

Please return to:

City of Groveland

Community Development Department

156 S. Lake Avenue

Groveland, FL 34736

INSTRUMENT #2016059032

OR BK 4790 PG 1535 - 1545 (11 PGS)

DATE: 6/8/2016 9:23:48 AM

NEIL KELLY, CLERK OF THE CIRCUIT COURT

LAKE COUNTY

RECORDING FEES \$95.00

ORDINANCE 2015-11-32



AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVELAND, COUNTY OF LAKE, STATE OF FLORIDA, AMENDING ORDINANCE 2013-12-27, (THE PUD) TO REMOVE COMMERCIAL USES, THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF GROVELAND, FLORIDA; OWNED BY MFS CASCADES, LLC AND SHEA HOMES ACTIVE ADULT LLC, LOCATED AT W. LIBBY ROAD, GROVELAND, LAKE COUNTY, FLORIDA, PROVIDING FOR DIRECTIONS TO THE CITY MANAGER; REPEALING ALL ORDINANCES OR PORTIONS OF ORDINANCES IN CONFLICT HEREIN; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Trilogy subdivision, formally known as Cascades, is located off Wilson Lake Parkway and was zoned Planned Unit Development in Ordinance 2002-09-41 and thereafter amended in Ordinance 2002-09-41A, and Ordinance 2013-12-27 (collectively, the "PUD");

WHEREAS, MFS Cascades LLC and Shea Homes Active Adult LLC, the owner and applicant wishes to amend the PUD by permitting a ten foot front setback for any part of the structure including but not limited to dwelling, storage, side loading garages, porches, but excluding front loading garages.

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

Section 1: Purpose and Intent.

The zoning classification of the following described property, being situated in the City of Groveland, Florida, shall remain designated as PUD as defined in the City of Groveland Land Development Code. The PUD, pursuant to the application by MFS Cascades LLC and Shea Homes Active Adult LLC, the owner of the property hereinafter described, to amend the PUD zoning designation granted in Ordinance 2002-09-41 as thereafter amended in Ordinance 2002-09-41A and Ordinance 2013-12-27, is amended as set forth below.

LEGAL DESCRIPTION:

A portion of Sections 26, 27, 34 and 35, Township 21 South, Range 25 East, Lake County, Florida, being more particularly described as follows:

Begin at the southeast corner of said Section 34, being a 6" x 6" concrete monument as per certified corner record 050778, dated December 14, 1994; thence North 89°45'40" West, along the south line of said Section 34 for a distance of 1,323.84 feet; thence departing said south line run North 00°21'44" East, along the west line of the East ½ of the East ½ of said Section 34 for a distance of 5,344.61 feet to a point on the north line of said Section 34; thence North 00°37'21" East along the west line of the Southeast ¼ of the Southeast ¼ of said Section 27, for a distance of 1,326.41 feet to the northwest corner of said Southeast ¼ of the Southeast ¼ Section 27; thence South 89°46'07" East along the north line of said Southeast ¼ of the Southeast ¼, for a distance of 420.01 feet; thence departing said north line run North 00°37'21" East, for a distance of 1,326.94 feet to a point

"This document is being re-recorded to reflect the attestation of the City Clerk and date of execution."

Ordinance 2015-11-32
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INSTRUMENT #2018020071
OR BK 5069 PG 1852 - 1862 (11 PGS)
DATE: 2/22/2018 10:14:22 AM
NEIL KELLY, CLERK OF THE CIRCUIT COURT
LAKE COUNTY
RECORDING FEES \$95.00

