



PLANNING AND ZONING BOARD AGENDA APRIL 12, 2023 AT 6:30 PM

The Montverde Staff and Council invite you to join the Town Hall meeting in person, on your computer, or by dialing in to listen. You can watch and listen to the meeting from home by following the directions below. (Note: you will not be able to ask any questions during the meeting if you attend by zoom or dialing in). Join the Zoom Meeting by clicking on the link below, copying and pasting the link into your browser, or going directly to zoom on your browser. Once in zoom, enter the Meeting ID and Passcode to be joined to the meeting. You may also call into the meeting by using the call-in number.

<https://us06web.zoom.us/j/83699855762?pwd=cGJ4UDRzdkNUL2J2NIU5b2JYaENnZz09>

Meeting ID: 836 9985 5762

Passcode: 820875

Call in Number: 646-558-8656

BOARD MEMBERS

Glen Brecheen
Karin Arellano
Josie Weiss
Thomas Johnson
Holly Broecker

STAFF

Paul Larino, Town Manager
Sandy Johnson, Town Clerk
Anita Geraci-Carver, Town Attorney
Sean Parks, Town Planner

Call to Order and Opening Ceremonies

- Call to Order
- Pledge of Allegiance
- Roll Call
- Training for P&Z Members

I. Approval Of Minutes

- A. Minutes of the October 12, 2022 Planning & Zoning Board Meeting.
- B. Minutes of the December 14, 2022 Planning & Zoning Board Meeting.

II. Public Hearings, Ordinance and Resolutions

- A. Resolution No. 2023-49 A Resolution of the Town Council of the Town of Montverde, Florida, Granting Major Site Plan approval to the Town of Montverde for construction of the Library building only located north of Porter Ave, west of Fifth St, east of Town Hall and south of the existing baseball park; providing for conditions; and providing for an effective date.

- B. **Resolution No. 2023-50** A Resolution of the Town Council of the Town of Montverde, Florida granting a variance from Section 10-81 in Chapter 10 of the Montverde Land Development Code from the minimum five-foot side-yard setback from the property line for retaining walls for the real property located at 16500 Magnolia Terrace Blvd Montverde, Florida owned by Juan and Maria Torres; and providing for an effective date.
- C. **Resolution 2023-51** A Resolution of the Town Council of the Town of Montverde Florida, granting a variance from Section 4-52(e) in Chapter 4 of the Montverde Land Development Code from the maximum height restriction on retaining walls for the real property located at 16837 Florence View Drive, Montverde, Florida, owned by Peter L and Susanna AR. Ricci; providing for conditions; and providing for an effective date.
- D. **Ordinance No. 2023-27** An Ordinance of the town of Montverde, Florida, Amending regulations in Chapter 10 of the Town of Montverde Land Development Code relating to the setbacks for new wells and apparatuses and requiring a Zoning Clearance; providing for codification and severability; providing for the repeal of Ordinances in conflict herewith; and providing for an effective date.
- E. **Ordinance No. 2023-28** An Ordinance of the Town of Montverde, Florida amending Sec. 4-84 in Chapter 4 of the Town of Montverde Land Development Code standards relating to driveways and driveway aprons to require submitted plans or drawings for a driveway apron and driveway to include the location of any utility and drainage easements; clarifying the requirement for a Zoning Clearance for construction of driveways where a road apron exists; Providing for codification and severability; Providing for the repeal of ordinances in conflict herewith; and Providing for an effective date.
- F. **Ordinance No. 2023-29** An Ordinance of the Town of Montverde, Florida prohibiting use of any waterway in the town as a landing place or base of operation for float planes or seaplanes with limited exception; providing for codification and severability; providing for the repeal of ordinances in conflict herewith; and providing for an effective date.
- G. **Ordinance No. 2023-30** An Ordinance of the Town of Montverde, Florida amending regulations in Chapter 10 of the Town of Montverde Land Development Code to increase the allowed size of a residential gas, propane and LP storage tank before a conditional use permit is required; providing for codification and severability; providing for the repeal of ordinances in conflict herewith; and providing for an effective date.
- H. **Ordinance 2023-32** An Ordinance of the Town of Montverde, Florida amending SEC. 1-2 in Chapter 1 of the Town of Montverde Land Development code to include definitions for the following terms as used in the Land Development Code, wall, masonry wall, retaining wall, accessory dwelling unit and single-family residence and amending the definition of fence in Sec. 1-2 Chapter 1 of the Town of Montverde Land Development Code; providing for codification and severability; providing for the repeal of ordinances in conflict herewith; and providing for an effective date.

III. **Discussion Items**

- A. Town Manager's Updates
- B. Town Planner's Updates
- C. Town Attorney's Updates

IV. Adjournment

The Town reserves the right to move any Agenda item to an earlier time during the meeting as its schedule permits, except in the case of the items and appointments that have been advertised in a newspaper for a specific time.

Pursuant to the provisions of Chapter 286 Florida Statutes, Section 286.0105, if a person decides to appeal any decision made by the Town Council with respect to any matter considered at this Council meeting, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record may include the testimony and evidence upon which the appeal is to be based.

Persons with disabilities needed assistance to participate in any of these proceedings should contact Town Hall at (407) 469-2681, 48 business hours in advance of the scheduled meeting.

Notice is hereby given, that one or more Members of the Montverde Town Council may be present at this meeting.

MINUTES OF P&Z BOARD MEETING OCTOBER 12, 2022

MINUTES OF THE PLANNING AND ZONING BOARD OCTOBER 12, 2022

Chairman Brecheen called the meeting to order at 6:30 p.m.

Chairman Brecheen led the Pledge of allegiance.

BOARD MEMBERS

Glen Brecheen
Karin Arellano
Thomas Johnson
Holly Broecker
Josie Weiss

STAFF

Paul Larino, Town Manager
Sandy Johnson, Town Clerk
Anita Geraci-Carver, Town Attorney
Sean Parks, Town Planner

Minutes – Minutes of the August 17, 2022 Planning & Zoning Board Meeting

Board Member Johnson moved to approve the August 17, 2022 Planning & Zoning Board Meeting Minutes as presented. Seconded by Board Member Arellano. Motion carried 5-0.

PUBLIC HEARING AND ACTION ITEMS

Town Manager Larino requested the board to move item II (D) on the agenda to the first item discussed.

Ordinance No. 2022-21-Public Hearing An Ordinance of the Town Council of the Town of Montverde, Lake County, Florida, amending the Town of Montverde's comprehensive plan pursuant to 163.3184, Florida statutes, by amending the comprehensive land-use plan designation from lake county agriculture to Town of Montverde single family low density residential on the future land-use map for the herein described property; providing for severability and scrivener's errors; and directing the Town Manager to amend said comprehensive plan; repealing all ordinances in conflict herewith; providing for the forwarding of this ordinance to the State of Florida Department of Economic Opportunity; and providing for an effective date.

Town Attorney Geraci-Carver this is a Quasi-Judicial hearing regarding this Ordinance by title only. She explained that this was a Quasi-Judicial hearing, if they have visited property or spoke to anyone about it. She asked that any Ex-Partee communication be disclosed at this time. No one discussed any ex-partee.

Chairman Brecheen asked about the density.

Town Manager Larino asked the staff to introduce the Ordinance.

Town Planner Parks gave a description of the project and the request by the petitioner.

Chairman Brecheen requested clarification on the documents presented in the package.

There was extensive discussion.

Board Member Broecker asked about the historical preservation of the site.

Board Member Broecker asked about the septic systems.

Town Manager Larino asked the petitioner to come forward.

Brian Cain with Cain and Associates. The plan that we are going to do tonight has been scaled back has very few details. We want to focus on the land use plan designation and not the PUD. This is what we imagine for the property, but we are looking at just to change from Agricultural to Single Family. We discuss with the main entrance on Ninth and the Emergency entrance to the right of that and it's not decided where but an additional exit.

Board Member Arellano, asked them to explain emergency entrance.

Brian Cain stated that is where you can get fire/police equipment through I the event of an emergency.

Board Member Weiss is concerned about the 200 additional homes.

Board Member Broecker traffic is an issue. I am an engineer and I understand the process of collecting data for traffic study and mathematics involved.

Vasu Persaud, Professional Engineer with Premier Traffic Group, addressed the traffic study

Board Member Weiss is concerned with traffic at these two points of entry. It bothers me that you haven't even visualized the traffic effects.

Board Member Arellano asked if all the residents will be using Ninth Street.

Brian Cain stated yes.

Brian Cain we are going to have one of our consultants will be doing a detailed traffic study.

Chairman Brecheen opened the public hearing.

Mike Whidden, 17635 Broad Street spoke in opposition to the Ordinance, traffic issues.

Pam Cox, 17705 Broad Street spoke in opposition to the Ordinance, boat trailer parking and traffic.

Tom Vinton, 17716 Virginia Circle spoke in opposition to the Ordinance, traffic issues and townhomes. Problem with three entrances into the subdivision.

Bob Barry, 16634 Pine Timber spoke in opposition to the Ordinance, how do you have 2 homes per acre, the math doesn't make sense. The project on Blackstill Lake Road is going to affect traffic.

Matthew Baumann, 1122 Imperial Eagle Street, Groveland spoke in opposition to the Ordinance. There are zoning options. Will change the character of the town. In favor of lower unit count.

David Stimmell, 80 Milholland, Oakland there are three boat ramps on Lake Apopka.

Chairman Brecheen closed the public hearing.

There was extensive discussion.

Town Attorney Geraci-Carver stated that you need to take action on the application before you. You can approve, deny or make limitations on the number of units. But you cannot change the designation. You can use traffic into consideration when determining the appropriate designation of the land. There is no zoning currently.

Chairman Brecheen stated this is for future land use map designation only.

Town Planner Parks, they would get 211 homes with the designation today. You would need recommend the land use designation and state the specific number of homes allowed.

Chris Palasky, 17719 Kirkland the overall property is four parcels but some of this is swamp land and not able to be developed.

Board Member Broecker moved to recommend approval of Ordinance 2022-21 for single family low density with a cap of 110 homes with an advisory of lot size no smaller than ½ acre with a minimum of 3 entrances/exit. Board Member Arellano seconded. Recommendation approved 5 – 0.

Chairman Brecheen recessed the meeting for five minutes.

Ordinance No. 2022-18 An Ordinance of the Town of Montverde, Florida, amending Section 4-84 in Chapter 4 of the Town of Montverde Land Development Code to remove asphalt as an option for driveway aprons, increase pounds per square of concrete from 3,000 to 3,500, and include driveway apron detail; providing for codification and severability; providing for the repeal of ordinances in conflict herewith; and providing for an effective date.

Town Attorney Geraci-Carver read the Ordinance by title only.

Town Manager Larino explained the reason for changes in the code.

There was brief discussion on why the apron has to be concrete.

Public hearing was opened. No one spoke in favor of or against the Ordinance. Public Hearing was closed.

Board Member Weiss moved to approve Ordinance 2022-18. Board Member Arellano seconded the motion. Recommend approval of Ordinance 2022-18 with a roll call vote 5 – 0.

Ordinance No. 2022-19 An Ordinance of the Town of Montverde, Florida, amending landscaping requirements set forth in Article VIII in Chapter 4 of the Town of Montverde Land Development Code to require a detailed landscape plan and list the items required on a landscape plan, require an irrigation system and plan for landscaping, as well as to include a process for review and approval of an irrigation plan, require maintenance and inspection of irrigation systems, require foundational hedges, insert a new landscape buffer table, include for clarification Florida friendly landscaping materials located in a separate section of the land development code, include for clarification minimum tree requirements, provide for preferred types of mulch, limit percentage of sod and landscaping coverage, and include environmental swale landscaping requirements and add an environmental swale diagram; providing for codification and severability; providing for the repeal of ordinances in conflict herewith; and providing for an effective date.

Town Attorney Geraci-Carver read the Ordinance by title only.

Town Manager Larino explained the landscape requirements to the Board.

There was brief discussion.

Public hearing was opened. No one spoke in favor of or against the Ordinance. Public Hearing was closed.

There was extension discussion on the irrigation plan.

Board Member Arellano moved to approve Ordinance 2022-19 with the following change, if they are going to do irrigation, they must provide a plan. Board Member Broecker seconded the motion. Recommend approval of Ordinance 2022-19 with a roll call vote 4-1 (Board Member Weiss voting nay).

Ordinance No. 2022-20-Public Hearing An Ordinance of the Town of Montverde, Florida, amending fence requirements set forth in Article XI in Chapter 4 of the town of Montverde Land Development Code to specify minimum gauge welded wire mesh, prohibiting chicken wire unless certain criteria is met, allowing for deviation in maximum height of fences for topographic changes with town consent, allowing fences that secure Town of Montverde equipment and assets to be 10-feet in height, authorizing certain fences to exceed 6-feet in height, allowing certain fences within jurisdictional wetlands within the agriculture zoning district only, and requiring fences to be constructed in accordance with industry standards and of new materials; providing for codification and severability; providing for the repeal of ordinances in conflict herewith; and providing for an effective date.

Town Attorney Geraci-Carver read the Ordinance by title only.

Town Manager Larino explained the fencing requirements to the Board.

There was brief discussion.

Public hearing was opened. No one spoke in favor of or against the Ordinance. Public Hearing was closed.

Board Member Johnson moved to approve Ordinance 2022-20. Board Member Weiss seconded the motion. Recommend approval of Ordinance 2022-20 with a roll call vote 5 – 0.

Ordinance No. 2022-22-Public Hearing An Ordinance of the Town of Montverde, Lake County, Florida, amending various Sections of the Town of Montverde Land Development Code to transfer administrative responsibility and authority from the Mayor to the Town Manager consistent with the charter and the Council/Manager form of government; providing for conflicts, codification and severability; providing for an effective date.

Town Attorney Geraci-Carver read the Ordinance by title only.

Town Manager Larino explained the landscape requirements to the Board.

There was brief discussion.

Public hearing was opened. No one spoke in favor of or against the Ordinance. Public Hearing was closed.

Board Member Weiss moved to approve Ordinance 2022-22. Board Member Johnson seconded the motion. Recommend approval of Ordinance 2022-22 with a roll call vote 5 – 0.

Discussion Items

Town Manager's Updates – Need to know if everyone is interested in serving another year. November 9th is the next meeting.

Town Planner's Updates – There were none.

Town Attorney's Updates – There were none.

ADJORNMENT

Board Member Johnson moved to adjourn the Planning & Zoning Board Meeting. Seconded by Board Member Arellano. Motion carried 5-0.

