

Record and Return To:
City of Groveland
Attention: City Clerk
56 South Lake Ave
Groveland, FL 34736



COPY

INSTRUMENT #2014107203
OR BK 4534 PG 95 - 105 (11 PGS)
DATE: 10/2/2014 9:14:44 AM
NEIL KELLY, CLERK OF THE CIRCUIT COURT
LAKE COUNTY
RECORDING FEES \$95.00

ORDINANCE 2014-08-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVELAND, COUNTY OF LAKE, STATE OF FLORIDA, RECLASSIFYING THE ZONING FROM R-3 TO CITY OF GROVELAND PLANNED UNIT DEVELOPMENT - RESIDENTIAL, FOR THE HEREAFTER DESCRIBED LANDS WITHIN THE CITY OF GROVELAND, FLORIDA, OWNED BY FRIENDLY CAPITAL PARTNERS, LLC; GRANTING A VARIANCE FROM SECTION 133-67 OF THE CITY OF GROVELAND LANDSCAPING CODE TO ALLOW ONLY A FENCE AND SHRUBS IN THE LANDSCAPING BUFFER ALONG THE SOUTHERN EDGE OF THE DEVELOPMENT. GRANTING A VARIANCE FROM SECTION 133-127 OF THE CITY OF GROVELAND LANDSCAPING CODE TO ALLOW REMOVAL OF PROTECTED TREES UNDER 8 INCHES IN DIAMETER AS WELL AS PROTECTED TREES 8 INCHES IN DIAMETER AND OVER UNDER CERTAIN CONDITIONS; REQUIRING ADDITIONAL TREES TO BE PLANTED WITHIN THE PROPERTY; PROVIDING FOR CONDITIONS; PROVIDING FOR DIRECTIONS TO THE CITY MANAGER; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Katrina Shores consists of 16.03 acres located in the City of Groveland lying West of State Road 19, and North of Lake Catherine Road (the "Subdivision"); and

WHEREAS, the applicant requested a rezoning from City of Groveland R-3 to PUD – Residential zoning; and

WHEREAS, the property has a future land use designation of Single Family Medium Density as shown on the City of Groveland Comprehensive Plan Future Land Use Map; and

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

WHEREAS, City of Groveland Code of Ordinances Sec 133-67(a)(3)a. requires internal tree-lined roads; and

WHEREAS, the applicant seeks a variance to eliminate the requirement for internally tree-lined roads and to instead allow for 1 canopy tree to be planted within 20 feet of the front lot line but no closer than 10 feet of the front lot line at the time of home construction, but not count towards the number of required trees for the individual lot or the Property; and

WHEREAS, the applicant seeks a variance from Chapter 133, Table 133-3 to allow a 10' wide Landscape Buffer Area Type B and delete the requirement for construction of a wall or fence within the landscape buffer for a portion of the Property; and

WHEREAS, the applicant also seeks a variance under Section 133-6 from Sec. 133-127 of the Code of Ordinances which generally required protected trees, unless exempt from Chapter 117, Article II, and trees greater than three inches in diameter to be preserved unless exempt or unless within the areas required for access, infrastructure, building footprint or within a five-foot offset of the footprint for the residence; and

WHEREAS, a variance is also needed from Sec. 117-21(16) to allow any required substitute tree to be planted either on the lot or in the common areas; and

WHEREAS, a variance is also needed from section 133-67 subsection b to allow only a fence and shrubs in the landscaping buffer along the southern edge of the development. The shrubs may be planted at the time of home construction.

WHEREAS, the City Council has considered the application in accordance with standards for granting variances contained in Section 133-6, City of Groveland Code of Ordinances and finds there is competent, substantial evidence to support the requested variances;

WHEREAS, the City of Groveland has advertised as required by law for two public hearings no less than 10 days prior to Council's adoption of this ordinance and property owners within 150 feet of the subject site were timely provided written notice delivered by U.S. Mail, Return Receipt Requested; and

WHEREAS, the LPA has recommended approval of this ordinance.

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 – Residential as defined in the Groveland Land Development Regulations.

