



ORDINANCE 2018-07-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVELAND, COUNTY OF LAKE, STATE OF FLORIDA, REZONING FROM LAKE COUNTY AGRICULTURE (AG) TO CITY OF GROVELAND PLANNED UNIT DEVELOPMENT (PUD) FOR THE HEREIN DESCRIBED PROPERTY WITHIN THE CITY OF GROVELAND, FLORIDA, OWNED BY IMG ENTERPRISES, INC., AND LOCATED EAST OF SR 19 AND NORTH OF CHERRY LAKE ROAD, GROVELAND, LAKE COUNTY, FLORIDA; DIRECTING THE CITY MANAGER TO AMEND THE ZONING MAP AS HEREIN PROVIDED AFTER THE PASSAGE OF THIS ORDINANCE; PROVIDING FOR SEVERABILITY; REPEALING ALL ORDINANCES IN CONFLICT HERewith; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, IMG Enterprises, Inc. (“Owner”) is the owner of certain real property consisting of 95.3 +/- acres, more or less, located in the City of Groveland, lying east of SR 19 and north of Cherry Lake Road with Parcel Identification Number 05-22-25-000400001900 (Alt. Key 3874954) (“Property”); and

WHEREAS, the Owner desires to rezone an approximate +/-2.25-acre portion of the Property from Lake County Agriculture to City of Groveland Planned Unit Development (“PUD”), which is consistent with the existing City of Groveland Mixed Use future land use designation on the Property, as more particularly described in Exhibit “A” attached hereto (“Rezoned Property”); and

WHEREAS, the Owner seeks to develop a single eight (8) unit, two-story workforce housing structure, consisting of 15,600+/- square feet, on the Rezoned Property to support the Owner’s existing tree farm operation, as generally depicted on the Conceptual Development Plan attached hereto as Exhibit “B” (“Project”); and

WHEREAS, the City held duly noticed public hearings before the Local Planning Agency and the City Council on this Ordinance, providing an opportunity for the public to be heard regarding the proposed PUD; and

WHEREAS, the City’s Local Planning Agency has recommended approval of this Ordinance to the City Council; and

WHEREAS, the City Council finds this Ordinance furthers the purposes of, and is consistent with, the City’s Comprehensive Plan and the City’s Land Development Regulations.

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 Rezoned Property described herein, being situated in the City of Groveland, Florida, shall hereafter be designated as PUD – Residential, as defined in the Groveland Land Development Regulations.

Section 2: Legal Description.

The Rezoned Property that is subject to this Ordinance consists of approximately 2.25+/- gross acres being more particularly described in Exhibit “A” attached hereto and incorporated herein.

Section 3: Zoning Classification.

That the Rezoned Property being designated as PUD is subject to the following terms and conditions:

A. General

Development of the Rezoned Property 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 Ordinance 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.

B. Purpose

The purpose of the Project is to:

1. Create an attractive residential community for workforce housing of employees of the Owner’s existing tree farm operation; and
2. Develop a residential area that is safe, comfortable, and attractive to its residents;
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 open space in the form of a playfield located between the residential structure and parking area.

C. Land Uses for Project

The Conceptual Development Plan for the Project is attached hereto as Exhibit “B” and is an integral part of this PUD document. Elements in the Conceptual Development Plan include a single, two-story structure with parking, consisting of 15,600+/- square feet. There shall be a minimum of .56 +/- acres of open space.

Residential – The Project will include and shall not exceed eight (8) dwelling units located in a single, two-story structure consisting of 15,600+/- square feet, with one (1) handicap parking space directly adjacent to the workforce housing structure and sixteen (16) additional parking spaces. A minimum of two (2) parking spaces must be provided for each dwelling unit, plus one (1) handicap parking space for the Project.

Height of Structure – The maximum building height for the Project shall be thirty-five (35) feet.

D. Building Setback

The following minimum setback shall apply:

From Cherry Lake Road: 75 feet

E. Building Separation

The single, two-story structure for the Project shall comply with Florida Building Code separation requirements and the City of Groveland Code of Ordinances/Land Development Regulations.

F. Dwelling Size

The minimum dwelling size for each residential unit in the Project shall be 1,090 square feet, based on heated/air-conditioned space under roof exclusive of common areas and porches.

G. Maximum Impervious Surface Coverage

The maximum impervious surface area for the overall PUD shall not exceed sixty percent (60%) in compliance with the Mixed Use future land use designation assigned thereto.

H. Building Design

Building design for the Project will be in accordance with the Chapter 137, Article II: Architectural Standards of the City's Land Development Regulations. The following principles seek to promote a high-quality development that will create a sense of place and community through the development of the site. The Owner shall have the option of submitting plans which may differ from these design requirements if it offers both innovative design and sufficient additional amenities.

