



**PLANNING AND ZONING BOARD AGENDA  
SEPTEMBER 17, 2024 6:30 PM  
AT TOWN HALL  
17404 SIXTH STREET  
MONTVERDE, FLORIDA 34756**

The Montverde Staff and Council invite you to join the meeting in person, or on your computer, you can watch and listen to the meeting from home by clicking the link below.

<https://southlake.tv/player/44150/44150>

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**BOARD MEMBERS**

Karin Arellano  
Josie Weiss  
Thomas Johnson  
Holly Broecker  
Joe Morganelli

**STAFF**

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

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**Call to Order and Opening Ceremonies**

- Call to Order
- Pledge of Allegiance
- Roll Call

I. **Approval Of Minutes**

A. Minutes of the July 23, 2024 Planning & Zoning Board Meeting.

II. **Public Hearings, Ordinance and Resolutions**

A. **Resolution No. 2023-87** A Resolution of the Town Council of the Town of Montverde, Florida, granting a conditional use permit in a R-1L Single Family Low Density Zoning District in the Town of Montverde to permit an outdoor storage business for boats, RVs, and trailers on the herein described property generally located at Fosgate Road and Ridgewood Avenue, owned by Parque Verde, LLC; providing for an expiration date; and providing for an effective date. (Continued from April 10, 2024)

B. **Ordinance No. 2024-41 Comp plan changes**

III. **Discussion Items**

A. Town Manager's Updates

B. Town Planner's Updates

C. Town Attorney's Updates

IV. **Adjournment**

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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.

**PLANNING AND ZONING BOARD MINUTES  
JULY 23, 2024 6:30 PM  
AT TOWN HALL  
17404 SIXTH STREET  
MONTVERDE, FLORIDA 34756**

**BOARD MEMBERS PRESENT**

Karin Arellano  
Josie Weiss  
Thomas Johnson  
Holly Broecker  
Joe Morganelli

**STAFF PRESENT**

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

**Call to Order and Opening Ceremonies**

Chairwoman Arellano called the meeting to order and lead the Pledge of Allegiance.

**Approval Of Minutes**

Minutes of the May 8, 2024, Planning & Zoning Board Meeting. Board Member Weiss moved to approve the minutes. Board Member Morganelli seconded. Minutes approve 5-0.

**Public Hearings, Ordinance and Resolutions**

**Resolution No. 2023-87** A Resolution of the Town Council of the Town of Montverde, Florida, granting a conditional use permit in a R-1L Single Family Low Density Zoning District in the Town of Montverde to permit an outdoor storage business for boats, RVs, and trailers on the herein described property generally located at Fosgate Road and Ridgewood Avenue, owned by Parque Verde, LLC; providing for an expiration date; and providing for an effective date. **(Continued from April 10, 2024)**

Town Manager Larino told the board the applicant has requested a 30-day postponement.

Board Member Weiss moved to approve the postponement of Resolution No. 2023-87 for 30 days. Board Member Morganelli seconded. Resolution No. 2023-87 approved postponing 5-0.

**Ordinance No. 2024-38** An Ordinance of the Town of Montverde, Florida, amending the Town of Montverde Land Development Code to include Public Notice requirements for Land Development applications and amending various sections in the Town of Montverde Land Development Code to be Consistent with the Public Notice requirements adopted herein; providing for codification and severability; providing for the repeal of ordinance in conflict herewith; and providing for an effective date.

Town Attorney Geraci-Carver read Resolution No. 2024-38 by title only.

Town Planner Parks explained the reason for the updates that will make it simpler to understand the advertisement date requirements for different processes.

Chairwoman Arellano opened the public hearing.

Bob Tomlinson 16634 Magnolia Terrace asked what happens when you have someone requesting a variance or something on their property and the property has an open code enforcement case on it? Do they have to correct the violation before moving forward?

Town Manager Larino stated the two have nothing to do with each other.

Chairwoman Arellano closed the public hearing.

There was brief discussion.

Board Member Broecker moved to approve Ordinance No. 2024-38. Board Member Weiss seconded. Ordinance No. 2024-38 approved 5-0.

**Resolution No. 2024-121** A Resolution of the Town Council of the Town of Montverde, Florida, granting a Major Site Plan approval to Lake County, Florida for construction of an approximately 7,137 square foot Fire Station #85 located on County Road 455, Montverde, Florida; providing for conditions; and providing for an effective date.

Town Attorney Geraci-Carver read Resolution No. 2024-122 by title only.

Town Planner Parks explained this is the Site Plan for the new Fire Station being built on County Road 455. There are several conditions of approval regarding technical, water lines and environmental that will need to be satisfied.

Chairwoman Arellano opened the public hearing.

Allan Hartle 16191 Hillside Circle asked if there has been any decision about having a helipad at this location.

Town Manager Larino stated no, the County has emergency landing areas designated throughout the County.

Chairwoman Arellano closed the public hearing.

There was brief discussion.

Board Member Weiss moved to approve Resolution No. 2024-121. Board Member Broecker seconded. Resolution No. 2024-121 approved 5-0.

**Resolution No. 2024-124** A Resolution of the Town Council of the Town of Montverde, Florida, granting major site plan approval to Montverde Academy for expansion of the athletic facility referred to as the Nest Addition located internal to the campus; providing for conditions; and providing for an effective date.

Town Attorney Geraci-Carver read Resolution No. 2024-124 by title only.

Town Planner Parks explained the Site Plan request and the conditions that will need to be satisfied.

Board Member Broecker stated item "c" contains language regarding conditions that don't apply to this Site Plan.

Town Attorney Geraci-Carver stated that she would remove those conditions from the resolution as they were there in error.

Chairwoman Arellano opened the public hearing.

No one spoke in favor of or against the Resolution.



Chairwoman Arellano closed the public hearing.

Board Member Johnson moved to approve Resolution No. 2024-124 as amended. Board Member Broecker seconded. Resolution No. 2024-124 approved as amended 5-0.

**Resolution No. 2024-125** A Resolution of the Town Council of the Town of Montverde, Florida, granting minor site plan approval to Montverde Academy for construction of an improved access roadway from Porter Avenue to a parking lot located internal to the campus as well as parking improvements on Porter Avenue; providing for conditions; and providing for an effective date.

Town Attorney Geraci-Carver read Resolution No. 2024-125 by title only.

Town Planner Parks explained the Site Plan request and the conditions that will need to be satisfied.

Board Member Broecker stated item "c" contains language regarding conditions that don't apply to this Site Plan.

Town Attorney Geraci-Carver stated that she would remove those conditions from the resolution as they were there in error.

Chairwoman Arellano opened the public hearing.

No one spoke in favor of or against the Resolution.

Chairwoman Arellano closed the public hearing.

Board Member Weiss moved to approve Resolution No. 2024-125 as amended. Board Member Broecker seconded. Resolution No. 2024-125 approved as amended 5-0.

### **Discussion Items**

Town Manager's Updates

Plan on having meetings in September, possibly August.

Town Planner's Updates we will be starting on Comp Plan changes that will be on your agenda in the next few months.

Town Attorney's Updates

None

### **Adjournment**

Board Member Johnson moved to adjourn the meeting. Board Member Weiss seconded. Meeting adjourned at 7:13 p.m.

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Karen Arellano, Chairwoman

Attest:

---

Sandy Johnson, Town Clerk

**Record and Return to:  
Town of Montverde  
P.O. Box 560008  
Montverde, FL 34756**

**RESOLUTION 2023-87**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A CONDITIONAL USE PERMIT IN A R-1L SINGLE-FAMILY LOW DENSITY ZONING DISTRICT IN THE TOWN OF MONTVERDE TO PERMIT AN OUTDOOR STORAGE BUSINESS FOR BOATS, RVs, AND TRAILERS ON THE HEREIN DESCRIBED PROPERTY GENERALLY LOCATED AT FOSGATE ROAD AND RIDGEWOOD AVENUE, MONTVERDE, FLORIDA, OWNED BY PARQUE VERDE, LLC; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Grant Roberts, manager of Parque Verde, LLC, petitioned for a Conditional Use Permit to allow for an outdoor storage business for boats, RVs and trailers within a R1L Single-Family Low Density zoning district generally located at Fosgate Road and Ridgewood Avenue in Montverde; and

**WHEREAS**, such property is more particularly described below (the “Property”); and

**WHEREAS**, property owners within a 300 foot radius of the property corners were provided written notice delivered by U.S. Mail, Return Receipt Requested in accordance with Sec. 10-11, Town of Montverde Code of Ordinances in advance of Planning and Zoning; and

**WHEREAS**, this Resolution has been properly advertised in a newspaper of general circulation prior to the public hearing before Town Council; and

**WHEREAS**, Planning and Zoning and the Town Council have considered the petition in accordance with standards for granting a Conditional Use Permit contained in Section 10-11, Town of Montverde Code of Ordinances.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, as follows:**

1. The Town of Montverde has determined that the use of the Property for operation of an outdoor storage business for boats, RVs, and trailers is desirable at the location of the Property.
2. The Town Council has determined that these uses on the Property will not be detrimental to the public health, safety or general welfare of persons residing or working in the vicinity of the Property, and is not detrimental to the character of the area or inconsistent with trends of development in the area.

3. The Town Council has determined that the proposed use of the Property will comply with the regulations and conditions specified in the codes for such use.

4. The proposed use will not have an unduly adverse effect on existing traffic patterns, movements and intensity.

5. The Town Council has further determined that the proposed use is consistent with the Comprehensive Plan for the Town of Montverde and will not adversely affect the public interest.

6. The petition for a Conditional Use Permit filed by Grant Roberts, manager of Parque Verde, LLC, for the property located generally located at Fosgate Road and Ridgewood Avenue in the Town of Montverde, Lake County, Florida, more particularly described as follows is **GRANTED** subject to conditions set forth below:

**Parcel No: 11-22-26-0002-000-04100**

**The North  $\frac{3}{4}$  of the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  , Section 11, Township 22 South, Range 26 East, Lake County, Florida.**

7. **Conditions.**

- (a) Conditional Use is granted for operation of an outdoor storage business for boats, RVs, and trailers, and for no other use or purpose.
- (b) The maximum weight for the boats, RVs and trailers outlined above must be 1-ton or less.
- (c) The Property must comply with the setbacks for R1L Single-Family Low Density zoning district.
- (d) All structures including but not limited to fences, sheds, and accessory structures, shall adhere to a minimum setback of 50 feet from the delineation of the seasonal high-water elevation or jurisdictional wetland line, whichever is higher, as established by a qualified professional using soil conditions and vegetative indicators.
- (e) There shall be no vehicle parking within 50-feet of a delineated wetland line.
- (f) A major site plan in conformance with Town regulations for commercial use must be submitted and approved prior to use of the Conditional Use and prior to any site work or improvements on the Property. A site plan includes, but is not limited to stormwater calculations, wetland locations, traffic study, environmental assessment, fully engineered plans signed and sealed by a licensed professional, and application for a SJRWMD permit.
- (g) Comply with any applicable codes in the Lake County Commercial zoning district (C-1) for trailer parking.

- (h) The owner must submit traffic circulation plan satisfactory to town manager, town planner and town engineer as part of site plan application.
- (i) The owner must meet and adhere to requirements of Lake County Public Works because access to the Property is from a County Road.
- (j) The owner must submit a Lighting Plan, including measures to comply with Dark Sky lighting requirements.
- (k) The owner must install an Environmental Swale per the Town's specifications around the entire parking area, and anywhere else as required by Town Code.
- (l) In addition to an Environmental Swale, fencing must be installed around the driving and parking area to further prevent intrusion into the 50' minimum setback from the delineated seasonable high-water elevation or jurisdictional wetland line, whichever is higher. Must be reflected on the site plan submitted for consideration. Signage delineating the setback must be affixed to the fence every 100-ft.
- (m) No parking or driving is permitted within 50' minimum setback from the delineated seasonable high-water elevation or jurisdictional wetland line, whichever is higher. This condition is applicable for uses allowed in this Conditional Use and for personal use vehicles and equipment.
- (n) Vehicle maintenance, including but not limited to oil changes, is prohibited from being performed on the Property.
- (o) Movement of boats, RVs, and trailers within the Property, on to the Property or exiting the Property shall be limited to the hours between 7am and 8pm on Monday-Friday, and 10am and 6pm on Saturday/Sunday.
- (p) This Conditional Use is being granted despite the Property not fronting on a public road. Therefore, title to the Property (Parcel Id No. 11-22-26-0002-0000-4100; Alt. Key 3778570) and the property identified as Parcel Id No. 09-22-26-0201-0170-0000; Alt. Key 1029490 must be vested in the same owner because this second parcel fronts on a publicly maintained County road and provides access to the Property. Currently the owner of both properties is Parque Verde, LLC.
- (q) Resolution of the right of way dedicated by plat called out on the survey of the Property to the satisfaction of the Town's engineer, surveyor and town attorney.
- (r) The owner must comply with all other Town land development regulations and provide any and all other items requested by the Town reviewers during the application review process that have not been provided.
- (s) The Town reserves the right to enter the Property during regular business hours to ensure compliance with the conditions of this Conditional Use.

- (t) The owner must sign and accept all conditions of this Conditional Use.
  - (u) Such Conditional Use shall expire or be revoked in accordance with Sec.10-11(h), Code of Ordinances, the earlier of (1) the Property ceases to be used for operation of an outdoor storage business for boats, RVs, and trailers; or (2) if owner fails to use or develop the Property in full compliance with the terms and conditions of the permit.
8. This Conditional Use shall become effective immediately on its approval and adoption by the Town Council of the Town of Montverde, Florida.

ADOPTED at a regular meeting of the Town Council of the Town of Montverde, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Joe Wynkoop, Mayor

Attest:

\_\_\_\_\_  
Sandy Johnson, Town Clerk

Approved as to form and legality:

\_\_\_\_\_  
Anita Geraci-Carver, Town Attorney

First Reading \_\_\_\_\_

	YEA	NAY
Vice Mayor Jim Peacock		
Councilmember Jim Ley		
Councilmember Allan Hartle		
Councilmember Carol Womack		
Mayor Joe Wynkoop		

**THE UNDERSIGNED ACCEPT THE CONDITIONS SET FORTH IN RESOLUTION 2023-87 (a copy of which is attached hereto) AND AGREE TO ABIDE BY AND ENFORCE ALL SAID CONDITIONS:**

**Parque Verde, LLC**

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Grant Roberts, Its Manager

By: \_\_\_\_\_ Date: \_\_\_\_\_  
Wendy L. Roberts, Its Manager

By: \_\_\_\_\_ Date: \_\_\_\_\_  
John C. Roberts, Its Manager



# STAFF REPORT

**TO:** Planning & Zoning Board  
**FROM:** Sean M Parks, AICP, QEP Town Planner  
**DATE:** September 17, 2024  
**SUBJECT:** Resolution 2023-87 – Conditional Use Permit (CUP)  
CS Permit #CU23-000002 | ALT Key #3779570  
**APPLICANT:** Grant Roberts

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## **SUBJECT PROPERTY DESCRIPTION:**

The 15.09-acre parcel is located on Fosgate Road and is within Town limits (Alt Key 3779570). The property is zoned Single-Family Low-Density (R1L). See Figure 1.

## **REQUESTED ACTION / RECOMMENDATION:**

This is a quasi-judicial action requested of the Planning & Zoning Board. Due to lack of information regarding the wetlands, staff is recommending denial of this application; however, staff recommends that if approval is granted for this CUP Request, the applicant must submit any outstanding Requests for Information and agree to all the conditions outlined in Resolution 2023-87 Section 7 below (Page 5).

1. The Applicant has failed to provide the requested information with the application. **Insufficient data has been provided to determine potential environmental effects pursuant to the Town's Comprehensive Plan and LDC. A wetland delineation pursuant to Chapter 62-340, F.A.C. should be completed and survey/map information submitted to the Town.**
2. The Applicant is in violation of code for use of property. An Order of Enforcement was issued.
3. The Applicant has ignored the Order of Enforcement.
4. **Stormwater detention/retention information pursuant to the Town's LDC has not been submitted.**
5. It is unknown if the Applicant has utilized Best Management Practices to prevent soil contamination from vehicular use.





# STAFF REPORT

## **BASIS OF REVIEW:**

Sec. 10-11. - Procedures for conditional use permits.

- (a) If any zoning district requires a conditional use permit, no person shall erect, construct or alter any building or structure for such conditional use until a conditional use permit is reviewed by the planning and zoning board and approved by the town council.
- (b) The planning and zoning board shall hear and decide requests for conditional uses allowed in this chapter. In doing so, the commission may decide such questions as are involved in determining when conditional uses should be granted and either grant conditional uses with appropriate conditions and safeguards or deny conditional uses. After review of an application and a public hearing thereon, the commission may allow conditional uses only upon a determination that use requested:
  - (1) Is not detrimental to the character of the area or inconsistent with trends of development in the area;
  - (2) Does not have an unduly adverse effect on existing traffic patterns, movements and intensity;
  - (3) Is consistent with the comprehensive plan; and
  - (4) Will not adversely affect the public interest.
- (c) A conditional use permit may be granted for a use that is generally not permitted in a particular zoning district, but which, if controlled, restricted or otherwise regulated, would not adversely affect the public health, safety and general welfare. Such uses may be permitted only if there is compliance with the provisions and standards of this chapter.
- (d) Every person requesting a conditional use permit shall file an application for a permit with the town clerk. The application shall be accompanied by an application fee payable to the town. The amount of the application fee shall be established by separate resolution.
- (e) Applications for conditional use permits shall include the following information:
  - (1) The name, address, and telephone number of the applicant and the owner of the property.
  - (2) A schematic drawing showing the topography of the property and the dimensions and location of all existing and proposed buildings and improvements, including, but not limited to, signs, driveways, off-street





# STAFF REPORT

parking areas, loading and unloading areas, roads and streets and utility easements.

- (3) A detailed description of the nature and extent of the proposed conditional use.
  - (4) Plans or reports describing traffic conditions that will be created by the conditional use.
  - (5) Complete legal description of the property, including a survey prepared by a state-registered land surveyor.
  - (6) Any other information or data required by the planning and zoning board or the town council.
  - (7) The town council, in its sole discretion, may waive any or all of the requirements in subsections (e)(2) through (e)(5) of this section.
- (f) The planning and zoning board shall hold a public hearing on every application for a conditional use permit. The town clerk shall send all property owners within 300 feet of the property corners of the affected property a written notice stating the name of the petitioner, the nature of the proposed conditional use, and the date and time of the hearing. The planning and zoning board may recommend approval subject to stated conditions. The planning and zoning board shall submit its recommendations to the town council. Within 30 days thereafter, the town council shall hold a public hearing with due public notice to consider the recommendations. The town council may grant the conditional use permit if it finds that the proposed use is desirable and not detrimental to the welfare. If issued, the permit shall be in writing and shall contain the conditions and limitations thereof. The permit shall be filed in the public records of the county. The town council may require the petitioner to pay the legal fees and costs incurred by the municipality in preparing and recording the permit. Any conditional use that does not meet these requirements shall be denied.
- (g) Every conditional use permit shall be signed by the applicant who shall agree to be bound by its terms.
- (h) The town council, with notice to the petitioner, may revoke a conditional use permit if the permittee fails to use or develop the property in full compliance with the terms and conditions of the permit.
- (i) If the town council rejects the conditional use permit, it may not reapply for a period of one year.
- (j) Conditional use permits shall run with the land as long as the conditions of the original conditional use permit are met.



# STAFF REPORT

## RESOLUTION 2023-87

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, GRANTING A CONDITIONAL USE PERMIT IN A R-1L SINGLE-FAMILY LOW DENSITY ZONING DISTRICT IN THE TOWN OF MONTVERDE TO PERMIT AN OUTDOOR STORAGE BUSINESS FOR BOATS, RVs, AND TRAILERS ON THE HEREIN DESCRIBED PROPERTY GENERALLY LOCATED AT FOSGATE ROAD AND RIDGEWOOD AVENUE, MONTVERDE, FLORIDA, OWNED BY PARQUE VERDE, LLC; PROVIDING FOR CONDITIONS; PROVIDING FOR AN EXPIRATION DATE; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Grant Roberts, manager of Parque Verde, LLC, petitioned for a Conditional Use Permit to allow for an outdoor storage business for boats, RVs and trailers within a R1L Single-Family Low Density zoning district generally located at Fosgate Road and Ridgewood Avenue in Montverde; and

**WHEREAS**, such property is more particularly described below (the "Property"); and

**WHEREAS**, property owners within a 300 foot radius of the property corners were provided written notice delivered by U.S. Mail, Return Receipt Requested in accordance with Sec. 10-11, Town of Montverde Code of Ordinances in advance of Planning and Zoning; and

**WHEREAS**, this Resolution has been properly advertised in a newspaper of general circulation prior to the public hearing before Town Council; and

**WHEREAS**, Planning and Zoning and the Town Council have considered the petition in accordance with standards for granting a Conditional Use Permit contained in Section 10-11, Town of Montverde Code of Ordinances.

**NOW THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, as follows:**

1. The Town of Montverde has determined that the use of the Property for operation of an outdoor storage business for boats, RVs, and trailers is desirable at the location of the Property.
2. The Town Council has determined that these uses on the Property will not be detrimental to the public health, safety or general welfare of persons





# STAFF REPORT

residing or working in the vicinity of the Property, and is not detrimental to the character of the area or inconsistent with trends of development in the area.

3. The Town Council has determined that the proposed use of the Property will comply with the regulations and conditions specified in the codes for such use.
4. The proposed use will not have an unduly adverse effect on existing traffic patterns, movements and intensity.
5. The Town Council has further determined that the proposed use is consistent with the Comprehensive Plan for the Town of Montverde and will not adversely affect the public interest.
6. The petition for a Conditional Use Permit filed by Grant Roberts, manager of Parque Verde, LLC, for the property located generally located at Fosgate Road and Ridgewood Avenue in the Town of Montverde, Lake County, Florida, more particularly described as follows is **GRANTED** subject to conditions set forth below:

**Parcel No: 11-22-26-0002-000-04100**

**The North  $\frac{3}{4}$  of the West  $\frac{1}{2}$  of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  , Section 11, Township 22 South, Range 26 East, Lake County, Florida.**

7. **Conditions.**

- (a) Conditional Use is granted for operation of an outdoor storage business for boats, RVs, and trailers, and for no other purpose.
- (b) The Property must comply with the setbacks for R1L Single-Family Low Density zoning district.
- (c) All structures including but not limited to fences, sheds, and accessory structures, shall adhere to a minimum setback of 50 feet from the delineation of the seasonal high-water elevation or jurisdictional wetland line, whichever is higher, as established by a qualified professional using soil conditions and vegetative indicators.



# STAFF REPORT

- (d) The owner must submit traffic circulation plan satisfactory to town manager, town planner and town engineer as part of site plan application.
  - (e) A site plan in conformance with Town regulations must be submitted and approved prior to use of the Conditional Use and prior to any site work or improvements on the Property. A site plan includes, but is not limited to stormwater calculations, wetland locations, traffic study, environmental assessment, fully engineered plans signed and sealed by a licensed professional, and application for a SJRWMD permit.
  - (f) Resolution of the right of way dedicated by plat called out on the survey of the Property to the satisfaction of the Town's engineer, surveyor and town attorney.
  - (g) The owner must comply with all other Town land development regulations and provide any and all other items requested by the Town reviewers during the application review process that have not been provided.
  - (h) Such Conditional Use shall expire or be revoked in accordance with Sec.10-11(h), Code of Ordinances, the earlier of (1) the Property ceases to be used for operation of an outdoor storage business for boats, RVs, and trailers; or (2) if owner fails to use or develop the Property in full compliance with the terms and conditions of the permit.
8. This Conditional Use shall become effective immediately on its approval and adoption by the Town Council of the Town of Montverde, Florida.



# STAFF REPORT

ADOPTED at a regular meeting of the Town Council of the Town of Montverde, Lake County, Florida, this \_\_\_\_ day of \_\_\_\_\_, 2024.

\_\_\_\_\_  
Joe Wynkoop, Mayor

Attest:

\_\_\_\_\_  
Sandy Johnson, Town Clerk

Approved as to form and legality:

\_\_\_\_\_  
Anita Geraci-Carver, Town Attorney

First Reading \_\_\_\_\_

	YEA	NAY
Vice Mayor - Allan Hartle		
Councilmember Jim Ley		
Councilmember Jim Peacock		
Councilmember Carol Womack		
Mayor Joe Wynkoop		



# STAFF REPORT

**ACCEPTED BY:**

**Parque Verde, LLC**

By: \_\_\_\_\_  
Grant Roberts, Its Manager

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Wendy L. Roberts, Its Manager

Date: \_\_\_\_\_

By: \_\_\_\_\_  
John C. Roberts, Its Manager

Date: \_\_\_\_\_





# STAFF REPORT

Figure 1





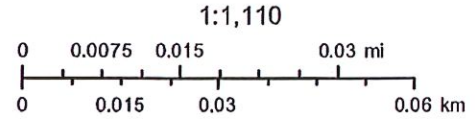


# Zoom - Parque Verde RV Storage CUP GIS Map



January 17, 2024

- County Boundary
- Surrounding Counties
- Street Names
- Local Streets 5K
- Tax Parcels
- Tax Parcels Alternate Key



Lake BCC



# Zoom - Parque Verde RV Storage CUP GIS Map



January 17, 2024

1:500



County Boundary

Tax Parcels

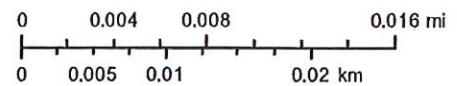


Surrounding Counties

Street Names

Local Streets 1K

Tax Parcels Alternate Key



Lake BCC

9/3/2024

Attn: Town of Montverde Planning and Zoning Board,

Ref item Alt Key #3779570

I have been sent, via certified mail, notice of the intent of the owner to request a Conditional Use Permit from the town council to permit an outdoor storage business of which I am strongly opposed. This area is a reported dump site by the Tower Chemical Company many years ago. If construction were to be permitted my fear is that the chemicals buried would begin to leak and contaminate the ground water which supplies my well and my neighbor's wells, used for irrigation. In addition, if storage of boats and RV items was permitted there would be maintenance performed, either permitted by the owner or surreptitiously by tenants, which could flow into adjacent wetlands causing contamination. Again I am strongly opposed to any use for this parcel.

Larry Kontny

16516 Magnolia Terrace Blvd

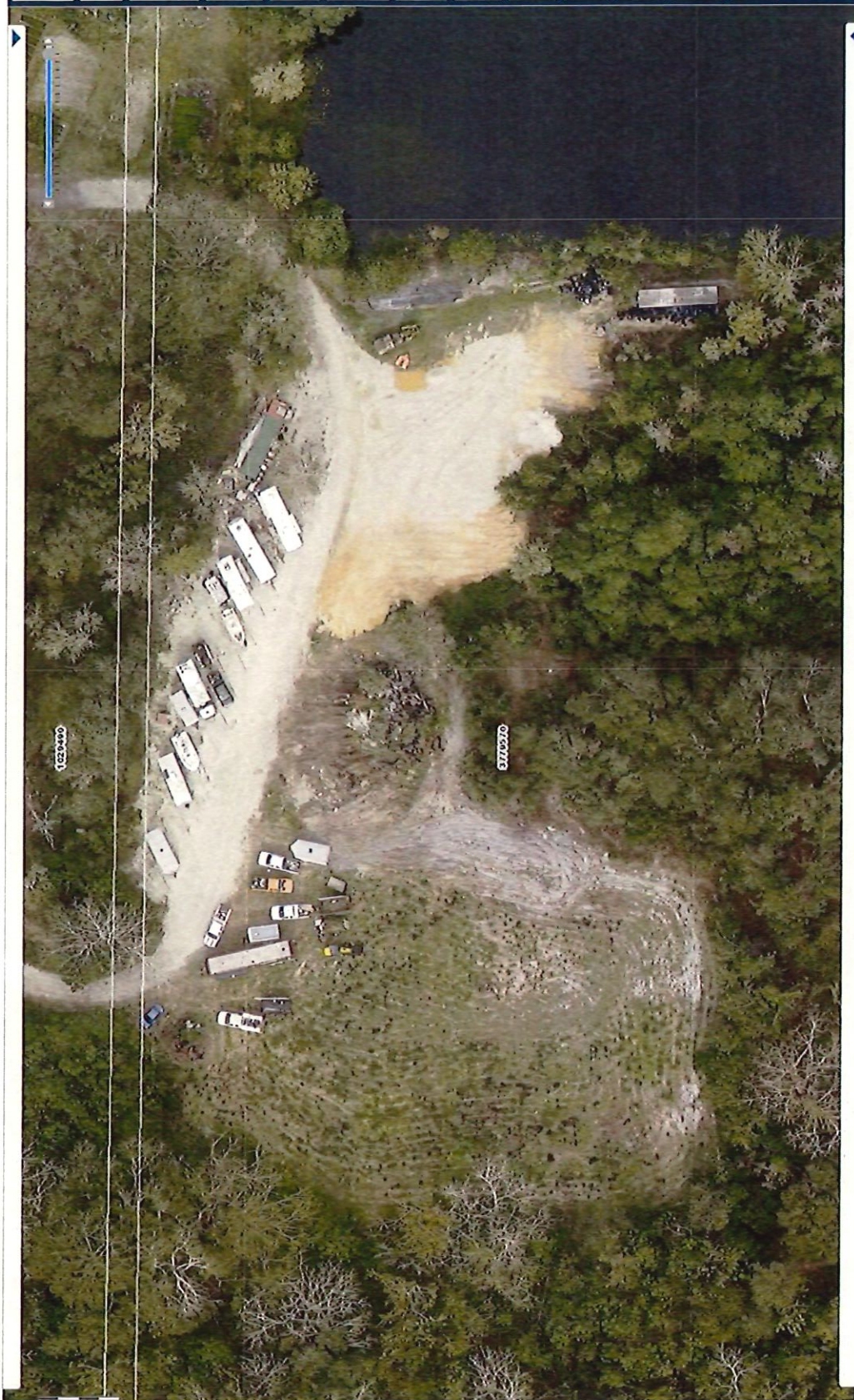
Montverde, FL 34756





LAKE COUNTY FL INTERACTIVE MAP All  Search

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 Measure 
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 Sales 
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 Help





**HELEN M. GALLAGHER**

16331 Florence Oak Ct, Montverde, FL 34756  
[hm.gallagher@comcast.net](mailto:hm.gallagher@comcast.net)

Town of Montverde  
Planning and Zoning Board  
17404 Sixth Street  
Montverde, Florida 34756

November 8, 2023

RE: Opposition to Resolution No. 2023-87

Dear Planning and Zoning Board Members;

In the Agenda provided for your meeting of November 8, 2023, you have listed Resolution No. 2023-87 which would provide for a conditional use permit in an R-1L Single-Family Low-Density Zoning District for an outdoor storage business for boats, recreational vehicles, and trailers. I, along with other Montverde residents, are strongly opposed to this variance.

**Issues Associated with Changes in the Residential Zone** – as noted in your agenda item, this land is zoned for single family homes. Montverde is a quiet residential area, and it should retain this distinction. This area enjoys farms and a country-like setting. The proposed change would invite hundreds of spaces for outdoor vehicles (boats, RVs, and trailers). These outdoor vehicles, while great to enjoy, are often an eyesore in subdivisions if not kept in a garage or behind a fence. If they were not such an eyesore, the homeowners would house these on their own property. Unfortunately, outdoor vehicle owners must take these to large, industrial facilities that will allow for storage. These facilities can be several stories high depending on how they are built and can allow for hundreds of stored vehicles. Each of these vehicles, if not creating an eyesore in the facility itself, will have to be hauled over the roads of Montverde. Due to the proposed location of the facility, this would be accessed from residents of Minneola, Clermont, and other developing areas.

To change land from a residential zoned area for this use, would be a significant impact on the enjoyment of our town and would be inconsistent with anything in the area.

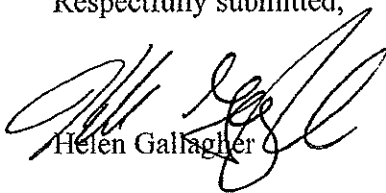
**Impacts to wetlands** - Wetlands are an essential part of the ecosystems and help maintain water quality, aid in flood control, and provide habitat for various animal and plant species. Wetlands in the upper reaches of a watershed often provide the greatest ecological and water quality value. The land adjacent to Fosgate contain these essential wetlands. At the very least, the Planning and Zoning Board should require that the Developer/Requestor prepare and submit a Phase One Wetlands Delineation Study so that the Board and the affected Montverde residents can see exactly where and what type of wetlands would be subject to the provision of the Clean Water Act ("CWA"). A wetland delineation is the fieldwork that determines the boundary between

uplands and wetlands on a property. This on-site work follows guidelines established by the United States Army Corps of Engineers. Under the CWA Section 404, wetland delineations are required when developing a project **that may impact a wetland**. A delineation is legally **required** when a wetland is found on a property that is planned for development. The U.S. Army Corps of Engineers, the Planning and Zoning Board, along with other potential regulatory agencies, must approve the wetland boundary to receive a permit to impact regulated wetlands.

Following a Phase One Wetland Delineation study, the Developer/Requestor could then submit a wetland mitigation plan to the Planning and Zoning Board. Wetland mitigation requires the creation, restoration, and/or enhancement to a wetland to make up for losses due to land disturbance, including development. **These mitigation actions are required by Clean Water Act Section 404 when destroying a wetland**. Once these mitigation plans have been established, they must receive the approval of the Natural Resources Conservation Service (NRCS.)

I would encourage the Board to deny the application for a conditional use permit or, at a minimum, before any other action is taken, to require the Developer/Requestor to submit the CWA required Phase One Wetlands Delineation Study. Additionally, the Developer/Requestor should be required to remove all vehicles and commercial equipment from this property until the Phase One Wetlands Delineation Study is complete at which time the Planning and Zoning Board will have the information it needs to assess the request.

Respectfully submitted,

  
Helen Gallagher



# *Magnolia Terrace*

HOMEOWNERS ASSOCIATION

P.O.Box 560252 · Montverde, FL 34756

July 22, 2024

Town of Montverde  
Montverde Town Council  
17404 Sixth Street  
Montverde, FL 34756

RE: Opposition to Resolution 2023-87 A Conditional Use Permit

Dear Montverde Town Council,

As President of the Magnolia Terrace Homeowner's Association ("HOA"), I am writing on behalf of the HOA Board of Directors in opposition of granting the Conditional Use Permit outlined in Resolution 2023-87 ("CUP"). The CUP, as requested, would permit land previously designated as R1L Single-Family Density zoning, to be used as an outdoor storage facility for the storage of boats, RVs, and trailers. Our concerns are as follows:

A) We are concerned that any maintenance would allow for the contamination of the waters and wetlands with oils, machine waste, or other commercial contaminants.

B) To ensure that the petitioner does not evade his responsibilities if contamination of the HOA common property should occur, thus, causing undue financial burden to the homeowners of Manolia Terrace HOA if clean up becomes its' responsibility.

C) The possibility of trespassing and/or dumping waste on the HOA common area from the petitioners or the customers.

We recognize that there may be homeowners within our subdivision that may desire this new outdoor storage facility; however, we have a fiduciary duty to protect the common property of the HOA. Our concern is this land is adjacent to HOA's common property and it being used as a twenty-four-hour storage facility where large vehicles will be parked on top of a previous waste site and adjacent to wetlands will negatively impact our common area land.

While we strongly oppose this CUP, should the Town Council and Mayor determine it is in the Town of Montverde's best interest to permit this establishment, we encourage to the Town Council to impose the most stringent restrictions to protect the Magnolia Terrace HOA common area that is adjacent to this land.

MAGNOLIA TERRACE HOMEOWNERS ASSOCIATION

P.O.Box 560252 · Montverde, FL 34756

To protect the HOA's property we would ask that the Town Council and Zoning Board would consider the following:

- a. The customers of the petitions should not be allowed to perform ANY maintenance on their vehicles or equipment while on the property. We are concerned that any maintenance would allow for the contamination of the waters and wetlands with oils, machine waste, or other commercial contaminants. It may be argued that there has been waste from the past permitted and unpermitted waste disposal; however, this previous waste disposal is now buried and should not be disturbed. And there should be no new disposal.
  
- b. Secondly, the Town Council should place the burden of waste disposal of the site on the petitioner. Pursuant to Environmental Laws, the current landowner is already responsible for the clean-up of any waste and would be responsible for any additional waste on the site that potentially impacts the water, wetlands, and adjoining lands. To ensure that the petitioner does not evade his responsibility should he and/or his customers' activities impact the HOA's community property, the petitioner should be required to place and maintain at least a one-million-dollar (\$1,000,000.00) performance bond as surety for these activities. The surety bond should be pledged to the Town of Montverde who will, in turn, be required to use that money to clean up the wetlands and adjacent property should the petition fail in his responsibilities. This performance bond should be mandatory as Florida has long been promised adherence to environmental protection by businesses only to have those businesses file for bankruptcy to avoid cleanup costs. Thus, sticking the Magnolia Terrace HOA homeowners with the costs of clean up after the business has received all the benefits from their previously existing operations. Montverde has the opportunity and obligation that, should they find it is in the Town's best interest to issue the requested CUP, to put into place protections for the future payment of remediation. This can be achieved by requiring a performance bond significant enough to ensure sufficient funds for remediation.
  
- c. Finally, we would ask that the petitioner place signage and/or fencing that would prevent any person using the facility to trespass on the HOA common properties. We feel this would alleviate any confusion for the customers of this facility as to where the facility's land ends, and our common property begins. We believe this may also prevent anyone from confusing the boundaries and using HOA property in a manner we consider to be harmful to the common area of the HOA.

Again, we oppose this CUP as it is an unnecessary risk to the adjacent HOA property. However, if the Town Council and Mayor determine it is in the Town's best interest to grant this CUP, we would ask that the Council and Mayor first explain why it is in the Town's best interest and then impose the strictest rules necessary to ensure the least impact to the HOA's land.

Kind Regards,

Cindy Sledziona, President Magnolia Terrace HOA



September 8, 2024

Attn: Town of Montverde Planning and Zoning Board and Council

Ref item Alt Key #3779570

We have been sent, via certified mail, notice of the intent of the owner to request a Conditional Use Permit from the town council to permit an outdoor storage business of which we are strongly opposed. This area is a reported dump site by the Tower Chemical Company many years ago as well as a town dump. If construction were to be permitted our fear is that the chemicals buried would begin to leak and contaminate the ground water which supplies my well and my neighbor's wells, used for irrigation. If storage of boats and RV items were permitted there would almost certainly be maintenance performed, either permitted by the owner or surreptitiously by tenants, which could flow into adjacent wetlands causing contamination.

Additionally, the DEP/EPA have issued a conditional use permit requirement for this parcel (I have attached a pdf of the email from the DEP). Were they contacted when the town gave a zoning variance for agriculture? Will the DEP/EPA be notified of this request to build on said property? I think it is the town's responsibility and, as stated by the DEP agent, should be very aware of the historical issues with this parcel and its limited use regulations.

Again, we are strongly opposed to any use for this parcel.

Paul and Cynthia Ajemian  
16524 Magnolia Terrace Blvd  
Montverde, FL. 34756

**PAUL AND CYNTHIA AJEMIAN**

16524 Magnolia Terrace Blvd, Montverde, FL 34756

pvajemian@gmail.com

Town of Montverde  
Planning and Zoning Board  
17404 Sixth Street  
Montverde, Florida 34756

RE: Opposition to Resolution No. 2023-87

Dear Planning and Zoning Board Members;

In the Agenda provided for your meeting of November 8, 2023, you have listed Resolution No. 2023-87 which would provide for a conditional use permit in an R-1L Single Family Low Density Zoning District for an outdoor storage business for commercial and recreational boats, vehicles, and trailers. We, along with other Montverde residents, are strongly opposed to this variance in any form.

This land is zoned for single family homes: period. Montverde is a quiet residential area, and it should retain this distinction, particularly in the face of such mass development surrounding our community. Everyone who lives here enjoys the quaint old-Florida style setting, and bringing in a MASS commercial vehicle storage invites people who have no vested interest in our community into the heart of our community creating opportunities for nefarious actors to exploit our quiet setting and surrounding communities; never mind the onslaught of commercial vehicles tearing up our streets, etc. Additionally, the subdivisions surrounding this area all have restrictions regarding such storage for this very reason as well as the fact that they create an eyesore for all. If they were not such an eyesore and easy to transport, the homeowners would house these on their own property. Consequently, owners of these types of vehicles must take these to large, industrial facilities that will allow for and have the access capacity for such storage. Please note, while the applicant "says" the storage will be limited, once the zoning is changed, it is a floodgate allowing for an unchecked number of vehicles, etc. In fact, these facilities can be several stories high depending on how they are built and can allow for the storage of additional hundreds of stored vehicles on top of those stored on land. Each of these vehicles, if not creating an eyesore in the facility itself, will have to be hauled over the roads of Montverde. Due to the proposed location of the facility, this would be accessed from residents of Minneola, Clermont, and other developing areas.

To change land from a residential zoned area for this use, would create a detrimental impact on the enjoyment of our town and would be inconsistent with anything in the area or in line with the vision of Montverde.

Montverde is the home to MANY waterways and wetlands that are an essential part of the ecosystem and help maintain water quality, aid in flood control, and provide habitat for various

animal and plant species. Wetlands in the upper reaches of a watershed often provide the greatest water quality and ecological preservation. The land in question is adjacent to these essential wetlands. At the very least, the Planning and Zoning Board should require that the Developer/Requestor prepare and submit a Phase One Wetlands Delineation Study so that the Board and the affected Montverde residents can see exactly where and what type of wetlands would be subject to the provision of the Clean Water Act ("CWA"). A wetland delineation is the fieldwork that determines the boundary between uplands and wetlands on a property. This on-site work follows guidelines established by the United States Army Corps of Engineers. Under the CWA Section 404, wetland delineations are required when developing a project **that may impact a wetland**. A delineation is legally **required** when a wetland is found on a property that is planned for development. The U.S. Army Corps of Engineers, the Planning and Zoning Board, along with other potential regulatory agencies, must approve the wetland boundary to receive a permit to impact regulated wetlands. There should be no variance around these requirements.

Following a Phase One Wetland Delineation study, the applicant could then submit a wetland mitigation plan to the Planning and Zoning Board. Wetland mitigation requires the creation, restoration, and/or enhancement to a wetland to make up for losses due to land disturbance, including development. **These mitigation actions are required by Clean Water Act Section 404 when destroying a wetland.** Once these mitigation plans have been established, they must receive the approval of the Natural Resources Conservation Service (NRCS.)

*We have spoken personally to the applicant, and while he assures us his goal is to create a "pick your own" fruit/vegetable farm and close the storage facilities (the area will become a parking lot) once up and running, we do not see how he would relinquish the sizable income generated from this facility. Let us provide some numbers: Most storage lots in the area run about \$110 per spot. He wants at least 120 spots, and admits he could do much, much more as he has the "acreage," but "promises" he wouldn't do that. This means he would be generating (at only 120 spaces) \$13,200 per month at an annual intake of \$158,400. I don't know of any "pick your own" farm that can generate that type of monthly or annual income utilizing only a small portion of the usable property. There is no way he will ever convert this "cash cow" into a local "pick your own" farm. Providing the variance will open said floodgates to mass storage, and we will never be able to reign it in.*

We strongly encourage the Board to deny the application for a conditional use permit or, at a minimum, before any other action is taken, to require the Developer/Requestor to submit the CWA required Phase One Wetlands Delineation Study.

Respectfully submitted,

Paul and Cynthia Ajemian



# STAFF REPORT

TO: Planning & Zoning Board  
FROM: Sean M Parks, AICP, QEP Town Planner  
DATE: September 17, 2024  
SUBJECT: Comprehensive Plan Text Amendments  
Ordinance Number: 2024-41  
APPLICANT: Town of Montverde

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## REQUESTED ACTION / RECOMMENDATION:

**APPROVAL** is requested for the proposed statutory updates to the Elements of the Montverde Comprehensive Plan, as required per Florida Statute.

The updates include general, broad changes throughout the Elements listed below.

- I – Future Land Use Element
- II – Transportation Element
- III – Housing Element
- IV – Public Facilities Element
- V – Conservation Element
- VI – Recreation & Open Space Element
- VII – Intergovernmental Coordination Element
- VIII – Capital Improvements Element
- IX – Concurrency Management Element
- X – Economic Prosperity Element
- XI – Archaeological & Historic Resource Element
- XII – Property Rights Element

The updates include text and formatting amendments only and are highlighted in the following pages.

# CHAPTER I

## CHAPTER I

### FUTURE LAND USE ELEMENT

#### Goals, Objectives and Implementing Policies

GOALS, OBJECTIVES AND IMPLEMENTING POLICIES. This section stipulates goals, objectives and policies for implementing the desired future land use of the Town of Montverde.

**GOAL 1-1: LAND USE. ENSURE THAT THE LOCATION OF LAND USES PROMOTE CONSERVATION OF RESOURCES, EFFICIENCY AND CONCURRENCY IN THE PROVISION OF PUBLIC FACILITIES AND SERVICES, MAXIMIZATION OF ECONOMIC BENEFITS FOR EXISTING AND FUTURE CITIZENS, AND COMPLIANCE WITH ADOPTED MINIMUM LEVELS OF SERVICE STANDARDS; AND CONCURRENTLY MINIMIZE DETRIMENTAL IMPACTS TO HEALTH, SAFETY, AND WELFARE WHICH MAY BE JEOPARDIZED BY ENVIRONMENTAL DEGRADATION, NUISANCES, AND INCOMPATIBLE LAND USES IN ORDER TO MAINTAIN THE SMALL TOWN CHARACTER OF THE TOWN OF MONTVERDE.**

**OBJECTIVE 1-1.1: PLANNING FOR RESIDENTIAL QUALITY AND NEIGHBORHOOD COHESIVENESS.** Designate and promote sufficient areas for quality residential development and neighborhood cohesiveness and require the availability of adequate facilities to support demands necessitated by existing and future housing development and associated populations.

**Policy 1-1.1.1: Adequate-Residential Land Area.** The Future Land Use Map shall designate sufficient land area for residential land uses according to a pattern which promotes neighborhood cohesiveness and identity, and which enables efficient provision of public facilities and services. A minimum of 632.6 acres shall be allocated for residential land uses on the Future Land Use Map. Residential acreage allocated on the Future Land Use Map shall be sufficient to attract development to the Town rather than outside the Town limits.

Policy 1-1.1.2: Allowance for Open Space. Subdivisions and plats shall be required to dedicate common open space areas according to the following minimum standards for each land use designation depicted on the Future Land Use Map:

**Table 1**

Minimum Open Space Standard	
Future Land Use Designation	Percent
Multi-Family, High Density	15%-25%
Duplex District	15%-25%
Single Family, Medium Density	15%-25%
Single Family Affordable Housing/Mobile Home, Medium Density	20%-25%
Single Family, Low Density	20%-25%
Residential Rural	20%-25%
Agricultural	20%-25%

(Refer to the Conservation Element, Policy 5-1.6.3 for definition of "common open space").

(\*) Applicable to developments exceeding twenty-five (25) units. A minimum of twenty-five percent (25%) of common conservation open space must represent uplands.

Policy 1-1.1.3: Mitigation of Impacts from Adjacent Development. Residential areas delineated on the Future Land Use Map shall be protected from the encroachment of incompatible non-residential development. Community facilities and services which best serve the health, safety, and welfare of citizens when located in residential areas, shall be permitted uses therein so long as the activity complies with criteria established in Policy 1-1.1.4.

The Town shall minimize potential adverse impacts created by non-residential land uses located adjacent to each other by requiring the provision of landscaping, buffering, or other appropriate screening techniques. Specific landscape and buffer requirements shall be as outlined in the Town of Montverde Land Development Regulations for each zoning category. The vegetated buffer may be applied as

credit towards meeting open space requirements set forth in Policy 1-1.1.2, Allowance for Open Space.

The Town shall require new commercial and manufacturing development to install landscaping in accordance with the landscape and buffer requirements as outlined in the Town of Montverde Land Development Regulations.