Meeting was adjourned at 9:55 p.m.

Glen Brecheen, Chairman

ATTEST:

Sandy Johnson
Town Clerk

MINUTES OF P&Z BOARD MEETING DECEMBER 14, 2022

MINUTES OF THE PLANNING AND ZONING BOARD DECEMBER 14, 2022

Chairman Brecheen called the meeting to order at 6:35 p.m.

Chairman Brecheen led the Pledge of allegiance.

BOARD MEMBERS

Glen Brecheen
Karin Arellano (arrived late)
Thomas Johnson
Holly Broecker
Josie Weiss

STAFF

Paul Larino, Town Manager
Sandy Johnson, Town Clerk
Anita Geraci-Carver, Town Attorney
Sean Parks, Town Planner

Minutes – Minutes of the October 12, 2022 Planning & Zoning Board Meeting

Board Member Broecker asked that we revise the minutes to include the name of the traffic engineer that spoke for the applicant. Minutes will be revised and brought back at the next meeting. Board Member Johnson moved to table to next meeting. Board Member Broecker seconded. Tabled 5-0.

PUBLIC HEARING AND ACTION ITEMS

Ordinance No. 2022-15-Public Hearing A Resolution of the Town Council of the Town of Montverde, Florida, granting a variance from Section 10-81 in Chapter 10 of the Montverde Land Development code from the minimum five-foot side-yard setback from the property line for retaining walls and the minimum three-foot side-yard setback from the property line for paved driveways for the real property located at 16233 Four Lakes Lane, Montverde, Florida, owned by Mark and Rachel Duncan; providing for conditions; and providing for an effective date.

Town Attorney Geraci-Carver read the Ordinance by title only.

Town Manager Larino went through the process for variances.

Town Attorney Geraci-Carver reviewed the reasons variances are approved.

Applicants Rachel and Mark Duncan presented their information. They presented the board members with packet information regarding the variance. Which is attached to these minutes.

There was extensive discussion regarding the retaining wall.

There was extensive discussion regarding the set back and the driveway.

Public hearing was opened. No one spoke in favor of or against the Ordinance. Public Hearing was closed.

John Arellano, 17531 County Road 455, questioned the retaining wall.

Town Attorney Geraci-Carver stated that the petitioners keep referring to engineering plans that they submitted. Those have not been submitted to the Town Engineer and won't be until the variance is approved. It is not for you to determine what would be the fix, that is for the engineers to determine if you approve the variance.

Board Member Broecker asked what the steps were for the board to approve.

Town Attorney Geraci-Carver stated the board may want to look at the conditions that are included in the Resolution.

Chairman Brecheen stated we are not considering it a retaining wall. The boat ramp is okay if a swale is put in.

Board Member Weiss moved to recommend approval with conditions proposed in Resolution 2022-15. Board Member Johnson seconded the motion. Recommend approval of Resolution 2022-15 with a roll call vote 4-0. (Board Member Arellano recused herself from the vote)

Discussion Items

Board Appointments for 2023 all members wish to continue serving in 2023. Town Manager Larino stated that we need to elect a chairman. Board Member Broecker nominated Glen Brecheen as the Chairman. Board Member Johnson seconded. Board Member Brecheen approved as Chairman 5-0.

Board Member Weiss nominated Board Member Johnson as Vice Chairman. Board Member Broecker seconded. Board Member Johnson approved as Vice Chairman 5-0.

Town Manager's Updates -QR Codes will be presented at next meeting.

Town Planner's Updates
There was none

Town Attorney's Updates
There was none

ADJORNMENT

*Board Member Johnson moved to adjourn the Planning & Zoning Board Meeting.
Seconded by Board Member Weiss. Motion carried 5-0.*

Meeting was adjourned at 8:56 p.m.

Glen Brecheen, Chairman

ATTEST:

Sandy Johnson
Town Clerk

RESOLUTION NO. 2023-49



STAFF REPORT

TO: Town of Montverde Planning & Zoning Board
FROM: Sean M Parks, AICP, QEP Town Planner
DATE: April 14, 2023
SUBJECT: Minor Site Plan Approval for New Library

Applicant: GatorSketch Corporation
1000 E. Highway 50, Suite 201A
Clermont, FL 34711

Owner: Town of Montverde

Property Information:

The Property is located at 17111 Porter Avenue, Montverde, FL 34756 – ALT Key No. 1530954 (See Figure 1). The area of the Property is 59,979 square feet and approximately 1.377 acres.

SECTION 1 – MINOR SITE PLAN APPROVAL

Requested Action: Approval of Minor Site Plan granting the applicant’s petition to construct a new library building in the same location as the current library.

BACKGROUND INFORMATION:

The Helen Lehmann Memorial Library has served the Town’s residents since the mid 1960’s. The library was housed in a portable building until February 2023, when it was moved into the Town Hall auditorium. This is a temporary location until the new library is constructed. The portable building will be returned to Lake County.



STAFF REPORT

Parks Consulting Services (PCS) has conducted a Minor Site Plan Application review for the above referenced project. The application was reviewed to ensure consistency with the Town of Montverde Land Development Code (LDC). The site plan was prepared by GatorSketch Corporation.

PROJECT DESCRIPTION

The proposed project is a 8,135 s.f. building.

ZONING & EXISTING CONDITIONS

The property is zoned Commercial.
The proposed use is consistent with the current zoning designation.

LAND DEVELOPMENT REGULATIONS REVIEW

The following general information pertains to the Town of Montverde Land Development Code and Zoning Code.

Pertinent Site Data	Zoning Requirement	Project Data
Zoning Designation	Commercial	Commercial
Future Land Use Designation	O/R/C	Commercial
Rear Yard Setback	25-feet	
Front Yard Setback	25-feet	
Side Yard Setback	12-feet	
Maximum Lot Coverage	85%	
Maximum Building Height	35 feet	
Minimum Open Space		



STAFF REPORT

Specific items outlined as requirements in Chapter 6 Site Plan Regulations are outlined below.

SITE PLAN SUBMITTAL REQUIREMENTS			
1)	General Information	Provided on Plans	Not Provided on Plans
a)	Name of Project	X	
b)	General statement of intended use of site	X	
c)	Legal Description and size of property	X	
d)	Name and address of owner	X	
e)	Name, address and phone number of owner's agent	X	
f)	Name, address and phone number of owner's Engineer	X	
g)	Date, north arrow and scale	X	
h)	Vicinity map showing relationship of proposed development to the surrounding streets, etc.	X	
i)	Linear dimensions of the site	X	
j)	Existing topography with a maximum 1 foot contour	X	
k)	Finished grading elevations	X	
l)	Zoning of the site and all adjacent parcels	X	
m)	All existing and proposed building restriction lines	X	
n)	Percent of open space on site	X	
o)	Location of proposed signs		



STAFF REPORT

2)	Building and Structure	N/A	SITE ONLY
a)	Existing and proposed structures		
b)	Intended use		
c)	Number of stories		
d)	Height of building		
e)	Number of dwelling units and density		
f)	Projected number of employees, if applicable		
g)	If restaurant, show number of seats and occupancy		
h)	Square footage calculations of proposed development		
i)	Photograph or sketch of proposed sign with dimensions and material type		
j.)	Façade and/or elevation plan		
3)	Street, Sidewalks, Driveways, Parking Areas, and Loading Spaces		
a)	Engineering plans and specifications		
b)	All parking spaces delineated		
c)	Number of parking spaces		
d)	Number and location of handicapped spaces		
e)	Number of square feet of paved parking and driveway areas		
f)	Surface materials and cross-section of proposed paved areas		
g)	Fire lanes per the Standard Fire Prevention Code		



STAFF REPORT

h)	Description / location of proposed driveways and median cuts		
i)	Internal traffic circulation plan, including directional arrows and signs		
j)	Location of traffic-control signs and signalization devices, if required		
4)	Drainage and Stormwater		
a)	Soils classifications, cross-sections and details of proposed retention / detention ponds, swales, berms, etc.		
b)	Size, material and location of stormwater structures and pipes		
c)	Indicate 100 year flood elevation		
5)	Proposed Water, Sewer, and Solid Waste Facilities		
a)	Water		
b)	Sanitary Sewer		
c)	Solid Waste		
6)	Landscaping		
7)	Environmental Protection		
a)	Show natural features such as water bodies, wetlands, native vegetative communities, etc.		
b)	Conservation easements		
c)	Provisions for adequate control of erosion and sediment		
	OTHER REQUIREMENTS		
1)	Certificate of concurrency		



STAFF REPORT

2)	Application for a clearing and tree permit		
3)	Drainage calculations		
4)	Fire flow calculations, if applicable		
5)	Lift station calculations, where required		
6)	Copy of Health Department permit, where required		
7)	Construction cost estimate prepared by engineer of record, which shall delineate improvements to be maintained by the Town		
8)	Environmental assessment, if applicable		
9)	Traffic impact analysis or data		

SUMMARY

The Town of Montverde's LDC requires all development of land be conducted in a harmonious, orderly, and progressive fashion while protecting the health, safety, and welfare of the citizens of Montverde. The applicant submitted an application and supporting materials for a Minor Site Plan Approval in January 2023.

The proposed project is a 8,135 s.f. one-story building.

BASIS OF REVIEW AND ANALYSIS

Pursuant to Chapter 6, Article I, Sec. 6-1, the Town of Montverde LDC, the proposed Major Site Plan Application must be reviewed for compliance with the following objectives prior to permit issuance.

- 1.) To ensure that the planned project is in conformity with the goals and objectives of the Town's Comprehensive Plan;***



STAFF REPORT

The project site is designated as an O/R/C Land Use Category on the Town's Future Land Use Map. The proposed project and land use (Commercial) is consistent with the Institutional Future Land Use designation.

- 2.) To ensure that the planned project is compatible with the surrounding area and that it will serve to enhance the general character of the area and the Town;**

The proposed project and land use (Commercial) is consistent with the Future Land Use designation.

- 3.) To ensure that adequate provisions are made for vehicular traffic access, ingress, internal circulation and parking, traffic control, pedestrian movement and safety, emergency vehicle access and trailered equipment storage;**

The applicant must agree to meet all requirements pursuant to Chapter 6 of the Land Development Code (LDC).

- 4.) To ensure that adequate screening and buffering will be provided between the planned project and contiguous properties;**

Additional screening and buffering is not necessary because the proposed building is located near existing facilities. However, the applicant must submit a landscape plan prior to final approval of this application and be consistent with the Town's LDRs.

- 5.) To ensure that adequate provisions are planned for utilities, drainage, pollution control, and all public services, including garbage/refuse collection, delivery service, postal service, maintenance service, school bus loading and unloading, utility and exterior lighting and other services necessary to the maintenance of the health and welfare of the residents of the project;**

The applicant will plan for these provisions as indicated on their submitted plan sheets. Water and Solid Waste Utilities shall be provided by the Town.



STAFF REPORT

Regular bus loading and unloading will not be conducted at this location and is only permitted in existing parking lot areas.

6.) To ensure that adequate provisions have been made for light, air, access and privacy in the arrangement of buildings as they relate to the other improvements, to public roads/streets, to internal roads, to parking areas, to recreation areas, to sidewalks and to contiguous properties;

The architectural plan and proposed site plan will conform to this requirement for approval. Accessibility appears good.

7.) To ensure that the natural qualities and characteristics of the land will be preserved, and that the project site will be appropriately landscaped and provisions established for the maintenance of the same;

A landscape plan shall be submitted for approval.

8.) To ensure that adequate recreation space will be provided within the planned project and that provisions are made for the supervision and maintenance thereof;

The proposed project will not negatively affect the recreation needs of the Town of Montverde.

9.) To ensure that the aesthetics and architectural details of the planned project are compatible with the surrounding area and to serve to enhance the character of the area;

The applicant's proposed elevation plan will meet or exceed the Town's requirements for the Commercial zoning district.

10.) To ensure the installation of prescribed standards by the land developer of those required improvements which ought not to become a charge on the citizens and taxpayers of the already existing areas;

The Town of Montverde is responsible for all improvements including maintenance.



STAFF REPORT

11.) To ensure the prevention of haphazard, premature or scattered land development;

The proposed project does not promote urban sprawl per urban sprawl proliferation review criteria defined in Chapter 9J-5.006, Florida Administrative Code.

12.) To ensure safety from fire, panic, crime and other dangers, and to promote health and general welfare;

The proposed project does not propose any inhabitable buildings. The applicant must adhere to Florida Building Code and provide copies of Lake County Building permits to the Town.

13.) To ensure protection from flooding hazards and ensure proper water management;

The proposed project is not within the 100-year FEMA Flood Elevation. The applicant is required by Resolution to submit copies of necessary storm water and Environmental Resource Permit approvals from the St. Johns River Water Management District.

14.) To ensure the protection of natural and scenic resources, including surface waters, and groundwater recharge areas.

The applicant's proposed landscape plan will meet or exceed the Town's minimum landscape and buffer requirements for the PF zoning district.



STAFF REPORT

WRITTEN COMMENTS FILED

SUPPORTIVE: 0

OPPOSITION: 0

PLANNING & ZONING BOARD

STAFF RECOMMENDATION

Staff recommends **APPROVAL** of GatorSkitch's request for Minor Site Plan approval for construction of a new Library building for the Town of Montverde.