on the north line of the Southeast ¼ of said Section 27; thence South 89°50'28" East, along said north line for a distance of 912.78 feet to the East ¼ corner of said Section 27; thence South 89°24'56" East, along the north line of the Southwest ¼ and the Southeast ¼ of said Section 26 for a distance of 3,353.25 feet; thence departing said north line run South 03°14'47" East, for a distance of 1,204.39 feet; thence South 01°38'39" East, for a distance of 784.35 feet to a point on the north line of the South ½ of the Southwest ¼ of the Southeast ¼ of said Section 26; thence South 89°31'34" East, along said north line for a distance of 516.82 feet to the northeast corner of said South ½; thence South 00°31'52" West, along the east line of the Southwest ¼ of the Southeast ¼ of said Section 26 for a distance of 661.29 feet to the southeast corner of said Southwest ¼ of the Southeast ¼; thence South 00°54'01" West, along the east line of the Northwest ¼ of the Northeast ¼ of said Section 35 for a distance of 1,326.94 feet to the southeast corner of said Northwest ¼ of the Northeast ¼; thence North 89°36'57" West, along the south line of the Northwest ¼ of the Northeast ¼ and the Northeast ¼ of the Northwest ¼ of said Section 35, for a distance of 1,985.75 feet to a point on the east line of the West ½ of the East ½ of said Section 35; thence South 00°35'34" West, along said east line for a distance of 4,012.95 feet to the south line of said Section 35; thence North 89°36'39" West, along said south line for a distance of 1,977.99 feet to the Point of Beginning.

Section 2: 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, 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.

The purpose of this PUD is to:

1. Allow a mixture of complimentary land uses that include housing, retail, offices, commercial services, education, civic, community and recreation uses, to create economic and social vitality and to encourage the linking of trips;
2. Create an attractive and high quality environment which is compatible with the scale and character of the local environment;
3. Protect and enhance the environment, and promote sustainable development principles;
4. Develop commercial, residential and mixed-use areas that are safe, comfortable and attractive to pedestrians;
5. Provide social and community facilities to serve the new development and to enhance existing provision in the area;
6. Reinforce streets as public places that encourage pedestrian and bicycle travel;

7. Provide roadway and pedestrian connections to residential areas; and
8. Provide a network of open space provision.

Land Uses

The Concept Plan for the Project is attached hereto as Exhibit A and is an integral part of this PUD document. Elements in the Concept Plan include residential, retail, offices and community facilities. The approximate acreage devoted to each land use shall be as follows:

Single Family/Multi-Family – 370 acres

Recreation – 18 acres

Open Space – 145 acres

Conservation — 170 acres

Note: Residential and open space acreage will be determined through field verification of wetlands, topography and a 100-year flood study.

Non-substantial deviations from the acreages shall be allowed provided there is no increase in density or intensity.

Residential

The gated development proposes a maximum of 1499 single-family detached and multi-family dwelling units with over 17 acres designated to accommodate the proposed community recreational facility. Multi-family shall not exceed 350 units of the 1499 total single-family units. The term multi-family shall be limited to duplexes, attached villas, condominiums and townhomes, and shall not include apartments.

Open Space

The approximately 333 acres of open space includes: Schoolhouse Lake; approximately 209 acres of land deemed flood prone pursuant to the FIRM map prepared by FEMA which includes areas designated as wetlands; and upland areas that will accommodate passive recreational uses and required stormwater facilities.

In addition to the uses set forth above, the Project will also include 19 acres of road right-of-way for the proposed collector road.

Phasing

The Project may be constructed in multiple phases. Each phase shall be developed in conformance with this ordinance and no individual phase may exceed the densities or intensities projected in the Concept Plan.

All phases in the development shall be constructed to be capable of operating independently or in conjunction with other constructed phases with respect to drainage, vehicular circulation, utilities, and other improvements and services.

The Owner/Developer shall adopt deed restrictions which prohibit manufactured or otherwise prefabricated homes.

Residential

The gated development proposes a maximum of 1499 single-family detached and multi-family dwelling units.

Setbacks

The following minimum setbacks shall be applied to single family dwelling units:

- Front: Any part of the structure (including but not limited to dwelling, storage, side loading garage, porches, but excluding front loading garage): 10 feet
- Front loading garages: 20 feet
- Side: For lots 50 feet or greater in width, the minimum side yard setback shall be 5 feet. For lots narrower than 50 feet in width, the side yard setback may be between 0 feet and 5 feet, provided that in no event shall the separation between dwelling units on adjacent lots be less than 10 feet.
- Rear: 10 feet
- Street side: 10 feet

Dwelling Size

A range of lot sizes shall be provided in order to create variety and offer opportunity for different income households. There is no minimum lot size.