Policy 1-1.1.4: Acceptable Community Facilities in Residential Areas. Supportive community facilities may be located within residential areas but shall be required to comply with performance standards and development requirements set forth within the Land Development Regulations. A "community facility or service" shall mean a building or structure owned and operated or authorized by the Town of Montverde to provide a public service and is limited to fire stations, police substations, emergency medical response stations, and postal drop box stations. Such incompatible land uses in residential designations shall comply with the following criteria:

- (A) Buffer and screening must be provided consistent with Policy 1-1.1.3.
- (B) Location of the facilities shall be limited to collector roadways or primary local road providing access to more connecting roads of the subdivision. Such facilities shall not be located on a cul-de-sac;
- (C) A maximum of five percent of a residential land use designation shall be limited to community facilities;
- (D) Intensity of the community facility shall be limited to a maximum floor area of fifty percent or .5 FAR.
- (E) The design and construction of the facility shall be compatible with the surrounding character of the neighborhood.



Policy 1-1.1.5: Existing Incompatible Land Use Activities Located within Residential Districts Located on the Future Land Use Map. The Town has established provisions within the Land Development Regulations which define criteria for the transition of incompatible existing land uses within residential areas to compatible residential uses.

Policy 1-1.1.6: Access to and Circulation within Residential Areas. Transportation systems within designated residential areas delineated on the Future Land Use Map shall be designed to accommodate traffic conditions that further public safety and limit nuisances. Access to residential areas shall comply with policies established within the Transportation Element that address access management and shall be consistent with the Montverde Walks Plan requiring sidewalk connections.

Policy 1-1.1.7: Transition of Residential Densities. The Town shall pattern the transition of residential densities on the Future Land Use Map toward higher densities in areas accessible to employment and commercial areas and away from environmentally sensitive areas, while directing lower density residential in areas close to environmentally sensitive or agricultural areas.

Policy 1-1.1.8: Availability of Facilities to Support Residential Land Uses. Residential densities shall be compatible with available public facilities and their capacity to serve development. Residential areas designated on the Future Land Use Map shall be allocated according to a pattern that promotes efficiency in the provision of public facilities and services and furthers the conservation of natural resources. Public facilities shall be required to be in place concurrent within the impacts of new residential development.

OBJECTIVE 1-1.2: PLANNING FOR CONSERVATION OF ENVIRONMENTALLY SENSITIVE LANDS AND OTHER NATURAL RESOURCES. Manage and control existing and Future Land Uses Located Within or Adjacent to Environmentally Sensitive Lands, And Other Significant Natural Resources.

Policy 1-1.2.1: Wetlands. The Town shall limit development within designated wetland areas to land uses supporting conservation and passive recreation activities. No more than 10% of the wetland can be developed for these accepted uses if all necessary permits have been obtained from the Florida Department of Environmental Protection, St. Johns River Water Management District, or the U.S. Army Corps. of Engineers. ~~Wetlands shall be identified in the Future Land Use Map Series as Conservation Open Space.~~ Provisions within the Conservation Element and Land Development Regulations shall promote the preservation of wetlands by reducing adverse impacts emanating from existing and future development shown on the Future Land Use Map.

Commented [1]: Remove this because it is antiquated. It is confusing to have some parcels partially labeled conservation because of wetlands.

Policy 1-1.2.2: Protection of the 100 Year Flood zone and Stormwater Management, Policy 5-1.8.2, Maintenance of Floodplains, within the Conservation Element stipulates development restrictions within the 100-year Flood Zone for purposes of maintaining its natural flow regime and protecting surface water quality.

Also, development shall have drainage facilities in place and functioning concurrent with impacts generated by that development. Such drainage facilities shall be designed to comply with the Town's established level of service standard. The developer/owner of any site shall be responsible for managing on-site run-off.

Policy 1-1.2.3: Aquifer Recharge. The Town rests on an area possessing high aquifer recharge potential. Permeable surface areas shall be protected through impervious surface principles and common open space standards established in Policy 1-1.1.2 as well as other policies within the Conservation and Public Facilities Elements. Aquifer recharge protection shall be accomplished through the following objectives and policies:

#### Public Facilities Element

4-1.2.1, Minimum Level of Service Standards – Sanitary Sewers;

- 4-1.4.1, Sanitary Sewer Facilities for New Residential Development;
- 4-1.4.5, Sanitary Sewer Systems for New Non-Residential Development;
- 4-2.1.1, Minimum Drainage Level of Service Standards - Water Quantity;
- 4-2.3, Control Impacts of Future Stormwater Runoff;

#### Conservation Element

- 5-1.2.1, Restrict Activities Known to Adversely Affect Quality of Surface and Ground Waters;
- 5-1.2.3, Compliance with State Requirements to Protect Water Quality,
- 5-1.2.9, Control Sediment and Pollution Carried in Stormwater Runoff;
- 5-1.2.10, Mitigate Impacts of Septic Tank Discharge into Groundwater Supplies;
- 5-1.2.13, Development Regulations for Sawgrass Pond and Karst Areas (Sinkholes);
- 5-1.3.2, Avoid Reduction of Recharge Volumes Entering Groundwater Supplies;
- 5-1.3.3, Compliance with Water Management District Consumptive Use Permit;
- 5-1.3.4, Participation and Compliance with Water Management District Emergency Water Plan and Conservation Efforts;
- 5-1.3.5, Promote Conservation of Water;
- 5-1.3.6, Wellfield Protection;
- 5-1.8, Protect Environmentally Sensitive Areas;
- 5-1.9, Management of Hazardous Wastes to Protect Natural Resources.

Policy 1-1.2.4: Sinkholes. **Policy 5-1.2.13**, Development Regulations for Sawgrass Pond and Karst Areas (Sinkholes), of the Conservation Element governs development activities occurring within or adjacent to a sinkhole.

Policy 1-1.2.5: Lake Front and Wetland Littoral Zone. **Policy 5-1.2.5**, The Land Development Regulations have established criteria for Shoreline Protection and Lakefront Littoral Zones, stipulates development restrictions and buffers within a shoreline zone (i.e., waters edge to a distance landward) and a littoral zone (i.e., water edge to a specified water depth).

Policy 1-1.2.6: Vegetative Communities and Wildlife Habitats. Vegetative communities and wildlife habitats (particularly those identified as primary habitat for endangered or threatened species) shall be protected and conserved directly or indirectly by rules and principles established in the following objectives and policies:

- 5-1.6, Conserve Wildlife and Wildlife Habitats;
  - 5-1.6.1, Coordinate with State and Regional Agencies to Promote preservation of Wildlife and Wildlife Habitats;
  - 5-1.6.2, Conservation of Wildlife Habitats;
  - 5-1.6.5, Evaluating Impacts on Endangered and Threatened Flora and Fauna Species;
  - 5-1.6.6, Protection of Endangered and Threatened Flora and Fauna Species;
- 5-1.5, Conserve, Appropriately Use and Protect Fisheries;
  - 5-1.5.1, Manage Impacts of Development on Fisheries;
  - 5-1.5.2, Assist Federal and State Agencies in the Maintenance of Fish Populations;
  - 5-1.5.3, Aquatic Weed Control;
- 5-1.2, Protect Quality of Surface and Ground Waters;
- 5-1.3, Protect the Quantity of Surface and Ground Waters;
- 5-1.4, Conserve, Appropriately Use and Protect Native Vegetative Communities;
  - 5-1.4.1, Implementing Protection of Vegetative Communities and Aquatic Habitats.

OBJECTIVE 1-1.3: PROTECTION OF HISTORIC AND ARCHAEOLOGICAL RESOURCES. Discovered archaeological sites shall be protected from alteration, removal or destruction until the Florida Department of State has acted to preserve such site and its artifacts, and archaeological sensitive areas shall be investigated prior to any groundbreaking activities.

Policy 1-1.3.1: The Town of Montverde shall review all proposed subdivision and/or commercial development for consistency with the Historic and Archaeological Resources Element of the Town's Comprehensive Plan.

~~Policy 1-1.3.1: Protecting Potential Archaeological Sites. Shoreline areas of Lake Apopka in Montverde are known to contain prehistoric artifacts, as evidenced by Site File 8LA243, LA02769, LA00544, LA00243, LA00061, LA00273, LA00543, LA01134, LA00473 registered with the Florida Department of State, Division of Historical Resources. The area within one thousand feet of Lake Apopka shall be deemed an archaeological sensitivity zone. Prior to the disturbance of soils, ground breaking, or the issuance of a building permit, whichever shall be the earliest activity, for a proposed development occurring on undeveloped, vacant or agricultural lands lying in the archaeological sensitivity zone, an archaeological investigation of the site shall be prepared by the applicant of development and a representative of the Town Planning and Zoning Board, or by a professional archaeologist or historian. Where the proposed development exceeds ten acres, the investigation must be conducted by an experienced archaeologist, historian, or person of similar expertise.~~

Commented [1]: This section of the FLUE is being removed because it is duplicative. In 2017, the Town adopted a new Historic And Archaeological Resources Element. We have made sure that all of the language here is reflected in that Element and within the FLUE. Nothing will be omitted.

~~Policy 1-1.3.2: Preventing Destruction of Discovered Archaeological Sites. Development shall cease construction activities on a development site when unidentifiable artifacts are uncovered during either land preparation or construction. The developer shall notify the Town of such potential discovery, and the Town and/or the developer shall contact the Florida Department of State, Division of Historical Resources, of such discovery. Construction shall not begin until the~~

~~State has determined the archaeological significance of the discovery and all restrictions which shall be imposed on development of that site. Development may continue in areas which will not impact the site of the discovery.~~

~~Policy 1-1.3.3: Archaeological Survey (See Policy 1-1.4.5). Historic and Archaeological Survey.~~

~~Policy 1-1.3.4: Review Process: The Town shall implement Land Development Regulations that sets terms for negotiations with landowners prior to the development process to ensure the protection of Archaeological Sites.~~

~~OBJECTIVE 1-1.4: PROTECTION OF HISTORIC SITES. Historic Sites Shall Be Protected from Destruction, Removal, or Alteration And from Impacts of Adjacent Incompatible Land Uses through Implementation of the Following Policies.~~

~~Policy 1-1.4.1: Historic Building Identification. Buildings shall be distinguished as historic if the following criteria are met:~~

- ~~(a) The site is listed on the National Register of Historic Places (National Park Service, U.S. Dept. of Interior), or the Florida Site File (Division of Historic Resources, Florida Dept. of State);~~
- ~~(b) The age of the subject site exceeds fifty years;~~
- ~~(c) The building, structure, or object represents the last remaining example of its kind in the neighborhood or Town;~~
- ~~(d) Documented proof indicates that the site contributed a significant role in the history of Lake County or the State of Florida;~~
- ~~(e) In the event either b, c or d is met, the owner of the property requests that the Town designates the site as historic or to make such distinction on the Future Land Use Map.~~

~~Policy 1-1.4.2: Historically Significant Sites. The Montverde School House, now serving as the Town Hall, or any structure, building, or site~~

~~which is deemed historically significant according to Policy 1-1.4.4 shall be identified on the Future Land Use Map Series.~~

~~Policy 1-1.4.3: Protection from Adjacent Incompatible Land Uses. If type, density and intensity of adjacent land use shown on the Future Land Use Map is not compatible to the preservation of the historic site, then appropriate buffering and screening techniques shall be requirements imposed on encroaching adjacent new development. The minimal degree of buffering and screening requirements shall be that necessary to prevent the adjacent land use from diminishing a designated site's historic value and shall at a minimum be consistent with Policy 1-1.1.3.~~

~~Policy 1-1.4.4: Protection of Historic Sites. Alteration or modifications of a designated historic site shall conform to guidelines set forth in the U.S. Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." In the event a designated historic site is proposed for demolition, the Town shall follow standards contained in the "Historic American Buildings Survey" to measure the merits of razing the structure.~~

~~Policy 1-1.4.5: Historic and Archaeological Survey. By June 2009 the Town shall contact the Grants and Education Section of the Bureau of Historic Preservation, Florida Dept. of State, concerning the application for grant funds to perform a single combined survey or individual separate Archaeological and historic surveys covering the town limits; for the Archaeological survey, the archaeological sensitivity zone. Upon determination of eligibility to apply for such grants, application shall be made within one year. Upon the recommendations and findings of these surveys, if prepared, the Town shall amend the Comprehensive Plan consistent with procedures stipulated in Chapter 163.3187, F.S.~~

OBJECTIVE 1-1.5: PLANNING FOR COMMERCIAL ACTIVITIES. Allocate sufficient land area to accommodate commercial activities which provide goods and services demanded by local markets, while considering the fiscal and environmental impacts associated with the

use. The scale and intensity of the commercial activities shall be compatible with the surrounding area to maintain the small-town character of the Town of Montverde, while serving the needs of the residents.

Policy 1-1.5.1: Compatibility Standards. In order to ensure scale and compatibility to the adjacent uses, the town shall include the following provisions in the Land Development Regulations:

- (A) Architectural design guidelines as permitted by State Statutes, that will assist in ensuring compatibility.
- (B) Lighting plan that outlines type and location.
- (C) A size limitation associated with the amount of total residents.

Policy 1-1.5.2: Criteria for Identifying Commercial Sites: The location and distribution of commercial land use districts delineated on the Future Land Use Map shall be determined according to the following criteria:

- (A) Access and vicinity to C.R. 455; ease of access and egress from major thoroughfares to commercial sites; ability to achieve a functional internal circulation and off-street parking system;
- (B) Ability to comply with adopted performance standards for preventing or minimizing nuisance impacts, such as emission of air pollutants, noise, and odor;
- (C) Impact to the conservation and preservation of natural resources;
- (D) Demand on existing and planned public services, utilities, water resources and energy resources;
- (E) Availability of sanitary sewer systems capable of treating commercial waste, as shall be consistent with 381.272(9), Florida Statutes.

Policy 1-1.5.3: General Pattern of Commercial Land Use. Two commercial land use categories are currently designated on the Future Land Use Map: Office\Residential\Commercial Use and Commercial. The majority of higher intensive or highway oriented



commercial activities shall be directed to the Commercial designation.

The office\residential\commercial category serves to prevent high intensive commercial from dispersing throughout the rest of the Town.

Policy 1-1.5.4: Access to Commercial Land Uses. Access to commercial sites shall utilize adjacent streets adjoining C.R. 455 where such streets serve to provide safe ingress\egress to the site. Such use of existing streets shall not be designed to direct traffic into residential areas. Access to commercial areas shall comply with policies established within the Transportation Element that address access management, and the Montverde Walks Plan, addressing sidewalk accessibility.

Commercial development pursuing access to C.R. 455 shall be required to obtain all access management (curb cut) permits from the County in accordance with the County's rules and regulations and not prior to a site plan being approved by Town staff.

Policy 1-1.5.5: Mitigation of Impacts to Adjacent Land Uses. The Town has incorporated provisions within the Land Development Regulations which require commercial developments and redevelopments to provide sufficient buffer and screening for purposes of mitigating impacts to adjacent residential or institutional land uses.

Policy 1-1.5.6: Availability of Facilities to Support Commercial Development. Uses which produce, use, or store large quantities (over 2,222 gallons per day, EPA) of hazardous waste listed on the Florida Substance List are prohibited from the Town of Montverde. Small quantity generators must provide sanitary sewer systems consistent with Florida Statute 381.272(9) and shall not use septic tank systems. The density and intensity of commercial uses shall be compatible with the ability of public facilities to provide adequate services according to adopted level of service standards. The Future Land Use Map shall not designate more commercial areas than that

which existing and planned public facilities and roadways can support at adopted minimum level of service standards.

Policy 1-1.5.7: Provision of Open Space. New development shall be required to maintain a portion of commercial sites as open space. The Land Development Regulations specifies the proportion of land which shall be retained for open space.

OBJECTIVE 1-1.6: PLANNING FOR PUBLIC FACILITIES. The Town shall assure that needed public services and facilities are developed concurrent with the impact of new development, including adoption of a concurrency management system within the comprehensive plan. Sufficient land area shall be available to accommodate public facility improvements proposed within the comprehensive plan and programmed in the ~~five~~ Ten(10) year schedule of capital improvements.

Policy 1-1.6.1: Coordinate Public Facilities with Land Use. The Town shall extend public facilities only to existing and proposed land use activities, as shown on the Future Land Use Map, which shall require and demand such services. Undeveloped land shall not be designated for development without assurance through the Comprehensive Plan that public facilities shall be available concurrently with the impacts of development. The impacts of land uses, including their densities and intensities, shall be coordinated with the Town's ability to finance or require provision of necessary public facilities at conditions meeting or exceeding the adopted minimum level of service standards.

Policy 1-1.6.2: Coordinate Public Facilities and Services with Concurrency Management System. The timing and location of public facilities shall be coordinated through the Concurrency Management System to assure that development occurs in an orderly and timely manner consistent with the availability of public facilities and services.

Policy 1-1.6.3: Protection of Potable Water Wellfields. Policy 5-1.3.6 in the Conservation Element governs development activity affecting groundwater within defined wellfield protection areas.

OBJECTIVE 1-1.7: PLANNING FOR SCHOOL SITES. The Town shall coordinate with Lake County School Board and make every effort to allow for the designation of sufficient land on the future land use map, within a reasonable proximity to residential development, to meet the projected needs for public schools and seek opportunities to collocate appropriate public facilities with educational facilities.

Policy 1-1.7.1: Land Use Designations. Public schools shall be allowed in the following land use designations:

- (A) All Residential Categories (AG, RR, RTL, R1M, RA/MH, R2, R3, and DD)
- (B) Planned Unit Development (PUD)
- (C) Office / Residential / Commercial (ORC)
- (D) Commercial (C1)
- (E) Public Utilities (PF)

Policy 1-1.7.2: School Board Collaboration. The Town will work with the Lake County School Board to plan and establish future school sites to ensure that adequate land will be available close to neighborhoods to meet the needs of the student population.

Policy 1-1.7.4: Collocation of Facilities. The Town shall seek opportunities for collocation of compatible public facilities, such as parks, with public schools.

Policy 1-1.7.4: School Site Sizes. As established as a guideline by the School Board of Lake County, the Town shall utilize the following as the minimum allocation of land for individual public school facilities.

- (A) Elementary school – 12 acres
- (B) Middle school – 25 acres
- (C) High school – 60 acres

Policy 1-1.7.5: General Location Criteria. The Town, in cooperation with the Lake County School Board, will utilize the following as general criteria for the location of the various types of schools.

Elementary Schools

Generally intended and located to serve a neighborhood or group of neighborhoods where students could walk to school. Playgrounds can be collocated with elementary schools.

Middle Schools

Generally intended and located to serve the community as well as the adjacent area. Community parks and athletic fields can be collocated with middle schools. The school should be buffered from residential areas.

High Schools

Generally intended to serve more than one community. The school should be buffered from residential areas.

OBJECTIVE 1-1.8: PLANNING FOR PUBLIC FACILITIES LAND USES. The Town shall adequately plan for the land needs of public facilities activities.

Policy 1-1.8.1: Adequate Sites for Public Facilities Land Uses. The Town shall designate adequate sites on the Future Land Use Map for public facilities land uses, assuring that public facilities are available to meet demands concurrent with impacts of development. Child-care and adult-care centers and public facilities shall be allowed to locate in residential areas as conditional uses. The Land Development Regulations defines performance standards and mandatory conditions which must be met to locate these facilities in residential areas.

Policy 1-1.8.2: Compliance with Concurrency Management System. All public facilities land uses, both private and public, shall comply with requirements stipulated within the Concurrency Management

System. Public facilities shall be available concurrent with the impacts of development.

Policy 1-1.8.3: Mitigation of Impacts to Adjacent Land Uses. To mitigate impacts to adjacent land uses, buffer and screening requirements are stipulated within the Land Development Regulations. Public facilities land uses, both public and private, shall be required to comply with these development regulations.

OBJECTIVE 1-1.9: COORDINATE FUTURE LAND USES WITH TOPOGRAPHY AND SOIL CONDITIONS. Land Uses Shall Be Located in Areas Compatible with Soil Conditions and Topography Best Suited to Promote the Health, Safety and Welfare of Citizens, Protect Investments in Property and Development, and Assure Preservation and Conservation of Environmentally Sensitive Lands and other Natural Resources.

Policy 1-1.9.1: Coordinate Future Land Uses with Soil Conditions. Land use activities, including their densities and intensities, shall be compatible to soil types whose properties are capable of supporting the structures, parking areas, ancillary uses, and facilities proposed to be placed on them. Table I-1 stipulates which land uses are deemed suitable or unsuitable for each soil type, as well as those which may be suitable if restrictions are placed on the density or intensity of use or the use of septic tank systems. The delineation of land uses on the Future Land Use Map shall be consistent with suitability classifications identified in Table I-1.

Septic tank systems are a limiting factor for the location of residential and commercial activities within some soil types. Such activities may be compatible with soil types if central sanitary sewer systems and drainage facilities are adequate to protect health and safety of the residents and preserve natural resources, particularly groundwater quality. The Town has incorporated provisions into the Land Development Regulations which stipulate and define performance standards for land use activities proposed to occur on soil types whose development potential is limited in some form or manner.

Policy 1-1.9.2: Development Limitations Due to Severe Slope. Severe slopes shall be defined as having a gradient exceeding 10%. Land uses shall be delineated on the Future Land Use Maps with consideration to the topography. Alterations to slopes at sites with greater than 10% slope must be approved by the Town prior to land preparation activity for commercial, multiple family, and residential subdivisions.

OBJECTIVE 1-1.10: COORDINATE FUTURE LAND USES WITH THE CONCURRENCY MANAGEMENT SYSTEM. Assure that future land use patterns promote efficient provision of public facilities, and that facilities are available concurrent with the impacts of development.

Policy 1.1.10.1: Availability of Public Facilities. Development orders and permits shall not be issued unless the necessary facilities and services are available concurrent with the impacts of development. Future land use allocations, including their related densities and intensities, shall not exceed the financial and legal ability of the Town to provide or require provision of public facilities to serve those land uses delineated on the Future Land Use Map. A concurrency management system shall determine whether adequate public facility capacities are available to meet the demands generated by new development and redevelopment.

Policy 1.1.10.2: Efficiency in the Provision of Public Facilities. Allocation of future land use shall occur in a manner which promotes efficient distribution and provision of public facilities. Land use allocations shall assure that future sites can be acquired for public facilities programmed within the ~~Five-Ten(10)~~Year Schedule of Capital Improvements or determined necessary to meet demands generated by growth and development anticipated through the year ~~2030~~, 2033

**TABLE 2**  
SOIL SUITABILITY FOR LAND USE ANALYSIS (1)

TOWN OF MONTVERDE SOIL SUITABILITY FOR LAND USE ANALYSIS (1)														
Land Use (2)	Soil Type													
	AtB	AtD	Br	Fd	Fm	Is	LaB	LaD	Mk	Or	Pe	PmA	Sw	Ta
Residential (3)	S	S	V	V	V	V	M	V	V	S	V	V	V	S
Small Commercial	V	V	V	V	V	V	S	V	V	S	V	V	V	S
Roads and Streets	M	M	V	V	V	V	S	M	V	S	V	V	V	S
Recreation-Playground	V	V	V	V	V	V	V	V	V	V	V	V	V	V
Agriculture	M	M	V	V	V	M	M	M	M	M	V	V	V	M

**TABLE 3**  
**LEGEND**

LEGEND			
AtB	Candler Sand, 0-5% Slope	LaD	Lake Sand, -5-12% Slope
AtD	Candler Sand, 5-12% Slope	Mk	Myakka Sand
Br	Brighton Muck, Depressional	Or	Orlando-Orlando Fine Sand, 0-5% Slope
Fd	Felda Fine Sand	Pe	Placid Sands, Depressional
Fm	Arents-Urban land complex	PmA	Placid & Myakka Sands, Depressional
Is	Immokalee	Sw	Swamp
LaB	Lake Sand, 0-5% Slope	Ta	Tavares Sand, 0-5% Slope
S	Slight Limitations		
M	Moderate Limitations		
V	Severe Limitations		

- (1) The above ratings are in terms of suitability to a particular land use. Soil types are used to determine appropriate land use patterns on the Future Land Use Map.
- (2) Open space can be applied to all soil types.
- (3) Without Basement
- (4) Due to the variable properties of fill soils, an on-site determination is necessary the suitability of a particular land use.

**OBJECTIVE 1-1.11: ENCOURAGE THE REDEVELOPMENT AND RENEWAL OF BLIGHTED AREAS.** Blighted areas are not present within the Town of Montverde. However, the Town shall encourage the redevelopment and renewal of blighted areas at that time such areas appear within its jurisdiction and necessary action shall be taken to prevent their occurrence.

**Policy 1-1.11.1: Amend Future Land Use to Best Encourage the Redevelopment and Renewal of Blighted Areas.** At the time blighted areas are identified within Montverde, the Town shall amend the Comprehensive Plan to include appropriate policies which address the redevelopment needs of that area. Such policies shall be based on an evaluation and analysis which shall be prepared within the Data Inventory and Analysis Section, the supporting document to the Comprehensive Plan. The Town shall also re-evaluate the future land use designation for the blighted area to determine if a more appropriate designation, density and intensity of development would better encourage the private sector to invest in redevelopment.

**Policy 1-1.11.2: Maintain and Enforce Minimum Standards for Existing and New Development.** The Town shall continue to enforce appropriate standards for the design and construction of development, including public and semi-public facilities. The Town of Montverde has amended the Land Development Regulations and Code of Ordinances to include any revisions to design and construction standards, including the administration of enforcement activities, to maintain consistency with development guidelines and requirements established in this comprehensive plan.

**OBJECTIVE 1-1.12: PLANNING FOR UTILITIES.** The Town shall assure that needed utilities are provided concurrent with the impact of new development, including adoption of a Concurrency Management System within the Comprehensive Plan. Sufficient land area shall be available to accommodate utilities.

**Policy 1-1.12.1: Coordinate Land Use Needs for Utilities.** The Town shall coordinate the Comprehensive Plan with the development and



service plans of utility companies to assure that sufficient right-of-way and other land is available for utility placements and distribution lines. A utility land use district shall be used to allocate areas on the Future Land Use Map to accommodate utilities. Distribution lines, such as telephone lines and water mains, shall be permitted in public right-of-way or as otherwise stated in the Land Development Regulations.

Utilities shall be permitted on a conditional basis within commercial and public facilities land use districts, as outlined in the Land Development Regulations. Utilities requiring separation from other forms of development and human activity shall be designated as open space if such land use represents a potential threat to the health or safety of citizens or to the investment in development.

Policy 1-1.12.2: Underground Utilities. The Town shall formulate guidelines to encourage underground utilities in the Land Development Regulations.

Policy 1-1.12.3: Coordinate Traffic Plans with Utilities. As existing utility service lines are placed within existing transportation right-of-ways, the Town shall review future land use plans and transportation improvements to assure that appropriate land and air space are available to accommodate utility lines. Such land use needs shall be delineated as utility open space on the Future Land Use Map as deemed appropriate. The Town shall inform the utility company of all transportation improvements scheduled within the Five-Ten (10) Year Schedule of Capital Improvements which require relocation of utility service lines or other ancillary facilities.

OBJECTIVE 1-1.13: DISCOURAGE URBAN SPRAWL. Discourage Urban Sprawl Through a Future Land Use Pattern which Promotes Orderly, Compact Development.

Policy 1-1.13.1: Land Use Allocation. The Town shall designate land use on the Future Land Use Map to accommodate needs identified within the Comprehensive Plan supporting document (i.e., Data Inventory & Analysis) and to the effect such allocations place on the

economic benefits and values of existing and future land and building investment. The Town shall allocate a reasonable amount of land above identified needs to avoid economic impacts which a controlled supply of land places on land values and market potential.

Policy 1-1.13.2: Promote Orderly Compact Growth. Land use patterns delineated on the Future Land Use Map shall promote orderly, compact growth. The Town shall encourage growth and development in existing developed areas where public facilities and services are presently in place, and in those areas where public facilities can provide the most efficient service. Land areas shall not be designated for growth and development if abundant undeveloped land areas already present in developed areas served by facilities and services.

Policy 1-1.13.3: Coordination with Lake County to Reduce Urban Sprawl. The Town of Montverde shall coordinate with Lake County to promote a regional development concept that directs future growth to urbanized or urban/rural transitional areas where public facilities and services are available or proposed to be available by year 2030. 2033.

OBJECTIVE 1-1.14: PROMOTE INNOVATIVE LAND DEVELOPMENT APPLICATIONS. Promote Innovative Land Development Applications Through the Use of Planned Unit Development Designations.

Policy 1-1.14.1: Application of Planned Unit Development. A single use planned unit development technique shall be used as a management strategy for negotiating innovative development concepts, design amenities, and measures intended to encourage unique planning concepts not attainable with certainty under conventional zoning or to protect environmentally, historically, or archaeologically significant sites. Limited commercial uses shall be allowed on a conditional basis. Although this development strategy may provide opportunities for unique concepts, the development design incorporated by the PUD shall comply with the accepted community character promoted by the Town and shall be designed

to limit impacts of development internally within the confines of the PUD through the following land use controls and guidelines:

- (A) A PUD concept may be applied to any residential land use designation;
- (B) Commercial land uses are allowed only in proposed development exceeding twenty-five acres and shall be limited to less than twenty-five percent (25%) of the total developable land area.
- (C) Recreation areas must be allocated on the site consistent with the Town's adopted level of service standard and the Land Development Regulations.
- (D) Based on the scope of development and acreage involved with a proposed PUD, a "Development of Regional Impact" Study, prepared by the East Central Regional Planning Council, may be a requisite prior to final approval.

Policy 1-1.14.2: Use of Performance Zoning. The Town has analyzed the merits of applying a performance zoning criteria to the Future Land Use Element and the Land Development Regulations which base land use decisions on the ability of proposed development to provide specific facilities and services to qualify for certain density or intensity levels of development.

Policy 1-1.14.3: Use of Neighborhood Standards and Guidelines Manual for New Subdivisions. The Town shall require any subdivision of land within all Land Use Categories where four (4) or more lots are proposed to adhere to standards defined in *Neighborhood Standards and Guidelines Manual for New Subdivisions*. (Ordinance 2017-16)

**GOAL 1-2. FUTURE LAND USE MAP. ADOPT AND MAINTAIN A FUTURE LAND USE MAP SERIES WHICH SHALL DESIGNATE LAND USE ACTIVITIES TO MEET ANTICIPATED GROWTH AND DEVELOPMENT AND TO CONSERVE NATURAL RESOURCES OF MONTVERDE THROUGH THE YEAR 2030. 2033**

**OBJECTIVE 1-2.1: FUTURE LAND USE MAP SERIES.** The Town of Montverde hereby adopts the Future Land Use Map Series, Maps I-1

through I-5 to Represent Town Policy for Managing the Allocation of Future Land Use through the Year ~~2030~~, 2033 The Future Land Use Map Series Is and Shall Be Supported by the Comprehensive Plan Data Inventory & Analysis Report (~~2007~~) 2024 and the Comprehensive Plan Evaluation and-Appraisal Report. Land Use Designations of the Future Land Use Maps Are and Shall Be Allocated Pursuant to the following:

- Goals, Objectives and Policies Established in the Comprehensive Plan;
- Based on Anticipated Growth and Development through Year 2030,2033 as determined within the Data Inventory & Analysis Report;
- Conservation of Natural Resources Including lakes wetlands, floodplains, sinkholes, groundwater high recharge areas, endangered and threatened species and their native habitats;
- Efficiency in the Provision of Public Facilities;
- Preservation of Fiscal Resources and Maximization of Economic Benefit.

Policy 1-2.1.1: Land Use Designations, and Maximum Intensity and Density. The Future Land Use Map Series shall designate areas for maximum density/intensity as depicted on Table I-2.

Policy 1-2.1.2: Consideration of Community Facilities.

Necessary community facilities, such as utility and water service lines, shall be permitted within any future land use designation if such activity satisfies established criteria of the Comprehensive Plan and the Town's Code of Ordinances. A definition for a "community facility" is provided within the revised Land Development Regulations. Performance standards for community facilities have been incorporated into the Land Development Regulations to direct the placement of such facilities.

TOWN OF MONTVERDE DENSITY AND INTENSITY OF LAND USE DESIGNATIONS –

TABLE 4

TOWN OF MONTVERDE DENSITY AND INTENSITY OF LAND USE DESIGNATIONS							
LANDUSE CATEGORY	MAXIMUM DENSITY/INTENSITY	TYPE (a)	MAXIMUM ISA(b)	2007	2024	2007	2024
				ACRES	ACRES	%OF TOTAL LAND AREA	%OF TOTAL LAND AREA
Commercial	0.75	FAR	85.0%	6.40	11.34	0.55%	1.04%
Office/Residential/Commercial (ORC)	0.70	FAR	82.5%	5.50	4.34	0.47%	0.40%
Utility	0.70	FAR	80.0%	2.20		0.19%	
Institutional	0.60	FAR	70.0%	79.10	77.69	6.75%	7.11%
Residential				632.60		54.02%	
Multi-Family Duplex District	Upto12	OU/A	65.0%	2.50	0.46	0.21%	0.04%
Single Family-Medium Density	Upto4	OU/A	60.0%	0.00	0.00	0.00%	0.00%
Single Family-Affordable Housing/Mobile Home Medium Density	Up to 4	DU/A	65.0%	176.20	169.86	15.05%	15.45%
Single Family-Low Density	Upto2	DU/A	50.0%	339.50	538.59	28.99%	49.27%
Single/Multifamily Mixed					17.10		1.56%
Rural Residential	Upto1 du/acre	DU/A	25.0%	0.00	0.00	0.00%	0.00%
Recreation	0.35	FAR	50.0%	10.60	34.09	0.91%	3.12%
Agriculture	1 unit per five acres or .02		10.0%	96.40	122.66	8.23%	11.22%
Open Space				298.40	0.00	25.48%	0.00%
Utility Open Space	0.15	FAR	7.5%	9.80	0.00	0.84%	0.00%
Corridor	0.10	FAR	5.0%		11.13		1.02%
Conservation	0.05	FAR	5.0%	0.00	0.00	0.00%	0.00%
ROW				148.00	0.43	12.64%	0.04%
No Designation				138.40	1.14	11.82%	0.10%
Lake/Water					6.95		0.64%
TOTAL LAND AREA				1032.60	1,057.00	88.18%	96.70%
TOTAL ACREAGE				138.40	36.10	11.82%	3.30%
				1171.00	1093.10	100.00%	100.00%

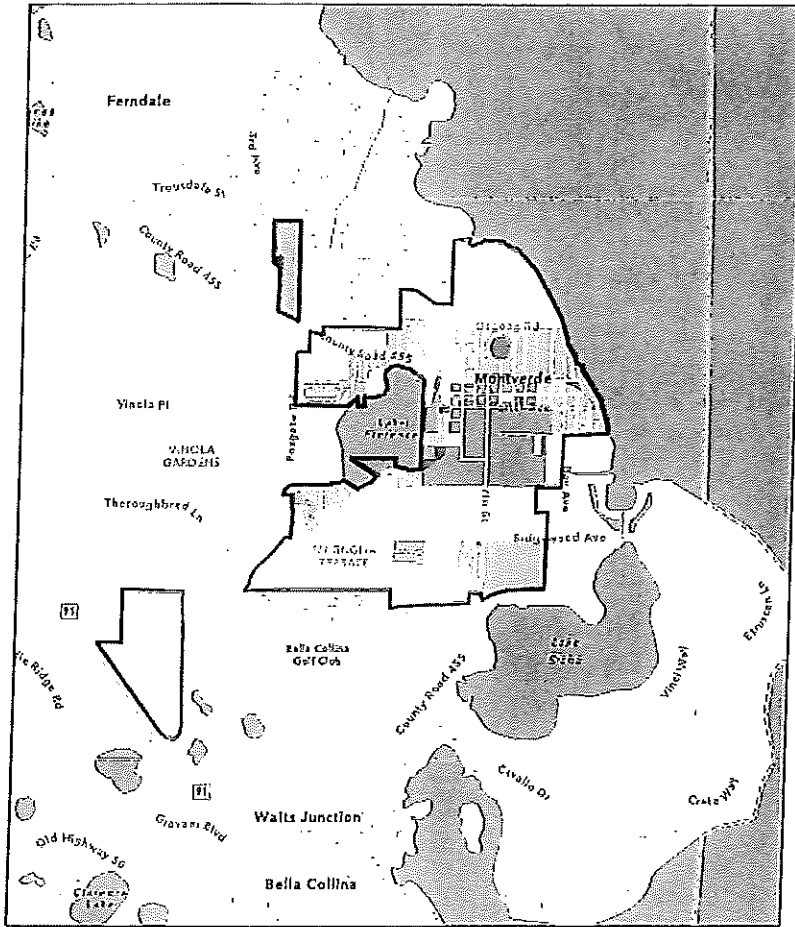


Table 1-2

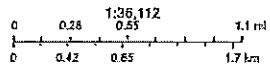
Monterey Comprehensive Plan  
Future Land Use Element

LAND USE CATEGORY	MAXIMUM DENSITY/INTENSITY	TYPE (U)	MAXIMUM (SAL/BL)	TOWN OF MONTEREY DENSITY AND INTENSITY OF LAND USE DESIGNATIONS						% OF TOTAL LAND AREA					
				1981	2002	2005	2006	2007	1981	2002	2005	2006	2007		
Commercial	0.75	FAH	65.0%	11.61	0.31	0.30	0.30	0.40	0.88%	0.02%	0.2%	0.2%	0.3%	0.3%	
Office/Professional/Community	0.70	FAH	62.5%	0.25	0.25	0.20	0.20	0.60	0.08%	0.05%	0.1%	0.2%	0.2%	0.2%	
Utility	0.70	FAH	60.0%	1.20	1.14	2.30	2.30	2.70	0.14%	0.13%	0.22%	0.20%	0.19%	0.19%	
Industrial	0.60	FAH	70.0%	40.57	70.07	91.40	11.40	79.10	7.16%	7.8%	7.0%	6.5%	6.7%	6.7%	
Residential				380.02	448.69	633.40	530.40	692.00	42.80%	40.24%	41.34%	54.00%	64.00%	64.00%	
Multi-Family	Up to 12	D/U/A	65.0%	3.00	2.60	2.60	2.50	2.50	0.27%	0.24%	0.24%	0.21%	0.21%	0.21%	
Diverse District	Up to 4	D/U/A	60.0%	0.00	0.00	0.00	0.00	0.00	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Single Family-Medium Density	Up to 4	D/U/A	65.0%	180.31	164.31	176.40	175.60	179.20	16.44%	16.83%	17.08%	14.99%	14.99%	16.00%	
Single Family-Attached (Housing) Medium Density	Up to 4	D/U/A	35.0%	13.87	12.87	17.50	18.00	18.00	1.65%	1.43%	1.8%	1.8%	1.8%	1.8%	
Single Family-Low Density	Up to 2	D/U/A	50.0%	184.58	202.65	241.40	341.00	350.50	21.00%	22.0%	23.0%	20.12%	20.00%	20.00%	
Rural Residential	Up to 1 - duplex	D/U/A	25.0%	0.00	0.00	0.00	0.00	0.00	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Recreation	0.50	FAH	50.0%	7.75	10.27	6.30	6.30	10.60	0.87%	1.05%	0.81%	0.84%	0.91%	0.91%	
Agriculture	1 unit per 5-acre parcel		10.0%	161.40	140.60	95.10	95.60	98.40	12.27%	14.48%	10.3%	10.3%	10.3%	10.3%	
Open Space	0.15	FAH	7.5%	108.08	117.24	207.70	206.60	280.40	14.96%	12.8%	24.0%	25.2%	28.4%	28.4%	
Utility	0.10	FAH	5.0%	3.78	12.16	2.30	8.00	0.80	0.42%	1.35%	0.2%	0.77%	0.84%	0.84%	
Corridor	0.05	FAH	5.0%	0.00	0.00	0.00	0.00	0.00	0.00%	0.00%	0.00%	0.00%	0.00%	0.00%	
Conservation	0.05	FAH	5.0%	100.00	105.00	148.00	148.00	148.00	11.51%	10.85%	14.3%	12.50%	10.84%	10.84%	
ROW				160.23	164.00	145.10	159.70	158.40	10.37%	10.31%	12.6%	11.93%	11.82%	11.82%	
TOTAL LAND AREA				889.08	970.27	1032.60	1701.80	1032.60	75.90%	56.71%	68.18%	88.10%	81.79%	81.79%	
Lawmaker				107.40	197.40	138.40	139.40	130.40	11.74%	0.80%	11.80%	11.80%	11.80%	11.80%	
TOTAL ACREAGE				1020.16	1107.80	1171.00	1171.00	1171.00	100.00%	100.00%	100.00%	100.00%	100.00%	100.00%	

### FUTURE LAND USE MAP



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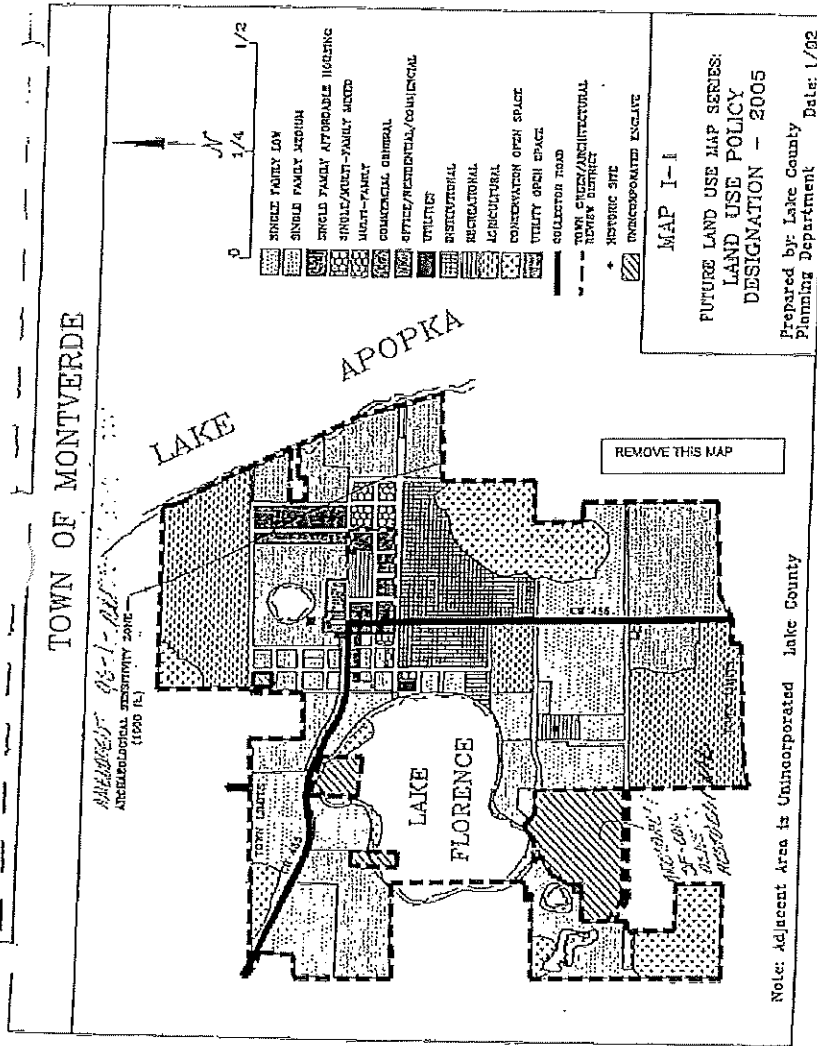
- Future Land Use**
- Single Family Low Density
  - Single Family Medium Density
  - Single Family Affordable Housing
  - Multi-Family
  - Commercial General
  - Single Multi-Family Mixed
  - Agricultural
  - Institutional
  - Office/Residential/Commercial District
  - Recreational
  - Utility Open Space
  - Conservation Open Space
  - Right of Way

ESRI, Esri, Terracon, Garmin, SatCity, GeoTechnology, Inc. AECI, NASA, USGS, EPA, USGS, US Census Bureau, USDA, USFWS

ARC/INFO/MapXtender

Esri Community Maps Contributors, ESRI, Esri, Terracon, Garmin, SatCity, GeoTechnology, Inc. AECI, NASA, USGS, EPA, USGS, US Census Bureau, USDA, USFWS





**OBJECTIVE 1-2.2: LAND ALLOCATIONS FOR RESIDENTIAL USES.** Allocate sufficient land area on the Future Land Use Map to accommodate anticipated housing needs through the Year 2030.

Policy 1-2.2.1: Allocation of Residential Densities. Future land use policy, as illustrated in Map I-1, shall allocate residential density based on the following considerations:

- Past and anticipated future population and housing trends and characteristics;
- Provision and maintenance of quality residential neighborhoods and preservation of cohesive neighborhoods;
- Protection of Environmentally Sensitive Lands;
- Transition of density between low, medium and mixed single family residential categories, multiple family categories, and affordable housing categories;
- Need to accommodate affordable housing needs for very low-, low-, and moderate-income households.

The Land Development Regulations have been revised to incorporate provisions which stipulate performance standards regulating density on any proposed site for new development or redevelopment. Development issues to be regulated by performance standards stipulated within the Land Development Regulations shall include:

- Stormwater Management and floodplain protection;
- Minimum open space requirements which mandate a minimum 35% pervious area;
- Access management and traffic impact analysis;
- Erosion Control;
- Perimeter landscaping, screening and buffering
- Preservation of wetlands;
- Preservation of vegetative communities identified as habitat for endangered or threatened species;
- Compliance with Concurrency Management System;
- Recreation land and facilities.



Policy 1-2.2.2: Interpretation of Residential Density and Intensity Designations. Maximum gross residential densities shall be construed to represent the maximum allowable units which may be constructed on the gross land area, determined by dividing the "maximum allowable units" by the "gross land area" (i.e., dwelling units / gross land area). Residential densities shown on the Future Land Use Map shall be construed as the maximum gross residential density permitted for development in that residential district.

Gross land area shall be construed to represent all land under common ownership proposed for residential development.

Density designations shall be restricted or reduced for the following circumstances:

- (a) Waters of the State shall not be included as gross land area.
- (b) No development shall be permitted in wetlands or floodplains other than passive recreation or conservation uses. Jurisdictional wetlands shall not be included as gross land area.

As of January 1, 2025, new construction Residential Intensity (Impervious Surface Area) shall be regulated on a parcel or lot-by-lot basis including within newly proposed subdivisions.

Policy 1-2.2.3: Interpretation of Non-Residential Intensities. Intensity of non-residential development shall be evaluated according to trips generated from the site based on 1,000 square feet of gross building area or on a gross acre. Trips generated from a proposed development or redevelopment shall not exceed the maximum rate specified in Policy 1-2.1.1., Land Use Designations, and Maximum Intensities and Densities.

Trip generation associated with non-residential development and redevelopment shall be based on the most recent edition of the Institute of Traffic Engineers' "Trip Generation Manual". If particular non-residential activities are not evaluated in this manual, the Town shall allow the most similar non-residential activity therein evaluated. An applicant of a development may select to have a certified

engineer perform a traffic generation study for a proposed non-residential development at cost to the applicant.

Policy 1-2.2.4: Vested Rights to Density. Where Land use densities are presented as a range, the maximum density shall not represent a guaranteed right. Subdivision, zoning and site plan review criteria and procedures within the Land Development Regulations shall ensure that specific density assigned to new development is compatible and consistent with established residential development patterns and provides equitable use of the land. Criteria to be considered in allocating density shall include, but not be limited to, the following:

- (A) Protect neighborhood cohesiveness and stability of residential characters;
- (B) Assure compatible transitions between abutting low, medium, and high residential districts;
- (C) Require compliance with the Town's proposed tree protection and landscaping ordinance;
- (D) Protect environmentally sensitive areas, particularly wetlands and floodplains;
- (E) Minimize impacts of flood hazards to development.

Policy 1-2.2.5: Agriculture Development. Areas delineated on the Future Land Use Map for agricultural development shall accommodate single detached dwelling units with a maximum density of up to one unit per five acres. Supportive community facilities and accessory land uses may be located within these areas but shall be required to comply with Policy 1-1.1.4 and performance standards and development requirements set forth within the Land Development Regulations and Code of Ordinances.

