



# STAFF REPORT

**TO:** Montverde Planning & Zoning Board  
**DATE:** May 31, 2022  
**APPLICANT:** Montverde Landco, LLC  
**RE:** Ordinance 2022-10 Future Land Use Map Amendment  
Ordinance 2022-11 Re-Zoning Designation  
**FROM:** Sean M. Parks, AICP, QEP – Consulting Town Planner

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## SECTION 1 – FUTURE LAND USE MAP AMENDMENT

- Requested Action/Recommendation
- Applicant/Owner Information
- Property Information
- Background Information
- Basis of Review
- Waiver/Variance Requests
- Additional Conditions for Approval
- Ordinance 2022-10 (FLUM Amendment)

### **REQUESTED ACTION / RECOMMENDATION:**

The subject Property has been annexed into the Town of Montverde for at least fifteen (15) years. The Property was annexed into the Town without a Town of Montverde Future Land Use Map Designation. All cities and counties in Florida are required to have Comprehensive Plans and must contain a Future Land Use Map (FLUM) with land use designations.

Whether approval is granted or not for the applicant's subsequent request for a subdivision, the Montverde land use designation of *Single-Family Low Density Residential – PUD* is appropriate for the Property because the "PUD" designation and Town's *Neighborhood Standards & Guidelines Manual for New Subdivisions* will always require an additional three step approval process (Sec. 8-4 LDC) by Town Council before proceeding with any development.

Therefore, staff recommends **Consideration of Ordinance 2022-10** granting the applicant's petition to amend the Town's Future Land Use Map designating the "Osgood Property" as Single-Family Low-Density Residential - PUD (Planned Unit Development).



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**Applicant:** Thomas J. Settle  
2 N Tamiami Trail, Suite 800  
Sarasota, FL 34236

**Owner:** Montverde Landco, LLC  
2 N Tamiami Trail, Suite 800  
Sarasota, FL 34236

## **PROPERTY INFORMATION:**

The Property is located on Kirk Island Ln and Taylor Graybeal Rd in Montverde (Alt Keys 1031168, 1066352, 1064112, 1028124). See Figure 1. The subject parcels total approximately 111.4-acres.

## **BACKGROUND INFORMATION:**

Two parcels of the subject Property (ALT Key Nos. 1031168 and 1066352) were annexed into the Town of Montverde in 1998. The remaining two parcels (ALT Key Nos. 1028124 and 1064112) were annexed into the Town in 2007. All four parcels retained their Lake County Comprehensive Plan Future Land Use designation of Agriculture.

## **BASIS OF REVIEW:**

Land Use decisions shall be based on the availability of public services and in the ability of an applicant's proposed project to meet or exceed the Town's Land Development Codes and policies pertaining to the proposed Future Land Use Map category, all Elements of the Comprehensive Plan, and the proposed Zoning Map District Designation.

The applicant will be required to adhere to the subdivision and development criteria prescribed in Chapter 4, Chapter 8, and Chapter 10, Town of Montverde including the *Town's Neighborhood Standards & Guidelines Manual for New Subdivisions*.

During review of this FLUM application, staff had the following concerns about whether the applicants' proposed FLUM designation based on intended use is consistent with all Elements of Montverde's Comprehensive Plan:



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## 1.) **Traffic and consistency with the *Montverde Trails and Sidewalk Plan***

The Osgood Property Application proposes a significant traffic impact to the surrounding local road system. Two (2) access points will be required.

Kirkland Road, 8<sup>th</sup> Street, 9<sup>th</sup> Street and Broad Street are 20-ft in width or less. The width and condition of these roads are not capable of addressing the proposed increase traffic demand. Therefore, the Town will require two roads be improved entirely to the current Town standard and installation of a 6-ft sidewalk to connect to CR455 and Lakeside Drive. Additionally, at a minimum, a 6-ft sidewalk will be required on at least one side of the improved roads.

## 2.) **Consistency with the Goals, Objectives and Policies of Montverde's *Archaeological and Historic Resources Element of the Comprehensive Plan*.**

The Osgood Property is eligible for designation on the National Registry of Historic Places based on its archaeological resource value (see the Montverde Heritage Project – 2018).