LEGAL DESCRIPTION:

From the East ¼ corner of Section 13, Township 22 South, Range 24 East, run South 00 degrees 42 minutes 40 seconds West, along East line of said Section 232 feet, thence

North 89 degrees 42 minutes 20 seconds West, parallel to mid-section line, 62.19 feet to Westerly Right of Way line of State Road No.459, said Right of Way line considered as being 33 feet West of centerline of said highway, for Point of Beginning, run thence South 00 degrees 04 minutes 10 seconds West along said Right of Way line 664.5 feet, thence North 89 degrees 40 minutes 30 seconds West 442.96 feet, thence North 00 degrees 04 minutes 10 seconds East 329.55 feet, thence South 89 degrees 57 minutes 50 seconds West 422.8 feet, then North 00 degrees 42 minutes 40 seconds East 336.75 feet, thence South 89 degrees 42 minutes 20 seconds East, parallel to mid-section line 863.20 feet to the Point of Beginning; and the North 232 feet of the Northwest ¼ of the Northeast ¼ of the Southeast ¼ of Section 13, Township 22 South, Range 24 East, all in Lake County, Florida

16.03 acres

(the "Property").

Section 2: Zoning Classification.

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

General

Development of this Project shall be governed by the contents of this document, the City of Groveland Land Development Regulations, the City of Groveland Code of Ordinances and all other applicable rules, regulations and ordinances of the City except where the provisions of this Ordinance are in conflict and then the provisions of this Ordinance shall take precedence.

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;
4. Provide a network of open space; and

5. Provide for a diversity of lot sizes and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the City's population diversity may be maintained.

Land Uses

The Concept Plan for the Project is attached hereto and incorporated herein as **Exhibit A** and is an integral part of this PUD zoning. Elements within the development are to include single-family detached homes, recreation, open space, and wetlands/conservation. The approximate acreage devoted to each land use shall be as follows:

Uplands:	15 acres
Recreation:	minimum of 0.37 acres
Open Space:	minimum of 4 acres
Wetlands/Conservation:	as determined by field survey noted below; estimated to be approximately 1 acre

Residential

The residential development may have a maximum of 60 single-family detached dwelling units.

Note: Uplands, Open Space and Wetlands/Conservation acreage will be determined by field survey including 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.

In addition to the uses set forth above, the Project will also include stormwater management facilities and internal road right of ways.

In addition to the general requirements of the Single Family Medium Density Land Use designation, the site will be subject to the following standards:

- Open space uses shall occupy a minimum of 25% of the site.
- Recreation: a minimum site of 0.25 acres
- Maximum impervious surface is limited to 50% of the site.

Lot Width, Depth & Minimum Lot Size

In accordance with the principle of providing diversity within the development a variety of lot widths shall be permitted. The minimum lot width at building line shall be 50 feet with no less than 52 lots having a minimum street frontage of 50 feet. In order to achieve this diversity the development shall contain no less than three different lot widths which

Waterfront and Wetlands Buffer Requirement

No development shall be allowed within jurisdictional wetlands or floodplain on the Property. A minimum upland buffer of 50 feet shall be maintained. This upland buffer is in addition to and shall not form part of any front, side or rear yard setback.

Phasing

The Project may be constructed in 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 which is attached hereto as **Exhibit A**.

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, reimbursement of offsite costs paid by the Owner/Developer by impact fee credits and/or cash reimbursement at the time of interconnection, if any and the installation of reuse lines for irrigation. Re-use lines shall be installed for irrigation of lots and common areas.

Water, wastewater, and reuse infrastructure to the meter, including lift/pump stations shall be dedicated to and transferred to the City upon City's acceptance via bill of sale. Lift/pump station tracts shall be dedicated to and transferred by a deed to the City upon City's acceptance.

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 a maximum of two (2) ingress and egress points for the Project. These shall be in the approximate locations shown on the Concept Plan attached as **Exhibit A** with any change subject to City approval. The entrance located on the western boundary of the Property will have a 15 foot pavement width and be utilized for emergency

vehicles only (“Emergency Entrance”). The Emergency Entrance will be gated. Accessibility thru the gated Emergency Entrance will be as determined by the City of Groveland.

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

All two-way streets shall have a fifty foot (50’) right-of-way with a minimum 24 foot pavement. Roads and road rights of way shall be dedicated to the City, unless otherwise determined by the City. All streets shall be constructed to the City of Groveland standards. Streets shall be interconnected as far as practicable, employing cul-de-sacs only where essential.

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. Where cul-de-sacs are deemed to be unavoidable, continuous pedestrian circulation shall be provided.