This designation serves primarily to place less intensive residential development adjacent to environmentally sensitive areas and natural resources, and to allow residential preferences for all income groups, and to promote a diversity of housing types within the Town.

- (A) Acceptable Uses - Permitted. Land uses allowed within single-family low-density designations include the following:
  - 1. Single-family dwelling units;

2. Buildings, structures, or uses maintained or operated by the Town of Montverde.

- (B) Impervious Surface Area. The maximum area of a site to be covered by impervious surface is fifty percent. Refer to Policies 5-1.3.1 and 5-1.3.2 for definition of maximum impervious surface area.
- (C) Maximum Building Height. Building height shall not exceed thirty-five feet.

Policy 1-2.2.6: **Rural Residential Development**. Areas delineated on the Future Land Use Map for rural residential development shall accommodate single detached dwelling units with a maximum density of up to one unit per acre. Supportive community facilities and accessory land uses may be located within these areas but shall be required to comply with Policy 1-1.1.4 and performance standards and development requirements set forth within the Land Development Regulations and Code of Ordinances.

This designation serves primarily to place less intensive residential development adjacent to environmentally sensitive areas and natural resources, and to allow residential preferences for all income groups, and to promote a diversity of housing types within the Town.

- (A) Acceptable Uses - Permitted. Land uses allowed within single-family low-density designations include the following:
1. Single-family dwelling units;
  2. Buildings, structures, or uses maintained or operated by the Town of Montverde.
- (B) Impervious Surface Area. The maximum area of a site to be covered by impervious surface is fifty percent. Refer to Policies 5-1.3.1 and 5-1.3.2 for definition of maximum impervious surface area.
- (C) Maximum Building Height. Building height shall not exceed thirty-five feet.

Policy 1-2.2.7: **Single Family Low Density Residential Development.** Areas delineated on the Future Land Use Map for low density residential development shall accommodate single detached dwelling units with a maximum density of up to two units per acre. Supportive community facilities and accessory land uses may be located within these areas but shall be required to comply with Policy 1-1.1.4 and performance standards and development requirements set forth within the Land Development Regulations and Code of Ordinances.

This designation serves primarily to place less intensive residential development adjacent to environmentally sensitive areas and natural resources, and to allow residential preferences for all income groups, and to promote a diversity of housing types within the Town.

- (A) **Acceptable Uses - Permitted.** Land uses allowed within single-family low-density designations include the following:
  1. Single-family dwelling units;
  2. Buildings, structures, or uses maintained or operated by the Town of Montverde.
- (B) **Impervious Surface Area.** The maximum area of a site to be covered by impervious surface is fifty percent. Refer to Policies 5-1.3.1 and 5-1.3.2 for definition of maximum impervious surface area.
- (C) **Maximum Building Height.** Building height shall not exceed thirty-five feet.

Policy 1-2.2.8: **Single Family Medium Density Residential Development.** Areas delineated on the Future Land Use Map for medium density residential development shall accommodate single detached dwelling units with a maximum density of up to four units per acre.

This designation serves to maintain the character of existing developed areas which are subdivided to accommodate existing residential character, assure that sufficient land area for this residential

character are available to meet anticipated demands, promote a diversity of housing types within the Town, and maintain densities which will not overburden the natural environment's ability to disperse and terminate leachate from septic tank systems.

(A) Acceptable Uses - Permitted. Land uses allowed within single-family medium density designations include the following:

1. Single-family dwelling units;
2. Buildings, structures, or uses maintained or operated by the Town of Montverde.

(B) Impervious Surface Area. The maximum area of a site to be covered by impervious surface is sixty-five percent.

(C) Maximum Building Height. Building height shall not exceed thirty-five feet.

Policy 1-2.2.9: **Single Family Residential Affordable / Manufactured Housing District**. These areas shall be designated for affordable single family and to allow manufactured housing up to four units per acre.

(A) Acceptable Uses - Permitted. Land uses allowed within single family affordable housing / manufactured housing designations include the following:

1. Single-family dwelling units having a minimum living area of 900 square feet;
2. Buildings, structures, or uses maintained or operated by the Town of Montverde.

(B) Impervious Surface Area. The maximum area of a site to be covered by impervious surface is thirty-five percent. Refer to Policies 5-1.3.1 and 5-1.3.2 for definition of maximum impervious surface area.

(C) Maximum Building Height. Building height shall not exceed thirty-five feet.



Policy 1-2.2.10: **Duplex District.** These areas shall be designated for single family residences and two-family duplexes at a density up to four units per acre.

(A) **Acceptable Uses - Permitted.** Land uses allowed within mixed single/multiple family residential density designations the duplex district includes the following:

1. Single-family dwelling units;
2. Two family dwelling units;
3. Buildings, structures, or uses maintained or operated by the Town of Montverde.

(B) **Impervious Surface Area.** The maximum area of a site to be covered by impervious surface is sixty percent. Refer to Policies 5-1.3.1 and 5-1.3.2 for definition of maximum impervious surface area.

(C) **Maximum Building Height.** Building height shall not exceed thirty-five feet.

Policy 1-2.2.11: **Multi-Family High Density Residential Development.** Density in this category shall not exceed 10 units per acre.

(A) **Acceptable Uses - Permitted.** Land uses allowed within single-family low-density designations include the following:

1. Single family dwelling units;
2. Two family dwelling units;
3. Multi-family dwelling;
4. Buildings, structures, or uses maintained or operated by the Town of Montverde.

(B) **Impervious Surface Area.** The maximum area of a site to be covered by impervious surface is sixty percent (60%). Refer to Policy 5-1.3.1 and 5-1.3.2 for definition of maximum impervious surface area.

- (C) Maximum Building Height. Building height shall not exceed thirty-five feet.

Policy 1-2.2.12: **Affordable Housing Residential Development**. Such areas designated on the Future Land Use Maps shall accommodate up to four single family units per acre of housing subject to land development regulations promoting affordable housing. Such designations shall allow the following building activities:

- (A) Single-family dwelling units;
- (B) Duplexes;
- (C) Accessory dwellings consistent with the Town's Land Development Code.

Commented [SP3]: This section has always been missing from the Comp Plan. I added recommended language here.

OBJECTIVE 1-2.3: LAND ALLOCATIONS FOR COMMERCIAL AND OFFICE USE. The Future Land Use Map Shall Delineate Sufficient Land to accommodate office\residential\commercial trades.

Policy 1-2.3.1: Commercial Designations. Land shall be allocated on the Future Land Use Map for two commercial land use categories: Commercial (C1), Commercial District 2 (C-2), and Office\Residential\ Commercial (ORC).

Commented [SP4]: C-2 was added to Town in 2016 but never added in text here.

Policy 1-2.3.2: Commercial. This commercial designation allows more intensive activities than commercial uses located in the office/residential/commercial designation. More intensive commercial will be directed to arterial or collector roads that are designed to serve traffic generated by higher intensive uses.

- (A) Acceptable Activities. The Commercial designation is intended to provide for retail sales and services within the Community.

The Land Development Regulations may further restrict or prohibit certain commercial activities in the Commercial category.

Policy 1-2.3.3: Office / Residential / Commercial Land Use Designation. The ORC designation is intended to provide a mix of compatible office, residential and low intensity Commercial activities for the purpose of creating a viable small town central business district

purposefully designed to portray a traditional town green community center accommodating pedestrian needs over automobile use. Acceptable development mix in the ORC shall allow single use activities in buildings as well as residential uses on the second floor of Commercial and office buildings.

(A) Acceptable activities in the ORC district are limited to the following unless listed as a conditional use:

1. Single family dwelling units having a minimum of living area of 1,100 square feet (one or two bedroom residences) and 1,250 square feet (3 or more bedroom residences) exclusive of garages, carports, and screened areas;
2. Buildings, structures or uses maintained or operated by the Town of Montverde;
3. Home occupations conducted within single family dwelling units and operated in accordance with this chapter;
4. Office;
5. Specialty retail.

The Land Development Regulations may include additional activities prohibited in the ORC district.

Policy 1-2.3.4: Allocation of Commercial Land. The Future Land Use Map shall designate land area at a level above indicated needs in the supporting document but not greater than fifty percent (50%) of that identified minimum need to assure that commercial acreage allocations do not create a shortage of commercial land.

Policy 1-2.3-5: Coordination with Lake County Future Land Use. To discourage urban sprawl, Lake County has oriented land use patterns in its Future Land Use Map to direct development requiring public services and facilities to urbanized or rural / urban transitional areas which already provide them. Hence, the Future Land Use Map for Montverde shall dedicate more land for commercial activities than its population can support in order to meet regional market demands and to discourage urban sprawl into rural areas by development requiring facilities and services of an urban nature.

**OBJECTIVE 1-2.4: LAND DESIGNATIONS FOR RECREATION ACTIVITIES.**  
The Future Land Use Map Shall Designate Areas for Recreation Space and Facilities. These lands shall be designated as Public Facilities sites.

Policy 1-2.4.1: **Designate Recreation Sites.** The Town shall designate the existing parks for continued recreation use. Additional land shall be acquired only if necessary to meet the adopted level of service. At any time land for recreation purposes becomes available to the Town, the comprehensive plan shall be revised to establish the subject site under a designated recreation land use policy.

**OBJECTIVE 1-2.5: LAND ALLOCATIONS FOR PUBLIC FACILITIES SERVICES.**  
The Future Land Use Map Shall Allocate Land Resources for Public Facilities and Services. The Sites Shall Be Compatible with Adjacent Land Uses.

Policy 1-2.5.1: **Public Facilities Land Use Designation.** The public facilities land use designation shall accommodate land resource needs of existing public and semi-public services, which shall comprise: governmental administration buildings; educational facilities; and essential public services and facilities.

Policy 1-2.5.2: **Reduce Impacts to Adjacent Land Uses.** Lands designated for public facilities uses shall contain sufficient acreage and open space. Such uses shall provide screening and buffer areas to minimize potential adverse impacts to adjacent land uses.

Policy 1-2.5.3: **Monitor Additional Land Needs.** Additional land needs required to accommodate future public facilities uses shall require an amendment to the Future Land Use Map. The Town shall monitor the need for additional land area for public facilities uses and shall coordinate with State and County governments when necessary to determine if anticipated land needs to meet future demands.

**OBJECTIVE 1-2.6: LAND ALLOCATIONS FOR UTILITY SERVICES.** The Future Land Use Map Shall Allocate Land Resources for Utility Facilities and Services Essential to support urban development.

Policy 1-2.6.1: **Designations for Existing Utilities – Utility**. The utility land use designation is intended to accommodate necessary major public or semi-public utility plant operations and related facilities required to service urban development. Plants and facilities for which the utility designation is reserved include potable water treatment plants, pumping facilities, and water wells, and wastewater treatment plants and lift stations. Existing land accommodating utilities shall be designated on the Future Land Use Map as utility land use. Maximum height in the utility designation shall not exceed thirty-five feet unless otherwise approved by the Town Council on a conditional basis depending on the need of the facility to exceed thirty-five feet.

OBJECTIVE 1-2.7: **LAND ALLOCATIONS FOR OPEN SPACE**. The Town Shall Designate Land Resources for Open Space (Conservation) to Conserve Environmentally Sensitive Areas, to Preserve Right-of-Way for Transportation Corridors, and to Prevent Development from Encroaching Potentially Hazardous or Detrimental Utilities or Land Use Activities.

Policy 1-2.7.1: **Conservation Open Space Designations**. Land qualifying as open space shall meet the below cited definitions. Where land serves as both open space and recreation uses, the latter shall be used as the land use designation for the site.

**Conservation Open Space** - As stipulated in Policy 6-1.5.1 in the Recreation and Open Space Element, Conservation Open Space shall represent significant natural or historical resources that require protection from detrimental impacts associated with the encroachment of development. Natural areas that are unsuitable for development also are a form common conservation open space. Conservation open space areas shall be those which are designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of ground water or surface water, floodplain management, fisheries management, or protection of vegetative communities, or wildlife habitats. Such areas on the Future Land Use Map shall include wetlands. This definition of open space is intended to be consistent with that defined under 9J-5.003(63.84), Florida Administrative Code



whereas "Open Spaces" means undeveloped lands suitable for passive recreation or conservation uses. Areas which qualify for such designation are described within the Conservation Element.

Commented [SP5]: Update to make more clear and consistent with current Florida Statutes.

Utility Open Space -- shall be construed to represent areas unsuitable for development due to a potential threat to public health and safety as a result of the presence of a facility or utility, and areas unsuitable for development due to the presence of a public service which would adversely affect the value of investments constructed thereon a particular site. Such areas shall include, but are not limited to cemeteries, drainage canals and retention ponds, airport flight path zones, and regional utility lines.

Corridor Open Space -- shall be construed to represent transportation right-of-way adjacent to existing thoroughfares, right-of-way reservation areas for future transportation corridors, or unpaved, overflow parking areas covered by vegetation.

Policy 1-2.7.2: Allocation of Open Space. The Future Land Use Map shall identify the following areas as open space:

Conservation:

- All wetlands.

Utility:

- Cemetery
- Stormwater retention ponds

Corridor:

- Abandoned Rail Corridor

Policy 1-2.7.3: Consistency with Recreation & Open Space Element and the Conservation Element. Land identified as open space on the Future Land Use Map shall be consistent with open space identified within the Recreation and Open Space Element and with

conservation activities within the Conservation Element of this Comprehensive Plan.

**OBJECTIVE 1-2.8: LAND ALLOCATIONS FOR AGRICULTURE USE.** Agriculture lands which Show Continued Viability for this Land Use Shall Be Shown on the Future Land Use Map.

Policy 1-2.8.1: **Agriculture Designation.** The Town shall designate agriculture land use on the Future Land Use Map.

Policy 1-2.8.2: **Acceptable Land Uses in Agriculture Designation.** Acceptable agricultural practices within this designation shall be restricted to the following activities:

- (A) Single family dwelling units having a minimum living area of 1,100 square feet (one or two bedroom residences) and 1,250 square feet (3 or more bedroom residences) exclusive of garages, carports, and screened areas;
- (B) Buildings, structures or uses maintained or operated by the Town of Montverde;
- (C) Home occupations conducted within single family dwelling units and operated in accordance with the Town of Montverde Land Development Regulations;
- (D) Field crops, groves, and other agricultural uses and associated retail sales;
- (E) Accessory buildings customarily used in connection with each permitted use.

**GOAL 1-3: IMPLEMENTATION OF FUTURE LAND USE ELEMENT AND MAP SERIES.** IMPLEMENT THE FUTURE LAND USE ELEMENT, FUTURE LAND USE MAP SERIES, AND THE COMPREHENSIVE PLAN BY EVALUATING AND MONITORING EXISTING AND FUTURE GROWTH AND DEVELOPMENT WITHIN THE TOWN FOR COMPLIANCE WITH THE GOALS, OBJECTIVES AND POLICIES ESTABLISHED IN THE COMPREHENSIVE PLAN.

**OBJECTIVE 1-3.1: CONCURRENCY MANAGEMENT SYSTEM.** The Town Shall Monitor Impacts Generated by Future Growth and Development For Compliance with Minimum Levels of Service Standards and For the Availability of Public Facilities and Resources Through a Concurrency

Management System. No Development Order or Permit for Development Shall Be Issued by the Town Unless Criteria within the Concurrency Management System Determine that Adequate Facilities and Resources are Available Concurrent with the Impacts of Development and at Levels which Equal or Exceed Minimum Adopted Level of Service Standards Adopted in this Comprehensive Plan.

Policy 1-3.1.1: Mandatory Compliance with the Concurrency Management System. The Town of Montverde shall issue no development order or permit for development unless the applicant demonstrates that impacts associated with the proposed development meet criteria set forth within the Concurrency Management System. Through principles established within the Concurrency Management System, an applicant shall demonstrate through narrative and graphic information that:

- (A) Necessary facilities and resources are in place
- (B) and functional concurrent with the impacts of development;
- (C) The subject development shall not reduce the
- (D) levels of service (LOS) below the minimum adopted standard established in policy for each applicable public facility.

For proposed developments which shall require public facilities or services provided by the Town of Montverde, no development order or permit for development shall be issued until a maximum capacity for a public facility is assigned to and reserved for the subject development. The reservation of capacity for a public facility shall be granted to an applicant of development only upon satisfactory compliance with the Concurrency Management System. All rights pertaining to the assignment and forfeit of capacity allocations shall be defined within the Concurrency Management System.

Policy 1-3.1.2: Amendments to the Comprehensive Plan. The Town shall require all applicants pursuing an amendment to the Future Land Use Map to demonstrate that all facilities or service capacities are currently available, or shall be available after the implementation of scheduled capital improvements, to meet general needs of the proposed land use. An amendment to the Future Land Use Map shall

not constitute the reservation of capacity for any public facility. Reservation of capacities shall only be granted to development orders or permits which demonstrate specific impacts which a development will place on public capacities.

OBJECTIVE 1-3.2: MANAGEMENT AND COORDINATION OF FUTURE LAND USE DECISIONS. Management of Land and Physical Improvements Identified on the Future Land Use Map Shall Be Coordinated with Natural Systems, Including Topography, Soil Conditions, Vegetation, Natural Habitat, Potable Water Wellfields, and other Environmentally Sensitive Land and Water Resources. In Addition, Such Coordination Shall Analyze Future Land Use for Consistency with the Furtherance of the Town's Desired Character and the Promotion of Neighborhood Cohesiveness. Land Use Decisions Shall Also Be Based on the Availability of Public Services and Infrastructure Required to Support Land Use Activities Permitted for Land Use Districts of the Future Land Use Map.

Policy 1-3.2.1: Future Land Use Map and Related Policies. The Future Land Use Map and related policies pertaining to the Future Land Use Map (Map I-1) provide definitions of land use designations and qualitative standards which shall be applied in allocating future land uses.

Policy 1-3.2.2: Land Development Regulations Codes. Existing regulations and codes governing zoning; subdivision; signage; tree protection and landscaping; floodplain management; surface water management; water conservation; septic tanks and sewage disposal; roadways and sidewalks; recreation space and facilities; health and sanitation; fire prevention and protection; building and electrical codes; excavation and erosion control; and other land and water management regulations shall be revised and/or updated as necessary to effectively regulate future land use activities and natural resources identified on the Future Land Use Map.

The Land Development Regulations Codes for the Town of Montverde shall be consistent with, and serve to implement the goals, objectives and policies established within the Comprehensive Plan. To implement the goals, objectives and policies of the Comprehensive

Plan, provisions shall be incorporated into the Land Development Regulations pursuant to Chapter 163.3202, F.S., and shall contain specific and detailed provisions which as a minimum:

- (A) Regulate the subdivision of land;
- (B) Regulate the use of land and water consistent with this Element, ensure the compatibility of adjacent land uses, and provide for open space;
- (C) Protect the environmentally sensitive lands designated in the e Comprehensive Plan, particularly those identified in the Future Land Use Map Series;
- (D) Regulate development within areas which experience seasonal and periodic flooding;
- (E) Specify drainage and stormwater management requirements;
- (F) Protect potable water wellfields and aquifer recharge areas;
- (G) Specify minimum design standards for sanitary sewer and septic tank systems;
- (H) Regulate signage;
- (I) Ensure safe and convenient on-site and off-site traffic flow and parking needs of motorized and non-motorized transportation;
- (J) Require that development meet all appropriate provisions of the Concurrency Management System, including level of service standards adopted by the Town Council, prior to the issuance of a development order or permit.

Policy 1-3.2.3: Consistency of Zoning Districts with the Future Land Use Map. The Town may elect to further regulate land use activities within land use categories shown on the Future Land Use Map through the establishment of zoning districts. Such zoning districts shall be defined within the Land Development Regulations, and a Zoning Map shall illustrate the demarcations of each district. The density and intensity of land use activities established for each zoning district shall be consistent with density and intensity qualitative standards set forth on the Future Land Use Map for the associated land use district.

Land development regulations adopted to implement this Comprehensive Plan shall be based on and be consistent with the densities and intensities of use established in Policy 1-2.1.1.

Policy 1-3.2.4: Consistency with Performance Standards. Performance standards established within the Land Development Regulations shall be consistent with the goals, objectives and policies established within the Comprehensive Plan. The Land Development Regulations shall define performance standards which address the following:

- (A) Provide criteria for conserving or preserving:
  - (1) wetlands;
  - (2) floodplains;
  - (3) drainage and stormwater management;
  - (4) undevelopable sinkholes;
  - (5) ground water aquifer high recharge areas.
- (B) Provide criteria for a littoral protection zone for lakefront areas and wetlands;
- (C) Define open space requirements;
- (D) Incorporate criteria for the provisions of off-street parking and controlling on-site traffic circulation, including such needs required by non-motorized transportation;
- (E) Provide criteria for access management through the control of access to and egress from the roadway system;
- (F) Mandate criteria for the performance and design of service facilities and infrastructure;
- (G) Define criteria for the application of screening and buffer techniques along the perimeter of land uses which may otherwise adversely impact adjacent development;
- (H) Establish standards for erosion and sedimentation control;
- (I) Stipulate requirements for the protection of historically significant structures and sites which merit protection.
- (J) Stipulate criteria for the removal of trees and native vegetation;

OBJECTIVE 1-3.3: PREVENT FUTURE NEEDS FOR REDEVELOPMENT AND RENEWAL. The Town Shall Prevent Future Needs to Undertake Redevelopment and Renewal Activities through Continuation of Code Enforcement Activities.

Policy 1-3.3.1: Continuation of Code Enforcement Activities. The Town shall continue the enforcement of building codes to maintain safe structures which promote and preserve the desired character of the Town of Montverde.



OBJECTIVE 1-3.4: PROTECTION OF ARCHAEOLOGICAL AND HISTORIC RESOURCES. The Town Shall Assure that Land Development and Conservation Activities Further the Protection of Archaeological and/or Historic Sites that May be Discovered in the Future.

Policy 1-3.4.1: Preventing Destruction of Discovered Archaeological Sites. Development shall cease construction activities on a development site when unidentifiable artifacts are uncovered during either land preparation or construction. The developer shall notify the Town of such potential discovery, and the Town and/or the developer shall contact the Florida Department of State of such discovery. Construction shall not begin until the State has determined the archaeological significance of the discovery and the restrictions which shall be imposed on development. Development may continue in areas which will not impact the site of the discovery.

OBJECTIVE 1-3.5: PROTECTION OF NATURAL RESOURCES. Development and Conservation Activities Assure the Protection of Natural Resources.

Policy 1-3.5.1: Future Land Use Policies for Managing Environmentally Sensitive Areas. Policies in the Conservation Element for managing environmentally sensitive natural systems, including but not limited to lakes, wetlands, floodplain areas, significant vegetative communities and wildlife habitats of endangered and threatened species, shall be implemented through performance standards stipulated in the Land Development Regulations.

Policy 1-3.5.2: Intergovernmental Coordination and Natural Resource Management. The Town shall coordinate with the State, the St. John River Water Management District, the East Central Florida Regional Planning Council, Lake County, and other agencies concerned with managing natural resources for the purpose of protecting the function and existence of natural systems.

Policy 1-3.5.3: Protection of Endangered and Threatened Animal and Plant Species. The Town shall protect endangered and threatened animal and plant species by assuring the preservation of native

habitat required for their propagation and survival. Policies pertaining to the adoption of performance standards and development regulations, as herein cited in this Comprehensive Plan shall implement the protection of habitat used by these species.

OBJECTIVE 1-3.6: PREVENT LAND USE INCONSISTENT WITH THE TOWN'S CHARACTER. Future Land Uses Shall Be Compatible with the Future Land Use Map, and Other Applicable Laws, Ordinances, and Administrative Rules Regulating Land and Water Resource Management.

Policy 1-3.6-1: Existing Non-Compatible Land Uses. The Town shall reduce or eliminate existing non-complying land use activities to the greatest reasonable and practical extent without intruding on the constitutional rights of the effected landowners. No existing non-conforming structure shall be increased or expanded. The Land Development Regulations shall define circumstances under which the existing non-conforming use shall be eliminated or reduced in intensity and shall provide principles for regulating improvements to existing non-complying structures as well as changes to non-conforming uses.

Policy 1-3.6.2: Managing Future Land Use. The Future Land Use Map and related policies together with the Land Development Regulations shall be applied as a planning and management tool in order to prevent development of land uses which do not conform to the Town's characters reflected in the Town's adopted Future Land Use Map, Zoning Map, and other applicable laws, ordinances, and administrative rules.

OBJECTIVE 1-3.7: INTERGOVERNMENTAL COORDINATION. The Town Shall Coordinate Growth and Resource Management Issues with Other Applicable Local, State, and Federal Agencies According to the Intergovernmental Coordination Element.

Policy 1-3.7.1: Implementing Intergovernmental Coordination. The Town shall require that development applications be coordinated with Lake County through a formalized Joint Planning Agreement (JPA) process, Lake County Board of Education, East Central Regional Planning Council, St. Johns River Water Management District, the

Florida Department of Transportation, as well as other applicable State and Federal agencies prior to final Town approval of the development order. The Land Development Regulations shall describe all appropriate stages of a formal development review process which shall be followed to receive development approval.

OBJECTIVE 1-3.8: COORDINATE TIMING AND PHASING OF DEVELOPMENT WITH THE CONCURRENCY MANAGEMENT SYSTEM. The Location, Scale, Timing, and Design of Development Shall Be Coordinated through the Concurrency Management System in order to promote cost effective land development patterns and direct future development only to those areas where public facilities are available to meet level of service standards concurrent with the impacts of development.

Policy 1-3.8.1: Development Orders and Permitting Process. Development orders and permits for all future development shall not be approved until the Concurrency Management System has determined that adequate public facilities are available at levels consistent with adopted standards. Public facilities and infrastructure shall be available concurrent with the staging of development.

Policy 1-3.8.2: Compliance of Sanitary Sewer/Septic Tank Systems with State Regulations. All developments serviced by sanitary systems shall be governed by applicable State administrative regulations.

Policy 1-3.8.3: Accommodating Requisite-Infrastructure. The Town shall include procedures in the development review process applied to site plans, subdivisions review, and permitting procedures to assure that sufficient land area has been allocated for infrastructure required to support proposed development.

OBJECTIVE 1-3.9: PRECEDENCE OF GROWTH MANAGEMENT CONTROLS. The Comprehensive Plan Shall Represent the Primary Mechanism Which Manages Growth and Development within the Town of Montverde, In Accordance to Florida Statutes Chapter 163.

Policy 1-3.9.1: Precedence Over Other Land Use Control Mechanisms. Growth management and land use controls stipulated in

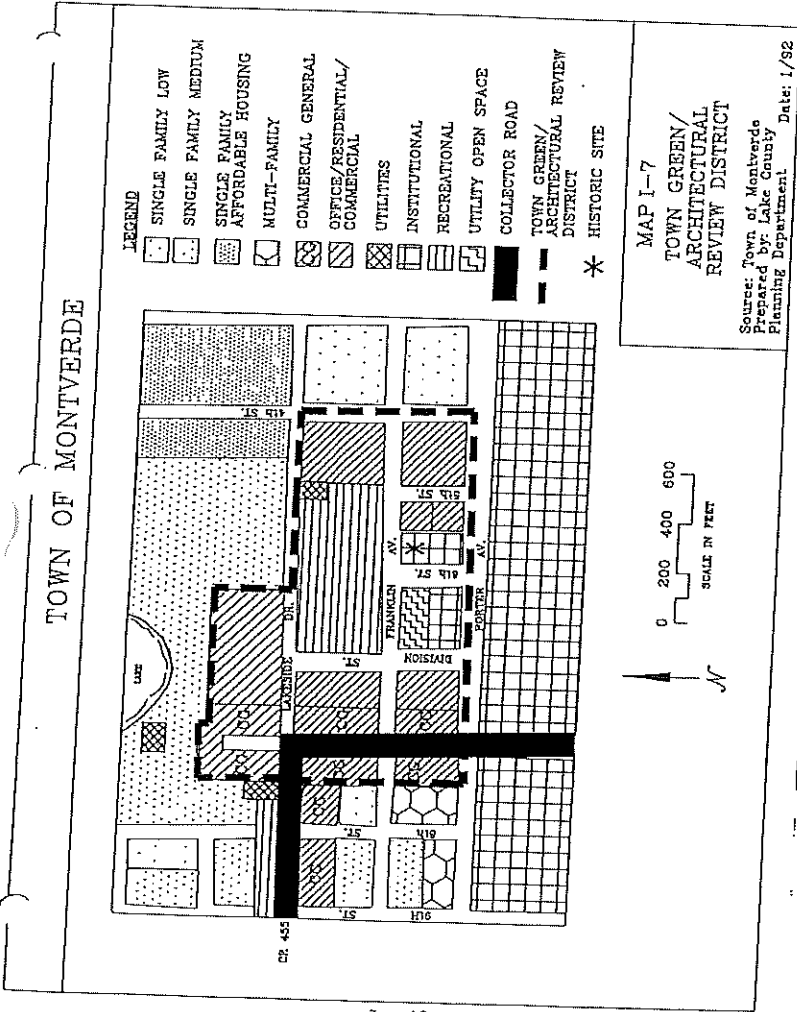
Comprehensive Plan through goals, objectives and policies take precedence over all other land use policies established in other land use control mechanisms adopted by the Town of Montverde, including but not limited to the Land Development Regulations and other components of the Code of

Ordinances. Standards, provisions, and restrictions stated in the Land Development Regulations and the Code of Ordinances shall be consistent with the goals, objectives and policies of the Comprehensive Plan.

Policy 1-3.9.2: Growth Management through Adoption of Revised Land Development Codes Regulations. The Town has revised the Land Development Regulations—Codes to reflect growth management controls established within the Updated Comprehensive Plan. The Town Council shall reserve the right to declare a moratorium on development under the following circumstances which may occur during the interim period between the adoption of the Comprehensive Plan, or the future amendment thereof, and the corresponding revisions to the Land Development Regulations:

- (A) Public facilities and infrastructure are not available at minimum level of service standards to meet the demands of development proposed within applications for development which were submitted immediately before, and after the adoption of the Comprehensive Plan and/or the Concurrency Management System.

Policy 1-3.9.3: Compliance with State and Federal Laws. The Comprehensive Plan shall not violate Statutes established in Florida Law or Administrative Rule, nor shall it violate the Constitution of the State of Florida or that of the United States of America. The Town shall reserve the right to challenge State Administrative Rules or Laws which may serve to threaten the health, safety, or welfare of its residents.



## CHAPTER II

## CHAPTER II

### TRAFFIC CIRCULATION AND TRANSPORTATION ELEMENT

#### Goals, Objectives and Implementing Policies

GOALS, OBJECTIVES AND IMPLEMENTING POLICIES. This section stipulates goals, objectives and policies for implementing the desired traffic system of the Town of Montverde.

#### 2-1. GOAL: PROVIDE SAFE, CONVENIENT, EFFICIENT TRANSPORTATION SYSTEM FOR BOTH MOTORIZED AND NON-MOTORIZED TRANSPORTATION MODES.

OBJECTIVE 2-1.1: SAFE, CONVENIENT, AND EFFICIENT TRANSPORTATION SYSTEM. Provide a Safe, Convenient, Energy Efficient and Traffic Circulation and Multimodal System Through the Establishment of Minimum Level of Service Standards and the Joint Provision of Non-Motorized Transportation Facilities with Proposed Road Improvements.

Policy 2-1.1.1: Minimum Level of Service Standards. The Town of Montverde hereby adopts the following level of service (peak hour) standards for the below listed roadway classifications:

<u>Road Class</u>	<u>Peak Hour Minimum Level of Service (*)</u>
Principal Arterials: <i>None are present</i>	C
Minor Arterials: <i>None are present</i>	C
Major Collectors: <i>County Road 455</i>	D
Minor Collectors: <i>None are Present</i>	C
Local Roadways: <i>All roadways not classified as collectors or arterials.</i>	C

(\*) Level of service shall be predicated on the lowest quality design hour, which shall represent the thirtieth-highest hour of traffic, as determined by FDOT.



Policy 2-1.1.2: Review of Proposed Developments. The Town of Montverde shall review all proposed development for compliance and consistency with the adopted levels of service through the Town's Concurrency Management System. No development shall be approved until the concurrency management system has been evaluated to determine that estimated impacts will not cause the level of service on roads adjacent to the development to decrease below the adopted minimum standard.

Policy 2-1.1.3: Use of Traffic Impact Fees. The Town of Montverde shall designate revenues distributed to the Town from Lake County's traffic impact fees for only collector road improvements included in the Town's ~~Five~~ Ten-Year Capital Improvement Program.

Policy 2-1.1.4: Use of Traffic Impact Fees for the Bicycle and Pedestrian Transportation Facilities. The Town of Montverde shall coordinate with Lake County to amend the Lake County Traffic Impact Fee Ordinance to make bicycle and pedestrian transportation improvements identified within the Town's ~~Five~~ Ten-Year Capital Improvement Program eligible to receive traffic impact fee funds:

Policy 2-1.1.5: Access Management for County and Local Roads. The Town has amended Land Development Regulations to incorporate provisions which define regulations and design standards for access to local roads: and shall require new development and redevelopment along County roads to comply with or exceed Lake County curb cut regulations and design standards. The minimum spacing between access connections on County roadways without access roads shall be as follows:

<b><u>Posted Speed (Miles/hour)</u></b>	<b><u>Minimum Connection Spacing (feet)</u></b>
35 or less*	245
36 – 45	440
Over 45	660

(\*) The 35 miles/hour or less standard shall be 125 feet where existing development {November 1991} averages at least fifty (50) connections per mile.

Policy 2-1.1.6: Functional Classification System. The Town of Montverde shall classify all roadways within its jurisdictional area according to the most current functional classification system established by the Florida Department of Transportation (FDOT). The Town shall request FDOT to re-evaluate the functional classification of a roadway upon reaching the capacity threshold for the adopted minimum level of service.

Policy 2-1.1.7: On-Site Transportation Improvements. The Town of Montverde has incorporated provisions in the Land Development Regulations to require applicants of new developments and redevelopments to establish safe and convenient on-site traffic flow that considers circulation and parking needs of both motorized and non-motorized transportation modes.

Traffic circulation provisions shall include minimum aisle widths based on parking space widths and angles, and minimum pedestrian and bicycle path widths based on the anticipated use. Residential parking requirements shall be a minimum of two (2) parking spaces per dwelling unit, while other land use parking requirements shall be a minimum of three (3) parking spaces per establishment and based on the number of employees, the number of square feet of gross building area, and other appropriate unit of measurement identified in the most recent edition of the ITE Trip Generation Manual.

Policy 2-1.1.8: Minimum Conflicts Between Motorized and Non-Motorized Transportation Modes. To minimize conflicts between motorized and non-motorized transportation modes, the Town of Montverde has coordinated with Lake County to assure that shoulders are added to CR 455 within the Town Boundaries at the time reconstruction or additional capacity improvements occur. The town recognizes the international popularity of cycling in the area and encourages future improvements to maintain and promote the sport, while maintaining the small-town character.

OBJECTIVE: 2-1.1: COORDINATE THE TRAFFIC CIRCULATION SYSTEM WITH FUTURE LAND USES OF THE FUTURE LAND USE MAP. The Traffic

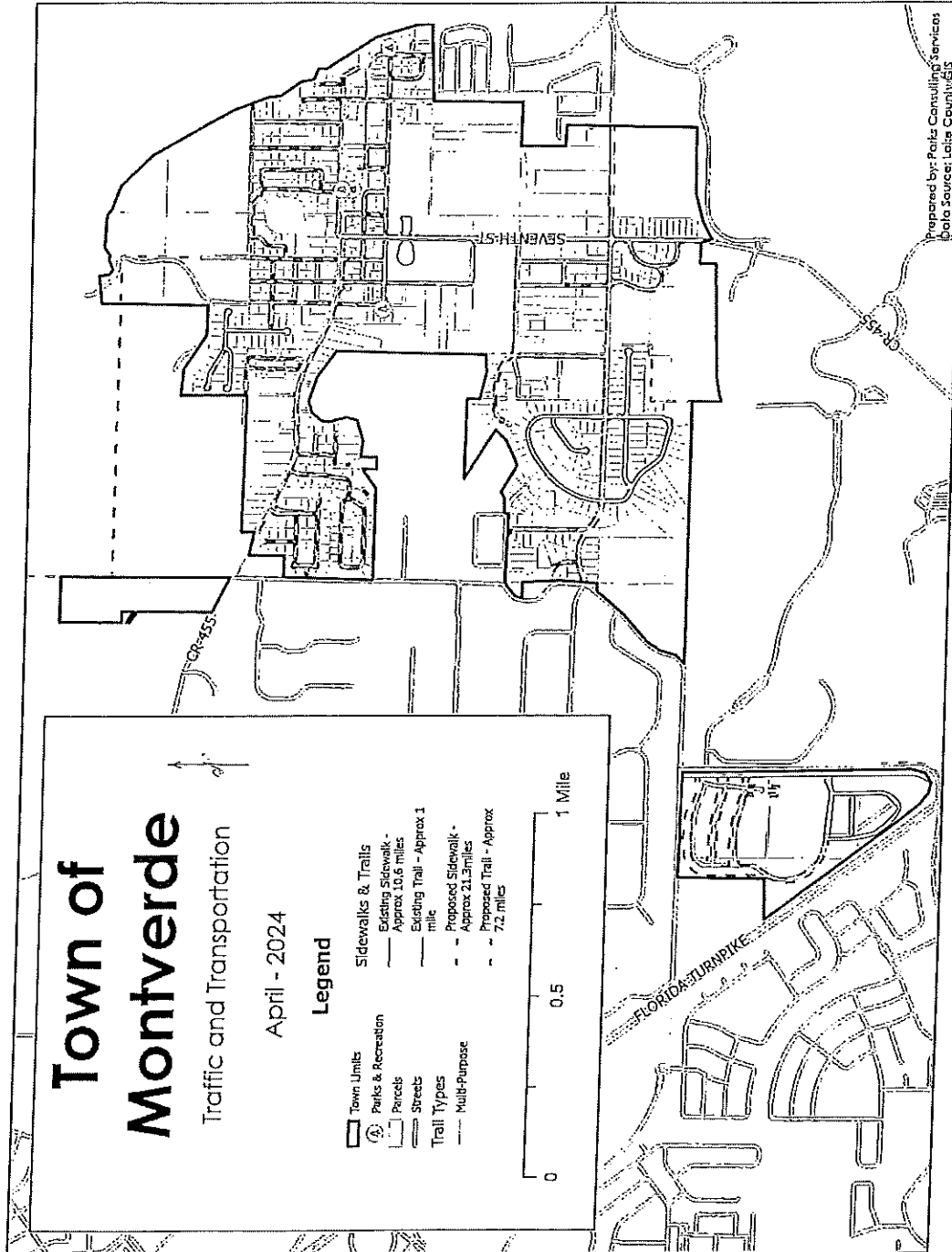
Circulation System Shall be Consistent and Compatible with Proposed Growth and Development Shown in the Future Land Use Element.

Policy 2-1.2.1: Future Traffic Circulation Map. The Town of Montverde hereby adopts Map II-1, "Future Traffic Circulation Map", as the Town's Future Traffic Circulation Map.

Policy 2-1.2.2: Coordination with Future Land Uses. The Future Land Use Map shall delineate all arterial and collector roadways on the Town's Future Transportation Map. Land Use allocations and densities on the Future Land Use Map shall not generate more traffic than that which can be supported by the transportation system at the levels of service established in Policy 2-1.2.1, Minimum Level of Service Standards.

Policy 2-1.2.3: Coordination with Lake County Development Impacts. The Town of Montverde has coordinated with Lake County to assure that impacts generated by future development occurring within adjacent unincorporated Lake County will not cause levels of service on collector and local roads within the Town to diminish below adopted minimum standards. Coordination shall be accomplished through a formal JPA process and via the Town of Montverde providing a written recommendation of project approval or project denial for any proposed development project located within the Town of Montverde joint planning area, as identified in the Intergovernmental Coordination Element. The Town shall also coordinate with Lake County on issues pertaining to road improvements along C.R 455

Town of Montverde  
MAP II-1 Insert new Map here



Policy 2-1.2.4: Regulate Impacts of Development on Adopted Levels of Service. The Town of Montverde has regulated the impacts created by new development on adopted levels of service by incorporating provisions in the Land Development Regulations that (1) require future development to comply with level of service standards, (2) deny approval of or regulate the density of development according to available capacity on adjacent roadways, and (3) require future development to pay an equitable share of the costs necessary to support transportation facilities demanded by the development.

Policy 2-1.2.5: Establish a Concurrency Management System and Adequate Facilities Ordinance. The Town of Montverde shall implement and administer a concurrency management system to monitor impacts on the traffic circulation system created by development and growth occurring in the designated land use districts established on the Future Land Use Map and determined within the Future Land Use Element. Procedures and provisions of the concurrency management system shall monitor and evaluate impacts of existing and future land development on the transportation system to assure integration of future land uses with available capacities on transportation corridors.

The Land Development Regulations have been revised to incorporate an adequate facilities requirement that is consistent with procedures established within the Town's Concurrency Management System. These procedures shall mandate that future development applications evaluate all traffic impacts placed on thoroughfares adjacent to the subject site by the proposed development according to criteria set forth within the Concurrency Management System. Prior to the issuance of a development order or permit, an applicant must:

- (A) Prove that the proposed development shall not cause levels of service to decline below minimum adopted standards,
- (B) Assure that adequate roadway capacity shall be available concurrent with the impacts of development (at the time a certificate of occupancy is issued by the Town).

**OBJECTIVE 2-1.3: RIGHT-OF-WAY PRESERVATION AND ACQUISITION.**  
Provide for the Protection and Acquisition of Existing and Future Right-of-Way.

Policy 2-1.3.1: Right-of-Way Preservation Map. By February, 2010 the Town of Montverde shall preserve right-of-way for all roads by adopting a right-of-way preservation map.

Policy 2-1.3.2: Right-of-Way Preservation. The Town of Montverde shall amend Land Development Regulations by February, 2010 to establish setback requirements designed to preserve right-of-way for all roads delineated on the Right-of-Way Preservation Map.

Policy 2-1.3.3: Minimum ROW Standards. The Town of Montverde hereby adopts the following right-of-way standards (measured according to corridor width) and has incorporated these as provisions in the Land Development Regulations.

<u>Roadway Classification</u>	<u>Minimum ROW Standards (Width)</u>
Major Collectors:	80ft
Minor Collectors:	80 ft
Local Streets:	50 ft

The Town shall revise these standards, where appropriate, upon the completion of the Florida Department of Transportation's right-of-way preservation study, now underway (May, 1990). Right-of-way widths for local roads within planned unit developments shall be determined during the development review process.

Policy 2-1.3.4: Right-of-Way Acquisition. The Town has revised the Land Development Regulations to include provisions that mandate dedication of right-of-way, or fees in lieu thereof, as a required condition of a development approval associated with PUDs, site plans, plats and replats where associated traffic impacts generated by such development will create or contribute to the need to establish

new, or to expand existing right-of-way necessary to provide a safe and convenient traffic circulation system.

OBJECTIVE 2-1.4: FUTURE ROADWAY IMPROVEMENTS. Provide transportation Improvements to Meet Projected Needs of Growth and Development Anticipated for ~~2010~~2033.

Policy 2-1.4.1: Five-Ten-Year Transportation Improvement Program. Based on needs identified in the analysis accomplished for the Traffic Element, the Town of Montverde hereby adopts the following transportation improvements to be implemented by year ~~2012~~2033:

No improvements are required by the Town to meet  
Minimum level of service requirements

Improvements shall be implemented according to priorities enumerated above.

Policy 2-1.4.2: State and County Proposed Plans and Improvements. The Town of Montverde shall annually analyze transportation plans and programs of the FDOT, ECFRPC, MPO and Lake County to establish consistency and compatibility to plans and policies set forth within the Town's Comprehensive Plan. The Town shall likewise notify these entities of all programs and improvements, amendments to the Comprehensive Plan, and status of the Concurrency Management System therein which pertain to transportation.

Policy 2-1.4.3 Concurrency System Coordination. The Town of Montverde shall coordinate with the Metropolitan Planning Organization (MPO) and Lake County Public Works to establish and maintain a countywide concurrency system. To date Montverde has adopted a Transportation Proportionate Share Ordinance and is working with the MPO on the draft concurrency interlocal agreement.

Policy 2-1.4.4: Monitor Transportation System System. The Town of Montverde shall adopt a concurrency management system which establishes procedures to annually monitor the available capacity on



all collector. The Town shall use the most recent traffic count figures recorded by Lake County or FDOT to update roadway capacities, or use traffic counts recorded specifically by the Town or a designated professional engineering firm. The Concurrency Management System shall include provisions requiring developers to perform, or pay fees for services in lieu thereof, a traffic impact study to measure proposed impacts on the current availability of road capacities as a requirement in the development review process.

OBJECTIVE 2-1.5: FACILITIES FOR BICYCLE AND PEDESTRIAN WAYS; AND ESTABLISHMENT OF SCENIC ROADWAYS. Promote a System of Bicycle and Pedestrian Ways in Planning for Transportation Facilities, and Analyze Roadways for Scenic Designations.

Policy 2-1.5.1: Planning for Bicycle and Pedestrian Facilities. The Town of Montverde and MPO have prepared a plan for developing bicycle and pedestrian ways which connect residential areas to recreation areas and major activity centers.

Policy 2-1.5.2: Rails to Trails Program. The Town of Montverde shall coordinate with Lake County to analyze the feasibility of acquiring abandoned railroad right-of-ways within the Town for use as regional bicycle and pedestrian paths.

Policy 2-1.5.3: Provision of Bicycle and Pedestrian Ways for New Developments. The Land Development Regulations for the Town of Montverde include provisions within the development review process that requires applicants of PUDs, site plans, subdivisions, and replats to provide for the needs of bicycle and pedestrian facilities.

Policy 2-1.5.4: Consideration of Bicycle Storage Facilities for Existing Public Facilities and for New Developments. The Town of Montverde shall provide bicycle storage facilities at existing Town parks by 2010-2033, and shall analyze the need to provide such facilities at other Town public buildings with the proposed bicycle and pedestrian plan. ~~By February, 2012,~~ Land Development Regulations shall incorporate

provisions requiring all new shopping centers, recreation areas and other public uses to provide storage facilities for bicycles.

Policy 2-1.5.5: Encouraging Programs to Reduce Peak Hour Trips and Single Occupancy Automobile Trips. The Town of Montverde shall promote vanpooling guaranteed ride-home, carpooling, employer-based public transit subsidies, park and ride, and telecommuting programs to reduce peak hour vehicle miles traveled.

OBJECTIVE 2-1.6: PRESERVATION OF GREEN MOUNTAIN SCENIC BYWAY ROUTE AND CORRIDOR BOUNDARY. Provide For The Preservation Of The Green Mountain Scenic Byway Scenic Corridor.

Policy 2-2.6.1: Road Improvements. The Town of Montverde shall continue to accommodate future increase in cyclists, pedestrians, and motorist by making necessary local road improvements.

**2-2 GOAL: THE TOWN OF MONTVERDE RECOGNIZES THE NEED FOR COMPLETE STREETS AND WILL ACCOMMODATE ELEMENTS THAT CREATE A COMPLETE STREET WHERE POSSIBLE.** (Ordinance 2017-15)

Objective 2-2.1: Integrate Complete Streets. Complete Streets are roadways designed to accommodate all users, including, but not limited to motorists, cyclists, pedestrians, transit and school bus riders, delivery and service personnel, freight haulers, and emergency responders. The Town shall implement Complete Streets policies for use in planning and development decisions.

Policy 2-2.1.1: Improve public health and safety, active mobility and environmental quality by creating and maintaining an integrated network of multi-modal roadways for users of all ages and abilities through the Complete Street design, where applicable. The Town identifies Complete Streets Projects using the entitled "Town of Montverde – Designated Complete Streets Projects".

Policy 2-2.1.2: Provide streets for walking, bicycling and public private transportation to enable convenient and active travel as a part of daily activities for all users, where applicable.