The applicant must address how the request for land use and zoning changes will be consistent with the following portions of the Town's *Archaeological and Historic Resources Element of the Comprehensive Plan*:

### *Policy 1.2.1.*

*Continue ongoing comprehensive survey of all archeological, historical, and cultural resources within and around the Town.*

### *Policy 1.2.2.*

*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 2.1.1.*

*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.*



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## 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.

*Establish and expand educational and public information programs to promote historic resources and their importance to the community.*

### Policy 3.1.2.

*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 3.1.4.

*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.*

## **3.) Consistency with the Town's Open Space and Recreation Element**

The applicant must demonstrate consistency with the Town's Open Space and Recreation element. The applicant must address required open space and mitigating the increased demand for recreational and open space as a result of increasing the Town's population.

## **4.) Sewer**

The Property is within the Lake Apopka Basin with special water quality criteria. Standard septic tank systems are not permitted.

## **5.) Montverde's Neighborhood Standards and Guidelines Manual for New Subdivisions.**

The applicant will be required to adhere to *Montverde's Neighborhood Standards and Guidelines Manual for New Subdivisions*. The applicant must demonstrate compliance and/or obtain waivers from the Town





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Council prior to issuance of the Preliminary Plat and may be required to amend the PUD ordinance.

The applicant is requesting waivers from five (5) requirements of the Montverde's *Neighborhood Standards and Guidelines Manual for New Subdivisions* (Manual). Most portions of the Manual and requested waivers can be addressed during the Preliminary Plat approval process such as architectural requirements and landscaping.

The applicant proposes to ensure consistency with all Elements of the Town's Comprehensive Plan by addressing staff's aforementioned concerns in the following (provided by applicant):

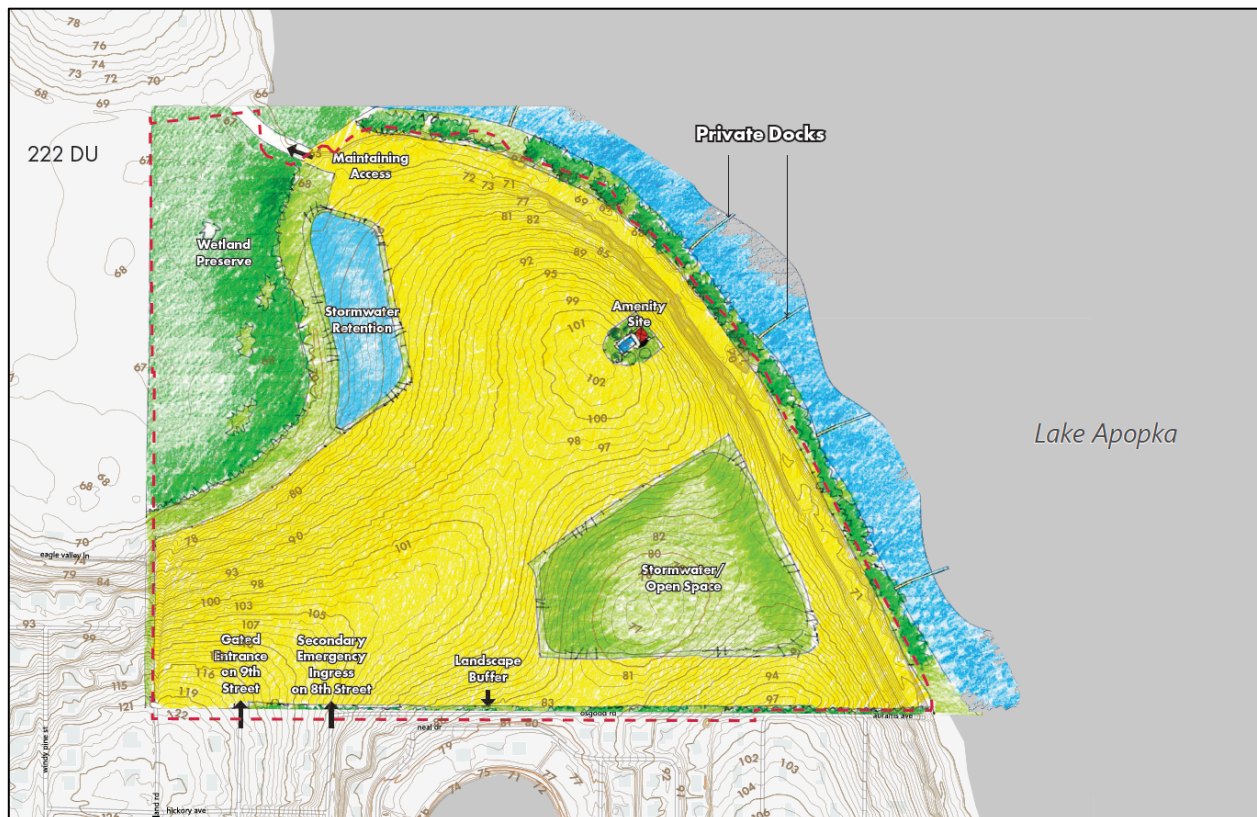
1. *As the Comprehensive Plan Amendment process has many steps (transmittal to DEO, response from DEO, and adoption by the Town) we would like to expedite this process as much as possible. On the rezoning request to Planned Unit Development, we feel we have more time to refine our site plan as we continue to engage with potential builders and with your staff on many of the technical aspects of the development. We hope to finalize many of these details after the transmittal step is completed.*
2. *With regard to access management, we clarified that the right-of-way does not allow us to make Kirkland Road our main arrival point. Instead, we are proposing that we maintain 9th Street as our gated main entrance. We propose to request a waiver to allow this. We also propose to provide a secondary emergency access point at 8th Street (see our revised Concept Plan).*
3. *With regard to providing wastewater services, and capacity for water and sewer services to support the proposed development, we will continue to work with the Town Staff to explore and resolve these issues.*
4. *We propose to utilize the capacity of 9th Street to meet our needs. It is our belief that the level of service on this roadway is likely above level of service A and after buildout we are confident it will continue to remain at level of service A at peak hour. This will be studied in detail by our traffic engineer. In the event that the current level of service cannot be maintained we will work with staff to explore alternative solutions. We propose to meet our proportionate fair share payment of project transportation impact fees.*
5. *A six (6) foot sidewalk providing East–West connectivity is something we can also explore in more detail as the site plan evolves.*
6. *The Developer intends to work with staff to document the highlights of the Town's Archaeological and Historic Resources Element. This might include a*