STAFF REPORT

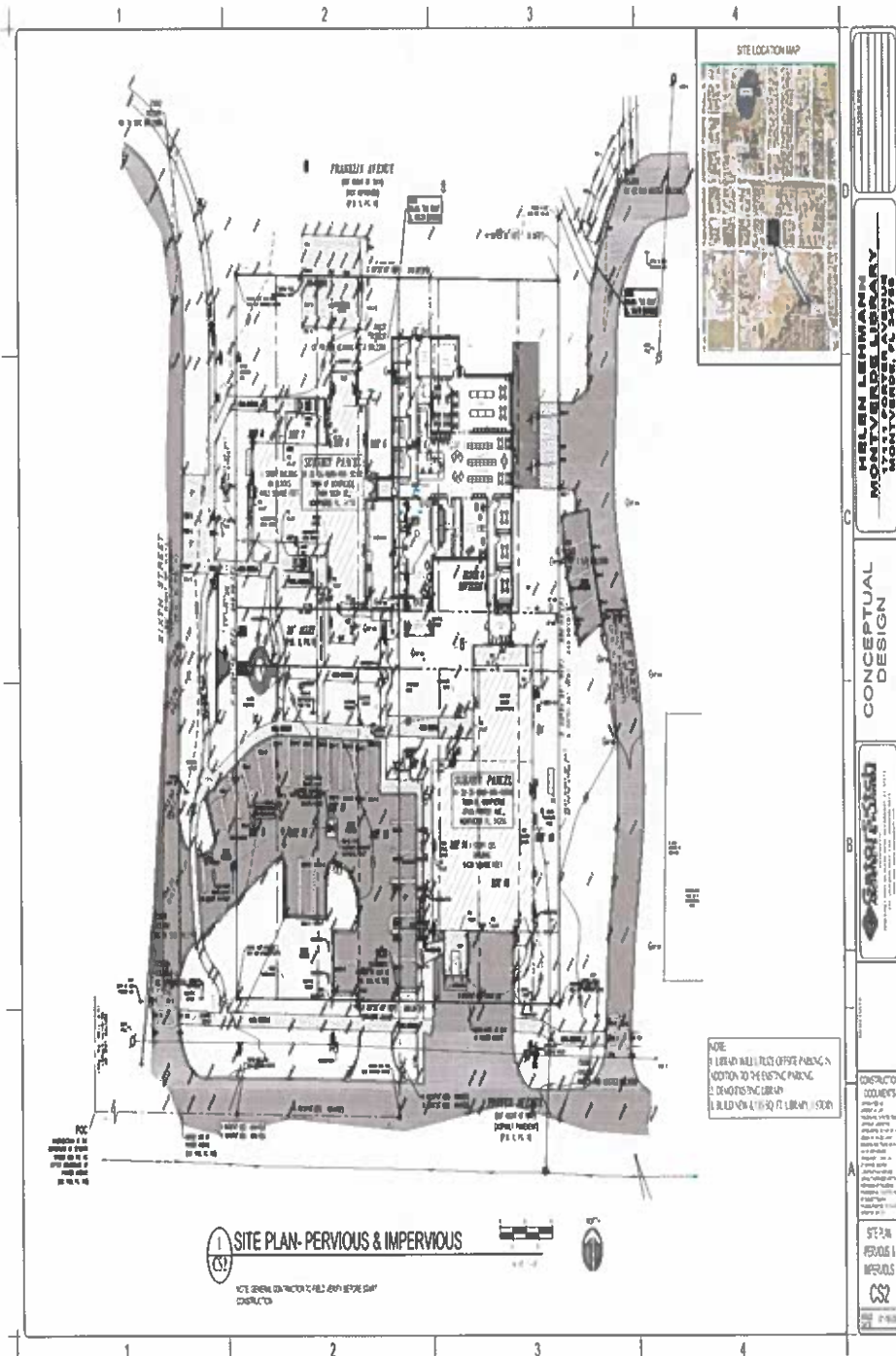
Location Map





STAFF REPORT

SITE PLAN



RESOLUTION 2023-49

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING MAJOR SITE PLAN APPROVAL TO THE TOWN OF MONTVERDE FOR CONSTRUCTION OF THE LIBRARY BUILDING ONLY LOCATED NORTH OF PORTER AVENUE, WEST OF FIFTH STREET, EAST OF TOWN HALL AND SOUTH OF THE EXISTING BASEBALL PARK; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, GatorSketch Corporation on behalf of the Town of Montverde, filed an application for Major Site Plan Approval to allow for the construction of a new library; and

WHEREAS, the Planning and Zoning Committee and the Town Council of the Town of Montverde have considered the application in accordance with the procedures for granting Major Site Plan Approval in Section 6-24 of the Land Development Code, subject to conditions;

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA, AS FOLLOWS:

Section 1. Granting of Major Site Plan Approval.

The site plan, attached hereto as Exhibit A, pursuant to an application filed by GatorSketch Corporation. (hereafter referred to as "Applicant"), to allow for the construction of the library building is granted, with conditions, for the following described property:

A portion of Montverde, Division C Lots 1, 2, 3,4, 13, 14, 15, 16 Blk 6 & Adjoining 20 Ft Alley, unrecorded plat (Deed: OR Bk. 1186, Page 0705, Lot 10, of the public records of Lake County, Florida), as more particularly depicted in the site plan.

Section 2. Conditions of Approval.

- (1) Prior to the start of any construction activities, the Applicant shall resolve, to the satisfaction of the town manager or designee, the following Planning and Administrative Matters:
 - (a) The Applicant shall submit a full engineered site plan, drainage calculations, landscape plan, and any other pertinent information.
 - (b) The Applicant shall submit for approval by the town manager or designee a detailed landscaping and irrigation plan.
 - (c) The Applicant shall meet the Town Engineer's reasonable requirements.

- (2) This conditioned approval may also be revoked by Town Council, at any time, if the above conditions are not followed and met by the Applicant. The Site Plan is attached hereto and incorporated herein.

Section 3. Effective Date.

This resolution shall become effective immediately upon its passage.

RESOLVED in regular session by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

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

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Vice-Mayor		
Jim Ley, Councilmember		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		

RESOLUTION NO. 2023-50



STAFF REPORT

TO: Montverde Planning & Zoning Board
DATE: April 12, 2023
Applicant: Town of Montverde
RE: Resolution No. 2022-50
Request for Variance – Retaining Wall
at 16500 Magnolia Terrace Blvd. (Alt Key 3794860)
FROM: Sean M. Parks, AICP, QEP – Consulting Town Planner

RESOLUTION 2023-50

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 10-81 IN CHAPTER 10 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE MINIMUM FIVE-FOOT SIDE-YARD SETBACK FROM THE PROPERTY LINE FOR RETAINING WALLS FOR THE REAL PROPERTY LOCATED AT 16500 MAGNOLIA TERRACE BLVD., MONTVERDE, FLORIDA, OWNED BY JUAN AND MARIA TORRES; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUESTED ACTION / RECOMMENDATION:

Staff recommends APPROVAL of this Variance Request because the subject retaining wall was approved with a Zoning Clearance, dated 11/30/2020, and was subsequently constructed based on the approval. Staff believes it was appropriately designed by the engineer as there appears to be no other option for placement of the retaining wall.



STAFF REPORT

The Town is seeking approval to allow a 2-foot-high retaining wall which was constructed along the south property boundary line with less than the minimum 5-foot side yard setback criteria stipulated in Chapter 10 and Chapter 4 of the Town of Montverde's Land Development Code (LDC).

DESCRIPTION OF PROPERTY:

The property (ALT Key No. 3794860) is located at 16500 Magnolia Terrace Blvd. See Figure 1 at the back of this report.

The property is zoned Single Family Low Density (R1-L). The applicable Montverde LDC is provided below.

BACKGROUND INFORMATION:

A Zoning Clearance for the construction of the Single-Family Residence was issued on November 30, 2020. The 2-foot retaining wall, which is the subject of this Variance Request, was shown on the building plans; however, the plans were misinterpreted by Planning Staff.

Said retaining wall (labeled "Brick Wall") and was shown outside the property boundary line, and a 5-foot curved retaining wall (labeled "Retaining Wall") was shown in the back yard. The Zoning Clearance approval was based on the retaining wall in the back yard (labeled "Retaining Wall") which met the required criteria.

Staff believes it was properly designed by the engineer as there appears to be no other option for placement of this retaining wall.

TOWN OF MONTVERDE LAND DEVELOPMENT CODE (LDC)

Sec. 10-81. Measurement and determination of setbacks.

- (a) Setbacks shall be measured on a perpendicular from the property line to the first vertical plane which intersects any portion of the structure other than a nominal roof overhang.
- (b) Retaining walls constructed in accordance with chapter 4, LDC, must adhere to a minimum five-foot side-yard, rear-yard and front-yard setback from the property line.



STAFF REPORT

(c) Paved driveways shall adhere to a minimum side-yard setback of three feet.

VARIANCE CRITERIA

The Variance Criteria as outlined in the Town of Montverde Land Development Regulations, Sec 10-12 states a variance can be granted if all of the following are true:

- 1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district, such on-site conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views;

There appears to be no other options for placement of the retaining wall other than on the property line, which is why the engineer designed it that way.

- 2) That the special conditions and circumstances do not result from the actions of the applicant;

The existing topography was such that it made it very difficult to meet the setback requirements and be able to use the side-facing garage.

- 3) That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;

Having a steep drop off up against to the driveway may be hazardous for vehicles entering and exiting the property. Additionally, it would have been very difficult for vehicles to access the side-facing garage if the retaining wall was built closer to the house.

- 4) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

The placement of the retaining wall in this particular case allows the driveway to be safer and the garage to be more easily accessible by the homeowners and visitors.



STAFF REPORT

- 5) That the granting of the variance will be in harmony with the general intent and purpose of this Code and the Comprehensive Plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

The 2' retaining wall is not injurious to the neighborhood or otherwise detrimental to the public welfare.

- 6) The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.

The 2' retaining wall is beneficial to the property's driveway and use of the garage and will not be otherwise detrimental to the area.

RESOLUTION 2023-50

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 10-81 IN CHAPTER 10 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE MINIMUM FIVE-FOOT SIDE-YARD SETBACK FROM THE PROPERTY LINE FOR RETAINING WALLS FOR THE REAL PROPERTY LOCATED AT 16500 MAGNOLIA TERRACE BLVD., MONTVERDE, FLORIDA, OWNED BY JUAN AND MARIA TORRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Montverde with the consent of the property owners, Juan and Maria Torres, has petitioned for a variance from the minimum five-foot side-yard setback from the property line for retaining walls as set forth in the Montverde Land Development Code, for property assigned Alt. Key No. 3794860 located at 16500 Magnolia Terrace Blvd. in the Town of Montverde, Florida; and

WHEREAS, applicant requests a variance from the Town of Montverde's 5' side-yard setback requirement for retaining walls established for property in the municipal boundaries of Montverde; and

WHEREAS, applicant asserts the property owners constructed the two-foot high, retaining wall along the south property boundary line after receiving Zoning Clearance from the Town on November 30, 2020, and was constructed in accordance with approved engineering plans; and



STAFF REPORT

WHEREAS, Zoning Clearance was granted based on a misinterpretation of the plans relating to a back yard retaining wall which met Town code requirements and was not the fault of the owners; and

WHEREAS, the variance being granted is the minimum available that will allow reasonable use of the land because the house is constructed with a side-facing garage, and there is a steep drop-off up against the driveway that would be hazardous for vehicles entering and existing the property and garage; and

WHEREAS, a public hearing on this Resolution was held by the Planning and Zoning Board and property owners within 300 feet of the subject site were provided written notice no less than two weeks prior the public hearing delivered by U.S. Mail containing the name of the applicant, the nature of the requested variance and the date and time of the public hearing; and

WHEREAS, a public hearing on this Resolution was held by the Town Council after public notice advertising this resolution two times with the last advertisement occurring no less than 10 days prior to Town Council holding the public hearing; and

WHEREAS, the Planning and Zoning Board and Town Council of the Town of Montverde have considered the petition in accordance with the standards for granting variances contained in Section 10-12 of the Montverde Land Development Code and there is competent substantial evidence in support of the requested variance.

NOW THEREFORE, be it resolved by the Town Council of the Town of Montverde, Florida, as follows:

Section 1. The petition for variance filed by Town of Montverde with the consent of the property owners, Juan and Maria Torres, for property located at 16500 Magnolia Terrace Blvd. Montverde, Florida, more particularly described as:

Lot 1, Magnolia Terrace Phase I, according to the Plat thereof as recorded in Plat Book 43, Page(s) 45 - 47, of the Public Records of Lake County, Florida; Parcel ID No. 11-22-26-1300-000-00100; Alt. Key 3794860

is **GRANTED**.



STAFF REPORT

Section 2. This resolution shall be effective after adoption in accordance with law.

Passed and adopted by the TOWN COUNCIL of the TOWN OF MONTVERDE, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney



STAFF REPORT

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

	YEA	NAY
Bill Bates		
Allan Hartle		
Jim Ley		
Judy Smith		
Joe Wynkoop		



STAFF REPORT

FIGURE 1



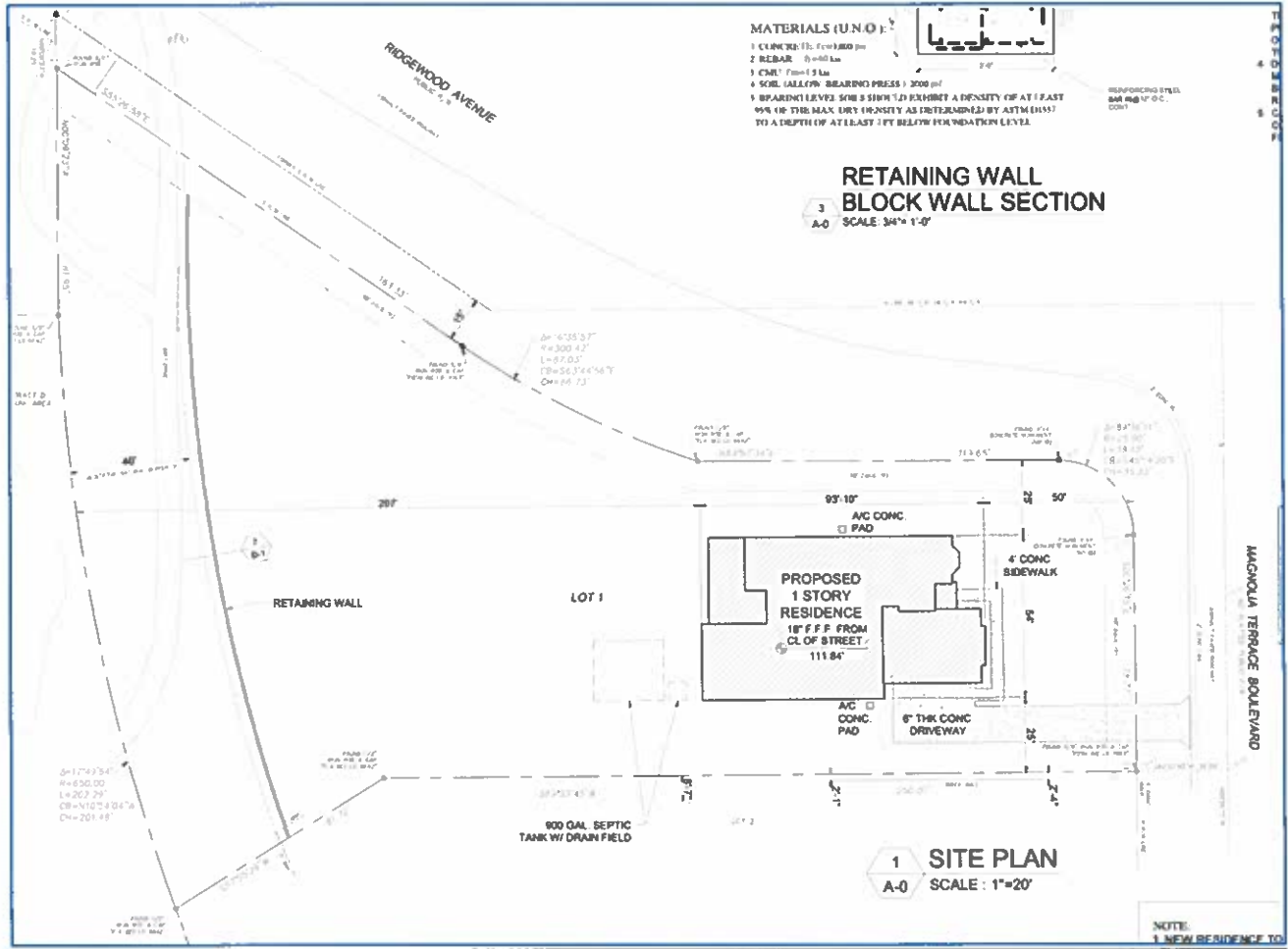
FIGURE 2





STAFF REPORT

FIGURE 3



RESOLUTION 2023-50

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 10-81 IN CHAPTER 10 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE MINIMUM FIVE-FOOT SIDE-YARD SETBACK FROM THE PROPERTY LINE FOR RETAINING WALLS FOR THE REAL PROPERTY LOCATED AT 16500 MAGNOLIA TERRACE BLVD., MONTVERDE, FLORIDA, OWNED BY JUAN AND MARIA TORRES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Montverde with the consent of the property owners, Juan and Maria Torres, has petitioned for a variance from the minimum five-foot side-yard setback from the property line for retaining walls as set forth in the Montverde Land Development Code, for property assigned Alt. Key No. 3794860 located at 16500 Magnolia Terrace Blvd. in the Town of Montverde, Florida; and