Policy 2-2.1.3: Promote infrastructure that facilitates crossing of the right of way, such as accessible curb ramps, crosswalks, refuge islands and pedestrian signals, where applicable.

Policy 2-2.1.4: Promote complete streets that contribute to the slowing down of traffic, reduce pollution and emissions, improve environmental quality and provides for local economic opportunities, where applicable.

Policy 2-2.1.5: The Town shall utilize the *Green Mountain Scenic Byway Criteria* for review of applicable Complete Streets Projects.

**Policy 2-2.1.6: Implementation Mechanisms**

a. Criteria and performance standards for Complete Streets shall be established by the Town of Montverde and Lake County Public Works Department.

b. Applicable revisions to the Land Development Code:

c. Implementation and use of the "Neighborhood Standards and Guidelines Manual for New Subdivisions" – to be updated on a periodic basis.

d. Town staff and elected officials shall utilize the "Montverde Walks" sidewalk and walkability for policy and development review decisions.

e. Montverde will task the Planning and Zoning Board to evaluate and review the Complete Streets process and implementation undertaken by Montverde, as well as review formal exception requests.

Representatives from the Town, and the following agencies shall be included in jointly planning for Complete Streets with the Planning and Zoning Board and the Town Council:

- Lake-Sumter MPO;
- Lake County Public Works;
- Montverde Academy;
- Lake County School District; and
- Bike Walk Central Florida.

e. f. The Planning and Zoning Board and Town Council shall review and revise as necessary, related procedures, plans, regulations, design guides and other processes to align goals with the Complete Streets Policy and ensure accommodation of all users in all projects.

## CHAPTER III

## CHAPTER III

### HOUSING ELEMENT 9J-5.010(3), F.A.C

#### Goals, Objectives and Implementing Policies

GOALS, OBJECTIVES AND POLICIES. This section established goals objectives and implementing policies for the Housing Element. (9J-5.010(3), F.A.C)

**GOALS 3-1: HOUSING. ALLOCATE SUFFICIENT LAND AREA TO ACCOMMODATE THE DIVERSE NEEDS OF EXISTING AND FUTURE POPULATIONS, CREATE OPPORTUNITIES FOR THE PRIVATE HOUSING DELIVERY SYSTEM TO MEET ALL HOUSING NEEDS, AND PROTECT THE CHARACTER CHARACTER OF RESIDENTIAL NEIGHBORHOODS BY ASSURING THE AVAILABILITY OF SUPPORTING INFRASTRUCRE INFRASTRUCTURE AND BY PRECLUDING THE ENCROACHMENT OF INCOMPATIBLE LAND USES.**

**OBJECTIVE 3-1.1: ASSURE THE AVAILABILITY OF AFFORDABLE AND ADEQUATE HOUSING.** Assure the Availability of Affordable Housing By Promoting Development Opportunities Conducive to an Efficient Housing Delivery System. ~~to Provide a Projected Need for 793 units by Year 2015, and to Provide 1,077 Total Units by Year 2030~~ 2033.

**Policy 3-1.1.1: Provide Ample Land Area for Residential Uses.** The Town shall allocate ~~a minimum of 632.6 acres~~ sufficient land uses for residential ~~uses purposes~~ on the Future Land Use Map to meet housing demands anticipated to year ~~2030~~ 2033.

**Policy 3-1.1.2: Promote a Diversity of Housing Types.** The Town's Future Land Use Map shall designate acreage to accommodate a diversity of housing needs.

Policy 3-1.1.3: Residential Land Use Designations for the Future Land Use Map. To provide a diversity of housing types to meet future demands of anticipated population for year 2030 2033, the Town shall allocate land to accommodate the following housing types and associated densities:

**Table 1**

<b>Montverde Maximum Density FLU</b>	
<b>Land Use Category</b>	<b>Maximum Density</b>
Single Family	
Agriculture	Up to 1 du/5 acres
Rural Residential	Up to 1 du/1 acres
Low Density	Up to 2 du/1 acres
Medium Density	Up to 4 du/1 acres
Affordable/Manufactured Housing	Up to 4 du/1 acres
Duplex District	Up to 4 du/1 acres
Multi-Family	
High Density	Up to 10.5 du/1 acres

Policy 3-1.1.4: Affordable Housing Program. The Town has requested membership on the Lake County Affordable Housing Advisory Committee, comprised of representatives of local government, and private and non-profit sectors involved in housing production to identify improvements to the housing delivery system for Lake County, particularly with emphasis on the provision of affordable housing other than mobile home facilities. The Lake County Affordable Housing Advisory Committee shall be established via Policy 5-1.4 of the adopted Lake County Comprehensive Plan (July 9, 1991).

OBJECTIVES 3-1.2: HOUSING OPPORTUNITIES FOR RURAL AND FARMWORKER HOUSEHOLDS. Provide Housing Opportunities for Rural and Farmworker Households within Agricultural Areas. (NOTE: The



~~State of Florida considers the entire Town to represent a rural area.)~~  
Rural Household Needs Are Addressed within this Element.

Policy 3-1.2.1: Available Sites for Farm worker Households. The town has incorporated provisions within the Land Development Regulations which permit Farm worker housing on land designated for agricultural use on the Future Land Use Map. Provisions within the Land Development Regulations include performance criteria which regulate the number of dwelling units to one unit per five acres and which mandate the minimum provision of public services at a level not lower than adopted Town level of service standards.

OBJECTIVE 3-1.3: ADEQUATE SITES FOR LOW AND MODERATE INCOME HOSEHOLDS HOUSEHOLDS Assure Adequate Housing Opportunities for Low and Moderate Income Households.

Policy 3-1.3.1: Promote Diversity in Housing Types. The Town shall promote a diversity of housing types by designating sites for single family, multiple family, and affordable housing on the Future Land Use Map, and by allowing mixed residential development in planned unit development districts. The Town shall allow multiple family densities up to ~~ten (10)~~ five (5) units per acre in order to assist in providing affordable housing.

Policy 3-1.3.2: Assist Lake County in the Formation of an Affordable Housing Program. The Town shall further housing opportunities for low and moderate income households by supporting the formation of a county-wide affordable housing program which seeks to develop public/private partnerships to improve the efficiency of the housing delivery system to meet demands for affordable housing.

The Town shall offer assistance to Lake County to identify sites for housing supported by the Farmer's Mortgage Housing Administration or by other Federal and State housing programs.

**OBJECTIVE 3-1.4: ADEQUATE SITES FOR AFFORDABLE HOUSING.** Assure Adequate Sites Are Available for Affordable Housing.

Policy 3-1.4.1: Sites for Affordable Housing. The Town shall designate sufficient land, in order to accommodate affordable housing units, on the Future Land Use Map of the Comprehensive Plan as residential districts which could allow mobile home placements. Land development regulations affecting the affordable housing district shall allow lower cost housing construction that in other residential areas. Such construction standards shall consider housing affordability needs of lower and medium income households but shall be consistent with the guidelines of the ~~Southern~~ current Florida Standard Building Code.

**OBJECTIVE 3-1.5: ADEQUATE SITES FOR GROUP HOMES, COMMUNITY RESIDENTIAL FACILITIES, AND FOSTER CARE FACILITIES LICENSED OR FUNDED BY THE FLORIDA DEPARTMENT OF CHILDREN AND FAMILY SERVICES (FDCF).** Assure that Adequate Sites Are Available for Group Homes, Community Care Facilities, and Foster Care Facilities Licensed or Funded by the Florida Department of Health and Rehabilitative Services.

Policy 3-1.5.1: Mandatory DCF License to Operate Foster Care, Community Residential or Group Home Facilities. The Town incorporated provisions in the Land Development Regulations which prohibit the operation of any group homes, community residential or foster care facilities within Montverde not operating under an approved license issued by the Florida Department of Children and Families. The development review process requires applicants of group home and community residential home developments to provide evidence of appropriate DCF licenses prior to the issuance of a development order or permit.

Policy 3-1.5.2: Provide Adequate Sites for Group Homes, Community Residential Facilities, and Foster Care Facilities. The Town incorporated provision within the Land Development Regulations

which shall permit foster care facilities (up to 6 persons) in all residential land use districts consistent with Chapter 419, Florida Statutes. Community residential and group homes shall be permitted in multi-family and commercial land use districts.

Policy 3-1.5.3: Approval of Group Homes, Community Residential Homes, and Foster Care Homes. The Land Development Regulations shall include definitions of group homes, community residential homes, and foster care facilities that are consistent with those established by the Florida Department of Health and Rehabilitative Services. All three facilities shall only provide residential care for aged person, physically disabled or handicapped persons, developmentally disabled persons, nondangerous mentally ill persons, and children.

Applications for group home developments shall be approved on the basis of compliance with performance standards established within the Land Development Regulations and with requirements set forth by the Department of Children and Families. No group home or community residential home shall be permitted in a residential area that alters the nature and character of the area. No group or community residential home shall be permitted to locate less than 500 feet from a single-family residential land use district. Group or community residential homes within multiple-family land use districts shall not be within at least 1,200 feet of another existing community residential home.

OBJECTIVE 3-1.6: IDENTIFICATION AND CONSERVATION OF HISTORICALLY SIGNIFICANT HOUSING. Identify Historically Significant Housing and Promote Conservation and Restoration of Such Structures.

Policy 3-1.6.1: Promote the Identification of Historically Significant Housing. The Town shall promote the identification of historically significant housing worthy of preservation by offering opportunities to the Lake County Historical Society, other historical and architectural

societies, and Town citizens to inform Town officials of housing units and other structures containing significant historical or architectural value.

Policy 3-1.6.2: Promote the Conservation of Historically Significant Housing. The Town shall provide assistance to property owners of historically significant housing by supporting applications pursuing historical designations on the Florida Department of State Master File and the National Register of Historic Places. The Town shall also promote the rehabilitation of historically significant structures through assistance with grantsmanship functions and with coordination with State technical services available for such activities.

Policy 3-1.6.3: Assist the Lake County Historical Society. The Town shall cooperate with the Lake County Historical Society in the effort to inform and educate the public about local, State, and Federal historic preservation programs.

OBJECTIVE 3-1.7: PROMOTE COHESIVE NEIGHBORHOODS THROUGH STABILIZATION OF RESIDENTIAL AREAS AND PROTECTION OF THE QUALITY OF THE HOUSING STOCK THROUGH PRINCIPLES GUIDING REHABILITATIVE SERVICES ANDE DEMOLITION OF HOUSING. Establish Principles and Guidelines to Promote the Rehabilitation of Housing, Regulate Demolition, and Improve Housing Quality of Housing to Preserve Quality of Housing, Support Neighborhood Character, and to Promote the Availability of Affordable Housing.

Policy 3-1.7.1: Regulate the Demolition of Housing. To protect the useful life of existing housing and to preserve the availability of affordable housing, the Town incorporated provisions into the Land Development Regulations which regulate the demolition of housing by establishing a permitting program to review the merits of all proposed demolitions. Principles within the permitting program shall evaluate demolition applications predicated on its contribution to the improvement of public health, safety, and welfare, and to the preservation and stabilization of the surrounding neighborhood. No

housing unit shall be demolished without issuance of a demolition permit.

Policy 3-1.7.2: Promote Maintenance of Housing. The Town shall continue to enforce building and housing codes; and enforce construction, electrical, sewer and septic and plumbing requirements to maintain the quality of existing housing stock and to protect public health and safety.

Policy 3-1.7.3: Provide Supportive Services and Facilities to Maintain Quality Residential Neighborhoods. The Town shall assure that necessary potable water, sanitary sewer, solid waste collection, and drainage facilities are available for residential areas through an annual update of the Town's Concurrency Management System.

The Town shall ~~also~~ continue to coordinate with Lake County, the State of Florida, and the private sector to plan for facilities and services that can not be provided within Montverde due to the regional nature or economy-of-scales associated with the provision of such facilities and services.

OBJECTIVE 3-1.8: RELOCATION HOUSING. Assist Households in the Relocation of Housing Due to Public Initiated Removal or Demolition of Residential Structures.

Policy 3-1.8.1: Assist Households in the Relocation of Housing Due to Removal or Demolition. No Projects scheduled within the Five-Ten(10) Year Capital Improvement Program and Schedule require the taking of land occupied by existing housing stock. However, if an unanticipated need should arise where housing must be destroyed to provide right-of-way or land for a public facility or service require to protect or enhance public health, safety, and welfare, the Town shall assist in the relocation of households to homes within the incorporated and unincorporated areas of Lake County.

The Town shall pursue funds from the Federal Housing Relocation Program, administered by the Department of Housing and Urban Development, to financially assist displaced households. The Town shall also coordinate with Lake County and the private sector to assure the availability of comparable or improved housing for those requiring relocation.

Policy 3-1.8.2: Private Sector Initiated Housing Projects for Low and Moderate Income Households. Developers initiating housing projects for low and moderate income households that require the demolition and removal of existing dwelling units shall assume full responsibility to find and obtain temporary housing for households that require relocation.

OBJECTIVE 3-1.9: FORMULATION OF HOUSING IMPLEMENTATION PROGRAMS AND STRATEGIES. Establish Mechanisms to Improve the Implementation of Housing Programs.

Policy 3-1.9-1: Promote Public/Private Partnerships to Improve Coordination in Housing production for Low and Moderate Income Households. The Town shall coordinate with Lake County to encourage the formation of a county-wide Housing Authority directed to further involvement, including partnerships, of local government with the private and non-profit sectors to improve coordination among participants active in housing production.

Policy 3-1.9.2: Coordination with Lake County. As cited in above policies, the Town shall coordinate with Lake County to foster improvements in the housing delivery system through the establishment of a county-wide (1) Affordable Housing Advisory Committee, and (2) a Housing Finance Authority.

Policy 3-1.9.3: Analyze Housing Demands and Trends. The Town shall annually ~~(by the month of February)~~ monitor and evaluate housing demands to evaluate the effectiveness of housing policies within the Housing Element and the effectiveness of residential land use allocations on the Future Land Use Map to meet housing trends as well as a State and Federal laws affecting the construction and the placement of housing.

Policy 3-1.9.4: Update Housing and Population Characteristics of the Town. The Town shall update housing and population information within the Comprehensive Plan within two years after the completion and distribution of the ~~2010~~ 2020 U.S. Census of Housing and Population.

Policy 3-1.9.5: Administer Housing Codes and Development Regulations. The Town shall annually analyze ~~(by the month of March)~~ the effectiveness of its housing code enforcement program and the adequacy of all Town construction codes, and shall improve the regulatory and permitting processes as deemed necessary to promote public health, safety, and welfare, and to maintain the desired character of neighborhoods and the Town.

Policy 3-1.9.6: Intergovernmental Coordination. The Town shall coordinate housing issues, concerns, and problems with other relevant State, Federal, and local agencies pursuant to policies stipulated within the Intergovernmental Coordination Element.



## CHAPTER IV

## CHAPTER IV

### PUBLIC FACILITIES ELEMENT 9J-5.011(2), F.A.C.

#### Goals, Objectives and Implementing Policies

PUBLIC FACILITIES GOALS, OBJECTIVES AND IMPLEMENTING POLICIES. This section establishes goals, objectives, and policies for the Public Facilities Element. (9J-5.011(2) (a-c), F.A.C.

#### I. GENERAL APPLICATIONS

**GOAL 4-1: PROVISION OF PUBLIC FACILITIES. ASSURE PROVISION OF SANITARY SEWER, SOLID WASTE, POTABLE WATER, AND DRAINAGE FACILITIES AND SERVICES THAT EFFICIENTLY MAXIMIZE CAPACITY OF EXISTING FACILITIES, PROMOTES MANAGED GROWTH, PROTECTS PUBLIC HEALTH AND SAFETY, AND MAINTAINS ENVIRONMENTAL QUALITY, WITH CONSIDERATION TO LIMITED FINANCIAL RESOURCES.**

**OBJECTIVE 4-1.1: IMPLEMENT A CAPITAL IMPROVEMENT SCHEDULE FOR PUBLIC FACILITIES.** The Town shall adopt a ~~Five-Ten~~ (10) Year Schedule of Capital Improvements within the Comprehensive Plan, Capital Improvements Element, to time improvement needs with available funding and location of development. This Improvement Schedule shall be consistent with public facility improvement needs identified within the Comprehensive Plan.

Policy 4-1.1.1: Capital Improvement Schedule. The Town shall annually ~~(by the month of September)~~ evaluate the implementation of capital improvements proposed within the Capital Improvement Program and rank improvements according to priority of need. Criteria for ranking such improvements shall be defined within the Capital Improvements Element.

Policy 4-1.1.2: Criteria for Evaluating the Implementation and Ranking of Capital Improvements. Proposed Capital Improvement Projects Shall Be Evaluated and Ranked According to the Following Priority Level Guidelines:

(A) Indicated Need: Implementation is need to:

- Protect public health, safety, and environmentally sensitive natural resources;
- Comply with State or Federal requirements to provide facilities and services;
- Preserve or maximize the use of existing facilities.
- Improve efficiency of existing facilities.

(B) Additional Facility Needs: Implementation is needed to:

- Eliminate facility or capacity deficiencies for service provided to existing developed areas;
- Extend facilities and expand capacities in a manner consistent with the Future Land Use Element goals, objectives, and policies and the Future Land Use Map.

(C) Adequate Funding: Adequate Funding for a project shall be available prior to its commencement, and project cost shall not cause accrued debt obligation to exceed beyond the limits of the Town's debt capacity.

Policy 4-1.1.3: Priority of Capital Improvements. In the event deficiencies should develop in the provision of public facilities, the Town shall grant existing deficiencies priority among capital improvements scheduled within the Capital Improvement Program. The Town shall issue no development permits for new development that will result in an increase in demand on deficient facilities. Capital improvements shall be ranked in the Five-Ten(10) Year Schedule of Capital Improvements according to the following order or priority:

- (A) Current Capital Improvement Deficiencies
- (B) Replacement of Worn-out or Obsolete Facilities
- (C) New Capital Improvements Required to Meet Demands Generated by Anticipated Future Growth and Development (as identified within the Future Land Use Element).

## II. SANITARY SEWER FACILITIES

The following objectives and policies support programs and activities providing direction to meeting Goal 4-1.

**OBJECTIVE 4-1.2: ASSURE AVAILABILITY OF CAPACITY.** Assure that adequate sanitary sewer capacity is available to support demands generated by existing and new development concurrent with the issuance of a development permit or at a time service will be demanded.

**Policy 4-1.2.1: Minimum Level of Service Standards.** The Town of Montverde hereby adopts the following level of service standard for sanitary sewer by which development shall be evaluated for demand generation:

Total Capacity: 111 gallons per day per resident

Commented [SP1]: This will need to be updated.

**Policy 4-1.2.2: Minimum Design Capacity of On-Site Septic Tank Systems.** The Town of Montverde shall establish minimum design capacities for septic tank systems installed to serve the following land uses:

<u>Land Use</u>	<u>Minimum Design Capacity</u>
Single Family Unit	1,050 gallons
Multiple Family Unit	1,050 gallons

The Town has incorporated these provisions within the Land Development Regulations.

Policy 4-1.2.3: Compliance with Levels of Service. The development review process shall require new development to provide written and graphic evidence that the sanitary sewer or septic tank system is designed to provide service which complies with the Lake County, the Florida Department of Health and Rehabilitative Services, and Florida Department of Pollution Control, whichever is most restrictive, sanitary sewer level of service standards and with the minimum design capacity for on-site septic tank systems. The Town has incorporated these provisions within the Land Development Regulations.

Policy 4-1.2.4: Compliance with State Regulations. The development review process shall require applicants for development orders or permits to demonstrate compliance with applicable State permit requirements for on-site septic tanks, as administered by the Florida Department of Health and Rehabilitative Services through the Lake County Health Department. These provision and requirements are incorporated in the Town's Land Development Regulations.

Policy 4-1.2.5: Concurrency Management System: Wastewater. The Town has established a Concurrency Management System on March 11, 2003, and commence implementation upon adoption of the revised Land Development Regulations, to monitor compliance with minimum levels of service and available capacities and compliance with the Future Land Use Element and Future Land Use Map to assure that septic tank systems, as well as any other sanitary sewer system which may be installed after February, 1991, comply with goals, objectives, and policies set forth therein. The Concurrency Management System shall be reviewed and updated to indicate the most current capacity conditions at least once a year.

OBJECTIVE 4-1.3: CORRECT OR IMPROVE EXISTING DEFICIENCIES IN THE PROVISION OF SANITARY SEWER SERVICES. Identify and Correct any Deficiencies in the Operation of Septic Tank Systems Through Implementation of the Following Policies.

Policy 4-1.3.1: Identify and Correct Existing Deficiencies. The Town Mayor or designee shall notify the Lake County Health Department of any complaints registered by citizens or businesses pertaining to any deficiencies in the performance of septic tank systems.

Policy 4-1.3.2: Actions against Improperly Operating Septic Tanks for Package Plants. In the event the Lake County Department of Health identifies any improperly operating septic tank systems, or the FDEP finds any package plants operating in violation of State performance standards, the Town shall implement the following programs or actions:

- (A) Cooperate with the respective agency to bring the violation into compliance with the performance standards;
- (B) Issue no permits allowing expansion of the land use activity served by a sanitary sewer system in violation of FDEP or Lake County Health Department standards. Prior to issuing any permits to expand a non-residential land use activity, the Town shall contact the respective agency to determine whether the sanitary sewer serving the development for which the application has been filed is operating in compliance.

OBJECTIVE 4-1.4: PROVIDE ADDITIONAL SANITARY SEWER FACILITIES AND CAPACITIES TO MEET FUTURE DEMANDS. Provide Additional Facilities and Capacities to Meet Demands Generated by Future Development.

Policy 4-1.4.1: Provision of Additional Facilities: All development shall be required to have on-site sanitary sewer or septic tank systems operating consistent with deadlines established in the Concurrency Management System. All new residential planned unit developments (PUD) and subdivisions with densities exceeding four units per acre shall provide central wastewater systems at the developer/applicant's cost, connect to the Town's central sewer system. ~~Development occurring on land owned by Montverde Academy shall be connected to its sewage treatment system, if a~~

sewer line is within 500 feet of the new development. The developer is responsible for any and all costs associated with the development requiring sanitary sewer facility improvements. Circumstances where development shall be required to install central sanitary sewer systems or package plants are as follows:

~~(1) Density and Sanitary Sewer System Compatibility with Soils. Where land use designations allow densities greater than the soils ability to naturally dissipate and decompose septic tank leachate, a central sanitary sewer system must be provided in accordance with deadlines established within the Concurrency Management System. All low and medium density land use designations (i.e. two and four units per acre, respectively) shown on the Future Land Use Map are to be situated in areas where soil properties are conducive to septic tank use. As no soils within the Town contain sufficient properties to allow safe use of septic tank systems at high density development (i.e. over four units per acre), central waste water systems are required if density exceeds four units per acre.~~

~~Where a residential land use designation allows densities greater than four units per acre, applications for development at a density exceeding four units per acre shall be approved only on condition that a central sanitary sewer system accompanies the development.~~

~~(2) Threshold for Medium Density Residential Requirement for a Central Sewer System. Where an application to construct medium density residential development (i.e. over two units but not more than four units per acre) proposes more than twenty-five units, a central sewer system or package plant shall provide sanitary sewer service to the development at or before that time the unit breaching this threshold receives its building permit. Where the first phase of a phased development proposes fewer units than this threshold, a central sewer system must be installed to serve that phase breaching the threshold as well as all previous phases. Development providing a central sanitary sewer system prior to the issuance of a certificate of occupancy for the first unit shall be eligible to reduce requirements for~~

~~common open space by twenty five percent (25%) (See policies in Future Land Use or Conservation Element for open space requirements.)~~

~~Developments below this threshold that are required to provide common open space are eligible for a twenty five percent (25%) reduction of the open space requirement if a central sanitary sewer system or package plant serves the development.~~

Policy 4-1.4.3: Feasibility of a Central Sanitary Sewer Systems For Entire Town. The Town shall ~~continue to~~ research available State grant funds applicable for infrastructure needs/feasibility studies for local governments. ~~By 2015 the Town shall submit an application requesting funds to have such a study prepared. The Town Council shall evaluate the study's findings and recommendations. Upon notice that the State has awarded a grant to Montverde to prepare a feasibility study, the study and its cost shall be included in the Capital Improvements Element and the Five Ten(10) Year Schedule of Capital Improvements, consistent with amendment procedures stipulated in Sec. 163.3198, Florida Statutes. If a central sanitary sewer system is found to be feasible and necessary, the Town shall, by 2015, apply for State grants to prepare a wastewater master plan. Based on findings and recommendations of the Master Plan, the Comprehensive Plan and Five Ten(10) year Schedule of Capital Improvements shall be amended consistent with Sec. 163.3187, F.S., to support and program necessary improvements. The Town is currently researching a wastewater system operating agreement with Clermont in order to receive sewer and waste water services.~~

**Commented [SP2]:** Congratulations! The Town achieved this task as required in this policy. Thus this language is no longer necessary.

A construction permit for a new Single-family residence shall require hook-up to the Town's Sewer system if a sewer lateral or transmission main is located within the Town's Right-of-Way directly abutting the proposed single-family residence.

Policy 4-1.4.4: Placement of Septic Tanks. Septic tanks shall be placed in the front yard of all new development approved to use such



systems to allow more efficient and economical connection to central sewer service lines at that time such a system serves the Town or portions thereof. Septic systems shall comply with the regulations and standards of Chapter 10D-6 FAC.

Policy 4-1.4.5: Sanitary Sewer Systems for New Non-Residential Development. The Town shall require applicants of newly proposed non-residential and mixed-use developments to provide sanitary sewer service through a central package plant or treatment system to connect to the Town's central sewer system as a condition to the issuance of a development order or permit, ~~where the proposed development's wastewater generation exceeds an average daily flow of 7,500 gallons per day or where commercial wastewater requires treatment according to Chapter 381.272, Florida Statutes.~~

OBJECTIVE 4-1.5: MINIMIZE URBAN SPRAWL. Minimize Development Occurring in an Unordered, Uncontrolled Manner through Coordination Between Sanitary Sewer Services and the Future Land Use Element.

Policy 4-1.5.1: Coordinate Capacity and Facility Expansions with the Future Land Use Map. The provision of sanitary sewer services shall be consistent with land use allocations delineated on the Future Land Use Map; with goals, objectives, and policies established in the Future Land Use Element of the Town's Comprehensive Plan; and with the plans and policies of the East Central Florida Regional Planning Council.

### III. SOLID WASTE

The following objectives and policies support programs and activities providing direction to meeting Goal 4-1.

OBJECTIVE 4-1.6: ASSURE AVAILABILITY OF CAPACITY. Assure that Adequate Solid Waste Collection and Disposal Capacities Are Available to Support Demands Generated by Existing and New

Development Concurrent with the Issuance of a Development Permit or at the Time Service will be Demanded.

Policy 4-1.6.1: Minimum Level of Service Standards. The Town of Montverde hereby adopts a level of service standard for solid waste generation of 3.0 pounds daily per resident by which development shall be evaluated for demand generation.

Policy 4-1.6.2: Collection of Solid Waste. The Town shall annually ~~(by the Month of March)~~ evaluate the performance of services provided by commercial solid waste collection businesses to customers in Montverde. At any time the Town needs increased capacity to provide service to new development, additional service shall be obtained through private waste management businesses.

Policy 4-1.6.3: Disposal of Solid Waste. The Town shall continue to use Lake County landfills and/or the trash burning facility through the year ~~2030~~ 2033 for final disposal of solid waste.

Policy 4-1.6.4: Coordinate with Lake County. The Town shall, through the Town Clerk, coordinate with Lake County Department of Environmental Services on an annual basis to:

- (A) Reduce solid waste disposal levels through recycling programs administered by Lake County;
- (B) Cooperate with Lake County in the placement of local hazardous waste collection centers, and provide technical assistance on various issues pertaining to the management of hazardous waste according to State regulations (403.7265, F.S.). Technical assistance shall include the exchange of information regarding Hazardous Waste within the Town of Montverde.
- (C) Comply with the Florida Solid Waste Management Act of 1988.

Policy 4-1.6.5: Concurrency Management System: Solid Waste. The Town shall monitor performance of solid waste collection services, available capacities, and compliance with levels of service through a Concurrency Management System established and implemented with the Land Development Regulations Codes.

OBJECTIVE 4-1.7: CORRECT OR IMPROVE EXISTING DEFICIENCIES IN THE PROVISION OF SOLID WASTE SERVICES. Identify and correct any Deficiencies in the Provision of Solid Waste Collection and Disposal Facilities and Services through the implementation of the following policies.

~~Policy 4-1.7.1: Existing Landfill Deficiencies. The Lake County Solid Waste Management Facility Phase I facility, which accepted Class I and III wastes, has been closed in accordance with an order from the Florida Department of Environmental Protection. The 80-acre landfill was operated since the 1970s without a bottom liner, which is now required for landfills accepting Class I wastes.~~

Commented [SP3]: There are no more landfill deficiencies.

~~However, Phase II is made up of 3 cells in the northern part of the landfill: IIA, IIB, and IIC. Phase IIA has been designed to accommodate the ash residues from the resource recovery facility. Both IIB and IIC handle Class I waste. IIB is partially closed on the northeast side. Most of Lake County's Class I waste goes to the Resource Recovery Facility in Okahumpka.~~

~~Disposal facilities, including any deficiencies related thereto shall remain under the authority of Lake County. The Town Council shall correspond through written or verbal contact to apprise the Lake County Board of Commissioners regarding the Town's position on solid waste disposal. (NOTE: The County trash burning facility will handle most disposal needs.)~~

Policy 4-1.7.2: Collection Deficiencies. In the event a deficiency emerges in the collection of refuse, principles defined in 4-1.6.2 are to be followed.

OBJECTIVE 4-1.8: PROVIDE ADDITIONAL SOLID WASTE FACILITIES AND SERVICES TO MEET FUTURE DEMANDS. The Town Shall Continue to Meet Additional Solid Waste Collection Services Demanded by ~~Years 2008 and 2030~~ through 2033 through the Use of Private Commercial Pick-Up Business.

Policy 4-1.8.1: Additional Capacity. Additional collection service shall be obtained through franchise agreements with one or more private contractors.

OBJECTIVE 4-1.9: MAXIMIZE USE OF EXISTING FACILITIES AND DISCOURAGE URBAN SPRAWL. Prevent the Formation of Unauthorized Dumping Sites within the Town to Maximize Use of Existing Facilities and to Protect Public Health and Safety.

Policy 4-1.9.1: Removal of Unauthorized Dumping Sites. The Town shall remove, or require land owners to remove, any unauthorized dumping sites that may gather on private property. The Town shall remove any unauthorized dump sites on public property. In the event such unauthorized dump sites are identified, the Town shall coordinate with Lake County to evaluate the need to locate a transfer station within the Montverde area.

Policy 4-1.9.2: Promote Proper Disposal of Household Hazardous Waste and Used Oil. Disposal of household hazardous wastes and used oil at designated collection centers sponsored by Lake County shall be promoted to residents and businesses by the Town.

#### IV. POTABLE WATER

The following objectives and policies support programs and activities providing direction to meeting Goal 4-1.

OBJECTIVE 4-1.10: ASSURE AVAILABILITY OF CAPACITY. Assure that Adequate Potable Water Capacities Are Available to Support Demands Generated by Existing and Future Development Through Implementation of the Following Policies.

Policy 4-1.10.1: Minimum Level of Service Standards. The Town of Montverde hereby adopts the following potable water level of service standards by which development shall be evaluated for demand on the water system capacity and for demands generated by development:

**Table 1**

Minimum Level of Service for Town Water System (1)	
Year	Gallons per Day per Resident
2025	126
2033	126

Commented [SP4]: This data will be verified and is subject to being updated.

(1) Level of service includes commercial level of service at 850 gallons per day per commercial acre; residential level of service at 126 gallons per capita per day.

Policy 4-1.10.2: Minimum Design Flow for Peak Flow Periods. The Town's water system shall provide a minimum design flow and level of service for peak periods experienced for years 2006, 2015, 2025 and 2030:

**Table 2 - Town of Montverde**

<b>2023 - Water Consumption Totals by Month</b>			
<b>Month</b>	<b>Well No. 2 (gallons)</b>	<b>Well No. 3 (gallons)</b>	<b>Month Totals (gallons)</b>
January	3,463,000	4,267,000	7,730,000
February	3,018,000	3,674,000	6,692,000
March	5,463,000	6,258,000	11,721,000
April	6,341,000	6,131,000	12,472,000
May	6,622,000	6,611,000	<b>13,233,000</b>
June	4,980,000	4,697,000	9,677,000
July	3,919,000	5,020,000	8,939,000
August	5,266,000	4,217,000	9,483,000
September	3,091,000	5,402,000	8,493,000
October	6,448,000	5,030,000	11,478,000
November	3,698,000	4,800,000	8,498,000
December	4,360,000	3,218,000	7,578,000
Year 2006 2023Total			115,994,000

Policy 4-1.10.3: Minimum Storage Capacity. Minimum storage capacity of the Town water system shall be:

**Table 3**

<b>Town of Montverde Minimum Storage Capacity</b>	
<b>Year</b>	
2015-25	150,000
2033	150,000

Policy 4-1.10.4: Minimum Line Pressure. The Town potable water distribution system shall provide a minimum pressure of 52 pounds per square inch to provide adequate service for potable water demands and to meet fire flow pressure requirements.

Policy 4-1.10.5: Compliance with Minimum Level of Service, Storage Capacity, and Line Pressure. The development review process shall issue development orders or permits predicated on demonstrated compliance with the potable water level of service standards, minimum line pressure standards, and available storage capacity. Provisions shall also stipulate mandatory compliance with all relevant federal, state, and local permit requirements. These provisions were incorporated in the Town's Land Development Regulations.

Policy 4-1.10.6: Concurrency Management System: Potable Water. A Concurrency Management System was implemented to provide a monitoring mechanism to update the condition and levels of service of potable water facilities and services provided to the Town of Montverde.

Policy 4-1.10.7: Maximum Level of Service Standards as Conservation Measures. The Town shall reserve the right to establish maximum level of service standards applicable to all land use types served by the municipal water system. Land uses consuming levels which exceed the maximum level of service, or a monthly consumption level based on this level of service, shall be assessed a higher water fee for that portion exceeding the maximum level of service. The maximum level of service and applicable fees shall be determined by the Town Council. The Town adopted such a maximum level of service standard.

OBJECTIVE 4-1.11: CORRECT OR IMPROVE DEFICIENCIES IN THE WATER SYSTEM. Identify and Correct any Deficiencies in the Water System, Including Storage and Distribution Facilities Through Implementation of the Following Policies.

Policy 4-1.11.1: Identify and Correct Existing Deficiencies. The Town shall include these items within the Town's Capital Improvements Element and Five-Ten(10) Year Schedule of Capital Improvements.

**OBJECTIVE 4-1.12: PROVIDE ADDITIONAL FACILITIES AND CAPACITY TO MEET FUTURE POTABLE WATER DEMANDS.** Provide Additional Facilities and Capacities to Meet Water Demands Generated by Future Development According to Activities and Programs Implemented in the Following Policies.

Policy 4-1.12.1: Mandatory Connection to System. The Town shall continue to require all new development within Town limits to connect to the Town's Water System.

Policy 4-1.12.2: Available Capacity Prior to Development. The Town shall continue to assure that adequate water capacity is available prior to the issuance of a development order or permit. The evaluation of adequate water capacity shall be based on procedures and principles established within the Town's Concurrency Management System. The Mayor or designee shall have a consultation with the applicant to review the development impacts compared to the Level of Service to ensure that there is or will be adequate capacity in place prior to the issuance of final development orders and certificates of occupancy. These provisions were incorporated in the Town's Land Development Regulations.

Policy 4-1.12.3: Capacity Flow Needs for YR 2015-25 and YR 2030-33. The Town Water System shall provide adequate capacity, storage, and water pressure to maintain the following projected peak daily flow demands for years 2015-2025 and 2030-33:

**Table 4**

Town of Montverde Total Peak Flows	
Year	
2015-25	436,301 GPD
2030-33	436,301 GPD

**OBJECTIVE 4-1.13: MAXIMIZE USE OF EXISTING FACILITIES AND MINIMIZE URBAN SPRAWL.** Direct Growth to Areas Currently Serviced by the



Water System to Maximize Use of Existing Facilities and to Minimize Urban Sprawl.

Policy 4-1.13.1: Coordinate Capacity and Facility Expansions with the Future Land Use Map. The extension of potable water services shall be consistent with land use allocations delineated on the Future Land Use Map; with goals, objectives, and policies established in the Future Land Use Element of the Town's Comprehensive Plan; and with the plans and policies of the East Central Florida Regional Planning Council.

OBJECTIVE 4-1.14: CONSERVATION OF POTABLE WATER SUPPLIES. The Town of Montverde shall promote the conservation and responsible use of its potable water resources.

Policy 4-1.14.1: Conservation of Potable Water Supplies. The Town of Montverde shall conserve its potable water supplies through the implementation of water conservation techniques and programs. Techniques and programs used by the Town shall include:

- (A) Require xeriscape Florida Friendly and native plant landscaping. The principles of design, appropriate plant selection, soil improvement, efficient irrigation, mulching, turf concentration, and proper maintenance are described within the Land Development Regulations Codes.
- (B) At such time that the Town undertakes a central sanitary sewer system, promote the inclusion of water reuse and/or reclamation capabilities for use in landscaping, farm irrigation, and other appropriate applications.
- (C) Distribute (when available) educational materials, provided by the St. Johns River Water Management District, to residents and businesses through water bill mailings which describe sources of water consumption and opportunities for conservation.

Policy 4-1.14.1: Priority Water Resource Caution Area: The Town recognizes its location within a priority water resource caution area.

## V. DRAINAGE

**GOAL 4-2: PROVIDE ADEQUATE DRAINAGE. ASSURE ADEQUATE DRAINAGE CAPACITY TO PROTECT PUBLIC HEALTH AND SAFETY, AND INVESTMENT IN PROPERTY AGAINST FLOOD CONDITIONS AND TO PREVENT DETERIORATION OF GROUND AND SURFACE WATER QUALITY.**

OBJECTIVE 4-2.1: ASSURE AVAILABLE DRAINAGE CAPACITY. Natural and man-made drainage features shall provide adequate capacity to receive, retain, detain, and release stormwater in a timely manner, as shall be measured through a level of service standard, coordination with regional drainage facilities, and other activities described in the following policies.

Policy 4-2.1.1: Minimum Drainage Level of Service. The Town hereby adopts the following minimum stormwater drainage level of service standards for retention volume and design storm:

- (A) Retention Volume – Complete retention of the post-development minus the pre-development run off occurring at the established design storm.
- (B) Design Storm – The following level of service standards will be used:

<u>Facility Type</u>	<u>Design Storm</u>
Canals, ditches, roadside swales, or culverts For stormwater external to the development	25 Year
Canals, ditches, roadside swales, or culverts For stormwater internal to the development	10 Year
Crossdrains	25 Year
Storm sewers	10 Year

Major Detention/Retention Structures<sup>1</sup>  
For the Probable Maximum Precipitation  
as required by SJRWMD

Minor Detention/Retention Structures<sup>1</sup> 25 Year

(1) Major/Minor Detention/Retention Structures are based on Hazard Classification for Dams and Impoundments as defined by the SJRWMD.

Policy 4-2.1.2: Minimum Drainage Level of Service – Water Quality.  
The Town hereby adopts, for existing as well as new development, the following minimum stormwater drainage level of service standards for population abatement treatment:

<u>Facility Type Treatment<sup>2</sup></u>	<u>Pollution Abatement</u>
--	----------------------------

Retention with percolation or Runoff from first inch of rainfall or  
Detention with filtration one-half inch of runoff if it has less than 50%  
impervious surface and less than 100 acres, whichever is greater.

- (1) If the site's runoff directly discharges to Class I, Class II or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment Requirements shall be increased an additional fifty percent (50%) more than described and off-line retention or off-line detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

Policy 4.2.1.3: Regional Drainage Coordination. The Town shall continue to coordinate with the St. John's River Water Management District, the Florida Department of Environmental Protection, and Lake County to evaluate a regional approach to stormwater management.

Policy 4-2.1.4: Preserve Natural Drainage Features. The Town shall require that "best management practices" be used for erosion and sediment controls for construction occurring in soils with high erosion potential and adjacent to surface waters and natural drainage ways. These management practices shall be designed by an engineer or other competent professional experienced in the fields of soil conservation or sediment control according to specific site conditions and shall be ~~show~~ shown or noted on the plans of the stormwater management system. The Town has incorporated these provisions in the Land Development Regulations.

Policy 4-2.1.5: Support a Stormwater Master Plan. The Town, through the Town Clerk, shall offer assistance to and coordinate with Lake County Department of Environmental Services in the development of a Stormwater Master Plan for Lake County.

Assistance will take the form of providing the County with information pertaining to Montverde's existing drainage facilities. Upon completion of the County Master Plan, the Town shall amend its

Comprehensive Plan and Five-Ten(10) Year Schedule of Capital Improvements to include any major capital improvements deficiencies identified in the Plan that lie within Montverde.

OBJECTIVE 4-2.2: CORRECT OR IMPROVE EXISTING DRAINAGE DEFICIENCIES. Identify and Correct any Deficiencies in the Natural and Man-Made Drainage Features Through Implementation of the Following Policies.

Policy 4-2.2.1: Feasibility of Drainage Master Plan Funding. Montverde shall research available State grant funds applicable for infrastructure needs/feasibility studies for local governments. ~~One such possible source is the Small Municipalities Supplemental Planning Assistance Grant Fund. By 2015 the Town shall submit an application requesting funds to have an infrastructure needs study prepared. The Town Council shall evaluate the study's findings and recommendations. Upon notice that the State has awarded a grant to Montverde to prepare an infrastructure needs study, the study and its cost shall be included in the Capital Improvements Element and the Five Ten(10) Year Schedule of Capital Improvements, consistent with amendment procedures stipulated in Sec. 163.3187, Florida Statutes.~~

OBJECTIVE 4-2.1: CONTROL IMPACTS OF FUTURE STORMWATER RUNOFF. Control Impacts of Future Stormwater Runoff and Associated Impacts to Water Quality through the Adoption of Stormwater Drainage and Flood Prevention Regulations.

Policy 4-2.3.1: Stormwater Facilities in New Development. New Development shall be required to include stormwater facilities consistent with the standards established in Policies 4-2.1.1 and 4-2.1.2.

Policy 4-2.3.2: Mitigation of Future Impacts. The Town shall protect natural drainage ways by managing development with the following requirements:

- (A) Buffer Zones. To protect drainage ways from the encroachment of development, the Town shall establish buffer zones adjacent to natural drainage features. Buffer zones, as described in Policy 5-1.2.6 of the Conservation Element, shall provide a minimum buffer of 50 feet from a floodway boundary. A floodway shall mean the permanent channel of a watercourse, plus any adjacent floodplain areas that must be kept free of any encroachment in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than a designated amount, not to exceed one foot except as otherwise established by the Water Management District or established by a Flood Insurance Rate Study conducted by the Federal Emergency Management Agency (FEMA).
- (B) Lakefront Littoral and Shoreline Protection Zone. To protect lakefronts from the encroachment of development, the Town shall establish a littoral and shoreline protection zone with a 50-ft setback for Lake Florence, Lake Apopka and Franklin Pond (aka Sawgrass Pond). Development within the littoral and shoreline zone, as described in Policy 5-1.2.5 of the Conservation Element Goals, Objectives and Policies, shall be limited to passive recreation, conservation, or other open space land uses.
- (C) Protection of Floodplain. The Town shall restrict future development within the 100-year flood zones to recreation and conservation land uses, with exception to roads, utilities and other facilities which may be necessary to uphold public health, safety, and welfare. Regulations shall also restrict alteration of floodplain and major drainage ways, and establish conditions on existing undeveloped, platted and subdivided land uses within such areas.
- (D) Open Space Requirements. Residential, commercial and other developments shall maintain permeable open space according to criteria and thresholds documented below. Residential developments shall maintain a minimum percent of land in

dedicated common conservation open space. Commercial and other developments shall maintain permeable open space as dedicated conservation or utility open space (which includes stormwater management systems). Open space definitions are contained in the Conservation Element. Open space requirements and maximum allowable impervious surface areas are discussed in the Future Land Use Element.

DRAFT

**Table 5**

<b>Maximum impervious surface area standard</b>	
<b>Future Land Use Designation</b>	<b>Percent</b>
<i>Residential</i>	
Multi-Family, High Density	60%
Duplex District	60%
Single Family, Medium Density	65%
Single-Family Affordable Housing/Mobile Home, Medium Density	35%
Single Family, Low Density	50%
Residential Rural	30%
<i>Commercial</i>	
General	85%
Office/Residential/Commercial Mixed Use (ORC)	80%
Institutional	70%
Recreation	50%
<i>Open Space</i>	
Utility	7.50% 25%
Corridor	5% 25%
Conservation	5% 25%
Agriculture	10% 25%
<b>Common Conservation Open Space</b>	
Multi-Family, High Density	15% 25%
Duplex District	15% 25%
Single Family, Medium Density	15% 25%
Single Family Affordable Housing/Mobile Home, Medium Density	20% 25%
Single Family, Low Density	20% 25%
Residential Rural	30%
<b>Conservation/Utility Open Space</b>	
Commercial General	10%-25%
Office/Residential/Commercial Mixed Use (ORC)	30%
Industrial	25%
Utility	15% 25%



(Refer to Conservation Element policies for further applications of the open space requirement.)

The Land Development Regulations shall incorporate these provisions.

(E) Promote On-Site Retention and Natural Percolation of Surface Water to Groundwater Aquifers. The Town shall require developments to install on-site retention structures that promote percolation of surface water to the groundwater aquifer. On-site retention structures for new development shall be designed for net retention and infiltration of pre-development recharge to groundwater aquifers. These retention areas can be considered open space as long as they are landscaped with Florida native vegetation and cannot be soded. Chapter 40C-42, FAC, calls for retention of the first one (1) inch of rainfall. These provisions have been incorporated within the Land Development Regulations Codes.

Policy 4-2.3.3: Coordinate Watershed Management with Federal, State, and Local Agencies. Assure coordination of watershed management plans and policies with Lake County, St. Johns River Water Management District, East Central Regional Planning Council, Florida Department of Environmental Regulations, Florida Agricultural Extension Service, and the U.S. Corp. of Engineers, and other appropriate agencies.

Policy 4-2.3.4: Assure New Development Provides Adequate On-Site Drainage and Storage Retention. The Town has provisions within the Land Development Regulations Codes which require applicants of PUDs, subdivisions, plats, and replats to provide retention and drainage facilities that comply with adopted minimum level of service standards for drainage. No new development shall be permitted that creates flooding problems or overloads existing natural or man-made drainage pathways and facilities on adjacent (off-site) property.

OBJECTIVE 4-2.4: MAXIMIZE USE OF NATURAL DRAINAGE FEATURES. Maximize the Use of Natural Drainage Ways and Retention Ponds to Manage Stormwater Runoff.

Policy 4-2.4.1: Promote the Use of Wetlands for On-Site Stormwater Storage and Natural Drainage ways for Stormwater Discharge. Wetlands serve as natural collectors of stormwater and as natural filters of sediments and contaminants carried in such waters. The Town shall require the review of proposed developments for the best applicable integration of natural drainage features and wetland storage areas as contributing components to on-site stormwater management. These provisions are included within the development and site plan review procedures in the Land Development Regulations Codes.