Landscaping Requirements

All landscaping and buffer requirements shall be in accordance with the City’s Land Development Regulations except as provided below:

A variance from Sec. 133-67(a)(3)a. is granted. Therefore, internal tree-lined roads shall not be required. However, instead 1 canopy tree shall be required within 20 feet of the front lot line but no closer than 10 feet of the front lot line. The canopy tree may be planted at the time of home construction, but shall not count towards the number of required trees for the individual lot or the Property. The canopy tree shall be approved by the City of Groveland and planted at a spacing of no less than 70 feet on center, where practical. A root barrier system, approved by the city, shall be required for the canopy tree.

A Landscape Buffer Area Type B shall be required around the perimeter of the Property except a Landscape Buffer Area Type C shall be required within the landscape buffer along the east perimeter adjacent to S.R. 19. A variance from Chapter 133, Table 133-3 is granted to allow a 10’ wide Landscape Buffer Area Type B for Lots 1 – 11 and Lots 14 – 19. A variance is granted from Table 133-3 to not require a fence or wall; instead a minimum 1 foot high berm shall be required within the landscape buffer for Lots 1 – 11

and 14-19. A variance is granted from Table 133-3 to not require a fence or wall on the west side of Lots 29 – 34 as depicted in **Exhibit A**.

A variance from Sec. 133-137(a)(4) and from Sec. 117-21(16) is granted, in part. 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 8” or above in diameter at breast height or 54” above grade must be preserved unless within the area required for access, infrastructure, building footprint or within a five-foot offset of the footprint for the residence. If after such removal the lot will not contain a minimum of four trees of any type or types listed in Sec. 133-38, then owner shall be required to plant a substitute tree (to bring the total number of protected trees per lot to 4 or an equal number of protected trees as removed whichever is greater) of the types listed in Sec. 133-38 on the 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. 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 subdivision or city accepting the conveyance of infrastructure improvements and real property, 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. No lot may have less than 2 protected trees.

A variance from Sec. 133-67 subsection b is granted. Owner shall construct in the landscape & buffer easement a 6 foot white vinyl fence with no gaps or holes; the only exception is along the western boundary of Tract E two small drainage holes each 6 inches in height and one foot wide at the bottom of a six foot wide section of the fence is allowed. However, such drainage holes shall be fenced with chicken wire. The fence will commence on the eastern side of lot 50 and run along the southern border of the PUD until the intersection of tract E and tract A. Two large shrubs must be planted in the landscape & buffer easement of lots 35 – 50. Trees are not permitted to be planted in the back yards of lots 35 – 50. The entire fence (lot 50 to intersection of tracts A and E) shall be constructed prior to issuance of the first certificate of occupancy in the PUD. The two large shrubs may be planted at the time of home construction.

All landscaped and common areas shall be properly irrigated with reuse water, if available.

Fences

Owner/Developer shall construct a fence on the east side of Lot 19 at the time a residential unit is constructed on Lot 19 as depicted in Exhibit A. The deed transferring title from Owner to any third party shall include a requirement that the owner of Lot 19 shall maintain a fence along the east side of Lot 19 in perpetuity.

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 and maintained by the homeowner's association. All lighting shall be directional, shielded lighting designed to minimize light pollution.

Utilities

All utilities shall be underground.

Signage

All signage on the Property shall be ground signage and shall comply with the City Land Development Regulations.

Maintenance of Common Areas

Maintenance of all common areas within the Project shall be the responsibility of the Homeowner's Association(s) formed to govern such subdivision.

Impact Fees

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

Endangered species habitat

Species and habitat survey shall be required.

Amendments

Any substantial deviation from the PUD 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.

Expiration of PUD and Construction Plans

Actual construction consistent with this PUD – Residential approvals (including construction plan approval) must begin within the Property within 3 years of the Effective Date of this ordinance without a lapse of construction. 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 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 4TH day of SEPTEMBER, 2014.



HONORABLE TIM LOUCKS, MAYOR
City of Groveland Florida



ATTEST:

Approved as to Form:

Teresa Begley

Teresa Begley
City Clerk

Anita Geraci-Carver

Anita Geraci-Carver
City Attorney

Passed First Reading 08/18/2014

Passed Second Reading 09/04/2014

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

	YEA	NAY
John Griffin	✓	
Tim Loucks	✓	
James Smith	✓	
Dina Sweatt	✓	
Evelyn Wilson	✓	