The minimum dwelling size for active adult residential units shall be 1,200 square feet of heated/air conditioned space under roof, exclusive of garage, carports and porches.

The maximum number of home sites should provide views of and access to adjoining open space.

Lot Width

In accordance with the principle of providing diversity within the development a variety of lot widths shall be permitted in the range of 30 feet and above. The minimum lot width at building line shall be 30 feet with a minimum street frontage of 20 feet.

Lot Coverage

Lots shall have a maximum lot coverage of 70% to include principal dwelling, all paved areas and swimming pools. In compliance with the Comprehensive Plan, the maximum impervious surface of the entire project site will be no more than 60%.

Height of Structures

No residential structure shall exceed 2½ stories or 35 feet in height.

Building Design

The following principles seek to promote a high quality residential development that will create a sense of place and community through the development of the site. These design principles are illustrated in Exhibit D.

- A diversity of housing styles, shapes and materials will be encouraged in order to create variety in the streetscape,
- The different housing types shall be integrated architecturally in order to give the development a harmonious appearance.
- Exterior wall materials may include stucco, wood clapboarding (including vinyl or aluminum imitation clapboard siding, or brick of a shape, color and texture similar to that found in the City.
- The creation of visual richness should be considered when choosing materials and details. Local characteristics are encouraged.
- The use of front porches and side entrances for garages are encouraged.
- A variety of roof heights, pitches and materials will be encouraged.
- Landscaping should be incorporated into the overall design as a means of linking the development areas with the open spaces.

Public Spaces

Priority should be given to the creation of a hierarchy of public spaces that relate to buildings and create a sense of community. Public spaces are "public" when they are within view of a street or other public space, accessible by pedestrians, and can be occupied by people. The public space may include sidewalks, a plaza or park.

Commercial buildings shall have at least one primary entrance facing a street, or be directly accessed by a sidewalk or plaza within. Building entrances shall open directly to the outside, corner buildings have corner entrances whenever possible. Sidewalks and/or plazas should be provided with weather protection (e.g., awnings/canopies), and appropriate street furnishings. Appropriate pedestrian amenities include, but are not limited to street tree well cut-outs, space for outdoor seating, trash cans, sidewalk displays and public art.

Landscape buffering should be provided within and between parking lots and all adjacent sidewalks.

Recreational and Open Space

A minimum of 25% (333 +/- acres) shall be recreational and open space. The open space shall include, but not be limited to, project buffer areas, recreation areas, drainage areas, retention areas, landscaped areas and community parks. The open space shall be interconnected wherever possible to provide a continuous network within and adjoining the site, and directly accessible to the largest practicable number of residential lots,

The following recreational uses are permitted:

- Clubhouse with associated amenities such as pool, tennis courts, shuffleboard courts or other recreational amenities;
- Children's playground;

- Ball park;
- Basketball;
- Football/soccer fields;
- Multi-purpose trail;
- Other recreational uses not prohibited by the Land Development Regulations.

Pedestrian/Bicycle/Multi-purpose Trail

A pedestrian/bicycle/multi-purpose trail system shall be provided throughout the open space system connecting homes and streets with community facilities and natural features. The trail shall be suitably landscaped, either by retaining existing natural cover, or according to the overall landscape plan for the site, the trail may be constructed of a pervious material.

Waterfront and Wetlands Buffer Requirement

No development shall be allowed within jurisdictional wetlands on the property. All development except passive recreation as defined in Policy 5-1.6.4 of the Comprehensive Plan shall maintain a fifty foot (50') setback from any shoreline or wetland,

Public Facilities

Potable Water and Wastewater

The Project shall be connected 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. Expansion of the City Potable Water and Sanitary Sewer systems shall be negotiated by separate Utility Agreement between the City and the Owner/Developer. Such Utility Agreement may include prepayment of impact fees to aid expansion of facilities, a pioneer agreement subject to a five (5) year sunset period, reimbursement of offsite costs paid by the Owner/Developer by impact fee credits and/or cash reimbursement at the time of interconnections, if any and the provision of re-use lines for irrigation purposes. Irrigation of common areas within the Project may be connected to an on-site irrigation well or wells.

