



ORDINANCE 2018-10-42

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVELAND, COUNTY OF LAKE, STATE OF FLORIDA, AMENDING CITY OF GROVELAND PLANNED UNIT DEVELOPMENT (PUD) ORDINANCE 2006-04-29 FOR THE HEREIN DESCRIBED PROPERTY WITHIN THE CITY OF GROVELAND, FLORIDA, OWNED BY ORLANDO TDH INVESTMENTS, LLC AND LOCATED SOUTH OF WEST LIBBY ROAD, WEST OF WILSON LAKE PARKWAY, EAST OF SOUTH O'BRIEN ROAD, GROVELAND, LAKE COUNTY, FLORIDA; UPDATING TEXT TO MEET CURRENT COMPREHENSIVE PLAN POLICY AND UPDATING THE CONCEPTUAL PLAN TO BE CONSISTENT WITH THE PENDING PRELIMINARY PLAT; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Groveland, Florida, as follows:

Section 1: Purpose and Intent.

That the zoning classification of the following described property, being situated in the City of Groveland, Florida, shall hereafter be designated as PUD as defined in the Groveland Land Development Regulations.

Section 2: Legal Description.

The property that is subject to this Ordinance (the "Property") consists of approximately 80.32 gross acres being more particularly described in Exhibit "A" attached hereto and incorporated herein.

Section 3: Zoning Classification.

That the property being so designated as PUD is subject to the following terms and conditions:

General

Development of this project shall be governed by the contents of this document and applicable sections of the City of Groveland Land Development Regulations and Code of Ordinances and all other applicable rules, regulations and ordinances of the City.

Where in conflict, the terms of this document shall take precedence over the City of Groveland Land Development Regulations and Code of Ordinances, the Conceptual Development Plan, and all other applicable rules, regulations and ordinances of the City.

Unless otherwise noted, the definition of all terms shall be the same as the definitions set forth in the City of Groveland Land Development Regulations.

Purpose

The purpose of this PUD is to:

1. Create an attractive and high quality environment which is compatible with the scale and character of the local environment;
2. Develop a residential area that is safe, comfortable and attractive to pedestrians;
3. Create a community with direct visual and physical access to open land, with amenities in the form of community open space, and with a strong community identity; and
4. Provide a network of open space.

Land and Uses

Allowed uses within the PUD include single-family residential uses and related accessory uses, including, but not limited to, recreational uses and facilities.

The approximate acreage devoted to each land use shall be generally as follows:

Residential:	80.32 +/-acres for total PUD
Dry Retention/Landscape Buffers/Other Open Space	20.10 +/- acres
Wetlands and Lakes	16.92 +/-acres
Road Right-of-Way	9.80 +/- acres

Residential

The PUD shall not exceed 187 residential units in total. All or any portion of the residential development may be age restricted and/or gated. The name of the residential subdivision and the proposed names of all streets within the development must be formally reserved with Lake County E-911 Communications prior to approval of a preliminary site plan.

Setbacks

The following minimum setbacks shall apply to single-family detached units:

Front:	25 feet
Rear:	10 feet
Side:	5 feet
Corner:	10 feet
Accessory:	5 feet
Wetland:	25 feet

Lot Size

The minimum lot size shall be 6,000 square feet for single-family detached units.

Dwelling Size

The minimum dwelling size shall be 1,500 square feet for all single-family detached units, based on heated/air conditioned space under roof exclusive of garages, carports and porches.

Lot Coverage

Single-family detached lots shall have a maximum lot coverage of 75% to include principal dwelling, all paved areas and swimming pool decks. The impervious surface area for the overall PUD shall not exceed 70%.

Height of Structures

No residential structure shall exceed 2 stories or 35 feet in height.