#### VI. GROUNDWATER AQUIFER RECHARGE

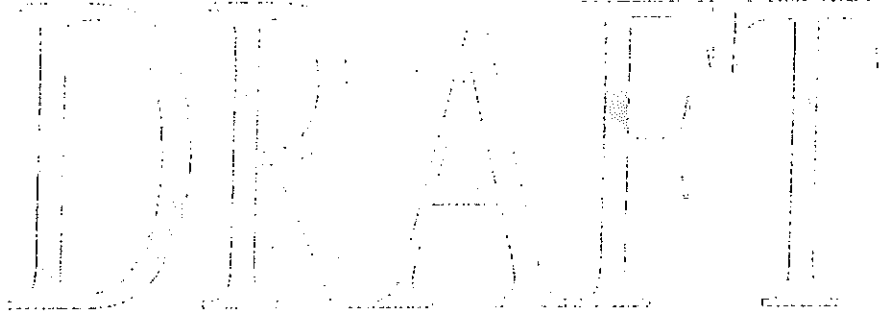
**GOAL 4-3: PROTECT FUNCTIONS OF GROUNDWATER AQUIFER RECHARGE AREAS. PROTECT AND MAINTAIN GROUNDWATER AQUIFER HIGH RECHARGE AREAS.**

OBJECTIVE 4-3.1: PROMOTE HIGH RECHARGE OF STORMWATER TO GROUNDWATER AQUIFERS. Promote High Recharge of Stormwater to Groundwater Aquifers with Consideration to Retention Time to Reduce Potential for Downward Percolation of Contaminants into Groundwater Supplies Through Implementation of the Following Policies.

Policy 4-3.1.1: Preserving Permeable Surface Area. The Future Land Use Element and the Future Land Use Map shall establish land use types and densities which are compatible to the preservation of permeable ground surface areas. Impervious surface ratios and maximum allowable impervious surface areas for each different land use designation are contained in Table I-2-4, Future Land Use Element. Open space requirements for the land use designations are discussed in Policies 4-2.3.2. The Town shall include open space requirements

established in the Comprehensive Plan for all development types within the Land Development ~~Regulations~~ Codes.

Policy 4-3.1.2: On-Site Stormwater Retention and Natural percolation of Surface Water to Groundwater Aquifers. On-site retention structures for new development shall be designed for net retention and infiltration of pre-development recharge to groundwater aquifers. These retention areas can only count as open space if they are landscaped with Florida native vegetation and are not sodded. Chapter 40C-42, FAC, calls for retention of the first on (1) inch of rainfall.



## CHAPTER V

## CHAPTER V

### CONSERVATION ELEMENT (9J-5.013(2), F.A.C.)

#### Goals, Objectives and Implementing Policies

CONSERVATION GOALS, OBJECTIVES AND IMPLEMENTING POLICIES. This section defines the goals, objectives and implementing policies by which the Town of Montverde shall manage protect, and conserve natural resources within its jurisdictional territory through the year ~~2030~~ 2033, pursuant to Florida Statute 163.3177 (6) (d) and Florida Administrative Code 9J-5.013.(2)

**GOAL 5-1: CONSERVATION OF NATURAL RESOURCES. CONSERVE, PROTECT AND EFFECTIVELY MANAGE NATURAL RESOURCES WITHIN THE TOWN OF MONTVERDE, PARTICULARLY ENVIRONMENTALLY SENSITIVE LANDS THAT INCLUDE LAKE FLORENCE, FRANKLIN POND (SAWGRASS POND), LAKE APOPKA, ALL WETLANDS, GROUNDWATER QUALITY, AND SCARCE VEGETATIVE COMMUNITIES.**

**OBJECTIVE 5-1.1: PROTECT AIR QUALITY.** Protect Air Quality within the Town of Montverde by Complying with or Exceeding Air Standards Established by the Florida Department of Environmental Regulations.

Policy 5-1.1.1: Promote Activities Conducive to Safe Air Quality. The Town shall continue to promote land use activities which are conducive to maintaining existing air quality by implementing provisions within the Land Development Regulations which define permitted or non-permitted uses within commercial, industrial, and agricultural land use designations.

Policy 5-1.1.2: Coordinate with Lake County to Effectively Mitigate Pollution Generated from Adjacent Unincorporated Areas. Montverde shall continue to coordinate with Lake County to assure that County and Town land use controls applicable to adjacent jurisdiction areas promote land uses which shall not adversely impact

air quality within Montverde. The Town of Montverde shall encourage the County to consider the effects of prevailing wind directions on the location of industrial, commercial, and agricultural activities occurring adjacent to Montverde, with emphasis to avoid locating any pollution-generating activities to the south or north side of Montverde

Policy 5-1.1.3: Reduce Wind-Related Soil Erosion. Measures shall be taken on at construction sites or cleared areas which assure that exposed, destabilized, or other altered soils is expeditiously covered with an acceptable erosion control material. The land development regulations incorporate specific measures to be used to protect soils from wind erosion at such sites.

OBJECTIVE 5-1.2: PROTECT WATER QUALITY OF SURFACE AND GROUND WATERS. -Protect the Quality of Surface and Ground Water by Controlling Existing and Potential Sources of Contaminants and by Coordinating with Federal, State and County Entities Having Jurisdictional Authority Over These Water Sources.

Policy 5-1.2.1: Restrict Activities Known to Adversely Affect the Quality of Surface and Ground Water. The Town shall not permit any industrial land use activities within 500 feet to lake front areas. Within high recharge groundwater aquifer areas industrial uses shall be prohibited if such uses generate pollutants listed on the Florida Substance List that may adversely impact the quality of surface and ground waters. The storage and placement of chemicals and other environmentally hazardous material within the 100 Year Flood Plan, well field protection zones and conservation open space land use designation shall be restricted or prohibited according to policies cited herein this element. The manufacturing of hazardous waste materials, as defined in Policy 5-1.2.1, is prohibited within commercial land use designation in the Future Land Use Map.

Policy 5-1.2.2: Definition of a Hazardous Material. Hazardous materials are defined as follows:

A Hazardous material is any material which, because of its physical, chemical, or infectious characteristics, can pose a substantial or potential hazard to human health or safety or the environment when improperly used, treated, stored, transported, or disposed of. A hazardous material can be toxic, ignitable, corrosive, or reactive (a material that may react violently and/or produce hazardous vapors or gases when exposed to water). ~~Land Development Regulations shall be revised by February 1, 2009 to incorporate the previous definition of a Hazardous Material.~~

Policy 5-1.2.3: Compliance with State Requirements to Protect Water Quality. The Town shall include principles within the development review process which require applicants of proposed commercial developments to provide evidence prior to the issuance of a Certificate of Occupancy that all appropriate operating permits have been issued by State regulatory agencies, particularly for commercial activities, such as gasoline stations; industrial activities using chemicals on the Florida Substance List applicable to commercial uses; and operations using on-site storage facilities for chemical or hazardous materials and wastes.

All commercial uses must provide sanitary sewer facilities compliant with Florida 10D6.046, F.A.C.

Policy 5-1.2.4: Protection of Class III Surface Waters: Lake Apopka and Lake Florence. All lakes within or adjacent to the Town of Montverde are Class III waters (i.e., waterbodies which currently support recreation and foster maintenance of fish and aquatic wildlife). These waters shall be protected by incorporating the following provisions into the Town's land development regulations:

- (A) Dredging activities shall be limited to FDEP approved dredging.
- (B) Ensure good water quality by applying the SWIM plan for Lake Apopka.

(C) Ensure good water quality by coordinating with the FDEP, FDNR, and the St. Johns River Water Management District in monitoring the quality of stormwater run-off and all discharge entering these lakes. The Town shall notify the appropriate agency as potential issues or problems that are identified.

(D) Limit the use of Class III waters to water dependent activities that are not contrary to the public interest and which satisfy a community need.

(E) Limit modification of grassbeds (30% or less) will be allowed only to support water dependent recreation.

(F) Where modification of grassbeds is permitted the Town shall assure that:

1. A determination of overriding public interest has been demonstrated by the applicant prior to modification of grassbeds.
2. Project run-off, including nitrogen, phosphorous, and other nutrients, shall be controlled to prevent an increase in water turbidity, decrease in fish or aquatic wildlife propagation, and other degradation of water quality.
3. Projects damaging grassbeds during construction shall incorporate mitigative techniques which re-establish conditions favorable to natural regeneration of the grassbeds.

Policy 5-1.2.5: Establish Shoreline Protection and Lakefront Littoral Zones. The Town shall continue to manage development along lake shoreline areas and Lakefront Littoral ~~region~~ zone through the establishment of both a Shoreline Protection and a Lakefront Littoral Zone. Both Zones shall be established as part of any new surface water management system which consists of lakes and wet detention areas greater than or equal to .05 acres in size, based upon the 10



year storm event. The Land Development Regulations Codes provide appropriate development setbacks to preclude encroachment into lakefronts, consistent with the criteria established in this policy. The following criteria shall govern actions necessary to protect Shoreline and Lakefront Protection Zones:

- (A) Shoreline Protection Zone. To protect Lake Front from impacts created by the encroachment of development, a shoreline protection zone shall be delineated at a point where no emergent aquatic vegetation can grow landward to a point established 50 feet landward of the water's edge. Only passive recreation activities, as defined in policy 5-1.6.4, shall be permitted within the shoreline protection zone.

A developer may obtain a determination of the boundary through a field study by submitting documentation with the development application. Such documentation shall include a hydrological study of the area within seventy-five feet landward of the water's edge.

- (A) A design and management plan shall also be provided prior to the construction of the on-site storm water management system. This plan shall include:

1. Preservation activities utilized to maintain native vegetation, as mandated by the tree and native vegetation protection ordinance proposed in policy stated herein (only native vegetation shall be maintained within the Shoreline Protection Zones); and
2. A shoreline management plan that describes procedures to assure minimal impacts to water quality and shoreline erosion. Where deemed necessary, silt screening shall be implemented to retain fluvial sediments carried by runoff stormwater or wave action.

- (a) The following uses and activities are presumed to have an insignificant adverse effect on shoreline protection zones:

- (i) Scenic, historic, wildlife, or scientific preserves.
- (ii) Minor maintenance or emergency repair to existing structures or improved areas.
- (iii) Clearing of shoreline vegetation to create walking trails having no structural components, not to exceed four (4) feet in width.
- (iv) Timber catwalks, docks, and trail bridges that are less than four (4) feet wide, provided that no filling, flooding, dredging, draining, ditching, tiling or excavating is done, except limited filling and excavating necessary for the installation of pilings.
- (v) Commercial or recreational fishing, hunting or trapping, and creation and maintenance of temporary blinds, is allowed by State laws.
- (vi) Constructing fences where no fill activity is required and where navigational access will not be impaired by construction of the fence.

(B) Protection of the Lakefront Littoral Zone. The Lakefront Littoral Zone region consists of an interface zone between the land of the drainage basin and the open water of lake. Applicants of new development or redevelopment shall include the following with the site plan and development application:

1. Include typical cross sections of the surface water management system from the 100 Year Water Mark elevation to the -3 foot contour (i.e., below average elevation).
2. Provide a description of any management procedures to be followed in order to assure the continued viability and health of the Lakefront Littoral Zone. The lakefront littoral zone as established shall consist entirely of native vegetation and shall be maintained permanently as part of the water management system.

3. Limit development within the Lakefront Littoral Zone to water-related passive recreation structures as defined in Policy 5-1.6.4.

Policy 5-1.2.6: Wetland Buffers. Wetlands shall be protected from impacts generated by adjacent land uses through natural buffer zones established for legally existing lots of record which were approved prior to the effective adoption date of the Comprehensive Plan and for those approved after the adoption date, according to the following regulations.

- (A) Existing Lots of Record. The natural buffer zone for a legally existing lot of record which existed prior to February 1, 1992 ~~and which remains naturally vegetative~~ shall be determined as follows:

1. The wetland line shall be delineated based on a field survey of the site by a professional biologist, registered engineer, or a representative of the St. Johns River Water Management District;
2. A natural buffer width of ~~30-50~~ feet shall be added to the upland side of the wetland delineation; and,
3. The applicant may use this methodology for newly created lots of record to demonstrate that a smaller natural buffer width is appropriate. Such demonstration must be presented and approved prior to the issuance of the final development order.
4. Pool decks and other enclosures may be a minimum of 25 feet from a jurisdictional wetland or open water.

~~(B) Existing Lots of Record with Removed Vegetation. The buffer zone for a legal existing lot of record which existed prior to the February 1, 1992, and in which the natural vegetation was removed prior to this date shall be determined as follows:~~

- ~~(1) A fifteen foot buffer shall be retained adjacent to the wetland line;~~

~~(2) Site specific stormwater treatment such as swale / berm system and erosion control measures shall be required adjacent to the upland side of the 15 foot buffer.~~

Commented [SP1]: Recommend removal of this policy as it is very difficult to now determine.

~~(C) Lots Approved After February 1, 1992. Natural buffer zones for any lot created after February 1, 1992 shall be based on guidelines contained in "An Evaluation of the Applicability of Upland buffers for the Wetlands of the Wekiva Basin. (Center for Wetlands, Brown and Schaefer, 1987" and "Buffer Zones for Water, Wetlands, and Wildlife (Center for Wetlands; Brown, Schaefer, and Brandt; 1989)." The applicant of development may propose alternate methodology, but such methodology may be subject to verification and must address the following:~~

- ~~(1) Erodibility of soils upland of the wetland line;~~
- ~~(2) Depth of the water table below the soil surface in the zone immediately upland of the wetland line; and,~~
- ~~(3) Habitat requirements of aquatic and wetland dependent wildlife based on:~~
  - ~~(a). Habitat suitability;~~
  - ~~(b). Spatial requirements;~~
  - ~~(c). Access to upland habitats; and~~
  - ~~(d). Noise impacts.~~

~~(B) Commercial. All new commercial and industrial development must follow the buffer methodology described in (C) above.~~

~~(C) Hardships. Applicants developing a single family residential lot, which is not contained within a development, unable to meet the wetland buffer requirements may receive a hardship variance if evidence of the following conditions are submitted with the development plans and approved by the Town Council.~~

- ~~1. The Buffer width cannot be met with reasonable reconfiguration of the site plan;~~
- ~~2. The wetland line has been delineated according to procedures defined in subsection (A) (1).~~

3. Construction will not occur within the wetlands unless exempted by Policy 5-1.2.5 or listed below:
  - i. No upland alternatives exist;
  - ii. No significant loss of wetland function occurs; and,
  - iii. All appropriate state agency permits are obtained by the applicant of development.
4. Stormwater management techniques shall be implemented to protect water quality, consistent with level of service standards set forth in the Comprehensive Plan.

(D) Setback Application. All buffers shall be implemented through setback requirements stipulated within the Land Development Regulations Codes.

Policy 5-1.2.8: Definition of Wetlands. Wetlands shall be defined as areas which are identified by being inundated or saturated by surface or groundwater with frequency or duration sufficient to support, and that under normal conditions do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. The extent and jurisdiction shall be determined by the Florida Department of Environmental Regulation, and as defined within Chapter 62-340, F.A.C. 40D-4 and 40C-4, implemented by the St. Johns River Water Management District, respectively.

Policy 5-1.2.8: Development Limitations within Wetlands. No development shall be allowed within wetlands unless an appropriate dredge and fill permit is obtained from the Department of Environmental Regulation Protection and where necessary applicable to the United States Army Corps of Engineers. If an Isolated Wetland is involved or proposed to be filled or dredged an appropriate Management and Surface Water permit must be obtained from the St. Johns River Water Management District as it relates to the Isolated Wetlands Rule Chapter 40C-1, F.A.C. Where no permit is necessary only conservation facilities and passive water related recreational uses shall be permitted within areas designated for conservation open spaces as stipulated in policy 5-1.6.4.

The Town shall designate all wetlands within the town as conservation open space within the Future Land Use Element and on the Future Land Use Map. The Town of Montverde shall limit development within wetlands to land uses supporting conservation facilities and water-related passive recreation activities, as defined within policy 5-1.6.4.

Wetlands shall be protected from the encroachment of development through development restrictions established within the Town's Lakefront Littoral and Shoreline Protection Zones (as defined in Policy 5-1.2.5) and, where applicable, within the Town's Tree and Native Protection Ordinance (as defined within Policy 5-1.4.1).

The following defines the jurisdiction of public agencies over wetlands:

(A) Extent of Florida Department of Environmental Protection (FDEP).

The Wetlands Protection Act (WPA) requires that a permit be obtained from the Department of Environmental Protection for most "dredging" and "filling in surface waters of the state. The jurisdiction of the DEP under the Wetlands Protection Act of 1984, Chapter 403, Part VIII extends to all waters of the State of Florida. The following are rules adopted by FDEP that affect the Town of Montverde:

1. natural lakes, except:
  - (a) those owned entirely by one person other than the state;  
or
  - (b) those that become dry each year and are without standing water; or
  - (c) those of no more than 10 acres in landward extent with a maximum average depth of two feet or less existing throughout the year.

\*FDEP determines the landward extent of jurisdiction under the dominant vegetation test, the applicant may perform or request a site-specific soil assessment.

(B) Extent of United States Army Corps of Engineers.

Section 404 of the Clean Water Act authorizes the Secretary of the Army, acting through the Chief of Engineers, to issue permits for the discharge of dredged or fill material into the waters of the United States at specific disposal sites. Dredging and excavation are not covered unless there is a discharge of the dredged material into navigable waters. A Corps permit is required prior to undertaking the following activities, among others: filling of wetlands adjacent to navigable waters; drainage of wetlands through ditching and diking (so long as a discharge occurs); and clearing and scraping wetlands.

(C) Extent of St. Johns River Water Management District.

Isolated Wetlands that infrequently flow into or otherwise exchange water with a described water body are not intended to be included within the dredge and fill jurisdiction of the Department of Environmental Regulation. St. Johns River Water Management District has been delegated stormwater management responsibility by DEP for certain small, isolated wetlands.

Policy 5-1.2.9: Control Sediment and Pollution Carried in Stormwater Runoff. Sediments, silt, and pollution carried by urban runoff shall be reduced to the greatest extent possible through stormwater management techniques designed to retain and detain stormwater runoff. By efficiently balancing runoff's on-site residence time to enable soils and vegetation to perform natural filtration functions. The following techniques and activities shall be employed to maintain water quality of surface runoff:

- (A) Mandatory On-Site Retention. The first one-inch of runoff shall be retained on-site through retention ponds/facilities; or one-half inch of runoff if it has less than 50% impervious surface and less than 100 acres, whichever is greater.

The Public Facilities Element shall adopt a water quality level of service standard which accomplishes these retention requirements.

- (B) Erosion Controls. To protect water quality within lakes, the Town shall require sites under construction to provide measures to retard, impede, and treat surface water runoff, consistent with water quality level of service standards established in the Public Facilities Element. In addition, the Land Development Regulations Codes adopted March 11, 2003 list appropriate measures that the development site must temporarily install or perform to comply with the LOS standard. The intent of the regulatory measures shall be to conserve the lakes and protect them from detrimental impacts of development under construction and remain consistent with the intent of Policies 5-1.2.4 and 5-1.4.1. Development within both the Shoreline Protection and Lakefront Littoral Zones shall be restricted to passive and water-related passive recreation facilities, respectively, or conservation facilities as defined in policy 5-1.6.4.

Natural surface waters shall not be used as sediment traps during or after development.

Use of Native Vegetation. As supported in this element, trees and native vegetation shall be protected through an ordinance in the Land Development Regulations. This tree and native vegetation protection ordinance shall identify species subject to protection, describe circumstances when existing subject vegetation may be eradicated or altered, requirements and restrictions on planting new vegetation, and prohibited exotic species. These regulations shall measures in order to compensate for loss of vegetation and to enhance stabilization of fragile slopes and/or lake shorelines.



The Town shall review site plans for proposed development in forested uplands to assure that common areas and other buffer areas use native vegetation to the greatest feasible extent.

(C) Permeable Surface Area. Permeable Surface Area shall be protected to control urban runoff by mandating the dedication of open space by new development and by limiting the land area that can be covered by impervious material and construction as stipulated in policies 5-1.3.1, 5-1.3.2, 5-1.3.3, 5-1.3.4, and 5-1.3.5.

(D) Recreational Space and Common Conservation Open Space. Stormwater management, recreation and common conservation open space planning are compatible efforts and shall be closely coordinated. ~~Stormwater run-off shall be retained/detained in new parks and common conservation open space and be recharged to the aquifer without detracting from the recreational value of a site.~~ Open space stormwater retention areas only count if they are landscaped with Florida native vegetation and cannot be soded.

Policy 5-1.2.10: Mitigate Impacts of Septic Tank System Discharge into Groundwater Supplies and Surface Waters. No on-site sanitary sewer system shall directly discharge into any lake, nor shall a system use surface waters for back-up or overflow discharge. High density residential development (up to 10 units per acre), lower density residential developments proposed in soils where septic tanks are not suitable, and certain non-residential developments are subject to mandatory use of central sewer system according criteria and threshold established in the Public Facilities Element.

Land Development Regulations shall require that a site be able to properly absorb septic tank effluent if hookup to a treatment plant is not feasible and on-site sewage facilities are to be used. Septic tanks shall also be located as far away from the shoreline as possible and be consistent with the DOH requirement of a minimum of 75 foot

setback from the Ordinary High Water Line of a lake (10D-6.046, F.A.C.).

Policy 5-1.2.11: Reduce Sediments and Suspended Solids Associated with Shoreline Erosion. To protect shoreline from erosion, and to reduce sediments and suspended solids introduced to surface waters, the Town shall coordinate with the U.S. Soil Conservation Service and relevant State agencies upon the presence of shoreline erosion problems to identify and analyze best management practices to implement corrective measures to retard or prevent further erosion.

Policy 5-1.2.12: Acquire Land Adjacent to Water Front Areas. The Town shall pursue funding sources which are available from the State of Florida to acquire land along Lake Apopka and other lakefront areas for recreation or conservation purposes:

Policy 5-1.2.13: Development Regulations for Sawgrass Pond and Karst Areas (Sinkholes). To protect groundwater quality from potential contamination introduced through sinkhole passages that provide rapid downward percolation to groundwater storage areas, and to protect property and life from potential damage or threat resulting from sinkhole collapse, development occurring adjacent to an existing sink hole shall be subject to development restrictions compatible to the type of sink formation exhibited at a subject site. Such development restrictions shall be determined on a case by case basis according to the circumstances involving the cause of the sink hole. Upon such activity, the Town shall call upon the Florida Sink Hole Research Institute, or a surrogate state agency state agency in its absence, to determine what actions are necessary to protect adjacent property and groundwater quality. Based on the findings and recommendations presented by the State, the Town shall take appropriate action. The following activities shall govern actions necessary to protect property and groundwater from sink formations:

- (A) Sink Formations in Existing Developed Areas. No sink formation shall be filled or excavated, and no debris placed adjacent to the sink, until the Florida Sink Hole Research Institute, or a

surrogate state agency, has completed a site investigation to determine appropriate actions to protect property and groundwater quality. Based on findings and recommendations provided by State agencies, the Town shall amend the Comprehensive Plan to revise land use designations and development restrictions adjacent to the site as appropriate to protect property and groundwater quality, consistent with procedures stipulated in Section 163.3187, F.S.

- (B) Sink Formations on Undeveloped Sites Not Issued a Development Order. Based on a finding by the Florida Sinkhole Research Institute, or surrogate state agency, that the sink does not require immediately fill to protect groundwater quality, the site shall be left undisturbed until a development application is submitted for the adjoining property. At the time a development is proposed for the subject site, the development application must include a hydrological or geological study of the area within a 250 foot radius of the sink hole, prepared by a professional hydrologist, geologist, or registered engineer, to assure that adjacent ground proves safe to hold the weight of construction. If the study prepared by the Florida Sink Hole Research Institute allows for fill and development of a collapse sink, than the proposed site plan may proceed according to this finding. In the case that the Florida Sink Hole Research Institute deems the sink hole undevelopable, a fifty foot buffer shall be established from the point determined geologically safe for construction in the above required study.

Recent and active Sinkholes shall be designated on the Future Land Use Map as common conservation open space.

Policy 5-1.2.14: Sinkholes to be Designated as Conservation Open Space. Sinkholes shall be designated on the Future Land Use Map as conservation open space.

Policy 5-1.2.15: Cooperate with Effort to Clean-up Lake Apopka. Efforts by the SJRWMD to improve water quality in Lake Apopka commenced in 1991. The Town shall cooperate with the SJRWMD in these efforts to clean-up Lake Apopka.

Policy 5-1.2.16: Participation in Florida Lakewatch Program. The Town Clerk shall contact the Department of Fisheries and Aquaculture at the University of Florida with an official letter for the purpose of evaluating Town participation in the Florida Lake Watch Program.

OBJECTIVE 5-1.3: PROTECT THE QUANTITY OF SURFACE AND GROUND WATER. Protect the Quantity of Surface and Ground Water through Preservation of Permeable Surface and through Promotion of Conservation Activities Affecting the Consumption of Potable Water.

Policy 5-1.3.1: Definition of Impervious Surface Area. The maximum area of the site which can be covered by any material that substantially reduces, retards, or prevents the percolation of stormwater to subsurface soils or groundwater aquifers. Impervious surfaces include, but are not limited to buildings, roofs, streets, sidewalks, paved parking areas, concrete, compacted sand, limestone or clay. Impervious surface area ratios established in Policy 5-1.3.2 shall be applied to a proposed development site. Lot coverage limitations established in the Land Development Regulations limitations are consistent with the impervious surface area principles established in Policy 5-1.3.2.

Policy 5-1.3.2: Avoid Reduction of Recharge Volumes Entering Ground Water Supplies. The Town shall avoid reduction of the recharge volumes entering ground water supplies through the following governmental actions:

- (A) Preservation of Permeable Surface. The Future Land Use Element and the Future Land Use Map shall establish land use types and densities which are compatible to the preservation of permeable ground surface areas. Impervious surface ratios shall be based on open space requirements established by the Town,

which in turn shall be consistent with hydrogeological and soil characteristics controlling development densities. The Future Land Use Element shall translate open space requirements to impervious surface ratios for all land use categories.

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**Table 1**

<b>Maximum impervious surface area standard</b>	
<b>Future Land Use Designation</b>	<b>Percent</b>
<i>Residential</i>	
Multi-Family, High Density	60%
Duplex District	60%
Single Family, Medium Density	65%
Single Family Affordable Housing/Mobile Home, Medium Density	35%
Single Family, Low Density	50%
Rural Residential	30%
<i>Commercial</i>	
General	85%
Office/Residential/Commercial Mixed Use (ORC)	80%
Institutional	70%
Recreation	50%
<i>Open Space</i>	
Utility	7.50% 25%
Corridor	5% 25%
Conservation	5% 25%
Agriculture	10% 25%
<b>Common Conservation Open Space</b>	
Multi-Family, High Density	15% 25%
Duplex District	15% 25%
Single Family, Medium Density	15% 25%
Single Family Affordable Housing/Mobile Home, Medium Density	20% 25%
Single Family, Low Density	20% 25%
Rural Residential	30%
<b>Conservation/Utility Open Space</b>	
Commercial General	10% 25%
Office/Residential/Commercial Mixed Use (ORC)	30%
Industrial	25%
Utility	15% 25%

- \*Applicable only to developments exceeding twenty-five units.
- \*\*Only common conservation open space may apply to meeting open space requirements.
- \*Residential Development within 300 feet of Lake Apopka shall reduce maximum impervious surface area by five percentage points.

(B) Compatibility of Density and Recharge. The Future Land Use Element and the Future Land Use Map shall promote land use activities and development densities which are compatible to high recharge potential percolation rates.

(C) Permeable Parking Surface. Promote the application of permeable parking lot surfaces for commercial developments proposed within high recharge areas through land development incentives to be provided within the Land Development Regulations. Such incentives will include the complete or partial credit of permeable parking surface areas, toward meeting open space requirements. The incentive shall consider frequency of use of the parking site, parking material, and parking space needs.

Policy 5-1.3.3: Compliance with Water Management District Consumptive Use Permit. The Town shall monitor water flow from its municipal system on at least a monthly basis to assure that water flows are consistent with permitted consumption rates established by the St. Johns River Water Management District through the consumptive use permit. In the event normal water demands are anticipated to exceed allowable levels, the Town shall coordinate with the SJRWMD to apply for additional consumptive use.

Policy 5-1.3.4: Participation and Compliance with Water Management District Emergency Water Plan and Conservation Efforts. The Town shall cooperate with the St Johns River Water Management District (SJRWMD) in the enforcement of the provisions of the Water Management District's emergency water shortage plans.

Policy 5-1.3.5: Promote conservation of Water. To conserve potable ground water sources and to accomplish reasonable reductions in water consumption, the Town shall undertake the following activities:

- (A) The Town shall require developments over twenty-five (25) units to use reuse water for irrigation where such non-potable water sources are available.
- (B) The Town shall require low volume plumbing fixtures in all development approved after the adoption date of this Comprehensive Plan (i.e. Toilets 1.6 gal/flush, urinals 1.0 gal/flush, showerheads 2.5 gal/min, kitchen faucets 2.5 gal/min, bathroom faucets 2.0 gal/min).
- (C) The Town shall annually evaluate the performance of its water distribution system to determine if excessive leakage may occur as a result of deterioration to water lines. The Town shall schedule repairs to any identified damage or deficiency in the distribution system based on the extent of damage, urgency to correct the problem, and availability of funds necessary to rectify the lines. Any improvement qualifying as a capital improvement and not deemed to represent an emergency shall be included within the Capital Improvements Program.
- (D) Consistent with policies established by the East Central Florida Regional Planning Council to reduce water consumption related to irrigation, the Town shall require new development to use and/or preserve native or drought-resistant vegetation for landscaping to the greatest reasonable extent. The selection of native and drought-resistant plants shall be based on those species deemed appropriate within the Florida Native Plant Society's publication Native Plants for Landscaping in Florida, or comparable recommended guidelines supported by the Florida Department of Agriculture and Consumer Affairs, the Florida Department of Natural Resources, or the East Central Regional Planning Council. The Land Development Regulations incorporate provisions supporting this policy.



- (E) The Town Clerk shall contact through an official letter the St. Johns River Water Management District for the purpose of initiating a public education program on water conservation efforts. The Town of Montverde shall become actively involved in this process by distributing education brochures to homes and business through its water billing system upon receipt of such material from the SJRWMD.

Policy 5-1.3.6: Wellfield Protection. In order to protect the quality and quantity of Montverde's potable water supply, a wellfield protection zone shall be established within a radius of seventy five, two hundred, and five hundred feet from potable water wells. The following land uses are prohibited within these zones:

Main Wells. No new development shall be permitted within seventy-five feet from a main well. Within a two-hundred foot radius, septic tanks, sanitary sewer facilities, or solid waste disposal facilities shall be prohibited.

Within a five-hundred-foot radius of a well, industrial uses shall be prohibited, including activities that require the storage, use, handling, production or transportation of restricted substances on the Florida Substance List (CH.442, F.S.), and agricultural chemicals, petroleum products, hazardous/toxic wastes, industrial chemicals, etc. In addition, wastewater treatment plants, percolation ponds, mining activities and similar activities are prohibited. Excavation of waterways or drainage facilities which intersect the water table shall not occur within 500 feet as well as solid waste disposal facilities shall also be prohibited in all cities.

Backup Wells. No new development shall be permitted within fifty feet from a backup well. Within 200 foot radius distance, septic tanks, sanitary sewer facilities or solid waste disposal facilities shall be prohibited. Restrictions applicable to an area within 500 feet from main wells shall also apply to backup wells. A backup well means a water well used to temporarily replace service lost when a main well

malfunctions or is temporarily shut down for general maintenance, and to maintain fire flow pressures in the event of an emergency.

Policy 5-1.3.7: Feasibility of A Central Sanitary Sewer System and Waste Water Reclamation Program. The Town shall research available State grant funds applicable for infrastructure needs/feasibility studies for local governments. ~~By 2012 the Town shall submit an application requesting funds to have such a study prepared.~~ The Town Council shall evaluate the study's findings and recommendations. Upon notice that the State has awarded a grant to Montverde to prepare a feasibility study, the study and its cost shall be included in the Capital Improvements Element and the ~~Five-Ten~~ (10) Year Schedule of a Capital Improvements, consistent with amendment procedures stipulated in Sec. 163.3187, Florida Statutes. ~~If a central sanitary sewer system is found to be feasible and necessary, the Town shall, by 2015, apply for State grants to prepare a wastewater master plan.~~ Based on the findings and recommendations of the Master Plan, the Comprehensive Plan and ~~Five-Ten~~ (10) Year Schedule of Capital Improvements shall be amended consistent with sec. 163.3187, F.S., to support and program necessary improvements.

The Town shall also evaluate the merits of a wastewater reclamation program prior to the implementation of a central wastewater treatment system designed to reduce water consumption associated with lawn and landscaping irrigation.

OBJECTIVE 5-1.4: CONSERVE, APPROPRIATELY USE AND PROTECT NATIVE VEGETATIVE COMMUNITIES. Conserve, Appropriately Use and Protect Native Vegetation Indigenous to the Town of Montverde.

Policy 5-1.4.1: Implementing Protection of Vegetative Communities and Aquatic Habitats. A Tree and Native Vegetation Protection Ordinance shall be used in managing and protecting the impacts of development on major vegetative communities and aquatic habitats. These regulations shall mandate fair and equitable restoration and/or compensatory mitigative measures in order to

compensate for loss of vegetation and to enhance stabilization of fragile slopes and/or lake shorelines. The Land Development Regulations include Trees and Native Vegetation Ordinance, which incorporate the following criteria:

(A) Review Criteria

1. Site Plans: The Town shall review site plans for proposed development in Long Leaf Pine-Xeric Oak, and other forested uplands to assure that common areas and other buffer areas use existing native vegetation (native vegetation is defined as plant material indigenous to Lake County, Florida, including all those species listed in Table 5-11 in the Conservation Element Data Inventory and Analysis) within all required open space areas.

(2) Subdivisions, Multi-Family, Commercial and Industrial: Prior to the approval for proposed development, each owner or applicant of sites five (5) acres or more shall provide a site survey of tree(s) and vegetative communities.

The identification and evaluation of vegetative resources shall be performed by either a forester, biologist, ecologist, horticulturist, landscape architect, licensed landscape contractor, certified nurseryman or person having similar recognizable skills and experience.

(B) Removal Criteria

1. Long Leaf Pine-Xeric Oak, and other forested uplands may only be approved for removal if one or more of the following criteria are met:
2. Where the location of the tree prevents the construction of utility systems, roadways or required parking areas which cannot be practically relocated or re-routed or where the trees cannot be utilized as part of these systems; removal of the tree pursuant to

this criteria shall be exempt from the replacement criteria in Policy 5-1.4.1 under section (2).

- (a) where the tree is weakened by age, storm, fire or other injury so as to pose a danger to persons, property, site improvements or other trees. Removal of the tree pursuant to this criteria shall be exempt from the replacement criteria in Policy 5-1.4.1 under section (2).
  - (b) where site design modifications, as determined by a pre-clearing inspection, are not feasible to allow the use permitted, as determined by the specific zoning of the subject property.
  - (c) there shall be no clearing, except hand clearing, within the dripline (dripline is defined as an imaginary vertical plumb line that extends downward from the tips of the outermost tree branches and intersects the ground) of any protected or other trees selected to be preserved for landscaping. Where no native vegetation exists within the dripline, pervious paving, bricking or any other material which does not restrict the health and growth of a protected or preserved tree may be utilized. In addition, for all trees to be protected, the area within the dripline shall be temporarily fenced to prevent drainage to the tree and root system during construction activities.
3. Replacement Criteria: Where the removal of a protected tree meets any one or more of the criteria identified in Policy 5.1.4-1 under section (1). The developer may choose one of the following options:
- (a) Provide one or more native trees to replace the removed tree where the total dbh of the replacements is equal to fifty percent of the total dbh of the tree or trees removed;

(b). The developer may relocate or transplant the protected tree elsewhere on the same lot or parcel of land if there is a source of water and adequate irrigation system on site to assure viability of the transplanted tree; or

(c). Inspection

(i) Inspection Prior to Certificate of Occupancy or Certificate of Completion: Prior to issuance of a Certificate of Occupancy or Certificate of completion, the Town reserves the right to conduct a site inspection to assure that no unauthorized clearing has taken place and to assure that all protected trees and vegetation identified for preservation are in place and have been maintained in a viable condition.

(ii) Follow up Inspection: the Town of Montverde reserves the right to conduct a final site inspection one or two years after the issuance of a certificate of occupancy for residential subdivision, multiple-family and non-residential developments to assure that no unauthorized removal of protected trees and native vegetation has occurred.

OBJECTIVE 5-1.5: CONSERVE, APPROPRIATELY USE AND PROTECT FISHERIES. Conserve, Appropriately Use and Protect Fisheries Indigenous to Lake Apopka and other lakes within Montverde.

Policy 5-1.5.1: Manage Impacts of Development on Fisheries. The Town shall promote land use activities within the Future Land Use Element and designated on the Future Land Use Map which are compatible with preservation of fisheries within Lake Apopka and the Town's other lakes. The Town shall prohibit any land use which shall detrimentally affect water quality or water temperature within any lake.

Policy 5-1.5.2: Assist Federal and State Agencies in the Maintenance of Fish Populations. The Town shall coordinate and cooperate with Federal and State environmental and wildlife preservation agencies to protect fish populations within Lake Apopka and the Town's other lakes and to promote environmental management activities which enhance fish propagation through natural processes or by managed fish restocking.

Policy 5-1.5.3: Aquatic Weed Control. The Town shall coordinate with the Lake County Water Authority to control any aquatic weed, algae blooms, or other aquatic plant proliferation occurring within the Town's lakes and along the western shoreline of Lake Apopka within the County's jurisdiction.

OBJECTIVE 5-1.6: CONSERVE WILDLIFE AND WILDLIFE HABITATS. Conserve and Protect Wildlife and Wildlife Habitats through the Management of Growth and Development within the Town, and through Coordination with Lake County, the Florida Game and Fresh Water Fish Commission, the SJRWMD, and the State Department of Agriculture and Consumer Affairs.

Policy 5-1.6.1: Coordinate with the State and Regional Agencies to Promote Preservation of Wildlife and Wildlife Habitats. The Town shall notify the Florida Department of Agriculture and Consumer Affairs to any significant clusters of endangered or threatened plant (flora) species occurring within its jurisdiction. The Town shall notify the Florida Game and Fresh Water Fish Commission to the presence of any roosting, nesting, or frequented habitat areas for endangered or threatened wildlife occurring within its jurisdiction.

Policy 5-1.6.2: Conservation of Wildlife Habitats. Developers of planned unit developments or of residential subdivisions with more than twenty-five (25) units shall be required to designate a portion of existing vegetative communities for common conservation open space (see Policy 5-1.6.3 for definition of common conservation open space) in order to preserve areas for wildlife habitat.

~~As wetlands within the development site can be applied as credit towards meeting common open space requirements.~~ A minimum of twenty-five percent (25%) of land dedicated for common open space must represent uplands. The Town may require a dedication of additional upland area above the minimum requirement pursuant to ramifications of Policy 5-1.6.6.

The location of common conservation open space shall be negotiated during the development review process. Applicants of new residential developments breaching the threshold shall dedicate a minimum amount of land area for common conservation open space according to the following standards applicable to each residential designation:

Minimum Open Space Standard	
Future Land Use Designation	Percent
Multi-Family, High Density	<del>15%</del> 25% <sup>(*)</sup>
Single/Multi-Family Mixed, Medium Density	<del>15%</del> 25%
Duplex District	<del>15%</del> 25%
Single Family, Medium Density	<del>15%</del> 25%
Single Family Affordable Housing/Mobile Home, Medium Density	<del>15%</del> 25%
Single Family, Low Density	<del>15%</del> 25%
Residential Rural	<del>10%</del> 25%

(\*) Applicable to developments with more than twenty-five (25) units.

As the Town does not have staff with technical expertise knowledge to identify appropriate areas for preservation, the Town reserves the right to request assistance from the East Central Florida Regional Planning Council or the Lake County Environmental Services Department to evaluate the most suitable location of upland habitat.

Policy 5-1.6.3: Definition of Common Conservation Open Space. Common Open Space shall be defined as any parcel or area of land

or water essentially left in its natural state or improved and set aside, dedicated, designated or reserved for common use or enjoyment for the public or the residents of a development and may include such complementary structures and improvements as related to only conservation facilities and passive recreation uses. As stipulated in Policy 6-1.5.1 Conservation Open Space shall represent significant natural or historical resources that require protection from detrimental impacts associated with the encroachment of development. Natural areas that are unsuitable for development also are a form of common conservation open space. Conservation open space areas shall be those which are designated for the purpose of conserving or protecting natural resources or environmental quality and includes areas designated for such purposes as flood control, protection of quality or quantity of ground water or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats. This definition of open space is intended to be consistent with that defined under 9J-5.003 (63), Florida Administrative Code. Areas which qualify for such designation are described within the Conservation Element.

Policy 5-1.6.4 Passive Recreation Activities and Conservation Facilities Considered Permitted Uses. Only conservation facilities and passive recreation uses shall be permitted within areas designated for Common Conservation Open Space. Such activities and uses shall be described as follows:

(A) Passive Recreation:

1. \*Residential docks not to exceed a width of five feet.
2. Hiking trails, not to exceed a width of four feet; Picnic areas;
3. \*Fishing piers exceeding a width of five feet may only locate within lakes and not within wetlands.
4. Golf courses dedicating a minimum of ten percent of uplands to conservation open space.
5. Observation towers.



(B) Conservation Facilities:

1. \*Stormwater management facilities designed to protect the natural surface water flow regime and groundwater quality or quantity;
2. Fire lanes and fire/observation towers;
3. \*Facilities designed to protect nesting, feeding, or habitat areas of designated endangered, threatened, or species of special concern, as determined by the Florida Game and Freshwater Fish Commission, or to support the propagation of common wildlife;
4. \*Fishery management;
5. Facilities designed to protect an archaeological or historical site;
6. \*Facilities designed to retard or eliminate soil erosion problems, particularly shoreline erosion along lakeshores;
7. Facilities necessary to eliminate unwanted exotic vegetation; and
8. Wildlife monitoring devices/stations.

\*Identifies water related facilities.

Policy 5-1.6.5: Evaluating Impacts on Endangered and Threatened Flora and Fauna Species. The Town shall incorporate into The Land Development Regulations the 9J-2.0258 Upland Vegetation and Wildlife Policy Rule cited in the Florida Administrative Code for the purpose of establishing upland vegetation and wildlife standards and criteria to be used in evaluating the impacts of proposed development on upland vegetation used as common habitat by endangered or threatened species.

Policy 5-1.6.6: Protection of Endangered and Threatened Flora and Fauna Species. Upland vegetative communities and wildlife habitats (particularly those identified as primary habitat for endangered or threatened species) for which the Town or a State agency deems environmentally significant shall be protected from adverse impacts associated with development to a degree necessary to maintain the

perpetual viability of the endangered or threatened specie (s). Upland areas identified within the Conservation Element as essential breeding, feeding or habitat sites for endangered or threatened flora or fauna creatures shall be protected according to the following activities:

(A) Conservation Open Space Designation. Environmentally significant upland habitat may be designed as conservation open space on the Future Land Use Map under the following circumstances:

1. The site is owned by a government body or agency;
2. The site is programmed for purchase by a government agency within the first three years of the Five-Ten (10)-Year Schedule of Capital Improvements;
3. A request to designate the site as conservation open space is made by the land owner;
4. Land dedication as common conservation open space within developments approved after the adoption date of this Comprehensive Plan, shall be designated on the Future Land Use Map as conservation open space upon the first opportunity an amendment may occur consistent with procedures in Chapter 163.3187., F.S.

Development proposed to occur within areas designated as Conservation Open Space is subject to all policies pertaining to open space requirements and development restrictions. A habitat management plan will not be required unless proposed development within the site designated as conservation open space intends to remove or displace an active nesting or breeding area of an endangered or threatened species or will remove or eradicate a living endangered or threatened plant.

**(B) Undesignated Sites with Endangered or Threatened Species.** Any areas identified within the Conservation Element as refuge, breeding, feeding, or habitat areas of endangered or threatened species shall be subject to the following activities:

1. An applicant of a subdivision, plat, replat, or PUD shall prepare a Critical Habitat Management Plan prepared by a professional biologist, ecologist, or other related professional. As a minimum standard, this Plan shall analyze the following issues:

- (a) Affected Species;
- (b) Land needed to support continued on-site presence of the species;
- (c) Impacts of proposed development which will disturb the species;
- (d) Recommended plans and measures necessary to protect the subject species based on FFWCC or USFWS guidelines and standards;
- (e) Cost to Developer to implement the recommended management plan for cost/benefit analysis purposes.

The adequacy of the study shall be determined by the Town of Montverde. The final development plan shall conform to recommendations determined within the study as approved by the Town Council. The Town will reserve the right to have a State or County agency review the Critical Habitat Management Plan and provide a written response.

Policy 5-1.6.7: Conservation of Upland Habitats. Developers of planned unit developments and subdivisions proposed for development in upland habitats shall be required to designate a portion of existing upland natural vegetative communities for open

space in order to preserve areas for wildlife habitat. The location and amount of upland habitat to be preserved shall be determined during the development review process. As the Town does not have staff with professional expertise to identify appropriate areas for preservation, the Town reserves the right to request assistance from the East Central Florida Regional Planning Council or Lake County the Lake County Environmental Services Department.

**OBJECTIVE 5-1.7: CONSERVE AND APPROPRIATELY USE SOILS.**  
Conserve and Appropriately Use Soils through the Incorporation of Land Development Regulations which Include Performance Criteria.

Design to Reduce the Incidence of Soil Erosion Resulting from Land Clearing, Breaches in Stabilized Lake Shorelines, and Soils Exposed to Environmental Conditions due to the Lack of Vegetation

Policy 5-1.7.1: Implementing Erosion Control. The Town requires that appropriate measures be taken during land clearing and building operations to assure that exposed, destabilized or otherwise altered soil is expeditiously covered with an acceptable erosion control material. This provision shall be applicable to the act of subdividing and installation of related improvements as well as during the development review process including the period during which improvements may occur as well as the length of time soil may be exposed to the environment. The Land Development Regulations incorporate provisions specifying appropriate measures controlling land clearing activities.

The tree and native vegetation protection ordinance shall be applicable to all clearing and grading activities and shall include specifications for management principles guiding the removal or placement of vegetation and the application of landscaping designs. Regulations shall also require developers to take precautionary measures, where necessary, to avoid destruction or damage to native vegetation.

Policy 5-1.7.2: Coordination with the U.S. Soil Conservation District. The Town shall notify the local office of the U.S. Soil Conservation Service of any major soil erosion problems that may occur within the Town's jurisdiction.

Policy 5-1.7.3: Regulation of Mining Activities. As no significant deposits of valuable mineral are present within the Town of Montverde, no mining activities shall be permitted to occur within the Town's jurisdictional area.

OBJECTIVE 5-1.8: PROTECT ENVIRONMENTALLY SENSITIVE AREAS. Protect Environmentally Sensitive Lands from the Encroachment of Development in Order to Preserve Their Natural Functions and to Assure Their Perpetual Existence. Environmentally Sensitive Lands Shall Comprise Wetlands; Surface Waters; Sink Holes; Aquifer Recharge Areas with High Percolation Rates, and Undisturbed Significant Vegetative Communities, Particularly those Serving as Habitat or Refuge for Endangered and Threatened Plants and Animals.

Policy 5-1.8.1: Designation of Environmentally Sensitive Areas. The Future Land Use Element shall designate all wetlands and sinkholes. The Town may designate significant high recharge areas, areas within the 100-year flood zone and undisturbed natural vegetative communities as conservation open space where the environmental sensitivity of the subject area warrants protection from the encroachment of development to protect such areas under this designation. The Future Land Use Map Series shall illustrate areas designated as conservation open space. Land Development Regulations shall restrict or prohibit development in areas designated for conservation open space on the Future Land Use Map to the extent relevant to the preservation of each type of environmentally sensitive area. No development shall encroach or fill lakes with exception to passive water-related recreation and conservation facilities approved by the State of Florida.

Policy 5-1.8.2: Protection and Maintenance of Floodplain. (Note: Wetlands in the 100 Year Flood Zone, hereafter Flood Zone, are protected through other policies established herein this element. Land not classified as a wetland but situated within the boundaries of the Flood Zone is referred to as "uplands of the Flood Zone").

Public Facilities shall be allowed in the Flood Zone consistent with Policies stipulated in the Capital Improvements Element.