I. Affordable Housing Requirement

The Owner will retain ownership of the Project, and, thus, the affordable housing requirement is not applicable thereto.

J. Recreation and Open Space

Open space will be provided for the Project both along the perimeter as well as a playfield located between the structure and the parking area. The open space shall include, but not be limited to, the playfield and storm water management areas. The Owner shall be responsible for maintaining the required playfield for the Project.

In compliance with Section 153-159(e) of the City's Land Development Regulations, a minimum twenty-five percent (25%) of the Rezoned Property will be open space. The open space shall include, but not be limited to, the playfield, project buffer areas, drainage areas, storm water management and retention areas, agricultural lands, and landscaped areas.

K. Public Facilities

Potable Water and Wastewater

The nearest connection point to the City Sanitary Sewer System is in excess of 500 feet from the Rezoned Property. Therefore, initially, connection to the City Sanitary Sewer System will not be required for the Project and an on-site wastewater treatment system will be utilized. However, when a connection point is available within 500' of the Project, whether prior to or subsequent to issuance of a certificate of occupancy, the Owner shall be required to connect the Project to the City Sanitary Sewer System within six (6) months of the connection point becoming available.

The Project shall be connected to the City Potable Water System prior to issuance of any certificate of occupancy.

Expansion, if necessary, of the City Potable Water and Sanitary Sewer Systems to accommodate the Project shall be negotiated by separate utility agreement between the City and the Owner. Such utility agreement may include prepayment of impact fees to aid expansion of facilities, reimbursement of offsite costs paid by the Owner by impact fee credits at the time of interconnection, if any, and the installation of reuse lines for irrigation.

Solid Waste

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

Drainage

The maintenance of the drainage system for the Project shall be the responsibility of the Owner. Storm water management for the Project will be through a system of swales and retention ponds as required.

L. Waterfront and Wetlands Buffer Requirement

No development for the Project 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 for the Project, except passive recreation, as described in Policy 1.6.3 of the Conservation Element of the City's Comprehensive Plan, or 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 fifty (50) 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 fifty (50) 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 foregoing buffer shall be within a deeded conservation easement.

M. Transportation/Streets

An existing unimproved farm road will initially provide access from Cherry Lake Road to the Project, which the Owner shall maintain to provide direct, convenient, and safe access.

N. Sidewalks

A minimum of a five-foot (5') sidewalk shall be constructed from the handicap parking space to the workforce housing structure within the Project. A minimum of a five-foot (5') sidewalk shall also be constructed from the parking area to the workforce housing structure within the Project.

O. Landscaping Requirements

Landscaping within the Project shall comply with the City's Land Development Regulations.

P. Parking Areas

As previously stated, one (1) handicap parking space complying with the City's Land Development Regulations shall be located directly adjacent to the workforce housing structure, together with a parking area consisting of a minimum of two (2) parking spaces per unit. Each space shall comply with the City's Land Development Regulations for parking spaces. Lighting and a sidewalk to and from the parking area and structure is required as provided in this Ordinance.

Q. Lighting

The Owner shall install lighting for the Project to provide a safe community. Lighting shall be provided in the parking area for the Project and to and from all parking to the workforce housing structure. Outdoor lighting within the Project shall be designed to minimize light pollution. To that end, the Owner must submit a lighting plan for the Project to City Staff for review and approval. City Staff shall take into consideration the rural character of the Property and surrounding area and uses in reviewing the lighting plan for the Project. Dark Sky lighting fixtures shall be used within the Project.

R. Signage

Signage may be approved by City Staff for the Project in accordance with the City's Land Development Regulations.

S. Maintenance of Common Areas

Maintenance of all common areas within the Project shall be the Owner's responsibility.

T. Impact Fees

The Owner acknowledges that the City 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's Land Development Regulations.

U. Environmental Studies

A species and habitat survey for the Rezoned Property shall be required prior to the commencement of construction of the Project. In addition, due to its prior agricultural use, a phase 1 environmental site assessment shall be required for the Rezoned Property prior to the commencement of construction of the Project. The findings of the phase 1 environmental site assessment will determine whether a phase 2 environmental site assessment will be necessary.

V. Adjacent Agricultural Operations

The Owner acknowledges and agrees that any application or spraying of pesticides or herbicides on portions of the Property adjacent to the Rezoned Property or in close proximity to the Project will be conducted in accordance with all applicable state and federal regulations to promote the safety of the residents residing in the Project.