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small kiosk with pertinent information or signage which amplifies key archaeological information.

7. The Developer intends to maintain a private community within the development.



The applicant's supporting information and staff's comments are provided in the Appendix to this report.

## **WAIVER/VARIANCE REQUESTS:**

The applicant's proposed plan must conform with the Town of Montverde's *Neighborhood Standards & Guidelines Manual for New Subdivisions*. The applicant has requested waivers of the following criteria:

1. E.3.e.i. Where lots are 50-ft. or less in width, garages must be alley loaded.
2. E.3.e.v. Garages must be a minimum 27 ft x 29 ft interior size.
3. F.2.a. Intersections along primary entry road(s) to neighborhoods of ten (10) or more homes must contain a traffic circle at the main entry point of first



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intersection. Traffic circle size shall be determined by FDOT's Florida Green Book.

4. F.6. Internal Sidewalks -A minimum six (6) foot-wide concrete sidewalk shall be constructed along each side of all streets.

5. Permitting Accessory Dwelling Units (ADUs) are anticipated.

Staff recommends not approving waiver requests at this time. Waiver requests will be considered during the Preliminary Plat hearing process. An additional hearing to amend the PUD ordinance granting waivers may also be required.

## **ORDINANCE 2022-10:**

### **ORDINANCE 2022-10**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA, AMENDING THE TOWN OF MONTVERDE'S COMPREHENSIVE PLAN PURSUANT TO 163.3184, FLORIDA STATUTES, BY AMENDING THE COMPREHENSIVE LAND-USE PLAN DESIGNATION FROM LAKE COUNTY AGRICULTURE TO TOWN OF MONTVERDE SINGLE FAMILY LOW DENSITY RESIDENTIAL – PUD ON THE FUTURE LAND-USE MAP FOR THE HEREIN DESCRIBED PROPERTY; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; THE DIRECTING THE TOWN MANAGER TO AMEND SAID COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE;**

WHEREAS, the Town of Montverde desires to amend the Comprehensive Plan for the Town of Montverde by assigning a future land use designation to the property more particularly described below and amending the future land use map to reflect the assigned future land use designation; and

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

WHEREAS, the Town Council of the Town of Montverde public hearing has been advertised as required by law for two public hearings with the first public hearing occurring at least 7 days after the first advertisement was published and the second public hearing for adoption of this ordinance occurring at least 5 days after the day of the second advertisement; and



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WHEREAS, the Town Council of the Town of Montverde hereby finds and determines that the plan amendment is internally consistent with the Town's Comprehensive Plan; and

WHEREAS, it is in the best interests of the Town of Montverde to amend the Comprehensive Plan for the Town of Montverde as set forth herein.