Building Design

Building design will be in accordance with Chapter 137, Article II: Architectural Standards of the City's Land Development Regulations as the same exists on the Effective Date of this ordinance, except that deviations from the following sections are granted for the PUD: Sections 137-76(b) and 145-47(d)(2) (front porches); and Sections 137-77 and 145-47(d)(3) (garages). The deviations are based on the additional open space and recreational amenities which have been incorporated into the project, as well as the following additional design standards that shall apply to the residential component of the PUD:

1. A diversity of housing styles, shapes and materials will be required in order to create variety in the streetscape.
2. House facades shall be varied and articulated to provide visual interest to pedestrians along the street frontage. Except in instances where the garage is sized for three cars or the lot is 40 feet in width or less, no more than fifty percent (50%) of the front facade of a house shall consist of an unarticulated block wall or garage door. Garage width shall be measured as the width of the Garage Door facing the street.
3. Variations in color shall be required in order to avoid the same principal color on houses next to each other.
4. To ensure visual richness, roofs of the main body of all homes shall be hip, gable or other form of pitched roof. Flat roofs on the main body of a home shall be prohibited.
5. Window trim, shutters and/or banding shall be used on the front facade of all residential units. Articulation of side street facades for corner lots shall also be required.
6. To avoid monotony, the same home plan and elevation will not be duplicated

directly across the street, on either side of, or diagonally from a particular plan and elevation.

7. Landscaping shall be incorporated into the overall design as a means of linking the development areas with the open spaces.
8. Different housing types shall be integrated architecturally in order to give the development a harmonious appearance.
9. Entry/monument signage for the main and secondary project entrances shall feature prominent columns with stone, stucco or similar materials, the project name, references to Groveland and/or the City logo and a decorative fence, as generally depicted on the Conceptual Development Plan.

Recreation and Open Space

A minimum thirty percent (30%) of the overall Property will be open space. The open space shall include, but not be limited to, park lands, project buffer areas, drainage areas, retention areas and landscaped areas. Up to 50% of the required open space may be met with wetland preservation or natural water bodies. Up to 10% of the required open space may be met with impervious common area facilities, such as sidewalks, plazas or recreation facilities. Recreational requirements shall include a major community amenity comparable to a clubhouse, picnic pavilion, swimming pool, multiple basketball or tennis courts, or other recreational amenity determined to adequately serve multiple families or groups. A five-foot-wide stabilized pervious walking trail substantially extending the east-west length of the property shall be required in the open space area near and / or around the lake and wetland area. The trail shall include landscaping sufficient to provide canopy shade as tree growth occurs.

Waterfront and Wetlands Buffer Requirement

No development shall be allowed within jurisdictional wetlands on the property without the proper mitigation and permits approved by the St. Johns River Water Management District. No development except passive recreation, as described in the Conservation Element of the Comprehensive Plan, lake access and maintenance, as authorized by the St. Johns River Water Management District, shall be permitted in wetland/lake areas.

A building setback and upland buffer of 25 feet shall be maintained adjacent to the wetland jurisdiction line, per City of Groveland requirements. No improvements having an impervious surface (with the exception of wet retention areas) may be located within the upland buffer of 25 feet adjacent to the wetland jurisdiction line. Buffer requirements of the St. Johns River Water Management District shall also be maintained adjacent to the wetland jurisdiction line. If required by the St. Johns River Water Management District, the District buffer shall be within a deeded conservation easement. The required stabilized and pervious-surfaced five-foot-wide walking trail may be constructed within the wetlands buffer if permitted by the SJRWMD.

Model Homes

Approval of construction plans shall allow the City to issue building permits for model homes and sales centers. The number of model homes shall be limited to 10.

Public Facilities

Potable Water and Wastewater

The project shall connect to the City potable water system and the City sanitary sewer system prior to any certificate of occupancy being issued for any structure (except temporary construction uses) on the project. Reuse lines shall be installed for irrigation of residential lots and common areas; however, until such time as reuse service becomes available, irrigation of residential lots and common areas may be provided by an on-site irrigation system, wells or by potable water. If the City requires upsizing of utilities beyond that necessary to serve the project, the City will reimburse the Developer for the cost of any upsizing pursuant to a utility agreement with the Developer.

Utilities

All utilities shall be underground and may be constructed in phases, in accordance with a phasing plan approved by City staff.

Solid Waste

Solid Waste collection shall be pursuant to City regulations, as amended.

Drainage

The maintenance of the drainage system shall be the responsibility of the Homeowners Association(s) and/or CDD if established.