W. Amendments

Any substantial deviation from the Conceptual Development Plan for the Project, 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 of the Project which would add a new land use not previously approved by this PUD; and (2) a change which would increase the overall density or intensity of the Project approved by this PUD. All other changes to the Conceptual Development Plan, and any modifications to any design or other development standards contained in the City's Land Development Regulations that may be required to effectuate such changes and are consistent with the City's Comprehensive Plan, shall be considered non-substantial deviations and subject to administrative approval by City Staff. In approving a modification to a design or development standard contained in the City's 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.

X. Expiration of PUD

Actual construction must begin within the PUD within three (3) years of construction plan approval. If actual construction has not begun, any vesting which may be claimed thereby shall be void. The Owner may request a 12-month extension prior to expiration. Construction plans must receive approval within three (3) years of the effective date of this PUD zoning ordinance. If construction plans are not submitted or, if submitted, but do not receive approval within three (3) years of the effective date of this PUD zoning ordinance, any vesting which may be claimed thereby shall be void. If actual construction begins within the time required, but terminates prior to final completion, any vesting which may be claimed thereby shall be void. Lapse of said site development or building permit shall constitute a termination of construction.

Y. Lot Split

Prior to the first certificate of occupancy being issued for the Project, the Owner shall request from the City and the Lake County Property Appraiser a lot/parcel split thereby establishing the Rezoned Property as a separate legal parcel from the Property.

Section 4: Continuation of Existing Agricultural Uses.

Notwithstanding anything to the contrary herein, it is expressly understood that agricultural uses may continue on the Property, including, but not limited to, any and all agricultural activities and uses associated with the Owner's existing tree farm operations, unless and until such time as the Property is approved by the City for and developed with a different land use. Agricultural uses and non-residential farm buildings and structures on the Property shall continue to be governed by Sections 604.50 and 823.14, Florida Statutes. Agricultural uses may also continue on the Rezoned Property until such time as the Project is developed and the first certificate of occupancy issued. Future non-agricultural development on the remaining portion of the Property must be separately approved by the City Council, consistent with the conditions and intent of Policy 1.14.5 of Ordinance 2010-10-32 as clarified as part of the City's pending Evaluation and Appraisal Review process, and the goals, objectives, and policies of the Comprehensive Plan in effect at the time of the PUD submittal.

Section 5: Consistent with Comprehensive Plan.

The herein described PUD and Project are consistent with the City's Comprehensive Plan.

Section 6: Official Zoning Map.

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 the PUD designation approved by this Ordinance.

Section 7: Severability.

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: Conflict.

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 20th day of August 2018.



HONORABLE DINA SWEATT, MAYOR
City of Groveland, Florida

ATTEST:

Virginia Wright
Virginia Wright
City Clerk

Approved as to Form:

Anita Geraci-Carver
Anita Geraci-Carver
City Attorney

Passed First Reading August 6, 2018
Passed Second Reading August 20, 2018

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

	YEA	NAY
John Griffin	✓	
Tim Loucks	✓	
Mike Radzik	✓	
Mike Smith	✓	
Dina Sweatt	✓	

Exhibit "A"

LEGAL DESCRIPTION:

A PORTION OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 25 EAST, LAKE COUNTY FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHWEST COENER OF SAID SECTION 5, TOWNSHIP 22 SOUTH, RANGE 25 EAST, LAKE COUNTY FLORIDA; THENCE ALONG THE WEST LINE OF THE SOUTHWEST ¼ OF SECTION 5, TOWNSHIP 22 SOUTH, RANGE 25 EAST, LAKE COUNTY FLORIDA, NORTH 00°17'17" EAST, A DISTANCE OF 2,167.72 FEET; THENCE DEPARTING SAID WEST SECTION LINE, RUN SOUTH 89°42'43" EAST, A DISTANCE OF 3,266.03 FEET TO THE POINT OF BEGGINNING; THENCE SOUTH 89°40'49" EAST, A DISTANCE OF 270.85 FEET; THENCE SOUTH 00°23'47" WEST, A DISTANCE OF 135.99 FEET; THENCE SOUTH 41°17'26" WEST, A DISTANCE OF 51.47 FEET; THENCE SOUTH 00°23'48" WEST, A DISTANCE OF 233.06 FEET; THENCE NORTH 89°36'34" WEST, A DISTANCE OF 187.73 FEET; THENCE NORTH 00°23'49" EAST, A DISTANCE OF 81.81 FEET; THENCE NORTH 89°36'11" WEST, A DISTANCE OF 49.42 FEET; THENCE NORTH 00°23'49" EAST, A DISTANCE OF 325.80 FEET TO THE POINT OF BEGINNING.

CONTAINING 97,895 SQUARE FEET OR 2.247 ACRES, MORE OR LESS

Exhibit "B"

(Conceptual Development Plan – see attached)