Now, therefore, it be ordained by the Town Council of the Town of Montverde, Florida:

Section 1. Legislative Findings. The recitals set forth above are hereby adopted as legislative findings of the Town Council of the Town of Montverde.

Section 2. Future Land Use Designation Amendment.

- A. The Property is legally described in Exhibit A attached hereto. The location of the property is depicted on Exhibit B for visual reference. The Property consists of 111.411 +/- acres.
- B. That portion of the Future Land Use Element referenced as the Future Land Use Map of the Town of Montverde Comprehensive Plan is hereby amended by changing the Town of Montverde Future Land Use Map designation of the property described in Exhibit A (the "Property") from Lake County Agriculture and designating the Property on the Future Land Use Map to:

## **TOWN OF MONTVERDE SINGLE FAMILY LOW DENSITY RESIDENTIAL – PUD**

Section 3. Severability.

Upon a determination that by a court of competent jurisdiction that a portion of this ordinance or the comprehensive plan adopted hereby is void, unconstitutional or unenforceable, all remaining portions shall remain in full force and effect.

Section 4. Scrivener's Errors.

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



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## Section 5. Direction to the Town Manager

Upon the Effective Date of this ordinance, the town manager or designee is hereby authorized to amend the comprehensive plan and future land-use map as identified herein after compliance with F.S. 163.3184 and F.S. 163.3184(11).

## Section 6. Repeal

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

## Section 7. Adoption

After adoption, a copy hereof shall be forwarded to the Department of Economic Opportunity.

## Section 8. Effective Date

This ordinance shall become effective upon the 31<sup>st</sup> day after adoption unless timely challenged, and then will become effective upon the date a final order is issued by the Department of Economic Opportunities or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.





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## SECTION 2 – CHANGE OF ZONING DESIGNATION

- Requested Action
- Background Information
- Zoning & Existing Conditions
- Basis of Review and Analysis
- Summary
- Waiver Request Analysis
- Summary
- Staff Recommendation
- Ordinance 2022-11 (Re-Zoning Designation)
- Maps and Concept Plan

### **REQUESTED ACTION:**

The applicant is requesting approval of Ordinance 2022-11 granting the applicant's petition to change the zoning designation of the "Osgood Property" from Agricultural to Single Family Low Density Residential - PUD (Planned Unit Development).

### **BACKGROUND INFORMATION:**

Parks Consulting Services (PCS) has reviewed the Rezoning Application for the above referenced project. The applicant, Montverde Landco LLC, is proposing to construct up to 222 single-family residences on the property. The application was reviewed to ensure consistency with the Town of Montverde Land Development Code (LDC).

Two parcels of the subject Property (ALT Key Nos. 1031168 and 1066352) were annexed into the Town of Montverde in 1998. The remaining two parcels (ALT Key Nos. 1028124 and 1064112) were annexed into the Town in 2007. All four (4) parcels retained their Lake County Zoning Designation of Agriculture.

### **ZONING & EXISTING CONDITIONS:**

The property is currently zoned Lake County Agricultural. The subject Property is vacant.



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ADJACENT PROPERTY ZONING DESIGNATIONS	
North	Lake County Agricultural, Lake Apopka
South	Medium Density District and Single-Family Residential Affordable/ Manufactured Housing District
East	Lake Apopka
West	Lake County Agricultural, Single Family Low Density District

## **BASIS OF REVIEW AND ANALYSIS:**

- **Sec. 10-9 - Review criteria**

The town shall consider the following criteria in reviewing applications for rezoning:

(1) **The need and justification for the change;** To provide proper Zoning Designation and Amend the Future Land Use to allow for a residential development of up to 222 homes in an area with mixed medium-density and low-density districts. Residential uses are consistent with both Lake County and Montverde Agricultural Land Uses as specified in Lake County's and Montverde's Comprehensive Plans.