Transportation

There shall be a minimum of one (1) primary ingress and egress point for the project via West Libby Road. There shall be at least one secondary access point providing neighborhood connectivity to the tracts adjacent to the west and to the east. Should the timing of construction approval of neighboring property to the east occur prior to approval of a construction development order for the subject property, connectivity will not be required to that neighboring property. These access points shall be in the approximate locations shown on the Conceptual Development Plan. Streets within the project shall have a minimum fifty foot (50') right-of-way with a minimum 24-foot pavement width and 2-foot curb and gutter on each side. Provision shall be made for underground utilities.

All portions of the development should be accessible by a direct, convenient, attractive, safe, and comfortable system of pedestrian facilities, and the development should provide appropriate pedestrian amenities. Construction access shall be in accordance with the permitting requirements of the City, Lake County and Florida Department of Transportation, as applicable, and shall also comply with National Pollutant Discharge Elimination System (NPDES) permit requirements.

Transportation Improvements

The PUD will be deemed to have satisfied transportation concurrency provided the

following improvements are completed in the manner specified below:

1. A southbound right turn lane and a northbound left turn lane shall be required at the intersection of Wilson Lake Parkway and West Libby Road.
2. West Libby Road is to be improved per Lake County permitting requirements and to the City standards the length of the subject property's frontage along West Libby Road.

Streets and Sidewalks

The development shall have a connected street system that serves vehicles, pedestrians and bicycles which connects to recreation facilities and adjacent residential community areas. A minimum of a five foot (5') sidewalk shall be constructed along both side of all streets within the project. West Libby Road shall be constructed per Lake County permitting requirements the length of the subject property's frontage along the West Libby Road right-of-way. In addition, a continuous sidewalk shall be installed on the south side of West Libby Road the length of the property where the road right-of-way abuts the project, in accordance with Lake County permitting specifications. All streets shall be constructed to the City of Groveland standards. Public streets within the project shall be dedicated to the City.

Landscape Buffers

Landscape buffers within the project shall comply with City Land Development Regulations (including for installation, irrigation and plant materials), except that a minimum thirty (30) foot-wide landscape buffer shall be provided along West Libby Road and along those areas where the perimeter of the PUD abuts another property located outside of the PUD as depicted on the Conceptual Development Plan:

1. Canopy trees within the 30-foot-wide buffers shall be a minimum of one caliper inch larger than is required by the City Land Development Regulations for such buffer and comprise a diverse mix of Florida-friendly species, such as pine, oak or magnolia trees.
2. Should Lake County require additional right-of-way be dedicated for West Libby Road beyond the typical 25 feet from centerline, the required landscape buffer along West Libby Road shall be reduced in width by the same number of feet required for dedication in excess of the typical 25 feet. For example, should Lake County require 33 feet from centerline, the required buffer along West Libby Road would be reduced from 30 feet to 22 feet.

Tree Replacement

Tree replacement within the project shall comply with City Land Development Regulations except as modified herein. Owner shall locate and map all protected trees 8" or above in diameter at breast height or 54" above grade. Owner is not required to locate, map or protect trees less than 8" in diameter at breast height or 54" above grade, whether on the protected list or not. Protected trees of 36" or above in diameter at breast height or 54" above grade must be preserved unless such tree is located within the area where

any building, roadway, pavement, retention pond or other improvement is proposed to be constructed, or where a grade change necessary to proposed development of the site will be made which is too severe for the tree to survive, or within a five-foot offset of the footprint for the residence. If after such removal the lot will not contain the minimum number of trees required for the lot by the City Land Development Regulations, then owner shall be required to plant the amount of substitute trees required to comply with such regulations on such lot or within the common areas. The owner will be required to replace removed protected trees inch-for-inch of removed tree diameter at breast height with replacement trees of the types listed in Sec. 133-38 or of any other variety approved by the building and zoning official. If the planting will take place on the lot, then such planting is to be performed prior to issuance of a certificate of occupancy. If the planting will take place within the common areas, then such planting is to be performed prior to the city issuing a certificate of completion for the applicable phase of the subdivision or city accepting the conveyance of infrastructure improvements and real property for such phase, whichever occurs last; however, if neither can be accomplished for a reason acceptable to city, owner shall post a bond in an amount acceptable to city and for a duration acceptable to city until such trees are planted and viable. Lots up to 6,000 square feet in size shall contain no less than 2 protected trees, neither of which may include a street tree. Lots over 6,000 square feet in size shall contain, at a minimum, the number of protected trees required for such lot(s) by Sec. 133-127(a)(1). The following shall not count as a protected tree: trees listed in Sec. 117-21 of the City Land Development Regulations; pine trees and other trees associated with a bona fide agriculture operation; and trees less than 8" in diameter at breast height or 54" above grade.

