

ORDINANCE 2022-11

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, FLORIDA, TO CHANGE THE ZONING FROM LAKE COUNTY AGRICULTURE TO TOWN OF MONTVERDE PLANNED UNIT DEVELOPMENT - PUD - RESIDENTIAL FOR THE HEREIN DESCRIBED PROPERTY OWNED BY MONTVERDE LANDCO LLC AND LOCATED NORTH OF OSGOOD ROAD, SOUTH AND WEST OF LAKE APOPKA, AND NORTHEAST OF COUNTY ROAD 455; DIRECTING THE TOWN MANAGER TO AMEND THE ZONING MAP AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SCRIVENER'S ERRORS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Thomas J. Settle, as applicant on behalf of the owner, Montverde Landco LLC, requested a rezoning from Lake County Agriculture to Town of Montverde Planned Unit Development – PUD - Residential; and

WHEREAS, the subject properties consist of 111.411+/- acres located, and is more particularly described herein, consisting of Lake County Parcel Nos. 01-22-26-1500-000-00C00; 35-21-26-0004-000-00400; 36-21-26-0003-000-00100 and 02-22-26-0001-000-00100.

WHEREAS, the property has a future land use designation of Single-Family Low Density Residential as shown on the Town of Montverde Comprehensive Plan Future Land Use Map; and

WHEREAS, the proposed zoning is consistent with the future land use designation; and

WHEREAS, the Planning and Zoning Board of the Town of Montverde held a public hearing on this ordinance, which was advertised in accordance with law, and

WHEREAS, the Town has held such public hearing and the records of the Town provide that the owners of the land affected have been notified as required by law; and

WHEREAS, this Ordinance has been advertised in a newspaper of general circulation in the town no less than 10 days prior to the public hearing.

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

Section 1: Zoning Classification.

That the Property shall be designated as Town of Montverde Planned Unit Development – PUD - Residential in accordance with Land Development Code of the Town of Montverde, Florida, and this Ordinance.

See attached legal description attached hereto as **Exhibit A.**

Lake County Parcel Id Nos. 01-22-26-1500-000-00C00; 35-21-26-0004-000-00400; 36-21-26-0003-000-00100 and 02-22-26-0001-000-00100 (the “Property”).

The Property is more particularly depicted in **Exhibit B** attached hereto and incorporated herein.

Section 2: Terms.

The uses of the Property will be limited to those uses specified in this Ordinance and generally consistent with the Conceptual Plan attached as **Exhibit C**. To the extent there are conflicts between **Exhibit C** and this Ordinance, this Ordinance will take precedence.

A. Permitted Land Uses.

1. Residential - a maximum of 222 single-family dwelling units.
2. Accessory uses directly associated with the single-family dwelling units may be approved by the town manager or designee.
3. Any other use of the Property not specified herein will require approval of an amendment to this Ordinance by the Town Council.

B. Setbacks. The minimum setback for residential development shall be as follows:

Single family dwelling unit:

Front: 10 feet from the property line

Side: 5 feet from the property line

Rear: 25 feet from the property line, except pools located in the rear yard 15 feet from property line

1. All development, including but not limited to fences, sheds, and accessory structures, excluding permitted docks shall adhere to a minimum setback of 50 feet from the delineation of the seasonal high-water elevation or jurisdictional wetland line (whichever line is higher). The seasonal high-water elevation and jurisdictional wetland line shall be established by a qualified professional using soil conditions and vegetative indicators. In ground concrete or fiber glass pools and associated pool decking are permitted within the 50-foot setback but must be at least 25-feet from the seasonal high-water elevation or wetland jurisdictional line (whichever line is higher). Sec. 10-90, Art. III, Ch. 10, LDC.
2. Any setback not specified must be in accordance with the Town of Montverde Land Development Code, as amended.

C. Environmental Requirements.

1. Prior to any development, a current environmental assessment must be submitted to identify impacts to wetlands, habitat, wildlife corridors, flora, and fauna.
2. Must adhere to all Comprehensive Plan and Land Development Code regulations, as amended.

D. Stormwater Management. The storm water management system shall be designed in accordance with all applicable Town of Montverde and St. Johns River Water Management District (SJRWMD) requirements; as amended.

E. Utilities.

1. The provision of potable water must be permitted in accordance with Florida Department of Health, Florida Department of Environmental Protection, Town of Montverde Comprehensive Plan and Town of Montverde Code of Ordinance regulations.
2. The provision of wastewater service must be permitted in accordance with Florida Department of Health, Florida Department of Environmental Protection, Town of Montverde Comprehensive Plan and Town of Montverde Code of Ordinance regulations.
3. The parties will enter into a utility services agreement prior to preliminary plat approval.
4. All homes must be Water Star Certified.

F. Recreation areas.

1. Recreation areas must be allocated on the site in accordance with Policy 1-1.14.1 (C), Montverde Comprehensive Plan.
2. Provide and dedicate land for a trail as an extension of the South Lake Trail.

G. Open space/Impervious Surface Ratio.

1. Minimum open space standard is 20% in accordance with Policy 1-1.1.2, Montverde Comprehensive Plan.
2. Maximum area of site to be covered by impervious surface is 50% in accordance with Policy 1-2.27(B), Montverde Comprehensive Plan.

H. Parking.

1. Parking shall be accomplished in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions.

I. Transportation.

1. Kirkland Road, 8th Street, and Temple must be widened and sidewalks constructed, both in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions.
2. Transportation including roads, trails, sidewalks, and access shall be constructed in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions and in accordance the Town of Montverde adopted Standard Utility Details.