(2) **The effect of the change, if any, on the particular property and on surrounding properties;** Town staff asserts the change will influence the surrounding properties especially due to an increase in traffic. However, with proper planning and required road improvements to at least two (2) access roads from Lakeside Drive and CR455 to the point of entry, the traffic impacts will be mitigated.

Architectural standards will be required through the Town's *Neighborhood Standards and Guidelines Manual for New Subdivisions* criteria that will prohibit a "cookie-cutter" development pattern that is a fiscal drain on the Town and residents and one that reduces property values.

(3) **The amount of undeveloped land having the same classifications as that requested in the general area and throughout the town;** There are five (5) lots which are zoned Single Family Medium-Density (4 units/acre).





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The Pines of Montverde subdivision (2 units/acre) is located nearly adjacent to the west Property and is completely built out.

**(4) The relationship of the proposed amendment to the purposes of the Town's comprehensive plan, with appropriate consideration as to whether the proposed change will further the purposes of this LDC and the plan;** The Town expresses a vision to maintain its small-town charm and natural character. If this zoning designation is approved, the applicant must adhere to requirements of the *Neighborhood Standards and Guidelines Manual for New Subdivisions* to protect this vision.

The Town expresses a vision to maintain its small-town charm and natural character. If this zoning designation is approved, the applicant must adhere to requirements of the *Neighborhood Standards and Guidelines Manual for New Subdivisions* to protect this vision.

**(5) The availability and provision of adequate services and facilities;** The applicant will be required to improve at least two (2) access roads and construct sidewalks.

Kirkland Road, 8<sup>th</sup> Street, 9<sup>th</sup> Street, Temple Street, and Broad Street are 20-ft in width or less. The width and condition of these roads are not capable of addressing the proposed increase traffic demand. Therefore, the Town will require two roads be improved entirely to a standard width of 24-ft and installation of a 6-ft sidewalk to connect to CR455 and Lakeside Drive. Additionally, at a minimum, a 6-ft sidewalk will be required on at least one side of the improved roads.

**(6) The impact on the natural environment;** The applicant will be required to implement Low Impact Development (LID) Criteria as required by the *Neighborhood Standards and Guidelines Manual for New Subdivisions*. LID requirements will ensure run-off does not impact water resources. Homes must be Florida Water Star certified to minimize impacts to the aquifer.

**(7) Other criteria as may be applicable;** The applicant would be required to adhere to the Town's *Subdivision Criteria and Design Manual and Montverde Walks – Sidewalk and Trail Plan*. (Ord. No. 2003-01, § 4.3.4, 3-11-2003)

The applicant's request is to construct residential structures/homes within a residential district. The applicant will meet the basis of review criteria through adherence of the Town's subdivision design criteria.



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## **APPLICABLE CODE:**

- Sec. 8-4. – Procedures for review of development plans and plats.  
There shall be a three-step process for the approval of all subdivision plats. This process is intended to permit full and adequate review by the town in order to ensure and protect the public interest. This process will also benefit the applicant by identifying conceptual problems with the development and offering solutions to alleviating those problems prior to the preparation of detailed plans. This three-step process shall be as follows:
  - (1) Preliminary development plan;
  - (2) Final development plan; and
  - (3) Record plat.(Ord. No. 2003-01, § 6.3, 3-11-2003)
- Sec. 8-5. - Preliminary development plan—Purpose and stage of proposal.  
The purpose of the preliminary development plan is to provide for an initial review of the development proposal and the basic development concepts prior to proceeding with the detailed phases of the preliminary development plan. The applicant will provide a concise statement and description of the development proposal. The expenses for engineering studies, detailed surveying, legal information and planning studies may not be necessitated at this stage.  
(Ord. No. 2003-01, § 6.4, 3-11-2003)
- Sec. 8-6. - Same—Review and approval procedure.
  - (a) Initial point and deadline. All submittals must be made to the town clerk in order to be reviewed by the town's consultants and scheduled for a planning and zoning committee hearing.
  - (b) Submittals and fees. Preliminary development plan submittals shall be as required. Appropriate fees shall be paid at the time of submittal.
  - (c) Review process. Each preliminary development plan shall follow a standard review process as outlined below:
    - (1) All submittals will be compiled and circulated by the town clerk to the consultants for review and comment.
    - (2) The submittals shall be reviewed by the consultants and a written report will be forwarded to the mayor for review.
    - (3) If significant problems with the design layout or physical properties with the site are indicated, the consultants may request that the applicant provide additional information as deemed necessary before making a decision on the preliminary development plan as submitted.