WHEREAS, applicant requests a variance from the Town of Montverde's 5' side-yard setback requirement for retaining walls established for property in the municipal boundaries of Montverde; and

WHEREAS, applicant asserts the property owners constructed the two-foot high, retaining wall along the south property boundary line after receiving Zoning Clearance from the Town on November 30, 2020, and was constructed in accordance with approved engineering plans; and

WHEREAS, Zoning Clearance was granted based on a misinterpretation of the plans relating to a back yard retaining wall which met Town code requirements and was not the fault of the owners; and

WHEREAS, the variance being granted is the minimum available that will allow reasonable use of the land because the house is constructed with a side-facing garage, and there is a steep drop-off up against the driveway that would be hazardous for vehicles entering and existing the property and garage; and

WHEREAS, a public hearing on this Resolution was held by the Planning and Zoning Board and property owners within 300 feet of the subject site were provided written notice no less than two weeks prior the public hearing delivered by U.S. Mail containing the name of the applicant, the nature of the requested variance and the date and time of the public hearing; and

WHEREAS, a public hearing on this Resolution was held by the Town Council after public notice advertising this resolution two times with the last advertisement occurring no less than 10 days prior to Town Council holding the public hearing; and

WHEREAS, the Planning and Zoning Board and Town Council of the Town of Montverde have considered the petition in accordance with the standards for granting

variances contained in Section 10-12 of the Montverde Land Development Code and there is competent substantial evidence in support of the requested variance.

NOW THEREFORE, be it resolved by the Town Council of the Town of Montverde, Florida, as follows:

Section 1. The petition for variance filed by Town of Montverde with the consent of the property owners, Juan and Maria Torres, for property located at 16500 Magnolia Terrace Blvd. Montverde, Florida, more particularly described as:

Lot 1, Magnolia Terrace Phase I, according to the Plat thereof as recorded in Plat Book 43, Page(s) 45 - 47, of the Public Records of Lake County, Florida; Parcel ID No. 11-22-26-1300-000-00100; Alt. Key 3794860

is **GRANTED**.

Section 2. This resolution shall be effective after adoption in accordance with law.

Passed and adopted by the TOWN COUNCIL of the TOWN OF MONTVERDE, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

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

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Vice Mayor		
Jim Ley, Councilmember		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		

RESOLUTION NO. 2023-51



STAFF REPORT

TO: Montverde Planning & Zoning Board
DATE: April 12, 2023
APPLICANT: Peter L. and Susanna Ricci
RE: Resolution No. 2023-51
Request for Variance – Height of Retaining Wall
at 16837 Florence View Dr (Alt Key 3811117)
FROM: Sean M. Parks, AICP, QEP – Consulting Town Planner

RESOLUTION 2023-51

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 4-52(E) IN CHAPTER 4 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE MAXIMUM HEIGHT RESTRICTION ON RETAINING WALLS FOR THE REAL PROPERTY LOCATED AT 16837 FLORENCE VIEW DRIVE, MONTVERDE, FLORIDA, OWNED BY PETER L. AND SUSANNA R. RICCI; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

REQUESTED ACTION / RECOMMENDATION:

Staff recommends APPROVAL of this Variance Request per Chapter 10 and Chapter 4 because the subject retaining wall is replacing a failing wooden retaining wall which was installed by the previous homeowner, and provides the best solution to preserve two (2) significant trees and mitigate further potential for structural settlement of the existing structures due to erosion of this unique site. The applicant's wall is approximately 78" in height.



STAFF REPORT

Obtaining the retaining wall height variance will allow the contractor to obtain the building permit and resolve the current code violation described below in the Background Information section.

DESCRIPTION OF PROPERTY:

The property (ALT Key No. 3811117) is located at 16837 Florence View Drive and is zoned Single Family Low Density (R1-L) – Figure 1. The applicable Montverde LDC is provided below.

BACKGROUND INFORMATION:

Carolina Masonry began work in July 2022. It was determined by the owners and through notification of the Montverde building department that they had failed to obtain a building permit prior to beginning construction. A permit application was submitted by Carolina Masonry on Aug 15, 2022. Upon review by the building department, the permit application notes called for modification of the retaining wall height design and other review comments. However, at this time the wall had been substantially completed.

TOWN OF MONTVERDE LAND DEVELOPMENT CODE (LDC)

Sec. 4-52. Lot grading plan requirements.

(a) All construction within the Town of Montverde shall conform to the protection of soil resources requirements within this Land Development Code and the slope restrictions described therein.

(b) Lots of record required to meet the requirements of this section are as follows:

(1) Infill lots and new and existing subdivision lots that have a slope anywhere on the lot exceeding four percent or due to the size of the house is deemed by the town and its consultants to meet the lot grading plan requirements of this section.

(2) Lots in the Lake Florence storm drainage basin and the Lake Apopka storm drainage basin are deemed of special concern by the town and must meet the requirements of this section.

(c) If the lot meets the criteria of subsections (b)(1) or (b)(2) of this section, then the contractor or homeowner shall obtain a certified survey, performed by a registered surveyor in the state, of the lot with topographic information including spot elevations and topographic elevation lines. Existing features, adjacent finished floors of existing houses, and existing street elevations in front of the lot shall be shown. The plan shall show proposed driveway slopes and finished elevations of all concrete surfaces



STAFF REPORT

and how the proposed house, pool (if applicable) and backyard will be transitioned to the existing elevations at the property lines. Slopes steeper than 4:1 slopes will not be allowed, 5:1 is encouraged. Drawings shall be to scale. Septic system components shall be shown to scale. High-season water elevation shall be shown on the plan. The plan shall show type of grading proposed (A, B or C). See town lot grading detail sheet G-1 showing typical lot grading plan for each type of grading.

(d) Stem walls are more desirable than retaining walls in difficult grading conditions.

(e) If a retaining wall is required, then the wall should be shown with the grading plan and design certified by a state registered engineer, if over 36 inches in height. Walls over 60 inches will not be allowed. Any wall 36 inches and over shall be installed with a decorative aluminum handrail, as required by the Florida Building Code. Wood retaining walls are prohibited.

(f) The above information will be reviewed by the engineer representing the town and other consultants as required. Owner will pay engineering costs for the review as approved by the town council.

(g) Variance to the above will be submitted for review to the planning and zoning board.

(h) All lots in the basin of Lake Florence or Lake Apopka will be required to have an environmental drainage swale adjacent to the lake that will remain dry during the wet season. This shall be shown on the residential lot site plan. See town grading detail sheet G-3. Town can require this in other areas that might be of concern.

(i) Lots that require fill shall be required to show proof of compaction extending ten feet outside the foundation as performed by a geotechnical engineering firm.

VARIANCE CRITERIA

The Variance Criteria as outlined in the Town of Montverde Land Development Regulations, Sec 10-12 states a variance can be granted if all of the following are true:

- 1) That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures or buildings in the same zoning district, such on-site conditions may include, but are not limited to, topography, preservation of vegetation, access, vehicular and pedestrian safety and preservation of scenic views;



STAFF REPORT

The rear yard topography of the applicant's property meets or exceeds a 12% grade and would be unusable without a retaining wall of at least 72" in height. Could cause structural collapse of the home without the retaining wall.

- 2) That the special conditions and circumstances do not result from the actions of the applicant;

The applicant replaced a failing retaining wall that was constructed by the prior property owner. Due to the unique grade of the lot features. Also, it backs up to the wetland area so there is not much room to work with.

- 3) That literal interpretation of the provisions would deprive the applicant of rights commonly enjoyed by other properties in the same zoning district under the terms of the chapter and would work unnecessary and undue hardship on the applicant;

The rear yard topography of the applicant's property meets or exceeds a 12% grade and would be unusable without a retaining wall of at least 72" in height. Also, it backs up to the wetland area so there is not much room to work with, making no other location feasible for the zoning district.

- 4) That the variance granted is the minimum variance that will make possible the reasonable use of the land, building or structure;

The rear yard topography of the applicant's property meets or exceeds a 12% grade and would be unusable without a retaining wall of at least 72" in height. The retaining wall installation is absolutely necessary for the property owner to enjoy reasonable use of the rear yard and structural integrity for the pool and pool deck.

- 5) That the granting of the variance will be in harmony with the general intent and purpose of this Code and the Comprehensive Plan, will not be injurious to the neighborhood or otherwise detrimental to the public welfare;

The retaining wall constructed as-is allows reasonable use of the property without being injurious to the lake which the Town is trying to protect.

- 6) The granting of the variance will not be detrimental to the property or improvements in the area in which the property is located.



STAFF REPORT

The retaining wall constructed as allows reasonable use of the property without being injurious to the lake which the Town is trying to protect.

RESOLUTION 2023-51

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 4-52(E) IN CHAPTER 4 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE MAXIMUM HEIGHT RESTRICTION ON RETAINING WALLS FOR THE REAL PROPERTY LOCATED AT 16837 FLORENCE VIEW DRIVE, MONTVERDE, FLORIDA, OWNED BY PETER L. AND SUSANNA R. RICCI; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, PETER L. AND SUSAN R. RICCI AS OWNERS HAVE PETITIONED FOR A VARIANCE FROM THE MAXIMUM HEIGHT RESTRICTION ON RETAINING WALLS AS SET FORTH IN THE MONTVERDE LAND DEVELOPMENT CODE, FOR PROPERTY ASSIGNED ALT. KEY NO. 3811117 LOCATED AT 16837 FLORENCE VIEW DRIVE IN THE TOWN OF MONTVERDE, FLORIDA; AND

WHEREAS, APPLICANT REQUESTS A VARIANCE FROM THE TOWN OF MONTVERDE'S MAXIMUM 60" HEIGHT RESTRICTION FOR RETAINING WALLS ESTABLISHED FOR PROPERTY IN THE MUNICIPAL BOUNDARIES OF MONTVERDE; AND

WHEREAS, APPLICANT ASSERTS THE RETAINING WALL OF 78" IN HEIGHT IS NECESSARY DUE TO A VARIETY OF SITE CONSIDERATIONS, INCLUDING (A) REPLACEMENT OF A FAILING EXISTING WOODEN RETAINING WALL CONSTRUCTED BY A PRIOR OWNER WITHIN A SIMILAR FOOTPRINT TO PRESERVE TWO SIGNIFICANT EXISTING TREES AS THE EXISTING WALL FAILURE WAS CAUSING EROSION ALONG THE FOUNDATION OF THE EXISTING POOL AND HOME, (B) MITIGATE FURTHER POTENTIAL FOR STRUCTURAL SETTLEMENT OF EXISTING HOME AND POOL STRUCTURES AND MANAGE WATER RUNOFF, (C) EXISTING REAR YARD TOPOGRAPHY IS OF SIGNIFICANT SLOPE, AT TIMES EXCEEDING THE LIMIT AS 5:1 IN SEC. 4-25(C), AND (D) TAKEN TOGETHER, THE FAILING WOODEN RETAINING WALL, EXISTING STRUCTURE EROSION, AND EXCESSIVE REAR YARD SLOPE, WAS CREATING A DANGER TO THE PROPERTY AND THOSE WHO USE IT WHEREAS THE CONSTRUCTED TWO-TIER RETAINING WALL SYSTEM PROVIDES A LEVEL OF REINFORCEMENT TO THE EXISTING STRUCTURE AND PREVENTS FURTHER EROSION, ALLOWS SAFE ACCESS, AND PROVIDES A LONG-LASTING WALL SYSTEM; AND



STAFF REPORT

WHEREAS, THE VARIANCE BEING GRANTED IS THE MINIMUM AVAILABLE THAT WILL ALLOW REASONABLE USE OF THE LAND BECAUSE AN ALTERNATIVE WOULD NOT MEET PROPERTY SETBACK REQUIREMENTS AND EXISTING TOPOGRAPHIC CONDITIONS WOULD MAKE THE ALTERNATIVE LESS THAN OPTIMAL, AND A PRIMARY WALL HEIGHT OF 60" IN THE CURRENT CONDITIONS WOULD RESULT IN EXPOSING THE ROOTS OF EXISTING TREES CREATING FURTHER ISSUES TO THE PROPERTY; AND

WHEREAS, A PUBLIC HEARING ON THIS RESOLUTION WAS HELD BY THE PLANNING AND ZONING BOARD AND PROPERTY OWNERS WITHIN 300 FEET OF THE SUBJECT SITE WERE PROVIDED WRITTEN NOTICE NO LESS THAN TWO WEEKS PRIOR THE PUBLIC HEARING DELIVERED BY U.S. MAIL CONTAINING THE NAME OF THE APPLICANT, THE NATURE OF THE REQUESTED VARIANCE AND THE DATE AND TIME OF THE PUBLIC HEARING; AND

WHEREAS, A PUBLIC HEARING ON THIS RESOLUTION WAS HELD BY THE TOWN COUNCIL AFTER PUBLIC NOTICE ADVERTISING THIS RESOLUTION TWO TIMES WITH THE LAST ADVERTISEMENT OCCURRING NO LESS THAN 10 DAYS PRIOR TO TOWN COUNCIL HOLDING THE PUBLIC HEARING; AND

WHEREAS, THE PLANNING AND ZONING BOARD AND TOWN COUNCIL OF THE TOWN OF MONTVERDE HAVE CONSIDERED THE PETITION IN ACCORDANCE WITH THE STANDARDS FOR GRANTING VARIANCES CONTAINED IN SECTION 10-12 OF THE MONTVERDE LAND DEVELOPMENT CODE AND THERE IS COMPETENT SUBSTANTIAL EVIDENCE IN SUPPORT OF THE REQUESTED VARIANCE.

NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, AS FOLLOWS:

SECTION 1. THE PETITION FOR VARIANCE FILED BY PETER L. AND SUSAN R. RICCI, AND LOCATED 16837 FLORENCE VIEW DRIVE, MONTVERDE, FLORIDA, MORE PARTICULARLY DESCRIBED AS:

LOT 7, MAGNOLIA TERRACE PHASE II, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 46, PAGE(S) 94 AND 95, OF THE PUBLIC RECORDS OF



STAFF REPORT

LAKE COUNTY, FLORIDA; PARCEL ID NO. 11-22-26-1305-000-00700; ALT. KEY
3811117

IS **GRANTED** WITH THE FOLLOWING CONDITIONS:

1. AN ENVIRONMENTAL SWALE AT THE REAR OF THE PROPERTY IS REQUIRED TO BE INSTALLED BY OWNERS IN ACCORDANCE WITH THE TOWN OF MONTVERDE CODE OF ORDINANCES AND LAND DEVELOPMENT CODE. WATER MUST BE ABLE TO FLOW FREELY WITHIN THE ENVIRONMENTAL DRAINAGE SWALE FOR THE ENTIRE LENGTH OF THE SWALE. OWNERS MUST SUBMIT PLANS OF THE PROPOSED IMPROVEMENT AND OBTAIN APPROVAL FROM THE TOWN'S ENGINEER.
2. ISSUANCE OF A VARIANCE PERMIT SHALL NOT CONSTITUTE ZONING CLEARANCE OR BUILDING PERMIT APPROVAL FROM THE TOWN OF MONTVERDE.
3. SUCH VARIANCE SHALL EXPIRE SIXTY (60) DAYS FROM THE EFFECTIVE DATE OF THIS RESOLUTION IF OWNER DOES NOT OBTAIN A BUILDING PERMIT TO CONSTRUCT A RETAINING WALL, AND IF BUILDING PERMIT IS TIMELY ISSUED, SHALL EXPIRE ONE HUNDRED EIGHTY (180) DAYS FROM THE EFFECTIVE DATE OF THIS RESOLUTION IF OWNER DOES NOT COMPLETE ALL REQUIRED IMPROVEMENTS, UNLESS OTHERWISE EXTENDED BY THE TOWN COUNCIL. AT A MINIMUM, ENGINEERING PLANS ARE REQUIRED TO OBTAIN A BUILDING PERMIT FOR THE RETAINING WALL.

SECTION 2. THIS RESOLUTION SHALL BE EFFECTIVE AFTER ADOPTION IN ACCORDANCE WITH LAW.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE,
FLORIDA THIS ____ DAY OF _____, 2023.

JOE WYNKOOP, MAYOR



STAFF REPORT

ATTEST:

SANDY JOHNSON, TOWN CLERK

APPROVED AS TO FORM AND LEGALITY:

ANITA GERACI-CARVER, TOWN ATTORNEY

COUNCIL MEMBER _____ MOVED THE PASSAGE AND ADOPTION OF THE ABOVE AND FOREGOING RESOLUTION. MOTION WAS SECONDED BY COUNCIL MEMBER _____ AND UPON ROLL CALL ON THE MOTION THE VOTE WAS AS FOLLOWS:

BILL BATES		
ALLAN HARTLE		
JIM LEY		
JUDY SMITH		
JOE WYNKOOP		

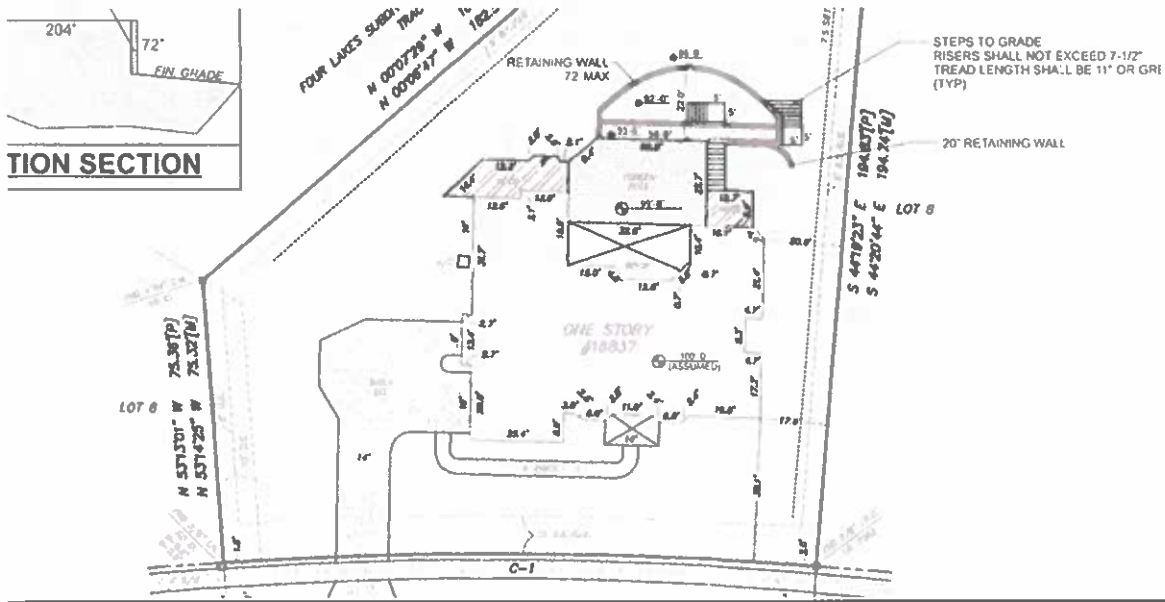


STAFF REPORT

FIGURE 1



FIGURE 2





STAFF REPORT

FIGURE 3



FIGURE 4





STAFF REPORT

FIGURE 5



FIGURE 6





STAFF REPORT

FIGURE 7





PERMITTING REQUEST - ZONING CLEARANCE FORM
DIGITAL PLANS REQUIRED FOR ALL PLAN SUBMITTALS AS WELL AS PAPER PLAN SETS

Email Application and back-up documentation to:
permitting@mymontverde.com

APPLICATION NO. _____ DATE SUBMITTED: 8/12/2002

PAYMENT: _____ Check No.: _____

CONTACT NAME: NANCY DITTRICH (352) 536-0884

PROPERTY ADDRESS/LOCATION: 16837 FLORENCE VIEW DR. MONTVERDE

TYPE OF PERMIT OR WORK REQUESTED: RETAINING WALL

DESCRIPTION OF PROPOSED ACTIVITY: RETAINING WALL WITH STEPS AND PATIO (AND RAILING - TO BE DONE BY OTHERS)

MULTI TIERS, OUTSIDE TIER 6' high max. 500 sq ft of pavers

LAKE COUNTY ALT KEY No. (if known) 381117

TOTAL SQUARE FOOTAGE OF RESIDENCE: 3223

TOTAL SQUARE FOOTAGE OF ACCESSORY STRUCTURE: 1232

PHONE NUMBER AND E-MAIL ADDRESS: PETER RICCI - (386) 624-3737
peter.ricci@yahoo.com

BUILDER'S/CONTRACTOR'S NAME, ADDRESS, EMAIL ADDRESS AND PHONE NUMBER:
CAROLINA MASONRY LLC, HOWARD DITTRICH carolina.masonry@yahoo,
100 N. US HWY 27, SUITE A, MINNEOLA, FL 34715 (352) 708-5163

NOTE: Application shall include survey or sketch of the property indicating proposed activity. **DIGITAL PLANS REQUIRED FOR ALL PLAN SUBMITTALS AS WELL AS PAPER PLAN SETS**
SEE BACK SIDE OR ATTACHED FOR GENERAL AND SPECIFIC PERMIT CONDITIONS OR COMMENTS AFTER APPROVAL HAS BEEN ISSUED.

I certify that the statements in this application are true to the best of my knowledge.

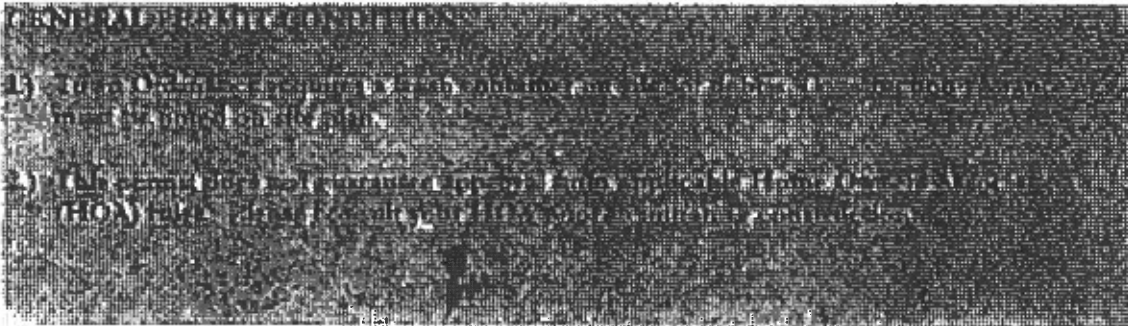


Signature of Applicant

Please See Opposite Side

BELOW TO BE COMPLETED BY TOWN OF MONTVERDE STAFF

1. Legal Description of Property: MAGNOLIA TERRACE PHASE II PB46 PG949E
LOT 7 ORB 5271 PG 73
2. Utilities: Central Water Central Sewer Well Septic Tank
3. Existing zoning of property: Residential Home Lot Size: _____
4. Square Footage of Living Area: 3223 Square Footage of Accessory Structure(s): 1232 with only 500 ft of in pavers
5. Total Square Footage: 4455 Square Footage of Lot: _____
6. Outside Dimensions: Width: _____ Depth: _____ Height: (to roof) _____
7. Setbacks: Front: 10 Rear: 10 R-Side: 5 L-Side: 5
8. Flood Hazard Area: Yes No



SPECIFIC PERMIT CONDITIONS: (to be added by Staff and inspected by Code Enforcement Officer)

Approved by Town Planner: _____

Date Approved by Town Planner: _____

Town Clerk: _____

Date: _____

Town of Montverde
17404 Sixth Street (Physical)
PO Box 560008 (Mailing)
Montverde, Florida 34756

(407) 469-2681 (Phone)
(407) 469-2773 (Fax)

Office Use:

Date Application Received: _____ Received by: _____

Fees Due: _____ Fees Paid: _____ Date Paid: _____

Magnolia Terrace

Home Owners Association

ARCHITECTURAL CONTROL BOARD
PO BOX 560252
MONTVERDE, FL 34756

DATE: April 1, 2022

ADDRESS: 16837 Florence View

REQUEST: Extensive refurbishment of backyard structure and landscaping

1 - Replacement of an existing wooden retaining wall with cast brick. Overall footprint remains nearly the same as existing.

2 - Clean-out of overgrown landscaping, leaving existing Magnolia and Norfolk Island Pine trees. Add one new tree and ground cover.

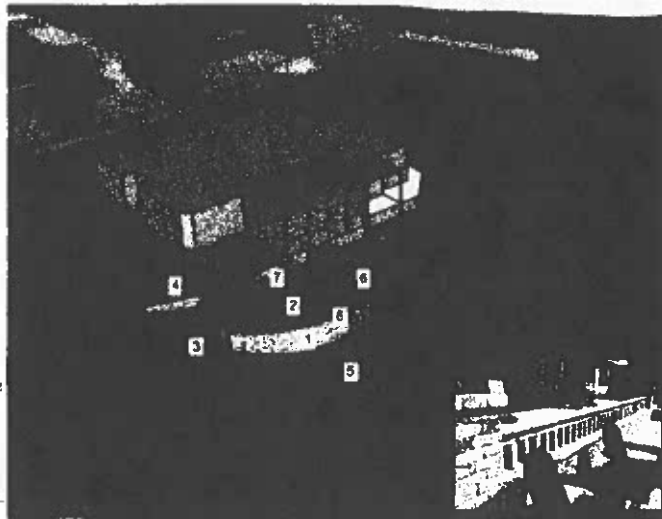
3 - Addition of stairs and paved seating area.

4 - Replacement of small retaining wall adjacent to avocado tree to maintain slope integrity near NW corner of the house.

5 - Level portion of yard adjacent to new wall while preserving the existing water retention berm.

6&7 - Paver patio structure also.

8 - Castle Wall style railing as requested.



REVIEW BOARD COMMENTS: APPROVED



REVIEW BOARD MEMBERS SIGN OFF:

Larry Kontny	X
John Ardizone	X
Bert Hayne	X
Skip Perry	X
Candi Keys	X
Jon Lomas	X

PROPERTY RECORD CARD

General Information

Name: RICCI PETER L & SUSANNA
Alternate Key: 3811117
Mailing Address: 16837 FLORENCE VIEW DR
Parcel Number: 11-22-26-1305-000-00700
MONTVERDE, FL 34756
Millage Group and City: 00MV Montverde
2021 Total Certified Millage Rate: 16.0852
Trash/Recycling/Water/Info: [My Public Services Map](#)
Property Location: 16837 FLORENCE VIEW DR
Property Name: [Submit Property Name](#)
MONTVERDE FL, 34756
[School Locator & Bus Stop Map](#)
School Information: [School Boundary Maps](#)
Property Description: MAGNOLIA TERRACE PHASE II PB 46 PG 94-95 LOT 7 ORB 5271 PG 773

NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.

Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class	Value	Land Value
1	SINGLE FAMILY (0100)	0	0		1.000	Lot	\$0.00		\$60,000.00

[Click here for Zoning Info](#)

[FEMA Flood Map](#)

Residential Building(s)

Building 1

Residential

Building Value: \$389,083.00

Summary

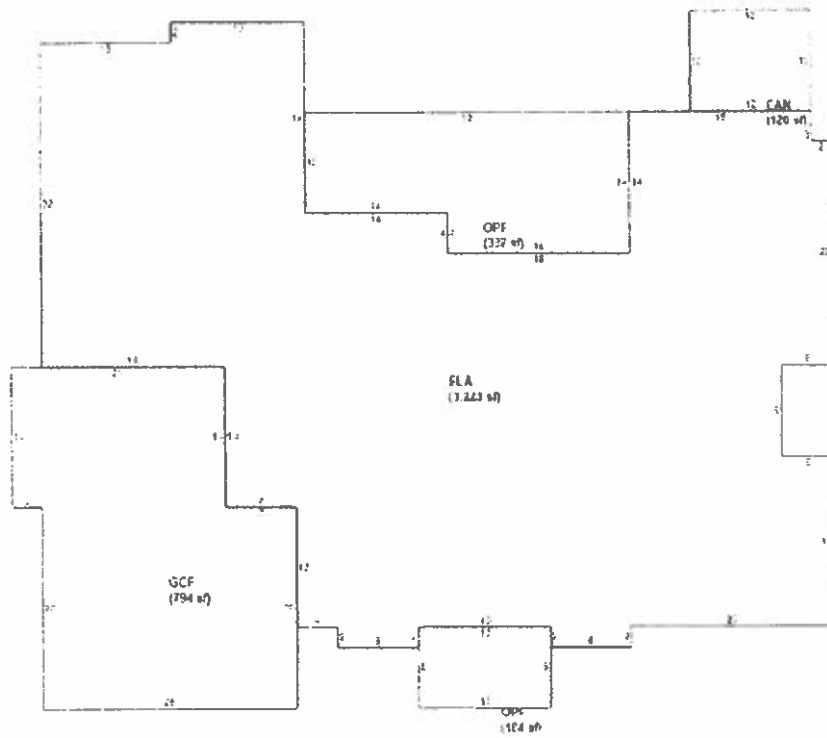
Year Built: 2007
Total Living Area: 3223
Central A/C: Yes
Attached Garage: Yes
Bedrooms: 4
Full Bathrooms: 3
Half Bathrooms: 0
Fireplaces: 1

[Incorrect Bedroom, Bath, or other information?](#)

Section(s)

Section Type	Ext. Wall Type	No. Stories	Floor Area
CANOPY (CAN)		1.00	120
FINISHED LIVING AREA (FLA)	Stucco/Brick (03)	1.00	3223
GARAGE FINISHED STONE (GCF)		1.00	794
OPEN PORCH FINISHED (OPF)		1.00	496

[View Larger / Print / Save](#)



Miscellaneous Improvements

No.	Type	No. Units	Unit Type	Year	Depreciated Value
1	SWIMMING POOL - RESIDENTIAL (POL2)	243	SF	2007	\$7,229.00
2	POOL/COOK DECK (PLD3)	585	SF	2007	\$3,002.00
3	SCREEN ENCLOSED STRUCTURE (SEN2)	1704	SF	2007	\$3,578.00
4	DECK - WOOD (DEC2)	234	SF	2011	\$563.00

Sales History

NOTE: This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description above and/or recorded and indexed with the Clerk of Court. [Follow this link to search all documents by owner's name.](#)

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
5271 / 773	04/2019	Warranty Deed	Qualified	Improved	\$475,000.00
3356 / 2086	01/2007	Warranty Deed	Unqualified	Improved	\$0.00
2824 / 1497	04/2005	Warranty Deed	Qualified	Vacant	\$130,000.00
2620 / 1284	07/2004	Warranty Deed	Qualified	Vacant	\$37,500.00

[Click here to search for mortgages, liens, and other legal documents.](#)

Values and Estimated Ad Valorem Taxes

Values shown below are 2022 CERTIFIED VALUES.

The Market Value listed below is not intended to represent the anticipated selling value of the property, and it shall not be taken as a primary or secondary determination of current market value.

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC GENERAL FUND	\$463,455	\$176,220	\$126,220	5.0529	\$637.78

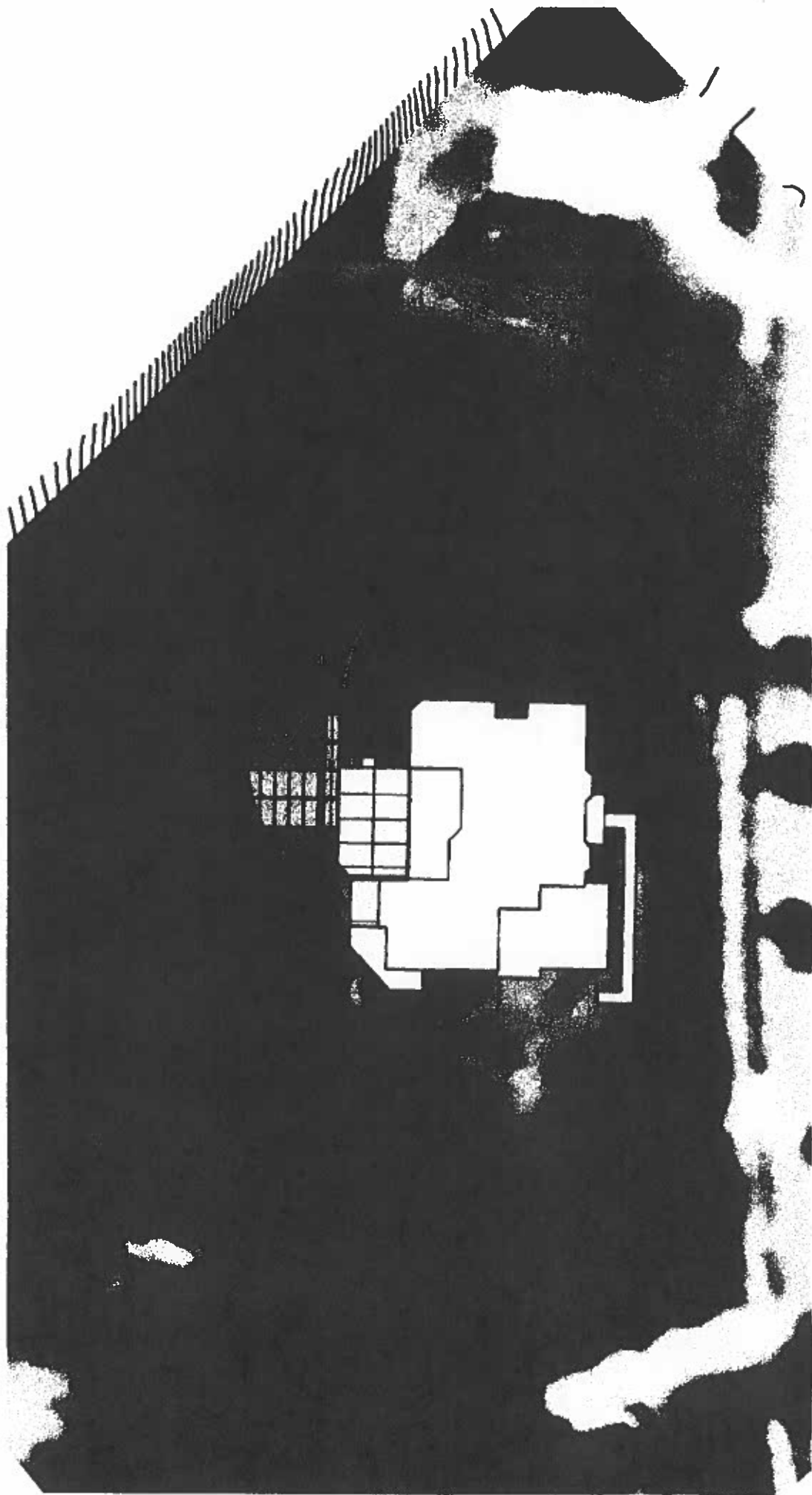
SCHOOL BOARD STATE	\$463,455	\$176,220	\$151,220	3.5940	\$543.48
SCHOOL BOARD LOCAL	\$463,455	\$176,220	\$151,220	2.9980	\$453.36
LAKE COUNTY WATER AUTHORITY	\$463,455	\$176,220	\$126,220	0.3229	\$40.76
ST JOHNS RIVER FL WATER MGMT DIST	\$463,455	\$176,220	\$126,220	0.2189	\$27.63
TOWN OF MONTVERDE	\$463,455	\$176,220	\$126,220	2.8300	\$357.20
LAKE COUNTY MSTU AMBULANCE	\$463,455	\$176,220	\$126,220	0.4629	\$58.43
LAKE COUNTY VOTED DEBT SERVICE	\$463,455	\$176,220	\$126,220	0.0918	\$11.59
LAKE COUNTY MSTU FIRE	\$463,455	\$176,220	\$126,220	0.5138	\$64.85
				Total:	Total:
				16.0852	\$2,195.08

Exemptions Information

This property is benefitting from the following exemptions with a checkmark ✓

✓ Homestead Exemption (first exemption up to \$25,000)	Learn More View the Law
✓ Additional Homestead Exemption (up to an additional \$25,000)	Learn More View the Law
Limited Income Senior Exemption (applied to county millage - up to \$50,000)	Learn More View the Law
Limited Income Senior Exemption (applied to city millage - up to \$25,000)	Learn More View the Law
Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	Learn More View the Law
Widow / Widower Exemption (up to \$500)	Learn More View the Law
Blind Exemption (up to \$500)	Learn More View the Law
Disability Exemption (up to \$500)	Learn More View the Law
Total and Permanent Disability Exemption (amount varies)	Learn More View the Law
Veteran's Disability Exemption (\$5000)	Learn More View the Law
Veteran's Total and Permanent Disability Exemption (amount varies)	Learn More View the Law
Veteran's Combat Related Disability Exemption (amount varies)	Learn More View the Law
Deployed Servicemember Exemption (amount varies)	Learn More View the Law
First Responder Total and Permanent Disability Exemption (amount varies)	Learn More View the Law
Surviving Spouse of First Responder Exemption (amount varies)	Learn More View the Law
Conservation Exemption (amount varies)	Learn More View the Law
Tangible Personal Property Exemption (up to \$25,000)	Learn More View the Law
Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)	Learn More View the Law
Economic Development Exemption	Learn More View the Law
Government Exemption (amount varies)	Learn More View the Law

NOTE: Information on this Property Record Card is provided and used by the Lake County Property Appraiser for the sole purpose of ad valorem property tax assessment administration in accordance with the Florida Constitution, Statutes, and Administrative Code. The Lake County Property Appraiser makes no representations or warranties regarding the completeness and accuracy of the data herein, its use or interpretation, the fee or benefit-to-requirable title ownership or encumbrances of the property, and assumes no liability associated with its use or misuse. See the posted [Site Notice](#).



RESOLUTION 2023-51

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A VARIANCE FROM SECTION 4-52(e) IN CHAPTER 4 OF THE MONTVERDE LAND DEVELOPMENT CODE FROM THE MAXIMUM HEIGHT RESTRICTION ON RETAINING WALLS FOR THE REAL PROPERTY LOCATED AT 16837 FLORENCE VIEW DRIVE, MONTVERDE, FLORIDA, OWNED BY PETER L. AND SUSANNA R. RICCI; PROVIDING FOR CONDITIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Peter L. and Susan R. Ricci as owners have petitioned for a variance from the maximum height restriction on retaining walls as set forth in the Montverde Land Development Code, for property assigned Alt. Key No. 3811117 located at 16837 Florence View Drive in the Town of Montverde, Florida; and

WHEREAS, applicant requests a variance from the Town of Montverde's maximum 60' height restriction for retaining walls established for property in the municipal boundaries of Montverde; and

WHEREAS, applicant asserts the retaining wall of 82' in height is necessary due to a variety of site considerations, including (a) replacement of a failing existing wooden retaining wall constructed by a prior owner within a similar footprint to preserve two significant existing trees as the existing wall failure was causing erosion along the foundation of the existing pool and home, (b) mitigate further potential for structural settlement of existing home and pool structures and manage water runoff, (c) existing rear yard topography is of significant slope, at times exceeding the limit as 5:1 in Sec. 4-25(c), and (d) taken together, the failing wooden retaining wall, existing structure erosion, and excessive rear yard slope, was creating a danger to the property and those who use it whereas the constructed two-tier retaining wall system provides a level of reinforcement to the existing structure and prevents further erosion, allows safe access, and provides a long-lasting wall system; and

WHEREAS, the variance being granted is the minimum available that will allow reasonable use of the land because an alternative would not meet property setback requirements and existing topographic conditions would make the alternative less than optimal, and a primary wall height of 60' in the current conditions would result in exposing the roots of existing trees creating further issues to the property; and

WHEREAS, a public hearing on this Resolution was held by the Planning and Zoning Board and property owners within 300 feet of the subject site were provided written notice no less than two weeks prior the public hearing delivered by U.S. Mail containing the name of the applicant, the nature of the requested variance and the date and time of the public hearing; and

WHEREAS, a public hearing on this Resolution was held by the Town Council after public notice advertising this resolution two times with the last advertisement occurring no less than 10 days prior to Town Council holding the public hearing; and

WHEREAS, the Planning and Zoning Board and Town Council of the Town of Montverde have considered the petition in accordance with the standards for granting variances contained in Section 10-12 of the Montverde Land Development Code and there is competent substantial evidence in support of the requested variance.

NOW THEREFORE, be it resolved by the Town Council of the Town of Montverde, Florida, as follows:

Section 1. The petition for variance filed by Peter L. and Susan R. Ricci, and located 16837 Florence View Drive, Montverde, Florida, more particularly described as:

Lot 7, Magnolia Terrace Phase II, according to the Plat thereof as recorded in Plat Book 46, Page(s) 94 and 95, of the Public Records of Lake County, Florida; Parcel ID No. 11-22-26-1305-000-00700; Alt. Key 3811117

is **GRANTED** with the following conditions:

- 1. Decorative aluminum handrail must be installed on 82” retaining wall in accordance with Sec. 4-52, LDC.
- 2. Issuance of a Variance Permit shall not constitute zoning clearance or building permit approval from the Town of Montverde.
- 3. Such Variance shall expire sixty (60) days from the effective date of this Resolution if owner does not obtain a building permit to construct a retaining wall, and if building permit is timely issued, shall expire one hundred eighty (180) days from the effective date of this Resolution if owner does not complete all required improvements, unless otherwise extended by the Town Council. At a minimum, engineering plans are required to obtain a building permit for the retaining wall.