Soil Stabilization During Construction

Soil erosion and storm water control measures shall be taken by the developer in accordance with the City Land Development Regulations. In addition, if more than one phase is mass graded at a time, the developer shall (a) stabilize all disturbed soils located in future phases with seed and mulch within sixty (60) days after completion of the grading activities on such future phases, and (b) keep undisturbed those areas located in future phases and that lie within 20 feet of Wilson Parkway (the "Natural Buffer Area"). Except as otherwise approved by City staff, the Natural Buffer Area(s) may not be disturbed until the phase in which such Natural Buffer Area is located is being developed with horizontal infrastructure improvements.

Lighting

Decorative street lighting shall be installed at every intersection, at the end of each cul-de-sac and at intervals of 300 feet, or as approved by the City Staff. Street lighting shall be installed by the Owner/Developer. In accordance with Dark Sky standards full cutoff lighting fixtures that are fully shielded and produce downward directional lighting shall be used for street lights in order to minimize glare, overhead sky glow and light trespass. The street lights shall be owned and maintained by the homeowners' association or CDD to the extent such responsibilities are not assumed by the electric utility provider. In the event the street lighting fixtures required by this paragraph are not

authorized by the electric utility provider, then the developer shall coordinate with City staff to select an alternate fixture that is approved by the electric utility provider and most closely reflects the intent of this paragraph. A lighting/photometric plan shall be submitted to the City as part of an application for construction plan approval.

Signage

Allowed ground signage, monument signage and way finding signage for the project is depicted on the Conceptual Development Plan. Additional signage may be approved by City staff in accordance with the City Land Development Regulations.

Maintenance of Common Areas

Maintenance of all common areas within the residential component of the project shall be the responsibility of the Homeowner's Association(s) formed to govern such subdivision and/or a CDD.

Impact Fees

The Developer acknowledges that the City of Groveland has impact fees for water, wastewater, fire, police and recreation, and administrative facilities and that the project shall be subject to such impact fees. Impact fees for the project shall be paid in accordance with the City Land Development Regulations.

Uncovered Artifacts During Construction

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 City of such potential discovery, and the City and/or developer shall contact the Florida Department of State of such discovery. Construction shall not resume in the affected area until the State has determined the archeological significance of the discovery and the restrictions which shall be imposed on development. Development may continue in other areas of the project which will not impact the site of the discovery.

Amendments

Any substantial deviation from the Conceptual Development Plan, or any deviation from the terms of this Ordinance, shall be approved by the City Council in accordance with the legal procedures to amend zoning ordinances. The following criteria shall be used to identify a substantial deviation to the Conceptual Development Plan: (1) a change which would add a new land use not previously approved by this PUD; (2) a change which would increase the overall density or intensity approved for the Property by this PUD; (3) a reduction in the number or substantial change in the location of external access points shown on the plan; or (4) a change to the Oversized Buffer requirements. All other changes to the Conceptual Development Plan, and any modifications to any design or other development standards contained in the Land Development Regulations of the City that may be required to effectuate such changes and are consistent with the City's Comprehensive Plan, shall be considered non-substantial and subject to administrative approval by City staff. In approving a modification to a design or development standard contained in the Land Development Regulations, City staff may impose one or more

conditions that are reasonably calculated to mitigate the identifiable land use impacts of the modified standard, if any. For avoidance of doubt, a change to a development standard that is set forth in both the Conceptual Development Plan and in this Ordinance shall require approval by the City Council in accordance with the legal procedures to amend zoning ordinances.