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(4) The application will be forwarded to the planning and zoning committee along with the consultant's recommendations.

(5) The application will then be forwarded to the town council with the planning and zoning committee's recommendation and the consultant's recommendations.

(d) Street names. All street names must be approved by the addressing division of the county public works department.

(e) Time limit on approval. An approved preliminary development plan will automatically lapse if a final development plan has not been submitted for the site within one year of preliminary development plan approval. An extension to the one-year time limit may be considered by the planning and zoning committee upon written request by the applicant prior to the expiration date which shows good cause for extension. Up to two six-month extensions may be allowed before a reapplication is required.

(Ord. No. 2003-01, § 6.4.1, 3-11-2003)

- Sec. 8-7. - Same—Required submittals.

The preliminary development plan shall be drawn at a scale of not less than 100 feet to one inch, submitted in 15 copies, and shall show the following:

(1) Title block.

(2) Legend, title, scale, north arrow, approximate acreage to be subdivided, current zoning, total number of lots, minimum lot size and name, address and telephone number of the applicant or the applicant's representative.

(3) Legal description of the tract to be subdivided.

(4) Vicinity map, showing relationship between area proposed for development and surrounding streets and public facilities, shall be at a scale of not less than one-inch equals 2,000 feet.

(5) Existing streets. The name, location and right-of-way width of all existing streets which abut the proposed subdivision and existing easements on the property and location of all existing driveways and median openings within 100 feet.

(6) Proposed streets and the width of proposed street right-of-way.

(7) Lots and preliminary lot layout with approximate dimensions shown.

(8) Soil classification map drawn on the face of the plan for comparison with proposed development activities shall be provided and shall indicate soil classifications on the plat as identified by the United States Department of Agriculture Soil Conservation Service in the Lake County Area Soil Survey. An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense,



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demonstrating that the identified soils are not classified correctly. If said determination is concurred in by the town's consulting engineer, the soils shall be correctly identified for the purpose of this LDC. Soil analysis by a qualified soil engineer shall be furnished, upon request of the town's consulting engineer, for submittal with the preliminary plat.

(9) Topography, contours at one-foot intervals for the tract being subdivided and extending 25 feet beyond the property line, including water surface elevations and date recorded.

(10) Other natural features, including lakes, marshes or swamps, watercourses and other pertinent features as shown on a recent aerial photo. Location of all trees on site which are a minimum of six inches in diameter measured three feet above ground. Trees with a diameter of 24 inches or greater shall be identified by type, height, diameter and canopy spread.

(11) Limits of floodplain, indicating flood elevation, drawn on the face of the plan, for a 100-year flood as established by the United States Geological Survey Map series entitled, Map of Floodprone Areas, the Department of Housing and Urban Development Flood and Floodway Boundary Maps or the Federal Emergency Management Agency (FEMA). An applicant may challenge this designation by securing competent expert evaluation, at the applicant's own expense, demonstrating that the property does not fall within the designated flood delineation. If the expert determines that the property in question is not within a floodprone area, and this determination is concurred by the town's engineering consultant, the purpose of this section shall be fulfilled.

(12) Utilities: proposed source of water, sewer, electric and gas.

(13) Drainage concept plan, indicating general flow directions and retention areas.

(14) Boundaries of the tract shown by a heavy line.

(15) Zoning of adjacent properties.

(16) Names of abutting subdivisions, if any, and the recordation date and plat book and page number.

(17) Other existing improvements including buildings on the tract.

(18) Proposed and existing easements.

(19) Concurrency review.

(Ord. No. 2003-01, § 6.4, 3-11-2003)

- Sec. 8-8. - Final development plan—Purpose and stage of proposal. The purpose of the final development plan is to permit complete and accurate presentation of technical data and engineering drawings in such a manner as to allow complete review and evaluation of the



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proposed development and its impact upon both the site and surrounding areas.

(Ord. No. 2003-01, § 6.5, 3-11-2003)

The applicant's supporting information and staff's comments are provided in the Appendix to this report.