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).

Transportation

There shall be appropriate points of ingress and egress for the Project, subject to local government approval. These shall be in the approximate locations shown on the Concept Plan.

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.

Streets and Sidewalks

The development should have a connected street system that serves vehicles, pedestrians and bicycles and which connects the property to adjacent residential/community areas.

Streets shall be laid out to promote pedestrian circulation and ease of access to the community areas. The road which connects The Summit project, through Schoolhouse Lake, to Hwy. 27 shall have an eighty foot (80') right-of-way with a minimum of twelve (12) feet of pavement per lane. Minor streets shall have a fifty foot (50') right-of-way with a minimum 20 foot pavement width. Provision shall be made for underground utilities. A typical minor street layout is illustrated at Exhibit C. A minimum of a four foot (4') sidewalk shall be constructed along both sides of all residential roads.

Within the commercial / community facilities / office land use district maximum opportunities for shared parking shall be utilized.

Shade trees shall be planted within the right-of-way of all streets. Such trees shall be spaced at intervals no greater than forty feet along both sides of each street and the species shall comply with the City's Landscape Regulations for trees in the right-of-way.

All streets shall be constructed to the City of Groveland standards.

Landscaping Requirements

Landscaping will be provided in areas identified as open space. The landscaping shall conform to the landscape plan to be submitted by the applicant simultaneous with or prior to the filing of the first plat, which shall be subject to the approval of the City Council at its sole and absolute discretion. All landscaping in open spaces and right-of-way shall be maintained by the Homeowner's Association.

Species

Landscaping within the development shall emphasize native species trees, shrubs and flowers to reduce maintenance, help ensure longevity, and to reinforce the natural environment of the area. Species should be selected partly on the basis of their visual interest at different times of the year. Among the species that are recommended in this ordinance are all trees native to Florida according to the *Guide to the Vascular Plants of Central Florida* by Richard P. Wunderlin, including, but not limited to those in the following table:

CANOPY TREES	UNDERSTORY TREES	SHRUBS
Live Oak (<i>Quercus virginiana</i>)	Drake Elm (<i>Ulmus parvifolia</i>)	Sweet Viburnum (<i>Viburnum odoratissimum</i>)
Laurel Oak (<i>Quercus laurifolia</i>)	Weeping Bottlebrush (<i>Callistemon viminalis</i>)	Sandanka Viburnum (<i>Viburnum suspensum</i>)
Shumard Oak (<i>Quercus shumardii</i>)	Redbud (<i>Cercis canadensis</i>)	Privet (<i>Ligustrum lucideum</i>)
Red Maple (<i>Acer rubrum</i>),	Dogwood (<i>Cornus florida</i>)	Waxed Leaf Ligustrum (<i>Ligustrum japonicum</i>)
Sweetgum (<i>Liquidambar styraciflua</i>),	Cherry Laurel (<i>Prunus caroliniana</i>)	Podocarpus (<i>Podocarpus macrophylla</i>)
Southern Magnolia (<i>Magnolia grandiflora</i>),	Wax Myrtle (<i>Myrica cerifera</i>)	Pittosporum (<i>Pittosporum tobira</i>)
Sweet Bay (<i>Magnolia virginiana</i>)	Crape Myrtle (<i>Lagustromia indica</i>)	Saw Palmetto (<i>Serenoa repens</i>)
Bald Cypress (<i>Taxodium distichum</i>)	Red Cedar (<i>Juniperus silicicola</i>)	Azaleas (<i>Rhododendron spp.</i>)
	Loblolly Pine (<i>Pinus taeda</i>)	
	American Holly (<i>Ilex opaca</i>)	
	Sand Pine (<i>Pinus clausa</i>)	
	Slash Pine (<i>Pinus elliottii</i>)	

Canopy trees shall have a minimum DBH size of 2 inches, and understory trees a minimum of 1.5 inches, measured 4 inches above the ground upon planting. Shrubs shall be a minimum of 30

inches in height and 3 gallons immediately upon planting. All landscaped and common areas shall be properly irrigated.