Applicants of development and redevelopments shall position structures and impervious surfaces to areas outside the Floodplain Zone ~~to the greatest extent possible~~ according to qualifying circumstances and provisions stipulated below. ~~Where development occurs within the Flood Zone to maintain reasonable use of and value of property, compensatory mitigation shall maintain no loss of its natural flow regime according to qualifying circumstances and provisions also stipulated below.~~ The 100 Year Flood Zone shall be delineated within the Future Land Use Map Series, and its demarcations shall be determined by the most recent Flood Insurance Maps prepared by the Federal Emergency Management Agency (except for waterfront facilities).

(A) Prohibited Land Use Activity. ~~Industrial, commercial and office land uses, except for commercial or office land use waterfront facilities, shall be prohibited from encroaching the uplands of the 100 Year Flood Zone, with exception to 100% permeable surface parking areas designed for seasonal or occasional overflow demands which may locate on uplands of the Flood Zone. (Wetlands in the Flood Zone are governed by other policies herein this element.) Storing or processing materials that would, in the event of a 100 Year Storm, be buoyant, flammable, explosive, or potentially injurious to human, animal or plant life is prohibited. Material or equipment immune to substantial damage by flooding may be stored if securely anchored to prevent flotation or if readily removable from the area upon receipt of a flood warning. Wastewater treatment plants, septic tanks, and spray fields shall not be placed within the Flood Zone.~~

(B) Limitations and Restrictions on New Development within Undisturbed Flood Zone Areas. The following limitations and restrictions shall apply to new development allowed within undisturbed Flood Zone Areas:

1. Residential Subdivision Site Plan Design. Plans and designs for development proposing to alter uplands of the Flood Zone through compensatory storage shall first minimize potential flood damage by positioning recreation, conservation uses, and common conservation open space, whether provided voluntarily or mandatory, to those areas within the Flood Zone, reserving land outside the Flood Zone for development. The Flood Zone shall be delineated on all final development plans submitted to the Town.

All residential subdivision plans and designs for development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; adequate drainage provided to reduce exposure to flood hazards, and; base flood elevation data shall be provided for subdivision proposals and other proposed development (including manufactured home parks and subdivisions) which is greater than the lesser of fifty lots or five acres.

1997 Additional Open Space Requirements. Common open space requirements shall increase by five percentage points above existing requirements when alteration to uplands of the Flood Zone occurs through compensatory storage. Common open space shall be located within the Flood Zone to the maximum extent possible and shall be consistent with common open space principles outlined in Policy 5-1.6.2, Conservation of Wildlife Habitats. Development is limited to passive recreation activities and conservation facilities within conservation open space, as allowed through Policy 5-1.6.4, Passive Recreation Activities and Conservation Facilities Considered Permitted Uses.

Open space allocated towards contiguous upland habitats, as cited in Policy 5-1.6.2, shall be allocated with first priority to upland habitats of the Flood Zone.

~~1998 Impervious Surface Principles. Maximum impervious surface area principles applicable to the development area proposed in the Flood Zone shall be reduced two percentage points for conservation, corridor, and utility open space; by ten percentage points for residential uses; and by thirty percentage points for other acceptable land uses.~~

1999 Wastewater treatment plants, and spray fields are prohibited within the 100 Year Flood Zone.

~~2000 Stormwater Facilities. Drainage facilities shall be in place and functional concurrent with deadlines established in the Concurrency Management System (Policy 8A-1.1.3.). Such drainage facilities shall be designed to:~~

- ~~(a) Comply with the Town's established level of service standards and State stormwater facility standards;~~
- ~~(b) Maintain the natural flow regime and function of the floodplain;~~
- ~~(c) Efficiently function with connected drainage facilities under jurisdictional authority of the St. Johns River Water Management District;~~
- ~~(d) Support and further regional stormwater master plans prepared by Lake County or the SJRWMD.~~

(C) Limitations and Restrictions on New Development or Redevelopment in Existing Developments located within the 100-Year Flood Zone. The following limitations and restrictions shall apply to new development or redevelopment occurring on developed and vacant lots situated in the Flood Zone Areas:

1. Minimum Floor Height Elevation. All new construction and substantial improvements of existing construction must have



the first floor elevation for all enclosed areas at eighteen inches above the 100-year flood elevation.

2. Construction Material and Methods. All new construction and substantial improvements of existing construction shall be constructed with material and utility equipment resistant to flood damage, and using methods and practices that will minimize flood damage and prevent the pollution of surface waters during a 100-yr storm event.

3. Service Facilities and Utilities. Electrical heating, ventilation, plumbing, air conditioning, and other service facilities shall be designed or located to prevent water from entering or accumulating within components during a 100 Year Storm Event. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate both infiltration of flood water into the systems and discharges from the systems into flood waters.

(D) Standards for Streams Without Established Base Flood Elevation and/or Floodways. Located with the areas of special flood hazard as defined in Article 3, Section B, in Flood Damage Prevention Ordinance, where streams exist but where no base flood data has been provided or where base flood data has been provided without floodways, the following provisions apply:

1. No encroachments, including fill material or structures shall be located within areas of special flood hazard, unless certification by a registered professional engineer is provided demonstrating that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. The engineering certification shall be supported by technical data that conforms to standard hydraulic engineering principles.

Policy 5-1.8.3: Protection of Natural Reservations. Though no land within the Town has been designed by the Federal, State, or County government as a natural reservation, the Town shall continue to support the preservation of natural reservations within Lake County, including, but not limited to, the Green Swamp and the Wekiva River Basin.

Policy 5-1.8.4: Acquisition of Environmentally Sensitive Land. The Town shall pursue State funds to purchase environmentally sensitive lands designated as conservation open space on the Future Land Use Map.

OBJECTIVE 5-1.9: MANAGEMENT OF HAZARDOUS WASTES TO PROTECT NATURAL RESOURCES. Manage the Use and Disposal of Hazardous Wastes to Protect Natural Resources and Public Health and Safety.

Policy 5-1.9.1: Regulate Land Uses Generating Hazardous Waste. The Town shall deny development of any commercial or industrial activity which may use, store, or sell hazardous wastes which represent a potential threat to the quality of groundwater or to the health and safety of Town residents.

Policy 5-1.9.2: Protect Natural Ecological Systems and Resources. The Town shall continue to enforce land development regulations which incorporate development restrictions directed toward preserving natural ecological systems and resources.

Policy 5-1.9.3: Assist Lake County Hazardous Waste Management Program. The Town shall assist Lake County in the monitoring and management of hazardous waste generators within Montverde by coordinating with the Lake County Department of Environmental Services to notify County staff to new commercial developments that may use or generate hazardous waste. The Town shall also notify the County to the presence of any disposed, buried, or stored wastes or material for which the volatility and chemical contents thereof are unknown.

**OBJECTIVE 5-1.10: CONSERVATION OF HISTORICALLY SIGNIFICANT SITES.** Conserve Historically Significant Sites through the Use of Land Development Regulations and Protection of Existing Historical Structures.

**Policy 5-1.10.1: Promote the Identification of Historically Significant Sites.** The Town shall coordinate with the State Division of Historic Resources in continuing to identify, protect, analyze, and explain the Town's historical, archaeological, and cultural resources. Such efforts shall include determination of their worth and vulnerability, as well as determination of specific applicable preservation management policies.

**Policy 5-1.10.2: Performance Standards for Protecting Sites of Historic, Archaeological, and Cultural Resources.** ~~The Town shall prohibit development activities in or adjacent to historic/archaeological sites that depreciate or eliminate their historical value. Provisions shall be incorporated into the Development Regulations by 2010 to support this policy. Activities deemed adverse to the preservation of historic sites shall include:~~

- (A) Demolition or alteration of all or part of such site;
- (B) Isolation from, or alteration of the associated environment;
- (C) Placement of visual, audible, or atmospheric elements that foster discordance with the character of the property;
- (D) Transfer or sale of a registered historical site without adequate contractual written agreement to maintain and preserve the historical character of the structure;
- (E) Removal or placement of native vegetation shall be subject to restrictions and requirements stated within the Tree and Native Vegetation Protection Ordinance, proposed within the above cited policies and are included within the revised Land Development Regulations .

**Policy 5-1.10.3: Registration of Locally Historic Sites.** The Town shall promote and support local efforts, including those fostered by the Lake County Historical Society, to effectively pursue registration of

historically significant sites under Federal and State certified historical master files.

OBJECTIVE 5-1.11: IMPLEMENTATION AND EVALUATION OF THE EFFECTIVENESS OF CONSERVATION ACTIVITIES. Montverde Shall Annually Implement and Evaluate the Effectiveness of Conservation Activities through the Following Policies.

Policy 5-1.11.1: Schedule, Budget and Implement Conservation Activities Qualifying as Capital Improvements. Conservation activities involving the purchase of land or the expenditure of funds equal or exceeding amounts qualifying as a capital improvement, as defined within the Capital Improvement Element Goals, Objectives, and Policies, shall be scheduled and budgeted within the ~~Five-Ten~~ (10)-Year Schedule of Capital Improvements.

Policy 5-1.11.2: Evaluate the Effectiveness of Conservation Activities. The Town shall annually review conservation goals, objectives and policies supported in the Conservation Element of the Comprehensive Plan and implemented through land development regulations, to measure the effectiveness of the Town's conservation activities. Deficiencies identified within the evaluation process shall be analyzed to determine ameliorative measures necessary for correction.

Policy 5-1.11.3: Evaluate Effectiveness of Intergovernmental Coordination. The Town shall evaluate the effectiveness of intergovernmental coordination activities established within the Conservation policies or upon the emergence of conservation issues extending into areas beyond the Town's jurisdiction.

OBJECTIVE 5-1.12: INTERGOVERNMENTAL COORDINATION ACTIVITIES FOR THE CONSERVATION OF NATURAL RESOURCES. Manage Natural Resources and Conservation Issues Transcending the Town's Jurisdictional Area or Constituting an Issue of Regional Nature through Intergovernmental Coordination.

Policy 5-1.12.1: Implementing Policies for Intergovernmental Coordination with Lake County to Manage Conservation Issues and Activities. The Town of Montverde shall coordinate with Lake County to manage natural resources and conservation activities. Such management activities shall engage, but not be limited to:

- (A) Participate in County forums and in technical review activities concerning emergency preparedness, with emphasis toward issues included in the Peacetime Emergency Preparedness Plan.
- (B) Participate in technical review concerning ground and surface water quality potentially involving the condition of Lake Apopka; floodplain and stormwater management; fish and wildlife preservation, in particular endangered and threatened species; wildlife habitats and significant vegetative communities; and issues affecting the function and survival of environmentally sensitive areas. Such issues and activities shall also be coordinated with appropriate State and regional entities for which jurisdictional authority or interest overlies.
- (C) Public access issues to lake front areas shall be coordinated with Lake County, including issues concerning maintenance and improvements.
- (D) The Town shall coordinate with Lake County in order to assure that all future development within unincorporated areas adjacent to the Town shall occur in an orderly and timely manner concurrent with the availability of infrastructure and services. Such development reviews shall closely monitor and evaluate impacts on:
  - 1. Town infrastructure levels of service, especially impacts on roadways, water and wastewater systems, floodplain and stormwater management, and area-wide recreation.
  - 2. Natural resources, especially ground water quality and quantity.
- (E) The Town shall coordinate with the Lake County Environmental Services Department on issues related to hazardous waste

management, drainage, solid waste disposal and recycling, and protection of surface and ground waters.

Policy 5-1.12.2: Implementing Policies for Intergovernmental Coordination with State Agencies. Issues which shall be coordinated with the Department of Environmental Protection (FDEP), the St Johns River Water Management District (SJRWMD), and the Florida Fish and Wildlife Conservation Commission (FFWCC), as deemed necessary to resolve conservation concerns which presently exist or which may emerge include the following:

- (A) The Town shall coordinate all development and natural resource conservation measures impacting all lakes in Montverde with the FFWCC and the FDEP, as well as other applicable State public agencies.
- (B) The Town shall coordinate with technical staff within the SJRWMD, FFWCC, and FDEP in order to assure implementation of sound principles and practices of conservation resource management during the development reviewed process as well as the formulation of policies impacting natural resource management.
- (C) The Town shall coordinate with the Florida Sinkhole Research Institute or the Lake County Environmental Services Department to manage issues concerning the impact of sinkhole formations or potential threats related thereto.
- (D) The Town shall coordinate with the SJRWMD as well as other appropriate State Agencies in matters surrounding stormwater management, floodplain protection, drainage, surface and ground water quality, and consumptive use permits for potable water.
- (E) The Town shall coordinate with FDEP and the Lake County Environmental Services Department for issues concerning the management of hazardous waste.

## CHAPTER VI

## CHAPTER VI

### RECREATION & OPEN SPACE ELEMENT

#### Goals, Objectives, and Implementing Policies

RECREATION AND OPEN SPACE GOALS, OBJECTIVES AND IMPLEMENTING POLICIES. This section establishes the goals, objectives, and implementing policies by which the Town of Montverde shall manage existing and future provisions of recreation and open space and associated facilities.

**GOAL 6-1: PROVIDE ADEQUATE RECREATION AND OPEN SPACE. PROVIDE ADEQUATE RECREATION AND OPEN SPACE THROUGH THE COORDINATED UTILIZATION OF PUBLIC AND PRIVATE SITES TO MEET THE NEEDS OF EXISTING AND FUTURE RESIDENT AND SEASONAL POPULATIONS.**

**OBJECTIVE 6-1.1: ASSURE THE PROVISION OF ADEQUATE RECREATION SPACE.** Assure the Provision of Adequate Recreation Space for Existing and Future Populations.

**Policy 6-1.1.1: Level of Service Standards for Recreational Space.**

The Town of Montverde hereby adopts the following minimum level of service for the provision of recreation space, through the year ~~2030~~ 2033:

6.0 Acres Per 1000 Residents

**Policy 6-1.1.2: Monitor Compliance of Recreation Space Land Requirements.**

Minimum land requirements needed to comply with the above adopted level of service standard shall be monitored and evaluated at least once a year through the Town's Concurrency Management System. Procedures for monitoring the level of service shall be included within this system.



Policy 6-1.1.3: Planned Capital Improvements Required to Meet Recreation Space Demands.

The Town shall include any declared land acquisition exceeding one acre for recreation space within the Capital Improvements Schedule. Funding shall be earmarked within the ~~Five-Year~~Ten-Year Schedule of Capital Improvements for the purchase of one or more acres of park land to meet level of service requirements for year ~~2015~~year 2033.

Policy 6-1.1.4: Mandatory Dedication of Land for Recreation Space.

The Town incorporated provisions within the Land Development Regulations which require new development to provide recreation space, or pay fees in lieu thereof, consistent with the minimum level of service acreage requirements as applied to anticipated population associated with said development.

OBJECTIVE 6-1.2: MAXIMIZE USE OF EXISTING RECREATION SPACE. Maximize the Use of Existing Recreation Space By Promoting Recreation Activities.

Policy 6-1.2.1: Coordination with Lake County Parks and Trails Director.

The Town shall coordinate with the Lake County Parks and Trails Director to the use of John's Lake Boat Ramp, the Ferndale Preserve and Hickory Point Park for organized recreation activities for the Town's citizens.

Policy 6-1.2.2: Use of Lights.

To maximize the use of existing and future recreation sites, the Town shall analyze the use of lighting at existing and future activity-based parks.

OBJECTIVE 6-1.3: ASSURE EFFICIENT AND CONVENIENT ACCESS TO RECREATION SITES. Recreation Sites Shall be Accessible to the Public through Efficient and Convenient Entry to Parks and

Facilities, and through Availability of Parking for All Recreation Participants.

Policy 6-1.3.1: Access to Recreation Sites.

The Town shall incorporate provisions within the Land Development Regulations which stipulate that access ways leading to recreation sites shall contain right-of-way widths adherent to standards incorporated within policies of the Transportation Element and principles established in the Land Development Regulations ~~Codes~~.

Access ways to new recreation sites shall be analyzed for appropriate considerations to safe bicycle and pedestrian traffic, unless analysis of traffic circulation facilities indicates that such design lacks feasibility due to cost limitations, design constraints, or a threat to public safety.

Policy 6-1.3.2: Available Automobile Parking.

The Town ~~incorporated principles within the Land Development Regulations~~ Land Development ~~which~~ Codes ~~which~~ require the provision of designated parking areas, either paved or unpaved, at all recreation sites according to parking requirements established within the Land Development Regulations. Parking may not be required at recreation sites for which insufficient land area is available, and where the site is within walking distance to the residences of its users.

Policy 6-1.3.3: Secure Storage Areas for Bicycles.

icycle storage areas shall be provided at active-based recreation sites by ~~2010~~2033. The type and quantity of such facilities shall be determined by the Town Council.

Policy 6-1.3.4: Access to Sites and Facilities for Transportation Disadvantaged.

The Town shall assure that all recreation sites are accessible to transportation disadvantaged (handicapped and elderly) citizens through the provision of designated handicapped parking areas, as required by State law, and through design consideration to recreation facilities that enable participation. The Town shall inventory all public recreation facilities to identify improvements required to accommodate their recreation site and facility access needs.

OBJECTIVE 6-1.4: POTENTIAL ACCESS TO TOWN LAKES. Encourage dedication and the purchase of Public Access Points to Lake Apopka and other smaller lakes in Montverde.

Policy 6-1.4.1: Acquire and Maintain Access Points to Lakefront Areas.

At the time new recreation sites are needed to meet level of service standards, the Town shall analyze the potential to acquire land adjacent to its lakes to enable public access to lake front areas, while encouraging new developments with lake access to donate a public lake access to meet the recreation level of service.

OBJECTIVE 6-1.5: ASSURE PROVISION OF OPEN SPACE. Assure Provision of Open Space through Land Acquisition and through Designation of Land for Open Space Use on the Future Land Use Map.

Policy 6-1.5.1: Open Space Definitions to be Consistent with Land Use Designations of the Future Land Use Map.

The Town hereby adopts the following definitions of open space types to be delineated on the Future Land Use Map under the general category of Open Space. (Recreation is a type of open space but constitutes a separate land use category on the Future Land Use Map.)

Conservation Open Space: Conservation Open Space shall represent significant natural or historical resources that require protection from detrimental impacts associated with the encroachment of development. Natural areas that are unsuitable for development also are a form conservation open space areas shall be those which are designated for the purpose of conserving or protecting natural resources environmental quality and includes areas designated for such purposed as flood control, protection of quality or quantity of ground water or surface water, floodplain management, fisheries management, or protection of vegetative communities or wildlife habitats. This definition of open space is intended to be consistent with that defined under Florida Administrative Code. Areas which qualify for such designation are described within the Conservation Element.

Utility Open Space: Areas unsuitable to development due to potential threat to public health and safety as a result of the presence of public utility or service, and areas that are not suitable to development because of the presence of a human service that would destroy the character of the site and adversely affect the value of investments constructed thereon. Such areas include but are not limited to cemeteries, drainage canals, airport flight path zones, and regional utility lines.

Corridor Open Space: This open space constitutes areas separating development from transportation corridors, areas preserved for proposed transportation routes, and areas used to improve the aesthetic character of a transportation corridor. Such areas include open areas adjacent to roadways and bicycle paths, reserved right-of-way for future transportation corridors, and abandoned rail road right-of-way.

Multiple-Purpose Open Space: Open space comprising two or more of the above open space types.

Policy 6-1.5.2: Designation of Open Space.

The Town shall designate open space on the Future Land Use Map according to the classifications set forth in Policy 6-1.5.1. The Future Land Use Map shall illustrate the areas designated for Recreation and Open Space.

OBJECTIVE 6-1.6: COORDINATE PUBLIC AND PRIVATE RECREATION RESOURCES. Coordinate Recreation Planning Activities with Local and State Governments to Avoid Duplication of Services.

Policy 6-1.5.1: Public Access to School Facilities.

The Town shall coordinate with Lake County and the Lake County Board of Education to establish an interlocal agreement which allows public access to any future school recreation sites located in Montverde.

Policy 6-1.6.2: Coordination with Lake County Park System:

The Town shall coordinate with the Lake County Parks and Trails Director prior to the scheduling of recreation improvements in the Town's Capital Improvement Element to assure that duplication of recreation services does not occur with Lake County parks and recreation facilities and that existing facilities are used to their maximum capacities. Coordination shall also include a review of the priority of County recreation improvements in order to incorporate Montverde recreation interests and needs.

Policy 6-1.6.3: Coordination with Florida Department of Environmental Protection.

The Town shall coordinate with the Florida Department of Environmental Protection, Division of Recreation and Parks, to identify available grant funds for recreation and open space land acquisition and for development of recreation facilities, particularly for the acquisition of land along the Lake Apopka shoreline.

Policy 6-1.6.4: Coordination with Private Recreation Space and Facilities.

The Town shall coordinate with the private development sector to assure that new residential developments within Montverde provide a fair and equitable share of recreation space and facilities demanded by their occupants.

## CHAPTER VII

## CHAPTER VII

### INTERGOVERNMENTAL COORDINATION ELEMENT 9J-5.015 (3)

#### Goals, Objectives and Implementing Policies

GOALS, OBJECTIVES AND IMPLEMENTING POLICIES. This section stipulates goals, objectives and implementing policies which shall direct and manage coordination responsibilities with Federal, State and Local governments whose activities effect, influence, or control government affairs held by the Town of Montverde.

**GOAL 7-1: INTERGOVERNMENTAL COORDINATION. COORDINATE WITH FEDERAL, STATE ANDE LOCAL GOVERNMENT AND QUASI-GOVERNMENT ENTITIES WHOSE RESPECTIVE EMPOWERED ACTIVITIES, DUTIES AND RESPONSIBILITIES INFLUENCE, EFFECT, OR CONTROL GOVERNMENTAL AFFAIRS AND LAND DEVELOPMENT DECISIONS HELD BY THE TOWN OF MONTVERDE IN ORDER TO ESTABLISH EFFECTIVE GROWTH MANAGEMENT, DEVELOPMENT ACTIVITIES, AND NATURAL RESOURCE CONSERVATION, WITH CONSIDERATION TO LIMITED AVAILABLE FINANCES.**

**OBJECTIVE 7-1.1: COORDINATE COMPREHENSIVE PLANNING ACTIVITIES WITH LAKE COUNTY.** Coordinate with Lake County on Issues Pertaining to Land Use Activities and Public Programs Applicable to Adjacent Unincorporated Lands and Unincorporated Enclaves.

**Policy 7-1.1: Joint Planning Agreement.**  
The Town shall implement a Joint Planning Agreement (JPA) with Lake County. The JPA shall require purposeful and regular communication between Town and County officials to ensure development is implemented in accordance with the visions of both Town and County citizens. The JPA shall require the County actively communicate and coordinate with the Town on all proposed



development applications within the JPA boundary including the Ferndale Rural Protection Area.

Policy 7-1.1.1: Exchange of Comprehensive Plans.

Through the JPA process, the Town shall willingly provide a copy of its Comprehensive Plan to Lake County and shall file a written request to the county to receive a copy of the Lake County Comprehensive Plan to mutually promote consistency with adopted Plans.

Policy 7-1.1.2: Notification of Amendments to Comprehensive Plan and Development Activities.

The Town shall file a written request to Lake County to receive notification of any proposed land use amendments, changes to adopted levels of service, and all applications for development affecting land adjacent to Montverde boundaries as well as such activities occurring within one mile from the Town's limits, within a reasonable timeframe for the Town to respond to any concerns. The Town shall reciprocate such information to Lake County and allow response to Lake County growth management concerns.

Policy 7-1.1.3: Resolution of Transcending Growth Management Issues.

Through the JPA process, the Town shall coordinate growth management issues transcending jurisdictional areas through cooperative communications with Lake County at the staff and official government levels by presenting Town concerns through documented transmittals, scheduled meetings, attendance at County public hearings, joint ad hoc technical coordination committees, and, where relevant, less formal communications. The Town shall promote reciprocal participation of County staff and officials in local growth management affairs. Growth management issues to be pursued, but not limited to, comprise the following:

a. Annexation of Adjacent Lands. The Town has engaged in mutual discussion with Lake County to establish a Joint Planning Agreement to direct an orderly and timely process of annexing unincorporated land adjacent to the Town. A Joint Planning

Agreement and the Interlocal Service Boundary Agreement shall include, but is not limited to the following issues:

- i. Delineation of general area in which the Town shall pursue annexation;
- ii. Mutually agreeable land use designations for unincorporated areas within the confines of the annexation zone, with emphasis on compatibility with both the Town and County Comprehensive Plan Future Land Use Elements;
- iii. Jurisdiction responsible for providing water, sewer, traffic circulation, and drainage facilities during the interim and post annexation periods;
- iv. Availability of public facilities and service to meet demands currently generated by existing development or that are anticipated for eligible land use activities permitted within the proposed annexation area;
- v. Agreement to Levels of Service provided to existing and proposed development within the annexation zone during the interim annexation period.
- vi. Determination of appropriate application of a concurrency management system for the annexation zone.

b. Land Use Planning of Adjacent Lands. The Town shall coordinate with Lake County through the Joint Planning Agreement to pursue appropriate land management for unincorporated areas adjacent to the Town, including enclaves, to avoid conflict created by possible placement of incompatible land uses and to establish compatibility between Town and County growth management efforts. The Town shall coordinate with Lake County to establish a mutually compatible growth management framework, with consideration to implementing such activity through an interlocal agreement, which addresses the following planning and development issues:

i. Land Development Regulations. Review and compare municipal and County land development regulations applicable to respective adjacent lands for compatibility and for conflict with growth management goals, objectives and policies.

ii. Comprehensive Planning for Adjacent Unincorporated Incorporated Land. Develop a mutually agreeable future land use designations for adjacent unincorporated and incorporated land.

iii. Review Impacts of Development. Review impacts of development within adjacent unincorporated lands, including impacts to adopted levels of service; concurrency management issues; affects on annexation issues; and changes to comprehensive plans and land development regulations; location and timing of proposed development; and impacts to conservation activities and preservation of natural resources.

iv. Mitigate Impacts to State Roads. Focus commercial development along State roads to incorporated areas, and designate lands in unincorporated areas adjacent to municipalities to low-density, non-intensive land uses.

c. Solid Waste. The Town shall coordinate with the Lake County Department of Environmental Services to explore improvements and

efficiency to the County's solid waste management program, including the collection, disposal and monitoring of hazardous wastes. Other issues for which coordination efforts are necessary include:

Commented [SP1]: No longer relevant.

- i. Recycling programs and management strategies established by the County.
- ii. Curtail illegal dumping of solid waste as well as disposal practices which are detrimental to the existence of natural resources and ecological communities.
- iii. Monitor ground water quality adjacent to the abandoned land fill just south of Montverde.

d. Traffic Circulation. The Town shall coordinate with Lake County, as well as the Florida Department of Transportation, to resolve traffic improvement needs. Issues to be addressed include, but are not limited to:

Surface Water Management and Drainage. The Town shall coordinate with Lake County to implement stormwater and drainage improvement needs indicated through the results of the County's Stormwater Study, and to coordinated proposed development within the Comprehensive Plan with improvements scheduled within the Lake County Stormwater Master Plan. Other issues to be addressed include stormwater impacts to water quality in the Town's lakes and in groundwater aquifers.

e. Groundwater Quality and Conservation. Issues which the Town needs to address with Lake County include the preservation of natural resources which transcend jurisdictional boundaries and the protection of potable water storage areas of the Floridian Aquifer. Coordination should focus on the effectiveness of the Comprehensive Plan and implementation activities established within the Land Development Regulations to conserve and protect these natural resources.

f. Housing. The Town shall coordinate with Lake County to address affordable housing issues and housing needs for special groups. Coordination shall also include review of adjacent land uses within adjacent unincorporated areas to assure residential development within these areas does not adversely affect housing markets and development within the Town of Montverde. Coordination efforts shall be conducted through the Lake County Department of Planning and Development. Such coordination shall involve the Town's participation in and contribution to Lake County's affordable housing program and such programs for low and moderate income households.

g. Recreation. The Town shall coordinate with the Lake County Parks and Trails Department to avoid duplication of recreation services proposed within each government's comprehensive plan. The Town shall also promote the exchange of recreation plans between the two entities. The Town coordinated with the County in the construction of a bicycle/pedestrian path along the abandoned railroad right-of-way running parallel to the segment of CR 455 in Montverde.

Commented [SP2]: The Town does this now and it is a smooth process.

h. Disaster Preparedness. Issues concerning disaster preparedness shall be addressed to and coordinated with the Lake County Emergency Services Department and other governmental entities as deemed necessary to maintain and revise plans and policies directing emergency preparedness in order to protect life and property in the event of a disaster.

OBJECTIVE 7-1.2: COORDINATE COMPREHENSIVE PLANNING ACTIVITIES WITH PLANS OF THE LAKE COUNTY BOARD OF EDUCATION AND MONTVERDE ACADEMY. Coordinate the Development Plans of the Lake County School Board, Montverde Academy, and Impacts of Existing and Proposed School Facilities on Public Facilities with the Comprehensive Plan.

Policy 7-1.2.1: Coordinate School Plans.

The Town shall coordinate with the Lake County Board of Education and Montverde Academy to discuss development plans for expansion of existing or development of new education facilities within the Town of

Montverde to assure such activities are consistent with growth management and development plans established within the Town Comprehensive Plan. Other issues to be coordinated shall also include impacts of such facilities on adopted levels of service established for roads, water, drainage, and solid waste services. The Town has adopted the provision of schools within the project review procedure through Resolution 2005-18. Coordination with the School Board has drastically increased as a result of Senate Bill 360. Currently the Town of Montverde with Lake County School Board has been and will continue to be an active participant in this process.

Commented [SP3]: No longer applicable.

Policy 7-1.2.2: Avoid Duplication of Services.

The Town shall also coordinate with the Lake County Board of Education and Lake County to integrate recreation facilities at school property into the recreation system for Lake County in order to avoid duplication of services already in place at school sites. In addition, discuss the use of school facilities for public meetings and other public use when demand warrants the use.

OBJECTIVE 7-1.3: COORDINATE COMPREHENSIVE PLANNING ACTIVITIES WITH PLANS OF FEDERAL and STATE REGULATORY AGENCIES. Coordinate with Federal, State, and Regional Government Agencies to Establish Consistency and Compatibility

between the Town's Comprehensive Plan and the Plans and Proposed Activities of these Regulatory Agencies.

Policy 7-1.3.1: Comprehensive Planning Administration.

The Town shall coordinate with the State of Florida on issues pertaining to the administration of amendments to the Comprehensive Plan and for technical assistance in areas relating to community planning. Coordination shall occur with the U.S. Bureau of the Census to obtain demographic information and data pertaining to the Town of Montverde in order to update the data inventory and analysis component of the Comprehensive Plan. The Town shall also coordinate with the Bureau to promote the successful completion of the 2010 U.S. census, both independently or through the Lake County.

Commented [SP4]: Department of Community Affairs does not exist anymore.

Policy 7-1.3.2: Transportation Issues.

Results of the 2000 Census indicated the presence of an urban area(s) within Lake County qualifying for the establishment of a metropolitan planning organization (MPO) which functions to resolve traffic circulation issues transcending intra-Lake County jurisdiction boundaries and, thus, causing regional impacts.

Policy 7-1.3.3: Concurrency System Coordination.

The Town of Montverde shall coordinate with the Metropolitan Planning Organization (MPO) and Lake County Public Works to establish and maintain a countywide concurrency system. To date Montverde has adopted a Transportation Proportionate Share Ordinance and is working with the MPO on the draft concurrency interlocal agreement.

Policy 7-1.3.4: Housing Issues.

The Town shall coordinate with the U.S. Department of Housing and Urban Development (HUD) and the Florida Department of Community Affairs (FDCA) independently and in conjunction with the Lake County Department of Growth Management to obtain financial assistance for affordable housing programs serving low and moderate income households within Lake County, including

supporting infrastructure. Such coordination shall discuss the plans of HUD to make assistance available to Lake County. The Town shall also coordinate any plans and programs concerning improvement of substandard housing held by the Florida Department of Health with housing programs and activities proposed within the Comprehensive Plan.

Policy 7-1.3.5: Public Facility Issues.

Issues concerning coordination with State and Federal agencies involve drainage, solid waste, potable water, sanitary sewer, and natural groundwater aquifer recharge. The Town shall coordinate plans and improvements proposed and scheduled within the Comprehensive Plan with those planned by the respective State and Federal agencies having authority to implement such improvements. Coordination shall also include the availability of State and Federal funds to support implementation of proposed infrastructure needs. Issues with more specific concerns shall involve the following:

a. Drainage. The Town shall coordinate land use activities and plans within the Comprehensive Plan with the 100-year floodplain designated by the Federal Emergency Management Administration. The Town shall also coordinate comprehensive planning activities with stormwater management plans and scheduled improvements affecting the Town of Montverde under the authority of the Army Corps of Engineers, the Lake County Water Authority, and the St. Johns River Water Management District.



b. Solid and Hazardous Waste. The Town's solid waste disposal needs addressed within the Comprehensive Plan shall be coordinated with plans, programs, and administered legislative actions placed under the authority of the Florida Department of Environmental Protection (FDEP). As disposal facilities are operated by Lake County, most coordination with this issue will likely occur between FDEP and the County. Hazardous waste issues addressed within the Comprehensive Plan shall be coordinated with the State and Federal plans, programs, and administered legislative actions delegated to the FDEP and the U.S. Environmental Protection Agency.

c. Potable Water and Sanitary Sewer. The Town shall coordinate the Comprehensive Plans with the plans and programs of FDEP and the SJRWMD pertaining to the use and conservation of water. The Town shall also coordinate with these agencies for available funding offered for the implementation of water and improvements.

d. Natural Ground Water Aquifer Recharge. Activities proposed within the Town's Comprehensive Plan to protect the quality and quantity of groundwater shall be coordinated with plans programs, and administered legislative actions of the SJRWMD and, where appropriate, with the FDEP. Coordination shall also involve available State funds for the acquisition, through lease or purchase, of land to preserve high recharge areas.

e. The Town will adopt a water supply facilities work plan that is coordinated with the Water Management District's Water Supply Work Plan by updating the work plan and related comprehensive plan policies within 18 months of an updating to SJRWMD's District Water Supply Plan that affects the Town.

f. The Town will participate in the development of updates to SJRWMD's water supply assessment and District Water Supply Plan and other water supply development-related initiatives facilities by SJRWMD that affect the Town.

Policy 7-1.3.6: Conservation Issues.

Conservation issues that require coordination with State and Federal agencies include the possible acquisition of land adjacent the Town's lakes, protection of the natural groundwater aquifer, historical sites, wetlands, sinkhole potential, wildlife and wildlife habitats, and air quality. The Town shall coordinate the Comprehensive Plan with the plans and programs under the authority of the State and Federal agencies, according to the relationship of the conservation activity with the various agencies. Specific issues for coordination include the following:

- a. Lakes. The Town shall coordinate issues pertaining to the surface water quality within Lake Apopka and Lake Florence with the SJRWMD and the FDEP. Where issues address conditions of the lakebed, coordination shall also be exerted with the FDEP. There deemed appropriate, issues concerning the quality of water draining into the lake shall be addressed to SJRWMD. The Town shall cooperate with the SJRWMD in efforts to undertake mitigation.
- b. Vegetative Communities. The Town shall coordinate with FDEP, and SJRWMD to evaluate the possibility of obtaining State funds to acquire wetland areas for preservation purposes.
- c. Endangered Species. The Town shall coordinate growth and development proposed in the Comprehensive Plan with proposed wildlife and vegetation preservation programs proposed by the Florida Fish and Wildlife Commission, the U.S. Fish and Wildlife Service, and the Florida Department of Agriculture for aquatic and land species within and adjacent to Town lakes, and identified wildlife habitats and vegetative communities within Montverde.

Policy 7-1.3.7: Recreation Issues.

The Town shall coordinate recreation plans proposed within the Comprehensive Plan with proposed programs and plans established by the Florida Department of Environmental Protection for Lake County.

Policy 7-1.3.8: Disaster Preparedness.

The Town shall coordinate growth and development proposed within the Comprehensive Plan with the proposed emergency preparedness plans and programs of the Florida Department of Emergency Management and the Lake County Emergency Services Department.

OBJECTIVE 7-1.4: COORDINATE COMPREHENSIVE PLANNING ACTIVITIES WITH THE EAST CENTRAL FLORIDA REGIONAL PLANNING COUNCIL. Coordinate Proposed Development within the Comprehensive Plan with Policies Established within the ECFRPC's Regional Policy Plan.

Policy 7-1.4.1: Cooperation with the East Central Florida Regional Planning Council (ECFRPC).

The Town shall cooperate with the ECFRPC in the review of regional policies and standards which require coordination with local governments and their comprehensive planning activities. The Town shall assure that proposed growth and development within the Comprehensive Plan remain generally consistent with the ECFRPC's Regional Policy Plan. Other issues of coordination shall include, but may not be limited to, development of regional impact (DRI's), comprehensive plan review, intergovernmental coordination, and conflict resolution.

OBJECTIVE 7-1.5: COORDINATE COMPREHENSIVE PLANNING ACTIVITIES WITH NON-REGULATORY AND QUASI-GOVERNMENT ENTITIES. Coordinating Comprehensive Planning Activities with Plans Established by Non-Regulatory and Quasi-Government Entities. Such Entities shall include, but are not limited to, the Duke Energy, SECO, Lake Apopka Natural Gas and Town of Montverde Water Service. .

Policy 7-1.5.1: Coordination of Planning and Development Activities. Coordination shall occur with the aforementioned entities to promote consistency and compatibility with growth and development anticipated within the Comprehensive Plan with plans of above cited entities to expand, limit, reduce, or cease altogether, the respective services currently provided to residents and development within the Town of Montverde. The Town shall provide a copy of the Comprehensive Plan to each entity directly or upon request, and shall request that each entity notify the Town of any plans to expand, limit, reduce, or cease such service at that time such a determination is established.

The Town shall also coordinate, when considered applicable, amendments to the Comprehensive Plan and revisions to the Land Development Regulations with affected entities, allowing reasonable time in which to issue a response.

OBJECTIVE 7-1.6: MECHANISMS FOR COORDINATING IMPACTS OF DEVELOPMENT PROPOSED IN ADJACENT GOVERNMENTAL JURISDICTIONS. Informal and Formal Mechanisms for Coordinating Impacts of Development Proposed in Adjacent Governmental Jurisdictions Shall be Established.

Policy 7-1.6.1: Formal Mechanism.

The Town shall file a written request to Lake County to establish a Joint Agreement to mutually disseminate information pertaining to proposed development adjacent to the Town, or proposed within a distance at which an impact to levels of service will be evident, in order to coordinate growth and development affecting adjacent

government's adopted levels of services or other development concerns addressed within the Comprehensive Plan. Such an Agreement should stipulate required responsibility of a developer to include a joint technical analysis of both jurisdiction's Concurrency Management Systems where a proposed development is anticipated to impact levels of service within both areas.

The Town Clerk shall assume responsibility to coordinate with Lake County on development impacts transcending Town boundaries.

Policy 7-1.6.2: Informal Mechanisms.

The Town Planning and Zoning Committee shall coordinate with the Lake County Department of Growth Management Department to jointly review impacts of development on Montverde's adopted levels of service and anticipated growth and development within the Town. Such activities shall occur through joint meetings, written and verbal transmittal, and Town attendance at appropriate County public meetings addressing the proposed development.

OBJECTIVE 7-1.7: ASSURE CONSISTENCY AND COMPLIANCE WITH LEVEL OF SERVICE STANDARDS APPLICABLE TO FACILITIES AND SERVICES CONTROLLED BY OTHER GOVERNMENTS. (Solid Waste Disposal is the Only Service Provided to Montverde by an Adjacent Jurisdiction.) Assure Consistency and Compliance with Lake County's Adopted Level of Service for Solid Waste Disposal.

Policy 7-1.7.1: Coordinate with Lake County Dept. of Environmental Services. The Town shall coordinate with the Lake County Department of Environmental Services to assure that existing and projected solid waste volumes generated by the Town are consistent with the County's ability to dispose waste. Such coordination shall also include the County's ability to manage and monitor hazardous waste generated within the Town.

OBJECTIVE 7-1.8: RESOLUTION OF ANNEXATION ISSUES. Resolve Annexation Issues through the Establishment of a Joint Planning Agreement with Lake County.

Policy 7-1.8.1: Joint Planning Agreement.

The Town shall coordinate with Lake County to establish a joint planning agreement which addresses appropriate procedures for annexation, delineates adjacent lands which may be annexed (an annexation zone). Establishes land uses for the annexation zone which are compatible with both the County and Town's future development plans, and defines appropriate application of concurrency management for this zone.

OBJECTIVE 7-1.9: CONCURRENCY MANAGEMENT SYSTEM AND COORDINATION. Develop a Coordinating Mechanism to Update Available Capacity and Other Data Base Needs within the Concurrency Management System.

Policy 7-1.9.1: Data Base Management.

The Town shall incorporate data base management techniques including Geographic Information Systems (GIS), and projection and forecasting methodologies which are generally recognizable and accepted area-wide applications within the Concurrency Management System.

Commented [SP5]: Hooray! We do this now since 2017.

Policy 7-1.9.2: Application of Area-wide Date Resources.

The Town shall analyze the application of Lake County's Concurrency Management System to measure its consistency and compatibility with Montverde's system.

Policy 7-1.9.3: Coordination of Concurrency Management Issues.

The Town shall coordinate concurrency management issues affecting land development within and adjacent to its jurisdictional area with the Lake County Department of Growth Management. The Town shall also exchange information pertaining to the Concurrency Management System with Lake County and shall request in written transmittal to Lake County that updated reports on the status of its concurrency management system which pertains to adjacent land, be forwarded to the Town to promote awareness of remaining public facility capacities within each jurisdiction.

OBJECTIVE 7-1.10: CONFLICT RESOLUTION THROUGH MEDIATION. The Town Shall Coordinate with Other Public Entities in Drafting a Strategic Plan for Lake County for Resolving Conflicts between Montverde and Lake County, other Lake County municipalities, the Lake County Board of Education, Special Purpose Districts, and Other Non-Regulatory Agencies Not Having Authority Over the Use of Land.

Policy 7-1.10.1: Informal Mediation Process.

The Town shall coordinate with Lake County to establish an informal mediation process for solving local intergovernmental coordination problems among local governments and other units of government providing services but not having regulatory authority over the use of land.

Policy 7-1.10.2: Formal Mediation Process.

Where informal mediation fails to resolve local conflicts, the Town Commission may determine if the issue warrants intervention of an unbiased mediation forum. Such mediation shall be granted to the East Central Florida Regional Planning Council unless evidence is

Commented [SP6]: Not going to obligate here because the JPA process should spell out conflict resolution.

shown that the ECFRPC will not represent a fair or unbiased mediator. Upon such determination, the Town shall coordinate with the State of Florida to resolve intergovernmental conflict with another Regional Planning Council serving as the mediator.



## CHAPTER VIII

## CHAPTER VIII

### CAPITAL IMPROVEMENTS ELEMENT

#### Goals, Objectives, and Implementing Policies

GOALS, OBJECTIVES AND IMPLEMENTING POLICIES. This section stipulates goals, objectives and policies for implementing the capital improvement schedule for the Town of Montverde.

**8-1. GOAL: MANAGEMENT OF CAPITAL IMPROVEMENT. UNDERTAKE ACTIONS NECESSARY TO ADEQUATELY PROVIDE NEEDED PUBLIC FACILITIES WITHIN THE TOWN'S JURISDICTIONAL AREA IN A MANNER WHICH PROTECTS INVESTMENTS AND EXISTING FACILITIES, MAXIMIZES THE USE OF EXISTING FACILITIES, CONSERVES ENVIRONMENTALLY SENSITIVE LANDS, AND PROMOTES ORDERLY COMPACT GROWTH.**

**OBJECTIVE 8-1.1: PURPOSE OF CAPITAL IMPROVEMENTS MANAGEMENT.**

Capital Improvements Shall be Provided for Purposes of Correcting Existing Deficiencies. Accommodating Desired Future growth, and Replacing Deteriorated or Obsolete Facilities. Capital Improvements Shall be Programmed within the ~~Five-Year~~Ten Year Schedule of Capital Improvements, as Shown in Table ~~VIII-1~~1, According to the Rank of Priorities and Timing Set Forth Therein.

Policy 8-1.1.1: Public Facilities Definition.

Public facilities for the purpose of the Comprehensive Plan shall be construed to include the structure, land design, permitting, ancillary equipment, and construction costs related to the following capital improvements:

- \* arterial, collector and local roads;
- \* potable water;
- \* sanitary sewer;

Montverde Comprehensive Plan | Capital Improvements Element | Sept 19, 2024 | V2

- \* parks and recreation;
- \* stormwater management;
- \* solid waste collection and disposal.

Policy 8-1.1.2: Level of Service Categories Applicable to Public Facilities.

Montverde shall apply level of service standards to public facilities according to the following categories:

TOWN OF MONTVERDE  
Montverde Comprehensive Plan  
Capital Improvements Element

Category	2020		2021		2022		2023		2024		2025		2026		2027		2028		2029		2030	
	Count	Value	Count	Value	Count	Value	Count	Value	Count	Value	Count	Value	Count	Value	Count	Value	Count	Value	Count	Value	Count	Value
1. Parks and Recreation																						
2. Stormwater Management																						
3. Solid Waste Collection and Disposal																						
4. Fire Control																						
5. Law Enforcement																						
6. Public Buildings																						
7. Government Services																						
8. Other																						
<b>TOTAL</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>	<b>20</b>

Click to enlarge.

A. Concurrency – Public facilities for which a level of service must be established for concurrency determination. These facilities include roadways, sanitary sewer, solid waste, and parks and recreation facilities under ownership and operation authority of Montverde.

B. Non-Concurrency – Public facilities exempt from concurrency determination that Montverde shall include in the financial capacity analysis within the Capital Improvements Element. These facilities include Fire control, law enforcement, public building, and government services.

Policy 8-1.1.3: The Town of Montverde hereby adopts by reference the Ten-Year Schedule of Improvements, as formal adopted by the Lake Sumter Metropolitan Organization on July

~~12, 2006 into the Montverde's 5-Year Schedule of Capital Improvements.~~

~~Policy 8-1.1.4: Qualification and Scheduling of Capital Improvements. The Town shall include within the Five Year Ten-Year Schedule of Capital Improvements only those improvements identified in any of the respective elements of the Town's Comprehensive Plan which meet the below cited requirements for qualification as a capital improvement:~~

Commented [SP1]: This is no longer needed.

~~(a) Infrastructure: Improvements shall be a permanently fixed structure with a minimum life expectancy of five years or more, and have an estimated cost of \$10,000 or more;~~

~~(b) Land Acquisitions: All land Acquisitions exceeding one acre or valued at \$15,000 or more dollars.~~

~~(c) Service or Supporting Facilities: Facilities and services necessary to support the maintenance of infrastructure or to provide a needed service, and having an estimated cost of \$10,000 or more.~~

~~(d) Preparatory Services: Expenditures for professional engineering, planning, or research services that may be necessary prior to the implementation of infrastructure projects, supporting facilities and services, land Acquisitions, or other services which exceed \$15,000 or more dollars.~~

~~(e) Bond Issues: Any infrastructure, land Acquisitions, supporting facility improvements, or services requiring financing through the issuance of a bond.~~

Policy 8-1.1.54: Classification of Capital Improvement Types. The Capital Improvements Element and the ~~Five-Ten-Year~~ Schedule of Capital Improvements shall distinguish and classify capital improvements according to the following three categories:

- a. Deficiencies -- improvements required to eliminate a current deficiency in the provision of public facilities and services;
- b. Replacement -- improvements required to replace or repair existing facilities which are obsolete or worn-out to a degree threatening the maintenance of an adopted level of service standard;
- c. New (or Growth) -- improvements necessary to provide new facilities and services to meet demands generated by anticipated growth and development identified within the Future Land Use Element.

Policy 8-1.1.65: Inclusion in the FiveTen-Year Capital Improvement Program and Annual Capital Budget.