Section 2. This resolution shall be effective after adoption in accordance with law.

Passed and adopted by the TOWN COUNCIL of the TOWN OF MONTVERDE, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

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

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Vice Mayor		
Jim Ley, Councilmember		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		

ORDINANCE 2023-27



STAFF REPORT

TO: Planning & Zoning Board
FROM: Sean M Parks, AICP, QEP Town Planner
DATE: April 12, 2023
SUBJECT: Setback for New Wells & Utility/Drainage Easements Code Addition
APPLICANT: Town of Montverde

REQUESTED ACTION / RECOMMENDATION:

Provide Approval of New Code for Well Setbacks in Chapter 10

Sec. 10-81. - Measurement and determination of setbacks.

(a) Setbacks shall be measured on a perpendicular from the property line to the first vertical plane which intersects any portion of the structure other than a nominal roof overhang.

(b) Retaining walls constructed in accordance with chapter 4, LDC, must adhere to a minimum five-foot side-yard, rear-yard and front-yard setback from the property line.

(c) Paved driveways shall adhere to a minimum side-yard setback of three feet.

(d) New wells and apparatuses must adhere to a setback of seven- and a-half feet (7.5') to any property line or utility/drainage easement. A zoning clearance is required for new wells.

(Ord. No. 2003-01, § 4.7.1, 3-11-2003; [Ord. No. 2020-005, § 2, 6-9-2020](#).)



STAFF REPORT

ORDINANCE 2023-27

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING REGULATIONS IN CHAPTER 10 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE RELATING TO SETBACKS FOR NEW WELLS AND APPARATUSES AND REQUIRING A ZONING CLEARANCE; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town finds that wells and associated apparatuses have impacts on adjacent properties, including but not limited to utilities, and utility and drainage easements; and

WHEREAS, the Town of Montverde desires to impose clear setback requirements applicable to address these impacts; and

WHEREAS, the Town of Montverde has determined that it is necessary to amend the Town's Land Development Code to protect the health, safety, and welfare of its citizens;

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 10-81 of Article III in Chapter 10, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 10-81. - Measurement and determination of setbacks.

(a) Setbacks shall be measured on a perpendicular from the property line to the first vertical plane which intersects any portion of the structure other than a nominal roof overhang.

(b) Retaining walls constructed in accordance with chapter 4, LDC, must adhere to a minimum five-foot side-yard, rear-yard and front-yard setback from the property line.



STAFF REPORT

(c) Paved driveways shall adhere to a minimum side-yard setback of three feet.
(d) New wells and apparatuses must adhere to a setback of seven- and a-half feet (7.5') to any property line or utility/drainage easement. A zoning clearance is required for new wells.

SECTION 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____



STAFF REPORT

Second Reading _____

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

	YEA	NAY
Bill Bates		
Allan Hartle		
Jim Ley		
Judy Smith		
Joe Wynkoop		

ORDINANCE 2023-27

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING REGULATIONS IN CHAPTER 10 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE RELATING TO SETBACKS FOR NEW WELLS AND APPARATUSES AND REQUIRING A ZONING CLEARANCE; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town finds that wells and associated apparatuses have impacts on adjacent properties, including but not limited to utilities, and utility and drainage easements; and

WHEREAS, the Town of Montverde desires to impose clear setback requirements applicable to address these impacts; and

WHEREAS, the Town of Montverde has determined that it is necessary to amend the Town's Land Development Code to protect the health, safety, and welfare of its citizens;

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 10-81 of Article III in Chapter 10, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 10-81. - Measurement and determination of setbacks.

- (a) Setbacks shall be measured on a perpendicular from the property line to the first vertical plane which intersects any portion of the structure other than a nominal roof overhang.
- (b) Retaining walls constructed in accordance with chapter 4, LDC, must adhere to a minimum five-foot side-yard, rear-yard and front-yard setback from the property line.
- (c) Paved driveways shall adhere to a minimum side-yard setback of three feet.
- (d) New wells and apparatuses must adhere to a setback of seven- and a-half feet (7.5') to any property line or utility/drainage easement. A zoning clearance is required for new wells.

SECTION 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

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

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Vice Mayor		
Jim Ley, Councilmember		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		

ORDINANCE 2023-28



STAFF REPORT

TO: Planning & Zoning Board
FROM: Sean M Parks, AICP, QEP Town Planner
DATE: April 12, 2023
SUBJECT: Code Revision: Driveways
APPLICANT: Town of Montverde

REQUESTED ACTION / RECOMMENDATION:

Provide Approval of Revised Code as follows:

ORDINANCE 2023-28

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING SEC. 4-84 IN CHAPTER 4 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE STANDARDS RELATING TO DRIVEWAYS AND DRIVEWAY APRONS TO REQUIRE SUBMITTED PLANS OR DRAWINGS FOR A DRIVEWAY APRON AND DRIVEWAY TO INCLUDE THE LOCATION OF ANY UTILITY AND DRAINAGE EASEMENTS; CLARIFYING THE REQUIREMENT FOR A ZONING CLEARANCE FOR CONSTRUCTION OF DRIVEWAYS WHERE A ROAD APRON EXISTS; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that driveway and driveway aprons have impacts on adjacent properties, including but not limited to utilities, and utility and drainage easements; and

WHEREAS, the Town Council finds that it is necessary to have utility and drainage easements located on the plan or drawing for a driveway apron accompanied with the application for a building permit and also located on the plan or drawing for a driveway accompanied with a zoning clearance request for construction of a driveway; and

WHEREAS, the Town Council is authorized pursuant to Ch. 166, and 163, Florida Statutes, to adopt this ordinance, and recognize municipal authority to enact regulations to protect health, safety, and welfare; and



STAFF REPORT

WHEREAS, the Planning and Zoning Board of the Town of Montverde considered this ordinance at a public meeting and has made a recommendation to Town Council; and

WHEREAS, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.

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 4-84 in Article IV, Chapter 4, in Part III – Montverde Land Development Code of the Town of Montverde Code of Ordinances shall be amended to read as follows:

Sec. 4-84. Road aprons and driveways.

Property owners shall be required to construct aprons to serve as connectors between private streets and driveways and public streets and roads to help avoid unnecessary wear and deterioration of streets and roads.

(1) Every application for a building permit for new construction shall have attached to it a plan or drawing for a road apron to connect the building lot with the nearest public street or road. The plan or drawing must include the location of any utility or drainage easements in proximity to road apron and associated driveway.

(2) The road apron shall be a minimum ten feet wide (parallel to the public road) and five feet deep and shall be constructed of concrete which meets or exceeds the construction specifications of the abutting public roadway.

(3) No certificate of occupancy on any new construction shall be issued until the road apron is constructed and approved by the town or its representative.

(4) All driveways shall be paved from the edge of the paved road to the property line using concrete as specified in this section with 3,500 pounds per square inch (psi) load-bearing capacity and six inches thick. See Figure 4-84.

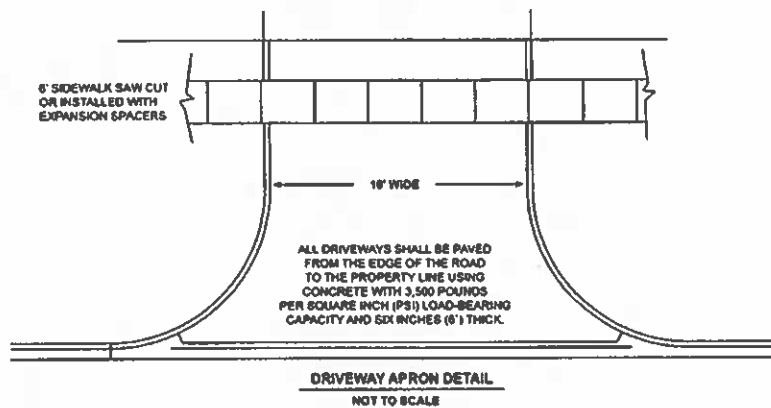


STAFF REPORT

(5) In instances where a town road is not paved, the driveway shall extend five feet beyond the sidewalk or planned sidewalk route as determined by the town manager or designee.

(6) In instances where a road apron exists and a driveway is being constructed, whether as a new driveway or to replace an existing driveway, such that a building permit is not required, a zoning clearance must be obtained from the Town. Every zoning clearance application for a driveway shall have attached to it a plan or drawing depicting the location of any utility or drainage easements in proximity to the existing road apron and the proposed driveway, and depicting setback from side-yards, as applicable.

FIGURE 4-84



(Ord. No. 2003-01, § 7.4.7, 3-11-2003; Ord. No. 2022-18, § 2, 11-8-2022)

SECTION 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon adoption.



STAFF REPORT

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

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

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Vice Mayor		
Jim Ley, Councilmember		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		

ORDINANCE 2023-28

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING SEC. 4-84 IN CHAPTER 4 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE STANDARDS RELATING TO DRIVEWAYS AND DRIVEWAY APRONS TO REQUIRE SUBMITTED PLANS OR DRAWINGS FOR A DRIVEWAY APRON AND DRIVEWAY TO INCLUDE THE LOCATION OF ANY UTILITY AND DRAINAGE EASEMENTS; CLARIFYING THE REQUIREMENT FOR A ZONING CLEARANCE FOR CONSTRUCTION OF DRIVEWAYS WHERE A ROAD APRON EXISTS; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that driveway and driveway aprons have impacts on adjacent properties, including but not limited to utilities, and utility and drainage easements; and

WHEREAS, the Town Council finds that it is necessary to have utility and drainage easements located on the plan or drawing for a driveway apron accompanied with the application for a building permit and also located on the plan or drawing for a driveway accompanied with a zoning clearance request for construction of a driveway; and

WHEREAS, the Town Council is authorized pursuant to Ch. 166, and 163, Florida Statutes, to adopt this ordinance, and recognize municipal authority to enact regulations to protect health, safety, and welfare; and

WHEREAS, the Planning and Zoning Board of the Town of Montverde considered this ordinance at a public meeting and has made a recommendation to Town Council; and

WHEREAS, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.

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.

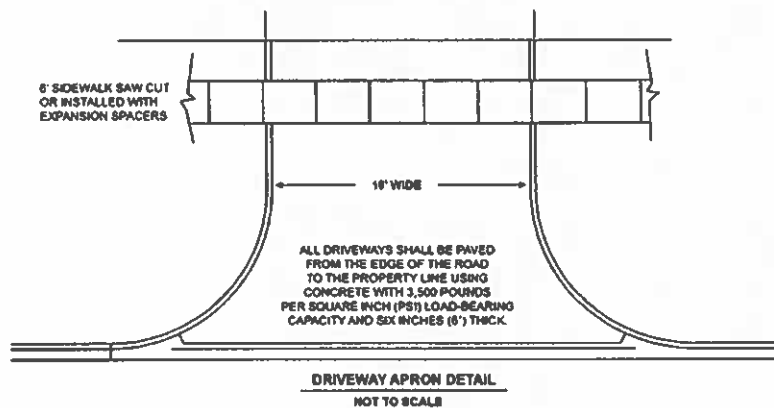
SECTION 2. That Section 4-84 in Article IV, Chapter 4, in Part III – Montverde Land Development Code of the Town of Montverde Code of Ordinances shall be amended to read as follows:

Sec. 4-84. Road aprons and driveways.

Property owners shall be required to construct aprons to serve as connectors between private streets and driveways and public streets and roads to help avoid unnecessary wear and deterioration of streets and roads.

- (1) Every application for a building permit for new construction shall have attached to it a plan or drawing for a road apron to connect the building lot with the nearest public street or road. The plan or drawing must include the location of any utility or drainage easements in proximity to road apron and associated driveway.
- (2) The road apron shall be a minimum ten feet wide (parallel to the public road) and five feet deep and shall be constructed of concrete which meets or exceeds the construction specifications of the abutting public roadway.
- (3) No certificate of occupancy on any new construction shall be issued until the road apron is constructed and approved by the town or its representative.
- (4) All driveways shall be paved from the edge of the paved road to the property line using concrete as specified in this section with 3,500 pounds per square inch (psi) load-bearing capacity and six inches thick. See Figure 4-84.
- (5) In instances where a town road is not paved, the driveway shall extend five feet beyond the sidewalk or planned sidewalk route as determined by the town manager or designee.
- (6) In instances where a road apron exists and a driveway is being constructed, whether as a new driveway or to replace an existing driveway, such that a building permit is not required, a zoning clearance must be obtained from the Town. Every zoning clearance application for a driveway shall have attached to it a plan or drawing depicting the location of any utility or drainage easements in proximity to the existing road apron and the proposed driveway, and depicting setback from side-yards, as applicable.

FIGURE 4-84



(Ord. No. 2003-01, § 7.4.7, 3-11-2003; Ord. No. 2022-18, § 2, 11-8-2022)

SECTION 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

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

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Vice Mayor		
Jim Ley, Councilmember		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		

ORDINANCE 2023-29



STAFF REPORT

TO: Planning & Zoning Board
FROM: Sean M Parks, AICP, QEP Town Planner
DATE: April 12, 2023
SUBJECT: Seaplane Code Addition
APPLICANT: Town of Montverde

REQUESTED ACTION / RECOMMENDATION:

Provide Approval of New Code for Seaplanes

Sec. 19-70. – Use of lakes as landing places for seaplanes.

It shall be unlawful for any person to use any waterway within the Town of Montverde municipal limits, as a landing place or base of operation for float planes or seaplanes. Nothing in this section shall be construed to prohibit the use of the lakes by such planes in case of emergency and in accordance with FAA guidelines. Violations to this ordinance will result in a \$500 fine per violation.

ORDINANCE 2023-29

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, PROHIBITING USE OF ANY WATERWAY IN THE TOWN AS A LANDING PLACE OR BASE OF OPERATION FOR FLOAT PLANES OR SEAPLANES WITH LIMITED EXCEPTION; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that the landing of float planes and seaplanes within the waterways within the Town may pose a risk to persons and property within the Town; and

WHEREAS, the Town Council is authorized pursuant to Ch. 166, Florida Statutes to adopt this ordinance; and



STAFF REPORT

WHEREAS, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.