Lighting

Decorative street lighting shall be installed at every intersection, at the end of each cul-de-sac and at intervals of 300 feet. Street lighting shall be installed by the Owner/Developer. Within residential areas, this street lighting may be provided by individual decorative yard lamps so long as those lamps are illuminated by bulbs of at least 60 watts and are no more than 100 feet apart. All lighting for the commercial portions of the Project shall be directional, shielded lighting designed to minimize offsite impact.

Utilities

All utilities shall be underground.

Signage

All signage shall comply with the City Land Development Regulations.

Crime Prevention and Security

The site design, buildings, signs, landscaping, parking, and other elements shall provide a safe environment for residents, businesses, customers, employees, occupants, and adjacent properties.

Crime prevention shall be considered in the site design through application of all of the following guidelines:

- All proposed building entrances, parking areas, pathways and other elements should be defined with appropriate features that express ownership. Such features should not conflict with the need for natural surveillance;
- The proposed site layout, building and landscape design should promote natural surveillance. Physical features and activities should be oriented and designed in ways that maximize the ability to see throughout the site. For example, window placement, the use of front porches or stoops, use of low or see-through walls, and appropriate use of landscaping and lighting can promote natural surveillance. Sight-obscuring shrubs and walls should be avoided, except as necessary for buffering; and
- The proposed site layout and building design should encourage legitimate activity in public spaces. For example, locating outdoor seating in areas that are visible from inside a restaurant helps to discourage crime and supports the activity of dining.

Environmental Assessment

A Phase I Environmental Assessment will be completed and submitted to the City prior to any Development Order being issued regarding the Project.

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. Maintenance of the common areas within the commercial portions of the Project shall also be performed by an Owner's Association formed and charged with that responsibility, at no cost or obligation to the City. However, the City shall have the right, with thirty (30) days written notice provided to the

party obligated for such maintenance, to provide maintenance within the commercial parcel(s) in the event the commercial / community facilities / office district is not maintained by the responsible party in a satisfactory manner. If the City exercises its right for maintenance under this paragraph it shall be entitled to reimbursement of reasonable costs provided for maintenance by the responsible party.

Community Development District

The Owner/Developer may bring forward an application to the City for the establishment of such a District which will be considered separately on its own merits. In this circumstance a pioneer agreement for the provision of utilities would not be appropriate.

Impact Fees

The Owner/Developer acknowledges that the City of Groveland has impact fees for water, wastewater, fire, police and recreation, and that the Project shall be subject to such impact fees.

City of Groveland Community Redevelopment Area

A voluntary contribution of \$100 per home will be sought from the developer/builder towards improvements to the Groveland Community Redevelopment Area. This money shall be held by the Community Redevelopment Trust Fund and will be used towards the development and/or implementation of the Community Redevelopment Plan.

Amendments

Any substantial deviation from the PM Concept Plan, or deviation from the terms of this Ordinance, shall be approved by the City Council in accordance with the legal procedures to amend zoning ordinances.

Section 3: Consistent with Comprehensive Plan.

That the zoning classification is consistent with the Comprehensive Plan of the City of Groveland, Florida.

Section 4: 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 5: 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 6: Conflict.

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

Section 7: 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 16 day of May, 2016.


HONORABLE TIM LOUCKS, MAYOR
City of Groveland, Florida

ATTEST:

Lisa Cortese, Acting City Clerk



Approved as to Form:


Anita Geraci-Carver
City Attorney

Passed First Reading 11-16-2015

Passed Second Reading 5-16-2016

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

	YEA	NAY
Tim Loucks	✓	
John Griffin	✓	
Mike Radzik	✓	
Dina Sweatt	✓	
Karen McMican	✓	