All improvements not qualifying for inclusion in the ~~Five-Year-Ten-Schedule~~Year Schedule of Capital Improvements, as defined in Policy 8-1.1.1, shall be included in the Town's annual capital budget and may be placed with operating and maintenance costs or capital outlay within analysis prepared in the Capital Improvements Element.

Policy 8-1.1.76: Priorities in Allocating Capital Improvements.

In allocating priorities for scheduling and funding capital improvement needs identified with the Comprehensive Plan, the Town shall assign highest priority to capital improvement projects listed in the ~~FiveTen-Year~~ Schedule of Improvements which are designed to correct existing deficiencies; second priority shall be given to the replacement of worn-out or obsolete facilities in order to protect investments in existing public facilities; and third priority shall be given to improvements demanded by new growth and development. Capital improvements financed by

grant funds or restricted revenues earmarked for a specific and limited use may be scheduled before other higher priority projects in the ~~Five-Year~~Ten Year Schedule of Capital Improvements on the basis that these funds will be forfeited if not used within a certain time period or purpose established by state or federal administrative codes or law.

Policy 8-1.1.8: Town Mayor-Manager to Draft and Rank Capital Improvement Priorities. The Town ~~Mayor-Manager~~ or his/her designee shall have the authority and responsibility to evaluate and recommend a enumerated order of priority for capital improvements which are proposed for inclusion in the ~~five-year~~Ten-scheduleYear schedule of capital improvements. The Town Council shall retain its authority to adopt the recommendations of the Town Mayor with or without modifications in the proposed ~~five-year~~Ten-scheduleYear schedule of improvements.

Policy 8-1.1.98: Evaluation Criteria for Capital Improvement Projects.

All proposed capital improvement projects shall be evaluate for adequate contribution to the maintenance of established Levels of Service in compliance with Policy 8-1.3.54: Adopted Levels of Service. Proposed capital improvement projects shall be evaluated and ranked according to the following priority level guidelines as well as those cited in Policy 8-1.1.98, Prioritization of Capital Improvement Types:

- a. Identified Need: Whether the project is needed to:
- \* Eliminate an identified or projected deficiency;
  - \* Protect public health and safety;
  - \* Fulfill the Town's legal commitment to provide facilities and services;
  - \* Preserve or achieve maximum use of existing facilities.

b. Project Intent: Whether project implementation will accomplish the following:

- \* Increase efficiency of existing facilities;
- \* Prevents or reduces future improvement costs;
- \* Provides service to developed areas lacking full service or promotes in-fill development.
- \* Eliminates duplication of services provided by state agencies or the SJRWMD;
- \* Furthers facility and service plans established by state agencies and the SJRWMD.

c. Consistency with the Comprehensive Plan:  
Whether project implementation:

- \* Represents a logical extension of facilities and services in a manner consistent with the management of growth and development within the Comprehensive Plan;
- \* Maintains environmental quality of Town's Comprehensive resources, as promoted within the Town's Comprehensive Plan.

d. Financial Feasibility: Whether project implementation:

- \* Project cost does not create excessive debt obligations which exceeds the Town's debt capacity.

OBJECTIVE 8-1.2: LIMITATION OF PUBLIC INVESTMENTS ON ENVIRONMENTALLY SENSITIVE LANDS. Public Expenditures which Support Development on Environmentally Sensitive Lands Shall Be Limited to Public Improvements Included within the Comprehensive Plan.

Policy 8-1.2.1: Public Improvements on Environmentally Sensitive Lands. Public facilities shall not be constructed and installed in

conservation open space or environmentally sensitive areas, with exception to the following circumstances:

- a. Water Related or passive recreation facilities, as defined in the conservation element);
- b. Surface water management structures and conservation facilities (as defined in the Conservation Element);
- c. Roadways necessary to protect safety and welfare of life and property.

Policy 8-1.2.2: Public Improvements within the 100 Year Floodplain. Public Facilities shall not be located within the 100-year floodplain or flood prone areas with the exception of the following conditions:

- a. Surface water management structures;
- b. Water-related recreation facilities, and passive recreation and conservation facility not affected by periodic flooding;
- c. Roads, causeways, bridges necessary to provide access to confined areas or to further the health and safety of the public. Such facilities shall be designed to maintain the natural flow of surface water and run-off to the maximum extent possible.

OBJECTIVE 8-1.3: COORDINATION OF LAND USE DECISIONS AND FISCAL RESOURCES WITH FIVE-YEAR-TEN-YEAR SCHEDULE OF CAPITAL IMPROVEMENTS. Coordinate Land Use Decisions and Projected Fiscal Resources with a Schedule of Capital Improvements which Maintains Adopted Level of Service Standards and Meets the Existing and Future Facility Needs of the Town of Montverde.

Policy 8-1.3.1: Coordinate Land Use Decisions with the Five-Year Ten-Year Schedule of Capital Improvements.



The Town shall coordinate land use decisions with the ~~Five~~Ten-Year Schedule of Capital Improvements by assuring that the Comprehensive Plan and the ~~Land Development Regulations~~ Land Development Codes shall be consistent with capital improvements programmed within this Schedule through the following activities:

- a. Required Consistency of the Comprehensive Plan.  
Capital improvement proposed within each individual element of the Comprehensive Plan to meet a deficiency, replace obsolete or worn-out facilities, or meet level of service requirements of new growth and development, shall be consistent with those proposed within the ~~Five-Year~~Ten-Year Schedule of Capital improvements

b. Required Consistency of Amendments to the Comprehensive Plan. The ~~Five~~Ten-Year Schedule of Capital Improvements shall be consistent with public facility needs demanded by new development resulting from amendments to the Comprehensive Plan. The Town shall evaluate the Capital Improvement Elements and the ~~Five-Year~~Ten-Year Schedule of Capital prior to the adoption of a Plan amendment. Proposed Plan amendments shall be evaluate according to the following guidelines.

- 1.) Does the proposed amendment contribute to the elimination of a condition of public hazard as described in the Town's Comprehensive Plan;
- 2.) Does the proposed amendment diminish or eliminate any existing condition of public facility capacity deficits, as described in the Transportation , Public Facilities, or Recreation and Open Space Elements;
- 3.) Does the proposed amendment generate public facility demands that may be accommodated by capacity increased planned in the ~~Five~~Ten-Year Schedule of Improvements;
- 4.) Does the proposed amendment conform with the future land uses designated on the Future Land Use Map within the Future Land Use Element;
- 5.) Does the proposed amendment comply with and accommodate public facility demands based on the adopted level of service standards contained herein;
- 6.) If the proposed action requires the Town to provide any public facility, the Town shall demonstrate that adequate revenue will be available to finance such facilities by evaluating

projected revenues within the Capital Improvement Element;

- 7.) Does the proposed amendment impact facility plans of any State Agency or the St Johns River Water Management District.

c. Consistency of Development Orders and Permits The ~~Land Development Regulations~~ ~~Land Development Codes~~ ~~Codes~~ ensure that decisions regarding the issuance of development orders, building permits, certificates of occupancy, and other applicable permits described within the Town's ~~Land Development Regulations~~ ~~Land Development Codes~~ ~~Codes~~ shall be consistent with goals, objectives, and policies of the Comprehensive Plan, and shall be consistent with the provision of public facilities programmed within the ~~Five~~Ten-Year Schedule of Capital Improvements.

Policy 8-1.3.2: Adequate Facilities Requirement.

The Town shall issue no development order for new development which results in an increase in demand on deficient facilities prior to the completion of improvements required to upgrade the respective facility to adopted standards.

Policy 8-1.3.3: Coordination with Fiscal Resources.

The ~~Five~~Ten-Year Schedule of Capital Improvements shall be coordinated with anticipated fiscal resources. An annual capital budget shall be prepared concomitant with the annual Town operating budget to program the financing of capital improvements scheduled to occur in that fiscal year according to the timing arrangement established in the ~~Five-Year~~ ~~Ten~~ Schedule Year Schedule of Capital Improvements. The cost of capital improvement programmed within the Schedule shall not exceed the projected available funding anticipated within the Capital Improvements Element.

Policy 8-1.3.4: Unanticipated Impacts to Projected Revenues.

If future revenues collected by the Town fall short of projections determined within the Capital Improvements Element, the Town shall re-evaluate available fiscal resources to identify opportunities to maintain needed funding levels. The Town shall also update the Capital Improvements Element to revise revenue projections to reflect current conditions impacting future revenue sources and anticipated collections.

Policy 8-1.3.5: Level of Services Standards.

Facilities and infrastructure improvements demanded by future growth and development shall be evaluated according to the following minimum level of services standards:

- Solid Waste: 3 pounds per day per resident
- Potable Water: 126 gallons per day/per resident
- Sanitary Sewer: 111 gallons per day, per resident
- Drainage:

Water Quantity

- a.) Retention Volume – Complete retention of the predevelopment minus the post development run off occurring at the established design storm.
- b.) Design Storm – The following level of service standards will be used:

Facility Type Design Storm

Canals, ditches, roadside swales, or culverts  
For stormwater external to the development  
25 Year

Canals, ditches, roadside swales, or culverts  
For stormwater internal to the development  
10 Year

Crossdrains 25  
Year

Storm Sewers 10 Years

Major Detention/Retention Structures <sup>1</sup>

Minor Detention/Retention Structures <sup>1</sup>  
25 Year

Development occurring in the 100 year Flood Zone  
Must elevate the first floor 18" above the 100 year  
Flood Elevation

(1) Major/Minor Detention/Retention Structures are based on  
Hazard Classification for Dams and Impoundments as  
defined by the SJRWMD.

Water Quality

Facility Type <sup>2</sup>	Pollution Abatement Treatment
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Retention with percolation or Detention with filtration	Runoff from first inch of rainfall or one-half inch of Runoff it has less than 50% Impervious surface and less Than 100 acres, whichever is greater.
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Detention without filtration or wet detention      The first inch of runoff, from the site or 2.5 inches times the site's Impervious surface whichever is greater.

- (2) If the site's runoff directly discharges to Class I, Class II or Outstanding Florida Waters (OFW), then the Pollution Abatement Treatment Requirements shall be increased an additional fifty (50%) more than described, and off-line retention or off-line detention with filtration of the first inch of runoff shall be required. The Town shall discourage the use of detention with filtration pollution abatement systems due to their high failure rate and costly maintenance; thus, the Town shall allow detention with filtration only if detention without filtration cannot be used.

Traffic:

<u>Road Class</u>	<u>LOS</u>
Principal Arterial	C
Minor Arterial	C
Major Collector	D
Minor Collector	C
Local Roadways	C

Recreation:

Land                                      6 acres per 1,000 residents

OBJECTIVE 8-1.4: FUTURE DEVELOPMENTS TO BEAR COSTS OF THEIR RESPECTIVE INFRASTRUCTURE IMPACTS. Future Development Shall Bear All Cost for Facility Improvements Necessitated by the Development in Order to Maintain Adopted Level of Service Standards, and Shall Be Required to Bear a Proportionate Cost for Off-Site Road Improvements.

Policy 8-1.4.1: Use of Impact Fees. Anticipated growth and development in the Town, as determined within the Future Land Use Element, will not occur at a rate necessary to collect sufficient funding to off-set the cost to develop, implement, and administer an impact fee program for the Town of Montverde. The Town shall analyze the feasibility of imposing impact fees on new development if signs become evident that future growth and development will increase to a level making administration of impact fees a feasible municipal revenue source. The Town shall also coordinate with the State to identify the availability of grant funds to support the development of an impact fee program for transportation, sewer, potable water, recreation, drainage, and natural groundwater aquifer recharge preservation.

The Town shall continue to participate in Lake County's Road Impact Fee Program. All new development and qualifying redevelopment shall be subject to requirements and fees established in Lake County's impact fee ordinance.

Policy 8-1.4.2: Mandatory Provision of Facilities or Fees Therein  
Lieu Of.

The Town shall incorporate provisions within the ~~Land Development Regulations~~ Land Development Codes by February 1992 which require new development to bear all or a proportionate share of costs associated with the provision of public facilities needed to accommodate demands generated by such development and to maintain facilities and infrastructure according to adopted level of service standards. New development shall be required to assume responsibility for the following costs:

Transportation Impacts. The ~~Land Development Regulations~~ Land Development Codes shall describe the development circumstance which requires transportation improvements to be provided by the applicant of development. The developer shall only be required to assume financial burden for local roadway improvements necessary to meet traffic circulation infrastructure demands generated by the associated development.

Recreation Impacts. The ~~Land Development Regulations~~ Land Development Codes shall specify development circumstances requiring the Developer to provide recreation space and facilities at cost to the development, or pay fees in lieu thereof to the Town of Montverde, at a rate equivalent to the adopted level of service standard.

Sanitary Sewer Impacts. ~~Policy 4-1.4.1~~ The Town, requires residential developments exceeding a density of ~~four~~ one (1) units per acres to provide central sanitary sewer facilities. The developer shall bear all costs for the provision of such facilities. ~~Land Development Regulations~~ Land Development Codes shall define development thresholds which determine whether a proposed project must provide a central sanitary sewer system at full cost assumed by the development.

Potable Water Impacts. All new development shall be required to connect to the Town's central water system, as mandated by the Land Development Regulations. All new development planned within the Four Lakes Subdivision water service area shall be required to connect to that water system. The ~~Land Development Regulations~~ Land Development Codes shall specify the development circumstances which require the Developer to assume complete cost, or a portion thereof, to connect or extend service lines to the associated development.



Solid Waste Impacts. The ~~Land Development Regulations~~ Land Development Codes shall stipulate trash pick-up service shall be provided by a private trash collection business at full cost to the development.

Drainage Impacts. Policies in the Public Facilities Element and the Land applicants of development to provide stormwater improvements at full cost to the development, consistent with adopted level of service standards.

Conservation Impacts and Aquifer Recharge Protection. The Town established development controls within the ~~Land Development Regulations~~ Land Development Codes which may require applicants of new development to preserve or conserve environmentally sensitive lands, including aquifer high recharge areas, located at the proposed site. Development shall assume all costs to provide any necessary public facilities or development activity required to preserve environmentally sensitive lands at the site of development.

OBJECTIVE 8-1.5: FISCAL RESOURCE MANAGEMENT. The Town of Montverde Shall Manage Fiscal Resources to Ensure a Provision of Needed Capital Improvements for Previously Issued Development Orders and for Future Development and Redevelopment.

Policy 8-1.5.1: Available Revenue to Support Capital Improvements Scheduled within the Five-Year-Ten-ScheduleYear Schedule of Capital Improvements.

No capital improvement shall be programmed within the ~~Five-Year-Ten-ScheduleYear~~ Schedule of Capital Improvements for which insufficient funding has been identified within the Capital Improvements Element to finance the cost to implement and operate such improvement. The Town shall assure that sufficient funding is available, from local or other revenue sources, to

finance all capital improvements proposed within the ~~Five-Year~~  
~~Ten-Schedule~~Year Schedule of Capital Improvements.

Policy 8-1.5.2: Reservation of Facility Capacities to Preclude Demand for Capital Improvements Not Scheduled within the Five-Year  
~~Ten-Schedule~~Year Schedule of Capital Improvements. By ~~February 2010~~ the Town shall adopt and implement a concurrency management system containing provisions describing principles for reserving available facility capacities for previously issued development orders and for future development and redevelopment. Such provisions shall define priorities for which capacity shall be reserved, as well as the limitations to the vested rights associated with such assigned capacities.

Commented [SP2]: Already done!

The Town shall issue no development orders for new development which results in a demand for capacity which exceeds the design capacity threshold for which the adopted level of service standard is established for each concurrency public facility and infrastructure analyzed within the Comprehensive Plan. ~~The Land Development Regulations~~  
~~Land Development~~ shall Codes shall incorporate provisions by February 2010 which require applicants of development to perform an analysis of the impacts which the associated development places on the levels of service for water, wastewater, transportation, recreation, and drainage, based on evaluation criteria set forth within the Concurrency Management System.

Policy 8-1.5.3: Limitation of Indebtedness.

The maximum debt accrued by the Town of Montverde shall not exceed an amount greater than a value equal to seventeen and a half percent (17.5%) of the Town's assessed taxable property value, unless additional funding sources are utilized or existing sources increased.

The maximum ratio of outstanding capital indebtedness to property tax base shall not exceed the following levels for each fund category:

<u>Category</u>	<u>I</u>	<u>I</u>
General Fund:	1:	13
Enterprise Fund:	1:	10.4
I -- Outstanding capital indebtedness		
T -- Property Tax Base		

Policy 8-1.5.4: Maturity Date.

The maturity date for any debt shall not exceed the reasonable expected useful life of the project so financed.

Policy 8-1.5.5: Self-Liquidating Debt Measures.

The Town of Montverde shall use special assessments, revenue bonds, and/or any other available self-liquidating debt measures as an alternative to general obligation bonds where and when feasible and applicable. Such indebtedness shall not cause total debt to exceed 17.5% percent of the assessed property tax base, unless additional State, County, or Town revenue mechanisms provide additional funding.

Policy 8-1.5.6: Limitation on Use of Bonds.

The Town of Montverde shall limit the use of ~~long-term~~ long-term bond financing to those capital improvements programmed in the ~~Five-Year~~ Ten-Schedule ~~Year~~ Schedule of Capital Improvements for which current revenues, including State and Federal revenue sharing funds, as insufficient to amortize the project cost within four fiscal years after construction or installation commences. The use of general obligations bonds shall not cause outstanding capital indebtedness to exceed a level greater than 17.5% of the assessed property tax base for the Town of Montverde.

Policy 8-1.5.7: Appraisal of Property Tax Base.

Assessed property tax base values used for analysis purposes within the Capital Improvements Element of this Comprehensive Plan shall be determined by the Lake County Property Appraiser.

**GOALS 8-2: IMPLEMENTATION OF CAPITAL IMPROVEMENTS. DEVELOP A CAPITAL BUDGETING PROCESS WHICH SHALL PROVIDE FOR THE PLANNED IMPLEMENTATION AND ACQUISITION OF CAPITAL IMPROVEMENTS IN A FISCALLY RESPONSIBLE MANNER TO MEET OR EXCEED MINIMUM LEVELS OF SERVICE STANDARDS DEFINED WITHIN THE COMPREHENSIVE PLAN ELEMENTS**

OBJECTIVE 8-2.1: SCHEDULING AND TIMING OF CAPITAL IMPROVEMENTS. Adopt a ~~Five-Year-Ten-Schedule~~Year Schedule of Capital Improvements Concurrent with the Adoption of the Comprehensive Plan, Program the Implementation of Capital Improvements Identified within Other Elements of the Comprehensive Plan, and Establish a General Dates at which Time Implementation Shall Commence.

Policy 8-2.1.1: Timing and Phasing of Capital Improvements.

The ~~Five-Year—Ten-Schedule~~Year Schedule of Capital Improvements shall identify the (capital budget) year at which time implementation of each programmed project, or phase thereof, shall commence. Capital improvements for which implementation will occur according to a phased schedule shall be distinguished as such within the ~~Five-Year-Ten-Schedule~~Year Schedule of Capital Improvements.

Policy 8-2.1.2: ~~Five-Year-Ten-Schedule~~Year Schedule of Capital Improvements.

The Town of Montverde hereby adopts the ~~Five-Year—Ten-Schedule~~Year Schedule of Capital Improvements shown in Table VIII-1.

Policy 8-2.1.3: Consistency with Annual Capital Budget.

Beginning with the 1992/93 fiscal year, a capital budget shall annually earmark revenues for improvements shown in the ~~Five-Year~~Ten-Year Schedule of Capital Improvements Scheduled to commence in that fiscal year. Adoption of the capital budget shall occur with the adoption of the Town's annual operating budget.

Policy 8-2.1.4: Annual Update of Costs and Timing.

The Town shall annually update the ~~Five-Year~~Ten-Year Schedule of Capital Improvements to reflect more current cost estimates and to analyze the designated timing of improvements for consistency with the availability of funding.

Policy 8-2.1.5: Elimination of Existing Drainage Deficiencies.

The Town shall follow procedures established in Objective 4.2.2, CORRECT OR IMPROVE EXISTING DRAINAGE DEFICIENCIES, amending the Capital Improvements Element and the ~~Five-Year~~Ten-Year Schedule of Capital Improvements as directed by these procedures.

Policy 8-2.1.6: Elimination of Existing and Potential Sanitary Sewer Deficiencies.

The Town shall follow procedures established in Objective 4-1.3, CORRECT OR IMPROVE EXISTING DEFICIENCIES IN THE PROVISION OF SANITARY SEWER FACILITIES, and Objective 4-1.4, PROVIDE ADDITIONAL SANITARY SEWER FACILITIES AND CAPACITIES TO MEET FUTURE DEMANDS. Amending the Capital Improvements Element and the ~~Five-Year~~Ten-Year Schedule of Capital Improvements as directed by these procedures.

**GOAL 8-3: MONITORING AND EVALUATION. THE CAPITAL IMPROVEMENTS ELEMENT SHALL BE MONITORED, EVALUATED AND AMENDED TO MAINTAIN EFFECTIVENESS AND EFFICIENCY IN THE PROVISION OF PUBLIC FACILITIES AND SERVICES REQUIRED TO MEET MINIMUM LEGAL OF SERVICE STANDARDS ADOPTED BY THE TOWN.**

**OBJECTIVE 8-3.1: MONITORING AND EVALUATION PROCEDURES.** The Town Shall Develop and Adopt a Monitoring and Evaluation Procedures for the Capital Improvements Element, Including the ~~Five-Year-Ten-Schedule~~ Year Schedule of Capital Improvements, Through the following Policies.

**Policy 8-3.1.1: Monitoring and Evaluating the Capital Improvements Element.**

The Capital Improvements Element shall be reviewed on an annual basis to assure that the required fiscal resources are available concurrent with the capital improvements proposed to be included within the Town's annual capital budget. Such capital improvements shall be consistent with the Comprehensive Plan and provide adequate public facilities to support future land use consistent with adopted level of service standards. The Capital Improvements Element, including the ~~Five-Year-Ten-Year~~ Schedule of Capital Improvements, shall be evaluated by September of each year and shall be review in conjunction with the development of the upcoming fiscal year Annual Capital Budget. The annual review of the Capital Improvement Element shall be the responsibility of the Town Council or its designee. Amendments to the Capital Improvements Element shall comply with State laws pertaining to the amendment of the Comprehensive Plans, as stipulated in Chapter 163.3187, Florida Statutes.

**Policy 8-3.1.2: Public Participation:**

Findings and recommendations of the Town Council or its designee shall be discussed at an advertised public meeting where opportunities are provided for public participation.

Policy 8-3.1.3: Monitoring and Evaluation Procedures.

The monitoring and evaluation procedures shall incorporate the following actions as required by Florida Administrative Codes.

- a. Update and Refinements. Determine if any corrections, updates, or modifications should be undertaken. Such consideration shall include, but not necessarily limited to, the following:
  - Estimated Costs
  - Revenue Sources
  - Recently constructed capital improvements
- b. Internal Consistency Review. Determine whether changes to the Capital Improvements Element are necessary to maintain consistency with other elements of the Comprehensive Plan.
- c. External Consistency Review. Determine whether changes to the Annual Capital Budget are necessary to maintain consistency with the ~~Five-Year-Ten-Schedule~~Year Schedule of Capital Improvements.
- d. Implications of State or County Planning Activities. The Five Year Schedule of Capital Improvements shall be updated and revised to reflect new major projects proposed by County or State agencies for Montverde within their capital improvements schedules.
- e. Priority of Scheduled Improvements. The Town shall amend the ~~Five-Ten-Year~~Year Schedule of Capital Improvements to grant priority to improvements classified as current deficiencies, and according to priorities ranked in Policy 8-1.6.11, Priority of Fiscal Management Funding Allocations.

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- f. Capital Improvement Evaluation Criteria. Review the criteria used to evaluate capital improvement projects to ~~insure~~ensure that the projects are ranked in an appropriate order of priority and incorporate any needed changes to upgrade and facilitate the evaluation process.



## CHAPTER IX



## CHAPTER IX

### CONCURRENCY MANAGEMENT SYSTEM ELEMENT

9J-5.005

Commented [SP1]: We will still reference Florida Statute as a basis. However, we are removing specific Statute reference numbers to avoid any conflict as statute numbers change.

#### Goals, Objectives, and Implementing Policies

Summary. In the Response to the need to review all proposed development and monitor capacity and level of service for all public facilities and services to ensure that capacities for public facilities are provided in a manner consistent with adopted minimum level of service standards, the Town of Montverde shall require all applicants for development not holding vested development rights to perform a concurrency management review defined in the Land Development Regulations. The framework for concurrency review procedures and requirements are discussed in this section. At the option of the applicant of development, a review will be prepared by the Town if all related cost are encumbered by the applicant. In either the case of a self-performed or Town-performed review, the Planning and Zoning Committee (hereinafter Committee) or designee shall determine, prior to the issuance of a development orders by the Town Council, whether or not there is sufficient capacity of public facilities to meet the standards for levels of service for existing population and development and the proposed development concurrent with the impacts of the proposed development. The Town Council (hereinafter Council) shall service as the appellate agent for any challenges filed against the Committee's decision to withhold a certificate of concurrency.

The Town of Montverde, like all other local governments in the State of Florida, must ensure that certain public facilities and services needed to support development are available at the time the impacts of development occur. It is the Concurrency Management System which ensures that the

impact of development will not degrade the levels of service adopted in the Montverde Comprehensive Plan.

I. DEFINITIONS

The following definitions shall apply to the Concurrency Management System.

A.) Concurrency Facilities: "Concurrency facilities" shall mean public facilities and services for which a level of service must be met concurrent with the impacts of development or an acceptable deadline, as mandated in the Comprehensive Plan pursuant to Chapter 163, Florida Statutes, and 9J-5.0055, Florida Administrative Code, shall include:

- |                   |                   |
|-------------------|-------------------|
| a. Potable Water  | d. Recreation     |
| b. Sanitary Sewer | e. Solid Waste    |
| c. Drainage       | f. Transportation |
|                   | g. Schools        |

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Concurrency Management System  
Montverde

B.) "Proceeding in Good Faith": This clause shall be interpreted as follows – Tangible and continuing actions taken by an applicant of an approved final development order to proceed with actual construction and implementation of the final development plan, and where a person in standing has acted in good faith and reasonable reliance on some act or omission of the Town of Montverde.

C.) Final Local Development Order: means any development order issued by the Town of Montverde approving the development of land for a particular use or uses at a specified density or intensity of use and which allows physical

development activity to commence on the land for which the development order was issued. A final local development order issued after the effective date of the ordinance adopting the Comprehensive Plan or plan amendment shall only occur if the final development plan complies with the goals, objectives and policies established in the Comprehensive Plan.

D.) Vested Rights to Development: A development order shall be deemed "vested" if development circumstances meet criteria for common law or statutory vesting as defined below. All "non-vested" development or development orders are subject to requirements of the Comprehensive Plan, including concurrency. All final development orders issued after the effective date of the Comprehensive Plan or plan amendment shall comply with the Comprehensive Plan, including concurrency. The Town shall establish no agreements in which it ~~purports to~~ contends to agree that it will not enforce its police powers.

1. Vesting: means the right under statutory law under section 163.3167 (5), F.S., or common law to develop or to continue the development of property, notwithstanding the densities or intensities of use assigned to a parcel of land by the Town of Montverde under a plan or plan amendment adopted pursuant to any additional powers thereto granted under chapter 163, part II, Florida Statutes.

2. Establishing Vesting. In order to establish common law vesting it must be shown that the developer, acting in good faith and reasonable reliance on some act or omission of the Town of Montverde, and without constructive or actual notice of any adopted or proposed contrary regulation, has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the right to develop or to continue the development of the property. Under no circumstances shall the mere purchase or zoning of a parcel, or

the payment of taxes or rents on a parcel, be deemed to establish common law vested rights.

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Concurrency Management System  
Montverde

In order to establish statutory vesting under Chapter 163, Part II, Florida Statutes, a development must have been authorized as a development or regional impact pursuant to Chapter 380, F.S., prior to the effective date of the comprehensive plan or plan amendment or that a valid and unexpired final local development order was issued by the Town of Montverde prior to the effective date of the plan or plan amendment, and substantial development has occurred on a significant portion of the development authorized in the final development order, and that development is completed or proceeding in good faith.

3. Determination of Vesting. The Town's appointed attorney shall recommend to the Town Council whether a development order or development has established vested rights to development.

4. Density/Intensity Rights. Where land use densities/intensities in the Future Land Use Element are presented as a range, the maximum density shall not represent a guaranteed right. Policies within individual elements of the Comprehensive Plan shall incorporate criteria to evaluate density/intensity limitation for purposes of protecting natural resources, maintaining efficient provision of public facilities and services consistent with concurrency requirements, or guarding public health, safety, and welfare.

OBJECTIVE 98A-1.1: Concurrency Management System. A concurrency management System shall be implemented prior to or concomitant with the adoption of the revised Land Development Regulations. The following policies shall direct the preparation of the concurrency management system.

Policy 98A-1.1.1: Assist Applicants of Development.

The Land Development Regulations shall contain a descriptive guide to assist developers and other interested parties in understanding the concurrency determination process, steps to performing a concurrency review, and the development review process involving the issuance of a certificate of concurrency. The key elements of this guide are outlined in below cited policies of the Capital Improvement Element.

Policy 98A-1.1.2: Adoption of Levels of Service Standards.

The standards for levels of service for each type of public facility mandatorily subject to concurrency requirements shall apply to development orders issued by the Town of Montverde upon the commencement date established within the adopting ordinance applicable to this Comprehensive Plan and the Town's Capital Budget beginning with the ~~2008-2009~~1992-93~~2024-2025~~ fiscal years. Concurrency review of all development applications submitted after such date shall be subject to a mandatory concurrency review, ~~beginning with any applications submitted, on February 1, 1992, at which time the procedures and principles of the Concurrency Management System Review will be stipulated within the revised in accordance with the Town's Land Development Regulations Code.~~

Policy 98A-1.1.3: Concurrency Requirements.

The Town Council of Montverde finds that the impacts of development on public facilities within the Town's jurisdictional area occur concurrent with development authorized by a final development order. Therefore, capacity for concurrency facilities shall be available concurrent with the impacts of

development. The Town shall determine, prior to the issuance of final development orders, whether or not sufficient capacity is available to meet the standards for levels of service for existing population and development as well as the proposed development "concurrent" with the impacts of the proposed development. A project will be deemed concurrent if the following standards are met:

1. The necessary facilities and services are in place at the time a development permit is issued.
2. The development permit is issued subject to the condition that the necessary facilities and services will be in place concurrent with the impacts of development;
3. The necessary public facilities and services are guaranteed in an enforceable development agreement to be in place concurrent with the impacts of development.

In Addition to 1. through 3. above, roadways facilities will be deemed concurrent based on the adopted FiveTen-Year Capital Improvements Program as described in the following criteria:

1. The FiveTen-Year Capital Improvements Program and the Capital Improvements Element of the Montverde Comprehensive Plan are financially feasible and the public facilities to serve the development are programmed to commence and become available within the first three years of the FiveTen-Year Schedule of Capital Improvements.
2. The FiveTen-Year Capital Improvements Program includes improvements necessary to correct any identified facility deficiencies and maintain adopted levels of service for existing and permitted development



3. The ~~Five~~Ten-Year Capital Improvement Program is a realistic, financially feasible program based on currently available revenue sources updated at least on the annual basis.

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VIII-A-4 1-15-92

Concurrency Management System  
Montverde

4. The ~~Five~~Ten-Year Capital Improvements Program identifies whether funding is for design, engineering, consultant fees, or construction and indicates, by funded year, how the dollars will be allocated.
5. The ~~Five~~Ten-Year Capital Improvements Program identifies the fiscal year in which actual construction of the roadway project will commence together with the anticipated fiscal year at which time construction will be finalized and functional operation begins. Actual construction and functional operation of the roadway facility must occur in or before the third year of the Five-Year Schedule of Capital Improvements.
6. A plan amendment will be required in order to eliminate, defer or delay construction of any roadway facility or service which is needed to maintain the adopted level of service standard.
7. Land Development Regulations, ~~to be adopted no later than February 1, 1992, will~~ support this plan and further ensure that development orders and permits will only be issued when public facilities and services at adopted levels of service are available concurrent with the impacts of development.

8. ~~No later than February 1, 1992, the~~ The Town of Montverde ~~has a will have either a ledger recording based or a personal computer based~~ digital monitoring system in place to support the adopted Concurrency Management System enabling the ~~MPO~~ Town to update capacity inventories based on concurrency review studies prepared by the applicant of development ~~or the Town of Montverde through the Lake Sumter MPO.~~ The monitoring system ~~shall be coordinated~~ used with the ~~Five~~ Ten-Year Schedule of Capital Improvements to assure that the data inventory for the concurrency monitoring system is consistent with facility capacity changes which may occur as a result of new improvements, elimination of deficiencies, or the replacement of worn-out or obsolete facilities.
9. The Montverde Comprehensive Plan clearly identifies all concurrency facilities and services to be provided by the Town of Montverde with public funds in accordance with the adopted ~~Five~~ Ten-Year Capital Improvements Program.

Policy 99A-1.1.4: Application Deemed Concurrent.

The Town requires a concurrency review within the development review process for applications for development approvals and a Certificate of Concurrency issued prior to development. If the application is deemed concurrent, a Certificate of Concurrency will be issued by ~~the Town~~ the Planning and Zoning Committee. If the project requires any other Development permit a copy of the Certificate of Concurrency will be included with any future application for a development permit. A separate concurrency review will not be required for each development permit for the same project. Concurrency review addresses only the availability of facilities and capacity of services and a Certificate of Concurrency does not represent overall development approval.

Policy 98A-1.1.5: Application Not Deemed Concurrent.

If an application for development is not concurrent, the applicant will be notified that a Certificate cannot be issued. The burden of showing compliance with the adopted levels of service and meeting the concurrency review will be upon the applicant, unless such applicant agrees to pay all costs for the Town to perform the concurrency review. The Planning and Zoning Committee ~~may~~ will assist in the preparation of the necessary documentation and information. If an application for development is deemed not concurrent, the applicant may appeal the decision to the Town Council if the Board's decision to withhold a Certificate of Concurrency was based on the adequacy of the review performed by the applicant to estimate facility capacities to be used by the proposed development.

Policy 98A-1.1.6: Ineligible Development Actions.

Certain development actions are ineligible to receive a concurrency reservation because they are too conceptual and, consequently, do not allow an accurate assessment of public facility impacts. These development actions include:

- a.) land use amendments to the comprehensive plan;
- b.) rezoning requests.

Applications for land use amendments or rezoning actions affecting a contiguous area exceeding five acres shall include a preliminary estimation of available capacities and concurrency determination if the proposed land use or rezoning request involves a higher density or intensity of use than the existing category or zoning.

Policy 98A-1.1.7: Concurrency Exemptions.

All developments granted vested rights as defined in definitions cited in the Concurrency Management Sub-Element, prior to the adoption of the Comprehensive Plan, shall be exempt from concurrency requirements and all concurrency tests. No

Certificate of Concurrency shall be issued to developments vested prior to the adoption date of the Comprehensive Plan.

Policy 98A-1.1.8: Principles Guiding Concurrency Review.

A concurrency review will be performed for the following facilities and services for which level of service standards have been established in this plan:

- |                         |                 |              |
|-------------------------|-----------------|--------------|
| (1) Roadways            | (3) Wastewater  | (5) Drainage |
| (2) Potable Water       | (4) Solid Waste | (6)          |
| <u>Parks/Recreation</u> |                 |              |

VIIIA-6 1-15-92

Concurrency Management System  
Montverde

Non-Roadway Facilities. The concurrency review for non-roadway facilities and services will be determined by comparing the available capacity of a facility or service to the demand created by the proposed project. Available capacity will be determined by adding together the total excess capacity of existing facilities and the total capacity of new facilities which meet the previously defined concurrency standards and subtracting any capacity committed through concurrency reservations.

Roadway Facilities. The concurrency review for roadway facilities and services shall provide two alternative methodologies from which the applicant may select based on the size and type of the proposed development. Procedures for each alternative methodology are discussed in further detail in Policy 8A-1.1.9.

Policy 98A-1.1.9: Concurrency Determination Procedures.

The concurrency determination process is purposefully intended to expediently evaluate an applicant's development proposal to determine whether sufficient capacities in facilities

are available to accommodate demands generated by the new development. Concurrency determination shall be based on a numerical review performed by the applicant of development, or as an option, by the Town of Montverde. If the latter option is selected, the applicant shall pay a fee to cover a proportionate share of the cost encumbered by the Town to perform a concurrency review.

The Planning and Zoning Committee or Town Manager's designee will make an informal non-binding determination of whether sufficient capacities in public facilities and services are available to satisfy the demands of the proposed project. Available capacity will be determined by adding together the total excess capacity of existing facilities (which shall exclude commitments to vested development) and the total capacity of any new facilities which meet the previously defined concurrency standards and subtracting any capacity committed through concurrency reservations. The total excess capacity of existing facilities shall be based on an analysis and calculation that excludes capacity committed to vested development. This determination shall be based on the narrative and graphic reports prepared by the applicant of development to prove that the proposed subject development meets all concurrency requirements. In the event the applicant pays fees in lieu of preparing a concurrency review, this report shall be prepared by the Town. The Committee will then make a determination of whether sufficient capacity exists for each public facility or service if the project were approved.

The Concurrency Review shall be performed according to the following methodologies and rules:

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VIII.A.7 1-15-92

Concurrency Management System  
Montverde

Roadways

1. The Town of Montverde will provide level of service information as set forth in the Montverde Comprehensive Plan, including existing and available capacities according to trips per day. For proposed residential development consisting of less than fifty dwelling units occurring in residential land use categories except for planned unit developments, the following trip generation rates shall be used to calculate the impact of the proposed development:

	<b>Land Use Type</b>	<b>Trips Per Day</b>
a.)	Single Family	10
b.)	Multiple Family	08

For all other development categories allowed within the Future Land Use Element, the impacts of development shall be measured by utilizing the maximum peak hour, external trip generation rate associated with the land use designation in which the proposed development shall occur, using the most recent published edition of the Institute of Traffic Engineers' Trip Generation Manual (5<sup>th</sup> ~~edition or the most~~ recent edition.)

If the preliminary level of service information indicates a level of service failure, the developer has two alternatives:

- a.) Accept the level of service information as set forth in the comprehensive plan;
- b.) Prepare a more detailed Highway Capacity Analysis as ~~shown in outlined in the Highway Capacity Manual, Special Report 202 (1985)~~ or a Speed and Delay study following the procedures outlined by the Florida

Department of Transportation, Traffic Engineering Office in its Manual for Uniform Traffic Studies.

2. If the developer chooses to do a more detailed analysis, the applicant shall provide an acceptable methodology for preparing an alternative analysis which has been approved by a professional engineer registered in the State of Florida. Such an alternative methodology must be ~~presented to and approved by the Town's Planning and Zoning Committee.~~

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VIII.A-8

1-15-

92

Concurrency Management System  
Montverde

3. If the alternative methodology, after review and acceptance by the ~~Planning and Zoning Committee or Town Manager's designee,~~ indicates an acceptable level of service where the comprehensive plan indicates a level of service failure, the alternative methodology will be used. ~~However, the Town shall, at its discretion, reserve the option to have the methodology reviewed by a professional registered engineer or professional transportation planner prior to accepting the methodology.~~
4. Any proposed development generating more than 500 trips a day will be required to provide trip distribution study in addition to the requirements outlined above. Such a trip distribution model shall analyze:

- a.) pass-by capture rate (commercial land uses only);
- b.) internal capture rate (planned unit development only);
- c.) peak hour external trips based on ITE Trip Generation Manual, the most recent Edition; ~~5<sup>th</sup> (or most recent) Edition~~;
- d.) peak hour directional project vehicle trips on all segments of the arterial and collector street system which are adjacent to the development project or as determined necessary by the Town Engineer;
- e.) justification, including appropriate references, for the use of any trip generation rates, adjustment factors or traffic assignment methods not previously approved by the Town.

#### Potable Water

1. The Town of Montverde will provide level of service information as set forth in the Montverde Comprehensive Plan. As all new development shall be required to connect to and use the Town's central water system, impacts placed on the system's capacity shall occur consistent with the adopted minimum level of service standard.
2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination shall be predicated on that adequate facility capacity at adopted levels of service at the date of application or inquiry. The capacity demanded by proposed development shall be combined with present capacity to establish a new existing capacity and updated available capacity.
3. If the level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination shall be predicate on that adequate facility capacity at acceptable levels of



service not available at the date of application or inquiry. No certificate of concurrency shall be issued under such conditions.

VIII.A.9 \_\_\_\_\_ 1.15-

92

Concurrency Management System  
Montverde

Wastewater

1. The Town of Montverde will provide level of service information as set forth in the Montverde Comprehensive Plan. The applicant of development shall provide evidence that sanitary sewer systems or other treatment system approved by the Florida Department of Health and Florida Department of Environmental Protection constructed on the site of the proposed development will provide adequate facility capacity compliant with the minimum adopted level of service standard. In addition,
2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service which was available at the date of application or inquiry.
3. If the level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service which was not available at the date of application or inquiry. No certificate of concurrency shall be issued under such conditions.

Commented [SP2]: FDOH no longer regulates septic or advanced septic.

Solid Waste

1. The Town of Montverde will provide level of service information as set forth in the Montverde Comprehensive Plan. To meet the concurrency requirement, the applicant of development must provide an official written statement to the Planning and Zoning Committee or Town Manager's designee from the current refuse management company holding a franchise agreement with the Town of Montverde, or another contractor registered with the State of Florida, stating that the company is able to provide collection service according to the demands calculated for the development at the adopted minimum level of service standard set forth in the Montverde Comprehensive Plan.

~~In addition, an official written statement must be submitted to the Planning and Zoning Committee or designee from the Executive Director of the Lake County Department of Environmental Services, or an appointed designee, stating that the County's solid waste disposal facilities hold sufficient capacity to provide service to the proposed development at a level no less than the Town's established minimum level of service standard. No certificate of concurrency shall be issued until both aforementioned official statements are presented to the Town.~~

**Commented [SP3]:** This language is not necessary as Montverde handles it's own refuse. Furthermore, Montverde will be coordinating with Lake County via a Joint Planning Agreement and any development issues will be highlighted at that time.

2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service that was available at the date of application or inquiry.
3. If the level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service that was not available at the date of application or inquiry. No certificate of concurrency shall be issued under such conditions.

#### Parks and Recreation

Only applications for residential developments, planned unit developments, or developments involving conversion of a commercial or institutional use to a residential use shall be required to perform a concurrency determination review to prove that capacity is available for existing population and the proposed residential development at level of service standards established in the Recreation Element and Comprehensive Plan.

1. The Town of Montverde will provide level of service, existing capacity, and available capacity information as set forth in the Montverde Comprehensive Plan.
2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was available at the date of application or inquiry.
3. If the Level of service information indicates that the proposed project would result in a level of service failure,

the concurrency determination would be that adequate facility capacity at acceptable levels of service that was no available at the date of application of inquiry. No certificate of concurrency shall be issued under such conditions.

### Drainage

1. The Town of Montverde will provide level of service information as set forth in the Montverde Comprehensive Plan. The applicant of development shall provide evidence that stormwater management systems constructed on the site of the proposed development will provide adequate facility capacity compliant with the minimum adopted level of service standard.

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=====	VIII.A-11	1-15
	92	
	Concurrency Management System	
	<u>Montverde</u>	

In addition, the applicant of commercial, manufacturing, or institutional development or residential development exceeding 1510 dwelling units must submit an official written statement from the Saint Johns River Water Management District to the Planning & Zoning Committee or designee stating that the proposed development will meet State and District stormwater management regulations.

Commented [SP4]: Changing to 10 makes it more consistent with review threshold in other parts of the Comp Plan and LDCs.

2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of

service which was available at the date of application or inquiry.

3. If the level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service which was no available at the date of application or inquiry. No certificate of concurrency shall be issued under such conditions.

Policy 8A-1.1.10: Reservation of Capacity Prior to Issuance of a Final Development Order.

Upon successful completion of a concurrency review and payment of all fees associated with a concurrency review, capacity shall be reserved for the proposed development for a period not to exceed six months to allow for sufficient time to submit or revise final development applications and final project site plans if not already complete, and for review of such applications and plans by the Planning and Zoning Committee and the Town Council. Capacity shall be reserved only after a capacity reservation fee is paid by the applicant of development. An extension may be granted by the Town Council for up to six months to continue to hold capacities for the applicant. Additional fees for an extension may apply. If after six months the applicant fails to submit a complete set of applications and plans or fails to receive an extension, the capacity will be transferred to the next applicant of development successfully completing a concurrency review and requesting the reservation of capacity if capacities are not available for all applicants of development (i.e., The Town will follow a first-come, first-served policy).

Policy 8A1.1.11: Certificate of Concurrency.

A Certificate of Concurrency must be issued prior to a final development order to reserve capacity in concurrency facilities.

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VIII.A.12 ————— 1.15-

92

Concurrency Management System  
Montverde

Development Orders with an Expiration Date. A Certificate of Concurrency will only be issued prior to development approval and indicates that concurrency will be met for all concurrency facilities and services. The Certificate of Concurrency will remain in effect for the same period of time as the development order with which it was issued. Upon the expiration of the development order, the Certificate of Concurrency shall be forfeited and deemed invalid. The longest standing complete development application (i.e., next-in-line application) waiting for adequate facility capacities shall have the first right to available capacities of a concurrency review is successfully completed according to Policies 8A-1.1.8 and -1.19.

Development Orders with No Expiration Date. If a development order does not have an expiration date, the Certificate of Concurrency shall be valid for a period of not less than twelve months from the date of issuance but no longer than the forfeiture date invalidating the Certificate. The forfeiture date shall be established according to the following circumstantial events:

The capacities reserved through a Certificate of Concurrency shall be forfeited to the Town to grant to another applicant of

development requiring that capacity to successfully complete a concurrency review. Upon forfeiture of these capacities, the Certificate of Concurrency shall be deemed invalid.

In the event all capacity of a concurrency public facility has been reserved through Certificates of Concurrency, the longest standing approved development order holding a Certificate of Concurrency shall forfeit that capacity if development has not proceeded in "good faith" the issuance date of the Certificate of Concurrency has exceeded twelve months. If the longest standing development order holding a Certificate of Concurrency has proceeded in good faith, then the next longest standing Certificate of Concurrency accompanying a development order which has not proceeded in "good faith" shall become invalid and the reserved capacity forfeited back to the Town. This system will proceed until a determination is made as to whether previous development orders with a Certificate of Concurrency have all proceeded in good health.

## CHAPTER IX

### CONCURRENCY MANAGEMENT SYSTEM ELEMENT

9J-5.005

Commented [SP1]: We will still reference Florida Statute as a basis. However, we are removing specific Statute reference numbers to avoid any conflict as statute numbers change.

#### Goals, Objectives, and Implementing Policies

Summary. In the Response to the need to review all proposed development and monitor capacity and level of service for all public facilities and services to ensure that capacities for public facilities are provided in a manner consistent with adopted minimum level of service standards, the Town of Montverde shall require all applicants for development not holding vested development rights to perform a concurrency management review defined in the Land Development Regulations. The framework for concurrency review procedures and requirements are discussed in this section. At the option of the applicant of development, a review will be prepared by the Town if all related cost are encumbered by the applicant. In either the case of a self- performed or Town-performed review, the Planning and Zoning Committee (hereinafter Committee) or designee shall determine, prior to the issuance of a development orders by the Town Council, whether or not there is sufficient capacity of public facilities to meet the standards for levels of service for existing population and development and the proposed development concurrent with the impacts of the proposed development. The Town Council (hereinafter Council) shall service as the appellate agent for any challenges filed against the Committee's decision to withhold a certificate of concurrency.

The Town of Montverde, like all other local governments in the State of Florida, must ensure that certain public facilities and services needed to support development are available at the time the impacts of development occur. It is the Concurrency Management System which ensures that the



impact of development will not degrade the levels of service adopted in the Montverde Comprehensive Plan.

I. DEFINITIONS

The following definitions shall apply to the Concurrency Management System.