## **SUMMARY:**

The Town of Montverde's LDC requires all development of land be conducted in a harmonious, orderly, and progressive fashion while protecting the health, safety, and welfare of the citizens of Montverde. The applicant submitted an application and supporting materials for Rezoning on April 12, 2022. Residential uses are consistent with both Lake County and Montverde Agricultural Land Uses as specified in Lake County's and Montverde's Comprehensive Plans.

If the applicant's request for a FLUM amendment and rezoning is approved, the applicant will be required to develop the property in accordance with the Town's Subdivision Design Criteria. This shall ensure compatibility with the Town's Comprehensive Plan and the LDC to ensure harmonious and logical development that is consistent with the Town's intent to protect its small-town charm.

Additionally, a developer's agreement or binding letter is recommended to ensure the applicant will subdivide into no more than (222) lots.

If approved, the applicant would be required to submit an application for Preliminary and Final plat approval which also require a public hearing.

## **WAIVER REQUEST ANALYSIS:**

**Request 1: Request to allow alley-alley loaded garages where lots are 50-ft. or less in width.**

Staff recommends not approving this waiver request. Waiver requests will be considered during the Preliminary Plat hearing process. An additional hearing to amend the PUD ordinance granting waivers may also be required.



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**Request 2: Request to allow garages to have a smaller minimum interior in lieu of 27'x29' minimum.**

Staff recommends not approving this waiver request. Waiver requests will be considered during the Preliminary Plat hearing process. An additional hearing to amend the PUD ordinance granting waivers may also be required.

**Request 3: Waiver from required traffic circles.**

Staff recommends not approving this waiver request. Waiver requests will be considered during the Preliminary Plat hearing process. An additional hearing to amend the PUD ordinance granting waivers may also be required.

**Request 4: Request to allow five (5) foot-wide concrete sidewalks within the community.**

Staff recommends not approving this waiver request. Waiver requests will be considered during the Preliminary Plat hearing process. An additional hearing to amend the PUD ordinance granting waivers may also be required.

**Request 5: Request to allow ADU's.**

Staff recommends not approving this waiver request. Waiver requests will be considered during the Preliminary Plat hearing process. An additional hearing to amend the PUD ordinance granting waivers may also be required.

**WRITTEN COMMENTS FILED:**

SUPPORTIVE: 0

OPPOSITION: 0



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**STAFF RECOMMENDATION:**

Consideration of the applicant's zoning designation request and if approved, staff recommends the following conditions for approval:

1. A road agreement must be executed between the applicant and the Town to improve two (2) entry roads (either Kirkland, 8<sup>th</sup> Street, or 9<sup>th</sup> Street and Temple Street or Broad Street) including sidewalk installation.
2. An archaeological resource feature must be incorporated into the subdivision. This shall include at a minimum, three (3) large interpretive displays placed in the designated open space (not within retention areas).
3. The community must not be gated.
4. The Town and developer shall implement a funding structure whereby each home is assessed an annual fee that is for the sole purpose to maintain the roads and sidewalks within the proposed subdivision.
5. A trail or "widewalk" must be constructed along the southern boundary of the Property connecting the east and west entry points (location to be determined during the Preliminary Plat process).
6. Buffer areas must be vegetated with 100 percent Florida Native vegetation.





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## 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 AOPKA, 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



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**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:



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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 stormwater 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.



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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, 8<sup>th</sup> 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.



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## **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.



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- 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



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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 insure 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.





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- 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.

