adhere to the requirements of this Chapter and the requirements prescribed in *Neighborhood Standards and Guidelines Manual for New Subdivisions*.


SECTION 7. 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.

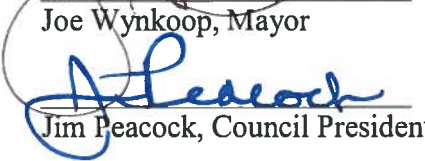
SECTION 8. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 9. 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 10. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this 13 day of JUNE, 2017.

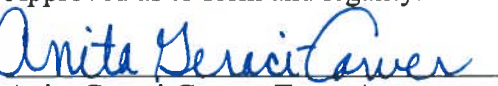


Joe Wynkoop, Mayor


Jim Peacock, Council President

Attest:


Graham Wells, Town Clerk

Approved as to form and legality:


Anita Geraci-Carver, Town Attorney

First Reading May 9, 2017
Second Reading June 13, 2017

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

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