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 Article IV in Chapter 19, Town of Montverde Code of Ordinances shall be created to read as follows:

ARTICLE IV. SEAPLANES.

Sec. 19-70. – Use of lakes as landing places for seaplanes.

It shall be unlawful for any person to use any waterway within the Town of Montverde municipal limits, as a landing place or base of operation for float planes or seaplanes. Nothing in this section shall be construed to prohibit the use of the lakes by such planes in case of emergency and in accordance with FAA guidelines. Violations to this ordinance will result in a \$500 fine per violation.

SECTION 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon adoption.



STAFF REPORT

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

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

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Councilmember		
Jim Ley, Vice Mayor		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		

ORDINANCE 2023-29

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, PROHIBITING USE OF ANY WATERWAY IN THE TOWN AS A LANDING PLACE OR BASE OF OPERATION FOR FLOAT PLANES OR SEAPLANES WITH LIMITED EXCEPTION; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that the landing of float planes and seaplanes within the waterways within the Town may pose a risk to persons and property within the Town; and

WHEREAS, the Town Council is authorized pursuant to Ch. 166, Florida Statutes to adopt this ordinance; and

WHEREAS, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.

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 Article IV in Chapter 19, Town of Montverde Code of Ordinances shall be created to read as follows:

ARTICLE IV. SEAPLANES.

Sec. 19-70. – Use of lakes as landing places for seaplanes.

It shall be unlawful for any person to use any waterway within the Town of Montverde municipal limits, as a landing place or base of operation for float planes or seaplanes. Nothing in this section shall be construed to prohibit the use of the lakes by such planes in case of emergency and in accordance with FAA guidelines. Violations to this ordinance will result in a \$500 fine per violation.

SECTION 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

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

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Vice Mayor		
Jim Ley, Councilmember		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		

ORDINANCE 2023-30



STAFF REPORT

TO: Planning & Zoning Board
FROM: Sean M Parks, AICP, QEP Town Planner
DATE: April 12, 2023
SUBJECT: Code Revision for Propane Tanks
APPLICANT: Town of Montverde

REQUESTED ACTION / RECOMMENDATION:

Provide Approval of Code Revision:

Sec. 10-84. Gas, propane or LP storage facility.

Any gas, propane or LP storage tank or facility must obtain a conditional use permit in any zoning category unless the tank or storage facility is for residential use and holds ~~30~~ 500 pounds or less. Propane tanks greater than 500 pounds will require a conditional use permit (CUP). Any other gas, propane or LP storage tank a facility requires must apply for a conditional use permit. Setbacks and special conditions will be considered and adopted during the conditional use approval process.

(Ord. No. 2003-01, § 4.7.4, 3-11-2003)

ORDINANCE 2023-30

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING REGULATIONS IN CHAPTER 10 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE TO INCREASE THE ALLOWED SIZE OF A RESIDENTIAL GAS, PROPANE AND LP STORAGE TANK BEFORE A CONDITIONAL USE PERMIT IS REQUIRED; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town finds that residential gas, propane and LP storage tanks often exceed 30 pounds in size, especially when utilized for heating swimming pools; and

WHEREAS, the Town of Montverde desires to lessen the burden on its residents by increasing the size of residential storage tanks before a conditional use permit is required; and



STAFF REPORT

WHEREAS, the Town of Montverde has determined that it is necessary to amend the Town's Land Development Code to protect the health, safety, and welfare of its citizens;

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 10-84 of Article III in Chapter 10, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 10-84. Gas, propane or LP storage facility.

Any gas, propane or LP storage tank or facility must obtain a conditional use permit in any zoning category unless the tank or storage facility is for residential use and holds ~~30~~ 500 pounds or less. Any other gas, propane or LP storage tank a facility requires must apply for a conditional use permit. Setbacks and special conditions will be considered and adopted during the conditional use approval process.

(Ord. No. 2003-01, § 4.7.4, 3-11-2003)

SECTION 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon adoption.



STAFF REPORT

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

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

	YEA	NAY
Bill Bates		
Allan Hartle		
Jim Ley		
Judy Smith		
Joe Wynkoop		

ORDINANCE 2023-30

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING REGULATIONS IN CHAPTER 10 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE TO INCREASE THE ALLOWED SIZE OF A RESIDENTIAL GAS, PROPANE AND LP STORAGE TANK BEFORE A CONDITIONAL USE PERMIT IS REQUIRED; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town finds that residential gas, propane and LP storage tanks often exceed 30 pounds in size, especially when utilized for heating swimming pools; and

WHEREAS, the Town of Montverde desires to lessen the burden on its residents by increasing the size of residential storage tanks before a conditional use permit is required; and

WHEREAS, the Town of Montverde has determined that it is necessary to amend the Town's Land Development Code to protect the health, safety, and welfare of its citizens;

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 10-84 of Article III in Chapter 10, Part III (Land Development Code) of the Montverde Code of Ordinances shall be amended to read as follows:

Sec. 10-84. Gas, propane or LP storage facility.

Any gas, propane or LP storage tank or facility must obtain a conditional use permit in any zoning category unless the tank or storage facility is for residential use and holds ~~30~~ 500 pounds or less. Any other gas, propane or LP storage tank or facility requires ~~must apply for~~ a conditional use permit. Setbacks and special conditions will be considered and adopted during the conditional use approval process.

(Ord. No. 2003-01, § 4.7.4, 3-11-2003)

SECTION 3. 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 4. 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 5. 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 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

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

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Vice Mayor		
Jim Ley, Councilmember		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		

ORDINANCE 2023-32



STAFF REPORT

TO: Planning & Zoning Board
FROM: Sean M Parks, AICP, QEP Town Planner
DATE: April 12, 2023
SUBJECT: Code Revision: New Definitions
APPLICANT: Town of Montverde

REQUESTED ACTION / RECOMMENDATION:

Provide Approval of New Code Definitions as follows:

ORDINANCE 2023-32

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING SEC. 1-2 IN CHAPTER 1 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR THE FOLLOWING TERMS AS USED IN THE LAND DEVELOPMENT CODE, WALL, MASONRY WALL, RETAINING WALL, ACCESSORY DWELLING UNIT AND SINGLE-FAMILY RESIDENCE AND AMENDING THE DEFINITION OF FENCE IN SEC. 1-2 IN CHAPTER 1 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that it is beneficial to define terms that are used in the Town of Montverde Land Development Code; and

WHEREAS, the Town Council is authorized pursuant to Ch. 166, and 163, Florida Statutes, to adopt this ordinance, and recognize municipal authority to enact regulations to protect health, safety, and welfare; and

WHEREAS, the Planning and Zoning Board of the Town of Montverde considered this ordinance at a public meeting and has made a recommendation to Town Council; and

WHEREAS, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.



STAFF REPORT

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. The definition of "fence" in Section 1-2 in Chapter 1, in Part III – Montverde Land Development Code of the Town of Montverde Code of Ordinances shall be amended to read as follows:

Sec. 1-2. Definitions.

Fence means a barrier or railing built with the allowable materials described in the Town's Code Sec 4-254, Sec. 4-255 and 4-701.

Fence means an unroofed barrier or unroofed enclosing structure.

SECTION 3. That Section 1-2 in Chapter 1, in Part III – Montverde Land Development Code of the Town of Montverde Code of Ordinances shall be amended to add the following definitions:

Sec. 1-2. Definitions.

Wall means a vertical structure that serves to enclose, divide, protect, or decorate an area. It can be made of different materials, such as but not limited to brick, stone, or masonry. A wall may be used as a fence but must adhere to the fence requirements outlined in Article XI in Chapter 4 of the Town's LDC.

Masonry wall means a wall constructed of masonry that does not support soil and is not a retaining wall. A masonry wall may be used as fence but must adhere to the fence requirements outlined in Article XI in Chapter 4 of the Town's LDC. The maximum height of a masonry wall is 60 inches.

Retaining wall means any wall that holds back soil and is not built on the grade.

Accessory Dwelling Unit (ADU) Means a secondary dwelling unit that is in compliance with the Florida Residential Building Code latest edition (kitchen and bathroom facilities) and is either attached or detached and subordinate to the permitted principal dwelling unit in accordance with the Town's LDC. Only one accessory dwelling unit shall be allowed per parcel. An accessory dwelling unit shall be located on the same parcel as the principal dwelling unit and shall be considered a multifamily dwelling unit for the purpose of assessing impact fees. No accessory dwelling units shall be allowed on a parcel containing two or more



STAFF REPORT

attached dwelling units such as duplexes, townhomes, and apartments. An accessory dwelling unit may also be referred to as a garage apartment.

Single Family Residence means a single-family dwelling unit for residential use by a family with the following conditions:

(a) The occupancy of a single-family dwelling unit for residential use by persons not constituting a family is prohibited; except that this subsection does not prohibit temporary guests or invitees of a family residing in the dwelling unit from temporarily occupying the dwelling unit.

(b) There shall be at least one bedroom in a dwelling unit for each two persons over the age of 15 residing in the dwelling.

(c) There shall be a rebuttal presumption that three or more persons living in a dwelling unit that are not related by blood, marriage, legal guardianship or adoption are not a family. Further, there shall be a rebuttal presumption that a dwelling unit having more than two vehicles parked overnight on a regular basis on the premises that are registered in different last names contains a group of persons not constituting a family. When a rebuttal presumption exists, the burden is upon the persons living in a dwelling unit to show by competent, substantial evidence that such persons constitute a family considering the following factors:

(i) a single, non-profit housekeeping unit;

(ii) permanent and stable living arrangement, rather than transient living arrangement;

(iii) headed by a householder caring for children as one would likely find in a biologically unitary family;

(iv) persons share the entire dwelling unit and culinary facilities;

(v) persons share use of vehicle(s); and

(vi) whether Florida Statutes or case law deems such persons to be a family unit or permitted to reside in a single-family dwelling as a matter of law.

SECTION 4. 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 5. 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



STAFF REPORT

effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 6. 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 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

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



STAFF REPORT

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Vice Mayor		
Jim Ley, Councilmember		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		

ORDINANCE 2023-32

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING SEC. 1-2 IN CHAPTER 1 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE TO INCLUDE DEFINITIONS FOR THE FOLLOWING TERMS AS USED IN THE LAND DEVELOPMENT CODE, WALL, MASONRY WALL, RETAINING WALL, ACCESSORY DWELLING UNIT AND SINGLE-FAMILY RESIDENCE AND AMENDING THE DEFINITION OF FENCE IN SEC. 1-2 IN CHAPTER 1 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council finds that it is beneficial to define terms that are used in the Town of Montverde Land Development Code; and

WHEREAS, the Town Council is authorized pursuant to Ch. 166, and 163, Florida Statutes, to adopt this ordinance, and recognize municipal authority to enact regulations to protect health, safety, and welfare; and

WHEREAS, the Planning and Zoning Board of the Town of Montverde considered this ordinance at a public meeting and has made a recommendation to Town Council; and

WHEREAS, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.

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. The definition of “fence” in Section 1-2 in Chapter 1, in Part III – Montverde Land Development Code of the Town of Montverde Code of Ordinances shall be amended to read as follows:

Sec. 1-2. Definitions.

Fence means a barrier or railing built with the allowable materials described in the Town’s Code Sec 4-254, Sec. 4-255 and 4-701.

~~*Fence means an unroofed barrier or unroofed enclosing structure.*~~

SECTION 3. That Section 1-2 in Chapter 1, in Part III – Montverde Land Development Code of the Town of Montverde Code of Ordinances shall be amended to add the following definitions:

Sec. 1-2. Definitions.

Wall means a vertical structure that serves to enclose, divide, protect, or decorate an area. It can be made of different materials, such as but not limited to brick, stone, or masonry. A wall may be used as a fence but must adhere to the fence requirements outlined in Article XI in Chapter 4 of the Town's LDC.

Masonry wall means a wall constructed of masonry that does not support soil and is not a retaining wall. A masonry wall may be used as fence but must adhere to the fence requirements outlined in Article XI in Chapter 4 of the Town's LDC. The maximum height of a masonry wall is 60 inches.

Retaining wall means any wall that holds back soil and is not built on the grade.

Accessory Dwelling Unit (ADU) Means a secondary dwelling unit that is in compliance with the Florida Residential Building Code latest edition (kitchen and bathroom facilities) and is either attached or detached and subordinate to the permitted principal dwelling unit in accordance with the Town's LDC. Only one accessory dwelling unit shall be allowed per parcel. An accessory dwelling unit shall be located on the same parcel as the principal dwelling unit and shall be considered a multifamily dwelling unit for the purpose of assessing impact fees. No accessory dwelling units shall be allowed on a parcel containing two or more attached dwelling units such as duplexes, townhomes, and apartments. An accessory dwelling unit may also be referred to as a garage apartment.

Single Family Residence means a single-family dwelling unit for residential use by a family with the following conditions:

- (a) The occupancy of a single-family dwelling unit for residential use by persons not constituting a family is prohibited; except that this subsection does not prohibit temporary guests or invitees of a family residing in the dwelling unit from temporarily occupying the dwelling unit.
- (b) There shall be at least one bedroom in a dwelling unit for each two persons over the age of 15 residing in the dwelling.
- (c) There shall be a rebuttal presumption that three or more persons living in a dwelling unit that are not related by blood, marriage, legal guardianship or adoption are not a family. Further, there shall be a rebuttal presumption that a dwelling unit having more than two vehicles parked overnight on a regular basis on the premises that are registered in different last names contains a group of persons not constituting a family. When a rebuttal presumption exists, the burden is upon the persons living in a dwelling unit to show by competent, substantial evidence that such persons constitute a family considering the following factors: (i) a single, non-profit housekeeping unit; (ii) permanent and stable living arrangement, rather than transient living arrangement; (iii) headed by a householder caring for children as one would likely find in a biologically unitary family; (iv) persons share the entire dwelling unit and culinary facilities; (v) persons share use of vehicle(s); and (vi)

whether Florida Statutes or case law deems such persons to be a family unit or permitted to reside in a single-family dwelling as a matter of law.

SECTION 4. 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 5. 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 6. 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 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this ____ day of _____, 2023.

Joe Wynkoop, Mayor

Attest:

Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

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

	YEA	NAY
Bill Bates, Councilmember		
Allan Hartle, Vice Mayor		
Jim Ley, Councilmember		
Judy Smith, Councilmember		
Joe Wynkoop, Mayor		