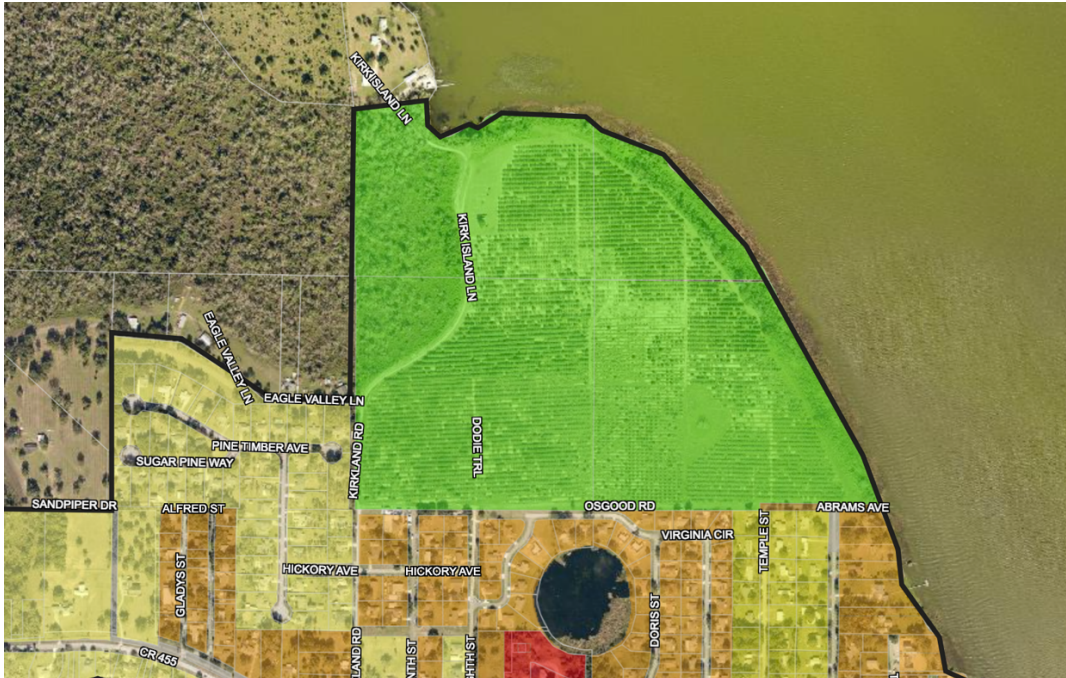




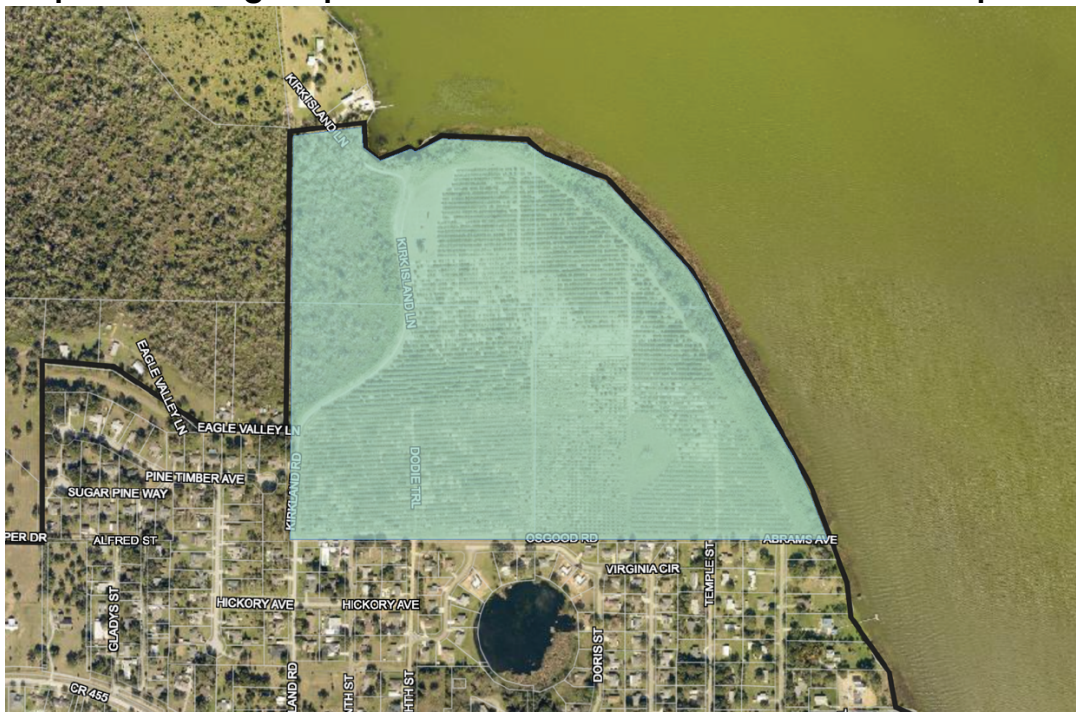


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Current Zoning Map: Lake County Agriculture



Proposed Zoning Map: Town of Montverde Planned Unit Development





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## Conceptual Plan (May 2022)