A.) Concurrency Facilities: "Concurrency facilities" shall mean public facilities and services for which a level of service must be met concurrent with the impacts of development or an acceptable deadline, as mandated in the Comprehensive Plan pursuant to Chapter 163, Florida Statutes, and 9J-5.0055, Florida Administrative Code, shall include:

- |                   |                   |
|-------------------|-------------------|
| a. Potable Water  | d. Recreation     |
| b. Sanitary Sewer | e. Solid Waste    |
| c. Drainage       | f. Transportation |
|                   | g. Schools        |

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VIII.A-1 1-15-92

Concurrency Management System  
Montverde

B.) "Proceeding in Good Faith": This clause shall be interpreted as follows – Tangible and continuing actions taken by an applicant of an approved final development order to proceed with actual construction and implementation of the final development plan, and where a person in standing has acted in good faith and reasonable reliance on some act or omission of the Town of Montverde.

C.) Final Local Development Order: means any development order issued by the Town of Montverde approving the development of land for a particular use or uses at a specified density or intensity of use and which allows physical

development activity to commence on the land for which the development order was issued. A final local development order issued after the effective date of the ordinance adopting the Comprehensive Plan or plan amendment shall only occur if the final development plan complies with the goals, objectives and policies established in the Comprehensive Plan.

D.) Vested Rights to Development: A development order shall be deemed "vested" if development circumstances meet criteria for common law or statutory vesting as defined below. All "non-vested" development or development orders are subject to requirements of the Comprehensive Plan, including concurrency. All final development orders issued after the effective date of the Comprehensive Plan or plan amendment shall comply with the Comprehensive Plan, including concurrency. The Town shall establish no agreements in which it purports to contends to agree that it will not enforce its police powers.

1. Vesting: means the right under statutory law under section 163.3167 (5), F.S., or common law to develop or to continue the development of property, notwithstanding the densities or intensities of use assigned to a parcel of land by the Town of Montverde under a plan or plan amendment adopted pursuant to any additional powers thereto granted under chapter 163, part II, Florida Statutes.

2. Establishing Vesting. In order to establish common law vesting it must be shown that the developer, acting in good faith and reasonable reliance on some act or omission of the Town of Montverde, and without constructive or actual notice of any adopted or proposed contrary regulation, has made such a substantial change in position or has incurred such extensive obligations and expenses that it would be highly inequitable and unjust to destroy the right to develop or to continue the development of the property. Under no circumstances shall the mere purchase or zoning of a parcel, or

the payment of taxes or rents on a parcel, be deemed to establish common law vested rights.

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VIII.A.2 1-15-92  
Concurrency Management System  
Montverde

In order to establish statutory vesting under Chapter 163, Part II, Florida Statutes, a development must have been authorized as a development or regional impact pursuant to Chapter 380, F.S., prior to the effective date of the comprehensive plan or plan amendment or that a valid and unexpired final local development order was issued by the Town of Montverde prior to the effective date of the plan or plan amendment, and substantial development has occurred on a significant portion of the development authorized in the final development order, and that development is completed or proceeding in good faith.

3. Determination of Vesting. The Town's appointed attorney shall recommend to the Town Council whether a development order or development has established vested rights to development.

4. Density/Intensity Rights. Where land use densities/intensities in the Future Land Use Element are presented as a range, the maximum density shall not represent a guaranteed right. Policies within individual elements of the Comprehensive Plan shall incorporate criteria to evaluate density/intensity limitation for purposes of protecting natural resources, maintaining efficient provision of public facilities and services consistent with concurrency requirements, or guarding public health, safety, and welfare.

OBJECTIVE 98A-1.1: Concurrency Management System. A concurrency management System shall be implemented prior to or concomitant with the adoption of the revised Land Development Regulations. The following policies shall direct the preparation of the concurrency management system.

Policy 98A-1.1.1: Assist Applicants of Development.

The Land Development Regulations shall contain a descriptive guide to assist developers and other interested parties in understanding the concurrency determination process, steps to performing a concurrency review, and the development review process involving the issuance of a certificate of concurrency. The key elements of this guide are outlined in below cited policies of the Capital Improvement Element.

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The standards for levels of service for each type of public facility mandatorily subject to concurrency requirements shall apply to development orders issued by the Town of Montverde upon the commencement date established within the adopting ordinance applicable to this Comprehensive Plan and the Town's Capital Budget beginning with the ~~2008-2009~~1992-93~~2024-2025~~ fiscal years. Concurrency review of all development applications submitted after such date shall be subject to a mandatory concurrency review, ~~beginning with any applications submitted, on February 1, 1992, at which time the procedures and principles of the Concurrency Management System Review will be stipulated within the revised in accordance with the Town's Land Development Regulations Code.~~

Policy 98A-1.1.3: Concurrency Requirements.

The Town Council of Montverde finds that the impacts of development on public facilities within the Town's jurisdictional area occur concurrent with development authorized by a final development order. Therefore, capacity for concurrency facilities shall be available concurrent with the impacts of

development. The Town shall determine, prior to the issuance of final development orders, whether or not sufficient capacity is available to meet the standards for levels of service for existing population and development as well as the proposed development "concurrent" with the impacts of the proposed development. A project will be deemed concurrent if the following standards are met:

1. The necessary facilities and services are in place at the time a development permit is issued.
2. The development permit is issued subject to the condition that the necessary facilities and services will be in place concurrent with the impacts of development;
3. The necessary public facilities and services are guaranteed in an enforceable development agreement to be in place concurrent with the impacts of development.

In Addition to 1. through 3. above, roadways facilities will be deemed concurrent based on the adopted FiveTen-Year Capital Improvements Program as described in the following criteria:

1. The FiveTen-Year Capital Improvements Program and the Capital Improvements Element of the Montverde Comprehensive Plan are financially feasible and the public facilities to serve the development are programmed to commence and become available within the first three years of the Five-Ten-Year Schedule of Capital Improvements.
2. The FiveTen-Year Capital Improvements Program includes improvements necessary to correct any identified facility deficiencies and maintain adopted levels of service for existing and permitted development

3. The FiveTen-Year Capital Improvement Program is a realistic, financially feasible program based on currently available revenue sources updated at least on the annual basis.

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VIII-A-4 ——— 1-15-92

Concurrency Management System  
Montverde

4. The FiveTen-Year Capital Improvements Program identifies whether funding is for design, engineering, consultant fees, or construction and indicates, by funded year, how the dollars will be allocated.
5. The FiveTen-Year Capital Improvements Program identifies the fiscal year in which actual construction of the roadway project will commence together with the anticipated fiscal year at which time construction will be finalized and functional operation begins. Actual construction and functional operation of the roadway facility must occur in or before the third year of the Five-Year Schedule of Capital Improvements.
6. A plan amendment will be required in order to eliminate, defer or delay construction of any roadway facility or service which is needed to maintain the adopted level of service standard.
7. Land Development Regulations, ~~to be adopted no later than February 1, 1992, will~~ support this plan and further ensure that development orders and permits will only be issued when public facilities and services at adopted levels of service are available concurrent with the impacts of development.

8. ~~No later than February 1, 1992, the~~ Town of Montverde ~~has a will have either a ledger recording-based or a personal-computer-based~~ digital monitoring system in place to support the adopted Concurrency Management System enabling the ~~MPO~~ ~~Town~~ to update capacity inventories based on concurrency review studies prepared by the applicant of development ~~or the Town of Montverde through the Lake Sumter MPO~~. The monitoring system ~~shall be coordinated~~ ~~with the~~ Five-Ten-Year Schedule of Capital Improvements to assure that the data inventory for the concurrency monitoring system is consistent with facility capacity changes which may occur as a result of new improvements, elimination of deficiencies, or the replacement of worn-out or obsolete facilities.
9. The Montverde Comprehensive Plan clearly identifies all concurrency facilities and services to be provided by the Town of Montverde with public funds in accordance with the adopted ~~Five-Ten-Year~~ Capital Improvements Program.

Policy 98A-1.1.4: Application Deemed Concurrent.

The Town requires a concurrency review within the development review process for applications for development approvals and a Certificate of Concurrency issued prior to development. If the application is deemed concurrent, a Certificate of Concurrency will be issued by ~~the Town~~ ~~the~~ Planning and Zoning Committee. If the project requires any other Development permit a copy of the Certificate of Concurrency will be included with any future application for a development permit. A separate concurrency review will not be required for each development permit for the same project. Concurrency review addresses only the availability of facilities and capacity of services and a Certificate of Concurrency does not represent overall development approval.

Policy 98A-1.1.5: Application Not Deemed Concurrent.

If an application for development is not concurrent, the applicant will be notified that a Certificate cannot be issued. The burden of showing compliance with the adopted levels of service and meeting the concurrency review will be upon the applicant, unless such applicant agrees to pay all costs for the Town to perform the concurrency review. The Planning and Zoning Committee ~~may~~ will assist in the preparation of the necessary documentation and information. If an application for development is deemed not concurrent, the applicant may appeal the decision to the Town Council if the Board's decision to withhold a Certificate of Concurrency was based on the adequacy of the review performed by the applicant to estimate facility capacities to be used by the proposed development.

Policy 98A-1.1.6: Ineligible Development Actions.

Certain development actions are ineligible to receive a concurrency reservation because they are too conceptual and, consequently, do not allow an accurate assessment of public facility impacts. These development actions include:

- a.) land use amendments to the comprehensive plan;
- b.) rezoning requests.

Applications for land use amendments or rezoning actions affecting a contiguous area exceeding five acres shall include a preliminary estimation of available capacities and concurrency determination if the proposed land use or rezoning request involves a higher density or intensity of use than the existing category or zoning.

Policy 98A-1.1.7: Concurrency Exemptions.

All developments granted vested rights as defined in definitions cited in the Concurrency Management Sub-Element, prior to the adoption of the Comprehensive Plan, shall be exempt from concurrency requirements and all concurrency tests. No



Certificate of Concurrency shall be issued to developments vested prior to the adoption date of the Comprehensive Plan.

Policy 98A-1.1.8: Principles Guiding Concurrency Review.

A concurrency review will be performed for the following facilities and services for which level of service standards have been established in this plan:

- |                         |                 |              |
|-------------------------|-----------------|--------------|
| (1) Roadways            | (3) Wastewater  | (5) Drainage |
| (2) Potable Water       | (4) Solid Waste | (6)          |
| <u>Parks/Recreation</u> |                 |              |
| VIII.A.6 1-15-92        |                 |              |

Concurrency Management System  
Montverde

Non-Roadway Facilities. The concurrency review for non-roadway facilities and services will be determined by comparing the available capacity of a facility or service to the demand created by the proposed project. Available capacity will be determined by adding together the total excess capacity of existing facilities and the total capacity of new facilities which meet the previously defined concurrency standards and subtracting any capacity committed through concurrency reservations.

Roadway Facilities. The concurrency review for roadway facilities and services shall provide two alternative methodologies from which the applicant may select based on the size and type of the proposed development. Procedures for each alternative methodology are discussed in further detail in Policy 8A-1.1.9.

Policy 98A-1.1.9: Concurrency Determination Procedures.

The concurrency determination process is purposefully intended to expediently evaluate an applicant's development proposal to determine whether sufficient capacities in facilities

are available to accommodate demands generated by the new development. Concurrency determination shall be based on a numerical review performed by the applicant of development, or as an option, by the Town of Montverde. If the latter option is selected, the applicant shall pay a fee to cover a proportionate share of the cost encumbered by the Town to perform a concurrency review.

The Planning and Zoning Committee or Town Manager's designee will make an informal non-binding determination of whether sufficient capacities in public facilities and services are available to satisfy the demands of the proposed project. Available capacity will be determined by adding together the total excess capacity of existing facilities (which shall exclude commitments to vested development) and the total capacity of any new facilities which meet the previously defined concurrency standards and subtracting any capacity committed through concurrency reservations. The total excess capacity of existing facilities shall be based on an analysis and calculation that excludes capacity committed to vested development. This determination shall be based on the narrative and graphic reports prepared by the applicant of development to prove that the proposed subject development meets all concurrency requirements. In the event the applicant pays fees in lieu of preparing a concurrency review, this report shall be prepared by the Town. The Committee will then make a determination of whether sufficient capacity exists for each public facility or service if the project were approved.

The Concurrency Review shall be performed according to the following methodologies and rules:

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VIII.A.7 1-15-92

Concurrency Management System  
Montverde

Roadways

1. The Town of Montverde will provide level of service information as set forth in the Montverde Comprehensive Plan, including existing and available capacities according to trips per day. For proposed residential development consisting of less than fifty dwelling units occurring in residential land use categories except for planned unit developments, the following trip generation rates shall be used to calculate the impact of the proposed development:

	<b>Land Use Type</b>	<b>Trips Per Day</b>
a.)	Single Family	10
b.)	Multiple Family	08

For all other development categories allowed within the Future Land Use Element, the impacts of development shall be measured by utilizing the maximum peak hour, external trip generation rate associated with the land use designation in which the proposed development shall occur, using the most recent published edition of the Institute of Traffic Engineers' Trip Generation Manual (5<sup>th</sup> ~~edition of the most~~ recent edition.)

If the preliminary level of service information indicates a level of service failure, the developer has two alternatives:

- a.) Accept the level of service information as set forth in the comprehensive plan;
- b.) Prepare a more detailed Highway Capacity Analysis as ~~shown in outlined in the Highway Capacity Manual, Special Report 209 (1985)~~ or a Speed and Delay study following the procedures outlined by the Florida

Department of Transportation, Traffic Engineering Office in its Manual for Uniform Traffic Studies.

2. If the developer chooses to do a more detailed analysis, the applicant shall provide an acceptable methodology for preparing an alternative analysis which has been approved by a professional engineer registered in the State of Florida. Such an alternative methodology must be ~~presented to and~~ approved by the Town's Planning and Zoning Committee.

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VIII.A-8

1-15-

92

Concurrency Management System  
Montverde

3. If the alternative methodology, after review and acceptance by the ~~Planning and Zoning Committee~~ or Town Manager's designee, indicates an acceptable level of service where the comprehensive plan indicates a level of service failure, the alternative methodology will be used. However, the Town shall, at its discretion, reserve the option to have the methodology reviewed by a professional registered engineer or professional transportation planner prior to accepting the methodology.
4. Any proposed development generating more than 500 trips a day will be required to provide trip distribution study in addition to the requirements outlined above. Such a trip distribution model shall analyze:

- a.) pass-by capture rate (commercial land uses only);
- b.) internal capture rate (planned unit development only);
- c.) peak hour external trips based on ITE Trip Generation Manual, the most recent Edition; 5<sup>th</sup> ~~(or most recent) Edition;~~
- d.) peak hour directional project vehicle trips on all segments of the arterial and collector street system which are adjacent to the development project or as determined necessary by the Town Engineer;
- e.) justification, including appropriate references, for the use of any trip generation rates, adjustment factors or traffic assignment methods not previously approved by the Town.

#### Potable Water

1. The Town of Montverde will provide level of service information as set forth in the Montverde Comprehensive Plan. As all new development shall be required to connect to and use the Town's central water system, impacts placed on the system's capacity shall occur consistent with the adopted minimum level of service standard.
2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination shall be predicated on that adequate facility capacity at adopted levels of service at the date of application or inquiry. The capacity demanded by proposed development shall be combined with present capacity to establish a new existing capacity and updated available capacity.
3. If the level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination shall be predicate on that adequate facility capacity at acceptable levels of

service not available at the date of application or inquiry. No certificate of concurrency shall be issued under such conditions.

VIII A 9 1-15-

92

Concurrency Management System  
Montverde

Wastewater

1. The Town of Montverde will provide level of service information as set forth in the Montverde Comprehensive Plan. The applicant of development shall provide evidence that sanitary sewer systems or other treatment system approved by the Florida Department of Health and Florida Department of Environmental Protection constructed on the site of the proposed development will provide adequate facility capacity compliant with the minimum adopted level of service standard. In addition,
2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service which was available at the date of application or inquiry.
3. If the level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service which was not available at the date of application or inquiry. No certificate of concurrency shall be issued under such conditions.

Commented [SP2]: FDOH no longer regulates septic or advanced septic.

Solid Waste

1. The Town of Montverde will provide level of service information as set forth in the Montverde Comprehensive Plan. To meet the concurrency requirement, the applicant of development must provide an official written statement to the Planning and Zoning Committee or Town Manager's designee from the current refuse management company holding a franchise agreement with the Town of Montverde, or another contractor registered with the State of Florida, stating that the company is able to provide collection service according to the demands calculated for the development at the adopted minimum level of service standard set forth in the Montverde Comprehensive Plan.

~~In addition, an official written statement must be submitted to the Planning and Zoning Committee or designee from the Executive Director of the Lake County Department of Environmental Services, or an appointed designee, stating that the County's solid waste disposal facilities hold sufficient capacity to provide service to the proposed development at a level no less than the Town's established minimum level of service standard. No certificate of concurrency shall be issued until both aforementioned official statements are presented to the Town.~~

Commented [SP3]: This language is not necessary as Montverde handles it's own refuse. Furthermore, Montverde will be coordinating with Lake County via a Joint Planning Agreement and any development issues will be highlighted at that time.

2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service that was available at the date of application or inquiry.
3. If the level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service that was not available at the date of application or inquiry. No certificate of concurrency shall be issued under such conditions.

#### Parks and Recreation

Only applications for residential developments, planned unit developments, or developments involving conversion of a commercial or institutional use to a residential use shall be required to perform a concurrency determination review to prove that capacity is available for existing population and the proposed residential development at level of service standards established in the Recreation Element and Comprehensive Plan.

1. The Town of Montverde will provide level of service, existing capacity, and available capacity information as set forth in the Montverde Comprehensive Plan.
2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service was available at the date of application or inquiry.
3. If the Level of service information indicates that the proposed project would result in a level of service failure,



the concurrency determination would be that adequate facility capacity at acceptable levels of service that was no available at the date of application of inquiry. No certificate of concurrency shall be issued under such conditions.

### Drainage

1. The Town of Montverde will provide level of service information as set forth in the Montverde Comprehensive Plan. The applicant of development shall provide evidence that stormwater management systems constructed on the site of the proposed development will provide adequate facility capacity compliant with the minimum adopted level of service standard.

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VIII.A-11 \_\_\_\_\_ 1-15-

92

Concurrency Management System  
Montverde

In addition, the applicant of commercial, manufacturing, or institutional development or residential development exceeding +510 dwelling units must submit an official written statement from the Saint Johns River Water Management District to the Planning & Zoning Committee or designee stating that the proposed development will meet State and District stormwater management regulations.

Commented [SP4]: Changing to 10 makes it more consistent with review threshold in other parts of the Comp Plan and LDCs.

2. If the level of service information indicates that the proposed project would not result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of

service which was available at the date of application or inquiry.

3. If the level of service information indicates that the proposed project would result in a level of service failure, the concurrency determination would be that adequate facility capacity at acceptable levels of service which was no available at the date of application or inquiry. No certificate of concurrency shall be issued under such conditions.

Policy 8A-1.1.10: Reservation of Capacity Prior to Issuance of a Final Development Order.

Upon successful completion of a concurrency review and payment of all fees associated with a concurrency review, capacity shall be reserved for the proposed development for a period not to exceed six months to allow for sufficient time to submit or revise final development applications and final project site plans if not already complete, and for review of such applications and plans by the Planning and Zoning Committee and the Town Council. Capacity shall be reserved only after a capacity reservation fee is paid by the applicant of development. An extension may be granted by the Town Council for up to six months to continue to hold capacities for the applicant. Additional fees for an extension may apply. If after six months the applicant fails to submit a complete set of applications and plans or fails to receive an extension, the capacity will be transferred to the next applicant of development successfully completing a concurrency review and requesting the reservation of capacity if capacities are not available for all applicants of development (i.e., The Town will follow a first-come, first-served policy).

Policy 8A1.1.11: Certificate of Concurrency.

A Certificate of Concurrency must be issued prior to a final development order to reserve capacity in concurrency facilities.

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VIII A-12 \_\_\_\_\_ 1-15-

92

Concurrency Management System  
Montverde

Development Orders with an Expiration Date. A Certificate of Concurrency will only be issued prior to development approval and indicates that concurrency will be met for all concurrency facilities and services. The Certificate of Concurrency will remain in effect for the same period of time as the development order with which it was issued. Upon the expiration of the development order, the Certificate of Concurrency shall be forfeited and deemed invalid. The longest standing complete development application (i.e., next-in-line application) waiting for adequate facility capacities shall have the first right to available capacities of a concurrency review is successfully completed according to Policies 8A-1.1.8 and -1.19.

Development Orders with No Expiration Date. If a development order does not have an expiration date, the Certificate of Concurrency shall be valid for a period of not less than twelve months from the date of issuance but no longer than the forfeiture date invalidating the Certificate. The forfeiture date shall be established according to the following circumstantial events:

The capacities reserved through a Certificate of Concurrency shall be forfeited to the Town to grant to another applicant of

development requiring that capacity to successfully complete a concurrency review. Upon forfeiture of these capacities, the Certificate of Concurrency shall be deemed invalid.

In the event all capacity of a concurrency public facility has been reserved through Certificates of Concurrency, the longest standing approved development order holding a Certificate of Concurrency shall forfeit that capacity if development has not proceeded in "good faith" the issuance date of the Certificate of Concurrency has exceeded twelve months. If the longest standing development order holding a Certificate of Concurrency has proceeded in good faith, then the next longest standing Certificate of Concurrency accompanying a development order which has not proceeded in "good faith" shall become invalid and the reserved capacity forfeited back to the Town. This system will proceed until a determination is made as to whether previous development orders with a Certificate of Concurrency have all proceeded in good health.



## CHAPTER X

## CHAPTER X

### ECONOMIC PROSPERITY ELEMENT

#### Strategies for Success, Goals, Objectives, and Policies

**GOAL 1-1: A PRINCIPAL GOAL OF THE TOWN OF MONTVERDE ("TOWN") IS TO PROMOTE BALANCED, ORDERLY, SUSTAINABLE ECONOMIC GROWTH BY CREATING AND PROMOTING AN ECONOMIC CLIMATE THAT WILL ENHANCE PROSPERITY FOR ALL CITIZENS OF THE TOWN. OUR ENVIRONMENT, SMALL TOWN CHARM AND QUALITY OF LIFE ARE FUNDAMENTAL TO THE TOWN'S ECONOMY. PROTECTING THESE QUALITIES IS NECESSARY TO MAINTAIN A STRONG AND VIBRANT ECONOMY THAT IS FREE FROM THE CONSEQUENCES OF POORLY PLANNED DEVELOPMENT.**

**OBJECTIVE 1-1.1:** The Town shall maintain current information on the following economic indicators: Unemployment Rate, Average Annual Wages, Median Household Income, Sales Tax Revenues, Tax Base in Relation to Population, Total Ad Valorem Taxes in Relation to Population, Home Ownership, Foreclosures and Homes for Sale. Other economic information shall be collected from sources which can be shown to be the best available data on a continuing basis.

Policy 1-1.1.1: Economic Data

The Town shall coordinate on a quarterly basis with Lake County's Economic Development and Tourism Department or Lake Economic Area Development (LEAD) agency to compile economic data relevant to the Town including but not limited to measures provided in Objective 1-1.1.

Commented [SP1]: Inserting this because LEAD now assists the County with economic development.

Policy 1-1.1.2: FWC Data

The Town shall utilize data provided by the Florida Fish and Wildlife Conservation Commission to determine or estimate economic impacts associated with Lake Apopka.

OBJECTIVE 1-1.2: Eco-Tourism and Sports Tourism Development.  
Lake County's slogan is "Real Florida, Real Close". The Town of Montverde sees an opportunity to capitalize on the County's vision to accentuate the natural features and outdoor sporting industry that helps define the quality of life in Lake County. Therefore, the Town shall become a destination known for eco-tourism and outdoor sporting events.

Policy 1-1.2.1: Lake Apopka North Shore

The Town shall market its close proximity to Lake Apopka's North Shore – a nationally renowned birding and wildflower location.

Policy 1-1.2.2: Green Mountain Scenic Byway

The Town shall market its location and features along the Green Mountain Scenic Byway including but not limited to the North Shore Overlook and Ferndale Trailhead, Stecher Property, and the Ferndale Preserve.

Commented [SP2]: The Stecher Property may need to be removed from this list if the Town decides to utilize this site for a sewer plant.

Policy 1-1.2.3: Visitor's Guide

The Town shall create a visitor's guide including but not limited to nature interpretive guides and guides using mobile technologies. New media interpretive tours are relatively easy to produce and inexpensive to distribute and can be an effective means of telling more stories about Montverde and promoting visitation to the Town's scenic and natural assets. The visitor's guide shall also significantly highlight the Town's location along the Green Mountain Scenic Byway.

Policy 1-1.2.4: South Lake Chamber of Commerce

The Town shall work in conjunction with the South Lake Chamber of Commerce efforts to become a center for health, wellness and outdoor fitness. These efforts may include but are not limited to collaborating with the South Lake County Hospital – Live Well Center and the National Training Center.



Policy 1-1.2.5: Outdoor sporting events.

An example may include, but is not limited to, the "Montverde Marathon" a marathon event that would start in the Montverde town center and traverse the Lake Apopka North Shore area along the levees.

OBJECTIVE 1-1.3: INFRASTRUCTURE FOR ECONOMIC PROSPERITY. The Town shall provide infrastructure that facilitates visitation and supports small scale retail and professional business that is consistent with Montverde's small town charm.

Policy 1-1.3.1: Lake Apopka boating access.

The Town shall enhance boating access to Lake Apopka.

Policy 1-1.3.2: Trail System

The Town shall complete the remaining portions of the proposed trail system that connects the Stecher Property to Truskett Park on Lake Apopka by January 1, 2018/2033.

~~Policy 1-1.3.3: The Town shall prepare a sidewalk plan by January 1, 2018.~~

Commented [SP3]: Hooray! This was completed.

Policy 1-1.3.43: Eco- and Sports-Tourism

The Town shall explore opportunities to utilize the Stecher Property for eco-tourism and sports tourism events and/or facilities.

Commented [SP4]: The Stecher Property may need to be removed from this list if the Town decides to utilize this site for a sewer plant.

Policy 1-1.1.54: Partnerships

The Town encourages partnerships between existing and potential businesses and educational institutions to develop programs that will utilize new and existing technologies as they become available and widely utilized in the marketplace.

Policy 1-1.1.65: High speed internet

The Town shall explore opportunities to create a super high-speed broadband connection corridor or hotspot to attract small business and entrepreneurs.

OBJECTIVE 1-1.4: QUALITY DEVELOPMENT. The Town, through its Comprehensive Plan and Land Development Code, shall maintain and/or improve the Town's environmental, cultural, and aesthetic characteristics to attract tourists and associated small businesses to Montverde.

Policy 1-1.4.1: The Town shall prepare an Eco-Tourism and Sports Tourism Support District Overlay.

This district shall require specific commercial design guidelines consistent with the Green Mountain Scenic Byway criteria and shall include incentives to promote small-scale retail associated with ecotourism and sports tourism.

Policy 1-1.4.2: Residential guidelines

The Town shall ~~prepare~~ continue to update its residential design guidelines for use in constructing new homes, after January 1, 2016. These guidelines shall focus primarily on basic style such as, but not limited to, "Florida Cracker" or "Mission" and landscaping. This policy shall not limit affordable housing.

Commented [SP5]: Hooray! Already completed and in use.

Policy 1-1.4.3: Water Star

The Town's shall revise the Land Development Code to ~~promote~~ require "Water Star" certification of all future development.

Commented [SP6]: Hooray! Already completed in use.

Policy 1-1.4.4: The Town shall promote the following targeted industries:

- Agriculture, Forestry, Fishing;
- Eco-Tourism and Agri-Tourism;
- Education;
- Human Sports Performance and Training;
- Leisure;
- Small scale support for professional services and related locally owned small business;
- Small scale retail related sports and ecotourism;
- Small scale retail that is consistent with the Town's small town charm and locally owned small business; and
- Heritage Tourism.

Strategy 1:

Improve and strengthen existing relationships with Lake County, the South Lake Chamber of Commerce and the four other municipalities of South Lake County to promote sports tourism in Montverde. Action: Provide Council representation at South Lake Chamber Sports and Tourism Committee.

Strategy 2:

Coordination with the SJRWMD to promote wildlife viewing opportunities associated with the North Shore of Lake Apopka. Plan a marathon event to traverse the North Shore Restoration Area.

Strategy 3:

Further promote and build upon the Green Mountain Scenic Byway Corridor. Examine the opportunity of building a coalition of interested agencies and businesses along the Green Mountain Scenic Byway. See Exhibits 2 and 3 for opportunities identified.

## CHAPTER XI

## CHAPTER XI

### ARCHAEOLOGICAL AND HISTORIC RESOURCES ELEMENT

#### Strategies for Success, Goals, Objectives, and Policies

#### GOAL 1: IDENTIFY, PRESERVE, PROMOTE

##### **IDENTIFY**

To identify the historical significance of the Town of Montverde's architectural, archeological, and cultural heritage as part of the effort to protect, develop sustainably, and redevelop areas of the Town.

##### OBJECTIVE 1.1. PROVIDE AN ADMINISTRATIVE FRAMEWORK FOR HISTORICAL AND ARCHAEOLOGICAL PRESERVATION WITHIN THE TOWN.

###### Policy 1.1.1: Planning and Zoning Board acts as HAPAB.

The Town's Planning and Zoning Board shall act as the Historic & Archeologic Preservation Advisory Board (HAPAB) to provide recommendations to the Town Council on all archaeological and historical issues, to approve Certificates of Appropriateness, educate the community on the value of historical and archaeological preservation, and to perform other duties as required by applicable laws or at the direction of the Town Council. The HAPAB shall also contain three (3) members from the Town's Historic Advisory Committee.

###### Policy 1.1.2: Personnel or Consultant Assigned

The Town shall assign personnel or consultant to coordinate municipal historic preservation activities, act as liaison providing assistance and information regarding historic preservation, assemble and manage the base of information required to support that responsibility, provide administrative support for the HAPAB, and seek funding for preservation projects.

Policy 1.1.3: Mayor as Historic Preservation Officer

The Mayor or designee shall act as the Historic Preservation Officer.

Policy 1.1.4: Professional Services

When relevant, practicable and available, the Town shall ensure professional archaeological services are available to identify and preserve archaeological resources and to provide advice on archaeological issues.

Policy 1.1.5: Ordinance

A historic and archeologic preservation ordinance, structured to implement the historical and archaeological preservation goals, shall be implemented by the Town.

Policy 1.1.6: Display

A site or existing facility shall be designated to house and display historical and archaeological artifacts and to provide the public opportunity to view such artifacts as feasible.

Policy 1.1.7: Grants

The Town shall pursue grants to fund historical and archaeological preservation including restoration and conservation, research, and educational programs.

OBJECTIVE 1.2: THE TOWN OF MONTVERDE SHALL WORK IN COLLABORATION WITH LAKE COUNTY AND OTHER AGENCIES AND JURISDICTIONS TO IDENTIFY AND DOCUMENT HISTORICAL AND ARCHEOLOGICAL RESOURCES ON BOTH PUBLIC AND PRIVATE LANDS WITHIN AND AROUND THE TOWN.

Policy 1.2.1: Surveys

Continue ongoing comprehensive survey of all archeological, historical, and cultural resources within and around the Town.

Policy 1.2.2: Assessment

Utilize the Florida Master Site File, Department of State, Division of Historical Resources, or other best available and appropriate

resources to assess the archeological or historical significance of properties within the Town.

Policy 1.2.3: Inventory

Continue to work in collaboration with Lake County and the State of Florida to maintain an inventory of all historic landmarks within Montverde.

Policy 1.2.4: Zoning Designation

Identify and designate areas appropriate for the designation of a Historic District zoning designation for the preservation of existing archeological and historical resources and for the promotion of new development with land uses and design in harmony with the historic character sought for preservation.

Policy 1.2.5: Surveys

Continue to seek funding for comprehensive surveys to identify and research structures, sites, districts, and archaeological sites and objects significant to Montverde's history.

Policy 1.2.6: Nomination

Encourage nomination to the National Register of Historic Places and or Florida Master Site Files of eligible publicly and privately-owned archeological and historic resources within the Town of Montverde by providing assistance to property owners through the process.

Policy 1.2.7: Formal Process

Establish a formal process to evaluate structures and sites for archeological and historical significance.

Policy 1.2.8: Evaluation

Consider an evaluation process based on the cultural, historical, architectural, and archeological value within the context of adjacent properties, structures, and districts.

Consider an evaluation process of structures based on the structural integrity of the building and the potential level of hazard in renovation or rehabilitation.

Policy 1.2.9: Preservation Efforts

Coordinate preservation efforts with the planning efforts of the Green Mountain Scenic Byway Master Plan to capitalize on regional opportunities that could benefit Montverde.

OBJECTIVE 1.3: IDENTIFICATION AND PROTECTION OF ARCHAEOLOGICAL SITES PROCESS

Commented [SP1]: This language and all language below is the language that was removed from the Future Land Use Element to remove any duplication within the entire Comprehensive Plan document.

Policy 1.3.1: Protection of Archaeological Resources

Discovered archaeological sites shall be protected from alteration, removal or destruction until the Florida Department of State has acted to preserve such site and its artifacts, and archaeological sensitive areas shall be investigated prior to any groundbreaking activities.

Policy 1.3.2: Protecting Potential Archaeological Sites:

Shoreline areas of Lake Apopka in Montverde are known to contain prehistoric artifacts, as evidence by Site File 8LA243, LA02769, LA00544, LA00243, LA00061, LA00273, LA00543, LA01134, LA00473 registered with the Florida Department of State, Division of Historical Resources. The area within one thousand feet of Lake Apopka shall be deemed an archaeological sensitivity zone. Prior to the disturbance of soils, groundbreaking, or the issuance of a building permit, whichever shall be the earliest activity, for a proposed development occurring on undeveloped, vacant or agricultural lands lying in the archaeological sensitivity zone, an archaeological investigation of the site shall be prepared by the applicant of development and a representative of the Town Planning and Zoning Board, or by a professional archaeologist or historian. Where the proposed development exceeds ten acres, the investigation must be conducted by an experienced archaeologist, historian, or person of similar expertise.



Policy 1.3.3: Preventing Destruction of Discovered Archaeological Sites.

Development shall cease construction activities on a development site when unidentifiable artifacts are uncovered during either land preparation or construction. The developer shall notify the Town of such potential discovery, and the Town and/or the developer shall contact the Florida Department of State, Division of Historical Resources, of such discovery. Construction shall not begin until the State has determined the archaeological significance of the discovery and all restrictions which shall be imposed on development of that site. Development may continue in areas which will not impact the site of the discovery.

**GOAL 2: IDENTIFY, PRESERVE, PROMOTE**

**PRESERVE**

To preserve the historical significance of the Town of Montverde's architectural, archeological, and cultural heritage as part of the effort to protect, develop sustainably, and redevelop areas of the Town.

OBJECTIVE 2.1. Encourage preservation through the protection, conservation, rehabilitation, and adaptive reuse of significant historic resources in the Town of Montverde. The Town shall implement Land Development Regulations that set terms for negotiations with landowners prior to the development process to ensure the protection of Archaeological Sites. Until such time as the Town has adopted these standards the following policies shall remain enforced:

Policy 2.1.1: Protection

Historic Sites Shall Be Protected from Destruction, Removal, or Alteration And from Impacts of Adjacent Incompatible Land Uses through Implementation of the Following Policies.

Policy 2.1.2: Historic Building Identification.

Buildings shall be distinguished as historic if the following criteria are met:

- (a) The site is listed on the National Register of Historic Places (National Park Service, U.S. Dept. of Interior), or the Florida Site File (Division of Historic Resources, Florida Dept. of State);
- (b) The age of the subject site exceeds fifty years;
- (c) The building, structure, or object represents the last remaining example of its kind in the neighborhood or Town;
- (d) Documented proof indicates that the site contributed a significant role in the history of Lake County or the State of Florida;
- (e) In the event either b, c or d is met, the owner of the property requests that the Town designate the site as historic or to make such distinction on the Future Land Use Map.

Policy 2.1.3: Historically Significant Sites

The Montverde School House, now serving as the Town Hall, or any structure, building, or site which is deemed historically significant according to Policy 2.1.5 shall be identified on the Future Land Use Map Series.

Policy 2.1.4: Protection from Adjacent Incompatible Land Uses

If type, density and intensity of adjacent land use shown on the Future Land Use Map is not compatible to the preservation of the historic site, then appropriate buffering and screening techniques shall be requirements imposed on encroaching adjacent new development. The minimal degree of buffering and screening requirements shall be that necessary to prevent the adjacent land use from diminishing a designated site's historic value and shall at a minimum be consistent with this Policy.

Policy 2.1.5: Protection of Historic Sites

Alteration or modifications of a designated historic site shall conform to guidelines set forth in the U.S. Secretary of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings." In the event a designated historic site is proposed for demolition, the Town shall follow standards contained in the "Historic American Buildings Survey" to measure the merits of razing the structure.

## Objective 2.2

### Policy 2.2.1: Reviews

Administratively review all requests for additions, alterations, rehabilitation, and demolition of historically significant structures within historic districts or neighborhoods to ensure such activities are compatible with the continued historic viability of the area.

### Policy 2.2.2: Standards

Develop standards for the review of demolition, rehabilitation, renovation, alteration, and new construction in historic districts.

### Policy 2.2.3: Additions

Encourage additions, alterations, and rehabilitation that are sensitive to historically significant structures whenever possible.

### Policy 2.2.4: Value

Encourage other governmental agencies to consider historic and architectural value when taking actions affecting such properties within the Town.

### Policy 2.2.5: Demolition

Prohibit demolition of structures contributing to historic districts and neighborhoods, except in cases where preservation and/or rehabilitation efforts have been thoroughly explored and all alternatives to demolition are not found to be economically feasible.

### Policy 2.2.6: Site Plan Requirement

Establish a requirement that all land development applications requiring site plan or subdivision plat review address the potential occurrence of historical and archaeological resources discovered within property boundaries.

### Policy 2.2.7: Temporary Suspension

Consider a requirement for temporary suspension of land development activities when sites of potential archaeological or historical significance are discovered; should such resources be

deemed significant, require the implantation of appropriate action to preserve resources.

Policy 2.2.8: Code Evaluation

Evaluate current municipal code and comprehensive plan policy on a bi-annual basis to determine if changes are needed.

Policy 2.2.9: Obstacles and Opportunities

Remove obstacles to the rehabilitation of qualified historic structures and create opportunities for continued use or adaptive reuse.

OBJECTIVE 2.3: UTILIZE POLICIES AND REGULATIONS TO SUPPORT PRESERVATION EFFORTS.

Policy 2.3.1: Design Standards

Consider the creation of historical preservation design standards for sites and structures in existing historic neighborhoods and for new development in the historic zoning district or other zoning districts.

Policy 2.3.2: Exemptions

Allow exemptions from the Florida Building Code in cases where strict compliance to the code would interfere with historic rehabilitation in compliance with official guidelines, provided that the exemption does not endanger public health or safety.

Policy 2.3.3: Zoning Districts

Review and update existing development standards of various zoning districts to advance the historical and archeological preservation goals.

Policy 2.3.4: Protection Ordinance

Consider a historical and archeological preservation ordinance which will provide specific criteria designed to protect the historic and archaeological resources of the Town.

Policy 2.3.5: Green Mountain Scenic Byway

Consider policies that complement the regional efforts regarding the Green Mountain Scenic Byway to create eco-tourism opportunities focusing on Montverde's history.

**GOAL 3: IDENTIFY, PRESERVE, PROMOTE**

**PROMOTE**

To promote the historical significance of the Town of Montverde's architectural, archeological, and cultural heritage as part of the effort to protect, develop sustainably, and redevelop areas of the Town.

OBJECTIVE 3.1: PROMOTE MONTVERDE'S ARCHEOLOGICAL, HISTORICAL, AND CULTURAL RESOURCES TO CREATE AN AWARENESS THROUGHOUT THE TOWN OF MONTVERDE, LAKE COUNTY, THE REGION, AND FLORIDA OF THE UNIQUE HISTORY AND CULTURAL AND EDUCATIONAL OPPORTUNITIES WITHIN MONTVERDE.

Policy 3.1.1: Educational programs

Establish and expand educational and public information programs to promote historic resources and their importance to the community.

Policy 3.1.2: Public Documents

Make available and accessible to the public documents pertaining to the identification and preservation of historical and archeological resources within Montverde including documents and maps pertaining to surveys, analyses and reports, as well as historical public records.

Policy 3.1.3: Technical Information

Assist local historical preservation organizations with technical information and available funding opportunities from federal, state, and private resources for historic preservation purposes.

Policy 3.1.4: Promoting Value

Promote the educational, cultural, and recreational value of locally designated historic resources by distribution of public information on these resources in order to promote eco-tourism.

Policy 3.1.5: Need for Preservation

Disseminate information on the historical, archeological, and architectural resources of the community and of the incentives for preservation and restoration of these resources for the purposes on educating the public on the need for preservation and the preferred practices for preservation as it applies to Montverde.

Policy 3.2.4: Ownership Recognition

Encourage private property owners of historically significant structures to receive recognition of historic significance from the State or other agencies.

OBJECTIVE 3.2: PROMOTE MONTVERDE'S INCLUSION AS A KEYSTONE COMMUNITY ALONG THE GREEN MOUNTAIN SCENIC BYWAY FOR THE PURPOSES OF CULTIVATING SUPPORT FOR THE TOWN'S PRESERVATION EFFORTS AND TO CAPITALIZE ON ECO-TOURISM OPPORTUNITIES.

Policy 3.2.1: Historic Tour

Develop an interpretive historic tour within the Town of Montverde highlighting various community resources including historical and archeological assets.

Policy 3.2.2: Partnership to Promote

Pursue a partnership with Lake County and the other partners along the Green Mountain Scenic Byway (Mount Dora, Astatula, Oakland, Winter Garden, and Orange County) to promote the history and eco-tourism opportunities in and around Montverde.

Policy 3.2.3: Public Information Campaign

Develop a public information and marketing campaign to promote the diversity of archeological, historic, cultural, and recreational opportunities in and around Montverde.

Policy 3.2.4: Funding

Seek funding and partnership efforts with Lake County, neighboring jurisdictions, Green Mountain Scenic Byway partners, as well as regional, state, and federal agencies.

## CHAPTER XII



## CHAPTER XII

### PROPERTY RIGHTS ELEMENT

#### Goals, Objectives and Policies

**GOAL 12-1: TOWN OF MONTVERDE WILL MAKE DECISIONS WITH RESPECT FOR PROPERTY RIGHTS AND WITH RESPECT FOR PEOPLE'S RIGHTS TO PARTICIPATE IN DECISIONS THAT AFFECT THEIR LIVES AND PROPERTY.**

OBJECTIVE 12-1.1: THE TOWN OF MONTVERDE WILL RESPECT JUDICIALLY ACKNOWLEDGED AND CONSTITUTIONALLY PROTECTED PRIVATE PROPERTY RIGHTS.

Policy 12-1.1.1: Owner Interests

Town of Montverde will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy 12-1.1.2: Use of Property

Town of Montverde will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy 12-1.1.3: Privacy

Town of Montverde will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 12-1.1.4 Disposition of Property

Town of Montverde will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

OBJECTIVE 12-1.2 PEOPLE HAVE THE RIGHT TO PARTICIPATE IN PLANNING AND DEVELOPMENT DECISIONS THAT AFFECT THEIR LIVES

AND PROPERTY. TOWN OF MONTVERDE DECISION-MAKING WILL BE TRANSPARENT SO THAT ALL PEOPLE MAY PARTICIPATE IN DECISIONS THAT AFFECT THEIR LIVES AND PROPERTY. POLICIES 2.1 THROUGH 2.4 PROVIDE MINIMUM STANDARDS FOR SOME PLANNING AND DEVELOPMENT DECISIONS. LAND DEVELOPMENT REGULATIONS MAY PROVIDE FOR ADDITIONAL PROCESSES AND STANDARDS.

Policy 12-1.2.1: Decisions for which Town of Montverde must follow policies 2.2 through 2.4.

Town of Montverde must follow the procedures in policies 12-1.2.2 through 12-1.2.4 when Town of Montverde: amends this comprehensive plan; changes the zoning designation of property; or approves a development order for more than three (3) residential dwelling units, for more than 9,999 square feet of non-residential development, governing more than five [5] acres of land, requiring a variance, or requiring an exception.

Policy 12-1.2.2: Public Hearing Necessity

A decision policy 2.1 identifies must occur in a public hearing meeting the standards of this policy.

12-1.2.2.A. Any affected person may participate. Town of Montverde recognizes that planning and development decisions affect complex systems and have impacts that occur beyond the site of development. Any affected person may participate in and be a party to a hearing on a decision this policy governs. An affected person is any person or local government that will suffer an adverse effect to an interest protected or furthered by this comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large. An owner, developer, or applicant for a development order is an affected person. An association representing the interest of one or more members when the interest is within the association's general scope of interest and activity is an affected person.

12-1.2.2.B. An affected person's right to be heard

The Town of Montverde recognizes that it should make planning and development decisions in response to true and accurate information. In all decisions this policy governs, Town of Montverde will provide every affected person an equal opportunity to be heard, to present and rebut evidence, and to be informed of all information on which Town of Montverde bases its decision. Town of Montverde will not grant any affected person a greater opportunity to be heard than another affected person. For example, no affected person, including an applicant for a development order, may present in a hearing for more time than Town of Montverde makes available to any other affected person.

Policy 12-1.2.3: Public Notice

The Town of Montverde recognizes that a person cannot participate in decisions about which they are unaware. In addition to providing notice as other laws require, when Town of Montverde makes a decision policy 2.1 identifies that relates to a piece or to pieces of real property that Town of Montverde can specifically identify, Town of Montverde will, at least 14 days before the hearing, mail notice of the hearing to the owners of real property and to residents within a minimum of 300 feet of the real property to which the decision relates. This will apply to all applications for Re-Zoning, Comprehensive Plan Amendment, and Variance requests.

Policy 12-1.2.4: Public Pre-Application Meeting

The Town of Montverde recognizes that planning and development decisions raise issues which Town of Montverde may not be capable of adequately addressing in a single hearing and that Town of Montverde will make the best decisions when every affected person has the opportunity to participate early and throughout the decision-making process. The applicant for a decision policy 2.1 identifies (or Town of Montverde if Town of Montverde initiates the decision-making process) shall make every effort possible to hold a public pre-application meeting prior to applying for or initiating the decision-making process. The party holding the meeting must request, at least

30 days before the meeting, that Town of Montverde provide notice of the meeting via newspaper and website that Town of Montverde provides notice of public meetings and Town of Montverde will comply with this request. In addition, if a proposal relates to a piece or to pieces of real property that the party holding the meeting can specifically identify, then the party holding the meeting must, at least 30 days before the meeting, mail notice of the meeting to residents and to owners of real property within 300 feet of the real property to which the proposal relates. In the meeting, the party holding the meeting must: present its proposal, provide time for all people attending to ask questions and share their perspectives, and record notes which it will provide to Town of Montverde and which Town of Montverde will make a part of the record related to its decision on the proposal.

OBJECTIVE 12-3: PEOPLE RELY ON THIS COMPREHENSIVE PLAN AND ON THE ZONING DESIGNATIONS OF PROPERTIES WHEN DECIDING HOW TO USE PROPERTY. THE TOWN OF MONTVERDE DECISION-MAKING WILL BE RELIABLE AND PREDICTABLE TO PROMOTE SOUND, LONG-TERM INVESTMENTS IN THE COMMUNITY. POLICIES 3.1 THROUGH 3.3 PROVIDE MINIMUM STANDARDS FOR SOME PLANNING AND DEVELOPMENT DECISIONS. LAND DEVELOPMENT REGULATIONS MAY PROVIDE FOR ADDITIONAL PROCESSES AND STANDARDS.

**Policy 3.1 Decisions for which Town of Montverde must follow policies 2.2 and 2.3.** Town of Montverde must follow the procedures in policies 2.2 and 2.3 when Town of Montverde amends this comprehensive plan or changes the zoning designation of property.

## **REMINDERS AND ADJORNMENT**