J. Lighting.

1. Lighting shall be constructed in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions.

K. Signage.

1. Signage shall be constructed in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions.

L. Sidewalks.

Sidewalks must be 6' in width.

M. Landscaping.

1. Landscaping shall be accomplished in accordance with the Town of Montverde Neighborhood Standards and Guidelines Manual for New Subdivisions, and shall also include:
 - i. Within each residential lot, no more than 55 percent of the total landscape coverage is permitted to contain turfgrass.
 - ii. All landscape materials throughout the subdivision shall be Florida Friendly landscape materials.
 - iii. Landscape perimeter buffers must be comprised of 100 percent Florida native plants.
 - iv. All trees installed for canopy coverage in areas including Residential lots, Right-of-Way, Open Space, and Common Areas must be native to Florida. This does not preclude the use of specimen fruit trees in appropriate areas. Canopy coverage utilizing palm trees must include palm species native to Florida. Trees that grow up to 30' should be planted at least 4' from any sidewalk, 30'-50' trees should be planted at least 6' from any sidewalk, and trees that grow to over 50' should be planted at least 8' from any sidewalk (including fruit trees approved by UF-IFAS).
 - v. Invasive Plant Species (as identified by the USDA Federal Noxious Weed List or UF-IFAS) must be removed from the entire Property prior to construction.
 - vi. Outreach Materials Landscaping - The developer/builder shall provide an educational brochure to each homeowner indicating to the homeowner acceptable landscape materials as defined by the Neighborhood Standards and Guidelines Manual for New Subdivisions. The brochure shall include information concerning the use fertilizers pursuant to the Town's code and proper use recommendations from UF-IFAS.

N. Neighborhood Standards and Guidelines Manual for New Subdivisions.

1. The development must adhere to all other design criteria within the Neighborhood Standards and Guidelines Manual for New Subdivisions including, but not limited to:
 - i. Low Impact Development (LID) principles in accordance with the Neighborhood Standards and Guidelines Manual for New Subdivisions must be incorporated into the site plan and construction plans prior to the Town's Final Plat approval.
 - ii. Fence -acceptable fencing include Wrought Iron, Picket Fences (wood or vinyl) "Montverde Style" fence. Prohibited fence styles include Chain link, wire mesh, Wood or Vinyl Stockade Style Fences of any size, Barbed wire, chicken wire (or similar), field fences, and wire fences of any type or construction with opaque fabric. Fences of any type are discouraged in front yards but permitted so long as they are 4 ft in height or less. Privacy fences are permitted around pools and spas but not on property boundaries.
 - iii. Outreach Materials LID – In order for a development to successfully sustain LID and Landscaping techniques planned for installation, it is important for all stakeholders in a project to understand the LID measures and use of native landscapes and each individual's role to protect the water and landscape environment. Contractors should understand the proper installation methods; builders should understand the value of proper installation and maintenance of the LID measures; and future/ potential property purchasers and owners should be made aware of the value that inclusion of LID in the site design has for the owner, as well as understand the importance of, and ensuring that future maintenance and operation occurs.

Section 3: Conditions:

1. HOA Documents will require the developer to include language relative to architectural review which are consistent with the conditions listed above, requiring a mixing of colors, styles, facades, and other features that will distinguish each home and ensure that the "Montverde Style" (not anywhere America) is adhered to.
2. The Developer is responsible for construction of all infrastructure inside the community and leading to the development, meeting all Montverde standards including but not limited to water, gas, sewer, electric, roads, sidewalks, and water retention/detention.
3. HOA documents will include provisions for maintaining in perpetuity all roads, sidewalks, and common area features.
4. The Developer will meet all development requirements/comments of the Town's Engineer, Town Attorney, Town Manager, Town Planner as defined under the Town's development codes.

Section 4: General Conditions.

- A. No person, firm, or corporation may erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, add other uses, or alter the land in any manner within the boundaries of the above described land without first obtaining the necessary approvals in accordance with the Town of Montverde Code, as amended, and obtaining the permits required from the other appropriate governmental agencies.
- B. This Ordinance will inure to the benefit of, and will constitute a covenant running with the land and the terms, conditions, and provisions of this Ordinance, and will be binding upon the present Owner and any successor, and will be subject to each and every condition in this Ordinance.
- C. The transfer of ownership or lease of any or all of the property described in this Ordinance must include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions established by this Ordinance and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following procedures contained in the Land Development Code, as amended.
- D. Action by the Town Code Enforcement Special Master. The Town Code Enforcement Special Master will have authority to enforce the terms and conditions set forth in this ordinance and to recommend that the ordinance be revoked.

Section 5: Consistent with Comprehensive Plan.

That the zoning classification is consistent with the Comprehensive Plan of the Town of Montverde, Florida.

Section 6 Official Zoning Map.

That the Town Manager, or designee, is hereby directed to amend, alter, and implement the official zoning maps of the Town of Montverde, Florida, to include said designation consistent with this Ordinance.

Section 7: Severability.

That if any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

Section 8: Scrivener's Errors. Scrivener's errors in the legal description may be corrected without a public hearing or at a public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

Section 9: Conflict.

That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 10: Effective Date.

This Ordinance shall become effective immediately upon its approval and adoption by the Town Council of the Town of Montverde.

ADOPTED AND APPROVED by the Town Council of the Town of Montverde, Lake County, Florida this ____ day of _____, 2022.

Joe Wynkoop, Mayor

Attest:

Approved as to form and legality:

Sandy Johnson, Town Clerk

Anita Geraci-Carver, Town Attorney

First Reading _____

Second Reading _____

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

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

EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

EXHIBIT B
MAP DEPICTING PROPERTY

EXHIBIT C
CONCEPTUAL PLAN