Expiration of PUD

Actual construction consistent with this PUD and all approvals (including construction plan approval) must commence on the Property within 3 years of the Effective Date of this ordinance without a lapse of construction. Construction shall include infrastructure and groundwork, as well as home building. If actual construction fails to begin as required herein or construction commences but lapses for a period of 8 consecutive months or longer, or for a period of twelve non-consecutive months collectively within a period of 18 months, this PUD and any approvals including construction plans shall be considered expired and of no further force or effect. Any vesting which may be claimed thereby shall be void. The applicant may request the City for a twelve-month extension prior to expiration.

Section 4: Consistent with Comprehensive Plan.

That the herein described PUD is consistent with the Comprehensive Plan of the City of Groveland, Florida.

Section 5: Official Zoning Map.

That the City Manager, or designee, is hereby authorized to amend, alter, and implement the official zoning maps of the City of Groveland, Florida, to include said designation.

Section 6: 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 7: 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.

Section 8: Conflict

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

Section 9: Effective Date.

This Ordinance shall become effective immediately upon its approval and adoption by the City Council.

PASSED AND ORDAINED in regular session of the City Council of the City of Groveland, Lake County, Florida, this 17 day of December, 2018.


HONORABLE EVELYN WILSON, MAYOR
City of Groveland Florida

ATTEST


Virginia Wright
City Clerk



Approved as to Form:


Anita Geraci-Carver
City Attorney

Passed First Reading 12-3-2018
Passed Second Reading 12-17-2018

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

	YEA	NAY
Evelyn Wilson	✓	
Mike Radzik	✓	
Mike Smith	✓	
Dina Sweatt		
Jeff Shoobridge	✓	

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EXHIBIT "A"

PARCEL 1:

THE WEST 1/4 OF THE SW 1/4 OF THE NE 1/4, OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA.

PARCEL 2:

THE NORTH 1/2 OF THE NW 1/4 OF THE SE 1/4 AND THE SOUTHEAST 1/4 OF THE NW 1/4 OF THE SE 1/4, LESS THE EAST 150 FEET OF THE SOUTH 200 FEET THEREOF, OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA.

PARCEL 3:

THE SW 1/4 OF THE NW 1/4 OF THE SE 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA.

PARCEL 4:

THAT PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 34, RUN NORTH ALONG THE EAST LINE OF SAID SECTION 34, 1345.16 FEET; THENCE S 89° 29' 02" W 1325.20 FEET TO THE POINT OF BEGINNING; THENCE N 0° 04' 17" W 200 FEET; THENCE S 89° 29' 02" W 150 FEET; THENCE S 0° 04' 17" E 200 FEET; THENCE S 89° 29' 02" W 593.06 FEET; THENCE S 0° 31' 27" W 522.76 FEET; THENCE N 85° 05' 10" E 801.33 FEET; THENCE N 0° 04' 17" W 461.24 FEET TO THE POINT OF BEGINNING. LESS RIGHT OF WAY OF COUNTY ROAD NO. 3-2232.

PARCEL 5:

THE SW 1/4 OF THE SE 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 25 EAST IN LAKE COUNTY, FLORIDA, LESS THAT PART OF THE SW 1/4 OF THE SE 1/4 OF SECTION 34, TOWNSHIP 21 SOUTH, RANGE 25 EAST, IN LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS: COMMENCE AT THE SOUTHEAST CORNER OF SAID SECTION 34, RUN NORTH ALONG THE EAST LINE OF SAID SECTION 34, 1345.16 FEET; THENCE S 89° 29' 02" W 1325.20 FEET TO THE POINT OF BEGINNING; THENCE N 0° 04' 17" W 200 FEET; THENCE S 89° 29' 02" W 150 FEET; THENCE S 0° 04' 17" E 200 FEET; THENCE S 89° 29' 02" W 593.06 FEET; THENCE S 0° 31' 27" W 522.76 FEET; THENCE N 85° 05' 10" E 801.33 FEET; THENCE N 0° 04' 17" W 461.24 FEET TO THE POINT OF BEGINNING. LESS RIGHT OF WAY OF COUNTY ROAD NO. 3-2232.

