

CITY OF CLERMONT
RESOLUTION

No. 982

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA GRANTING A CONDITIONAL USE PERMIT FOR A PLANNED UNIT DEVELOPMENT TO ALLOW THE CONSTRUCTION OF A PRIVATE "GATED" COMMUNITY.

WHEREAS, the Planning and Zoning Commission of the City of Clermont, Lake County, Florida at a meeting held December 2, 1997 recommended approval of this Conditional Use Permit for a Planned Unit Development to allow the construction of a private "gated" community at the following location:

LEGAL DESCRIPTION

See attached exhibit "A"

The City Council deems it advisable in the interest of the general welfare of the City of Clermont, Lake County, Florida to grant this Conditional Use Permit;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Clermont, Lake County, Florida that:

This application for a Conditional Use Permit for a Planned Unit Development to allow the construction of a private "gated" community be granted subject to the following conditions:

Section 1

General Conditions

1. This Resolution shall inure to the benefit of, and shall constitute a covenant running with the land and the terms, conditions, and provisions hereof, and shall be binding upon the present owner and any successor in title or interest, and shall be subject to each and every condition herein set out.
2. Upon approval of the this resolution the aforementioned property shall only be used for the purposes described herein. Any other proposed use shall be specifically authorized by amendment and approval of the City of Clermont City Council.
3. Construction and operation of the proposed use shall at all times comply with the regulations of this and other governmental agencies.

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4. No person, firm, corporation or entity shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building or structure, or alter the land in any manner within the boundary of the Planned Unit development without first submitting necessary plans, obtaining necessary approvals, and obtaining necessary permits in accordance with the City of Clermont Land Development Regulations and City Code of Ordinances.
5. Prior to the issuance of any permits, the applicant shall be required to submit formal site plans for review and approval by the City of Clermont Site Review Committee. The site plans shall meet all submittal requirements and comply with the conditions of this Resolution, applicable City Codes, Regulations, Ordinances, and provide compliance with the adopted City Comprehensive Plan, as amended.
6. Any specific references in this Resolution to the Florida Statutes, Florida Administrative Code, City of Clermont Land Development Regulations, City of Clermont Comprehensive Plan, include any future amendments to the Statutes, Code, Regulations and/ or Plan.
7. Approval of this resolution shall by reference include any and all terms, conditions and provisions stipulated by the forthcoming Kings Ridge Development of Regional Impact Final Development Order, and any amendments thereto.

Section 2

Land Use

The Planned Unit Development shall mean and include the total of the following land uses:

A. **Residential**

1. **Number and Type of Residential Units**

The project shall be permitted to a total of 730 residential dwelling units on 399.5 acres of land at a maximum, gross residential density of 1.83 dwelling units per acre.

The Legends PUD Master Plan, dated October 23, 1997 (Project No. 961504.001), prepared by Farner/ Barley and Associates, Inc., shall serve as the approved plan for future development of the project.

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2. Lot Sizes and Setbacks

Fifty (50%) percent of the single family construction shall be permitted on lots that are a minimum of 65' x 115' (7,475 sq.ft.). The remaining fifty (50%) shall of the units shall be a minimum of 75' x 100' (7,500 sq.ft.). Cul-de-sac or unique configured corner lots may be permitted less than the minimum required frontage as long as the lots meet the required lot width at the building setback line.

Minimum setbacks shall be 25' for front yards. Rear yard setbacks shall be 25' except where a rear yard abuts the golf course or other open space, rear yards shall be permitted a 15' setback in these instances. Side yard setbacks shall be 7.5' with a minimum of 15' between units.

Corner lots shall be platted 15% wider than interior lots, and 25' setbacks shall be observed for each street frontage.

Accessory structures such as pools, decks, screened enclosures and the like shall provide a minimum 7.5' rear yard setback.

Lot lines shall be allowed to be constructed up to a maximum of 20 degrees from perpendicular to the right-of-way. Flag lot configurations shall be prohibited.

3. Building Height:

The maximum building height shall be 35 feet for residential structures.

B. Commercial

1. Square Footage and Type of Development

The proposed development shall be permitted up to a total of 50,000 square feet of Commercial space on 4.5 acres of land. The established uses shall be compatible with those uses indicated within the C-2 Zoning Category of the City of Clermont Land Development Regulations. The list of allowable uses shall include those following:

Automobile and Home Supply Stores
Automobile Service Station*
Banks and Lending Institutions
Barbers/ Beauty Shops

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Book and Stationary Shops*
Bowling Alley
Business and Personal Services***
Child Care Facilities**
Clothing and Shoe Stores
Drug Stores
Eating and Drinking Establishments
Fabric Stores
Florist
Hardware Stores
Health and Fitness Centers
Insurance Offices
Jewelry Stores
Laundry and Dry Cleaning Establishments
Liquor Stores
Medical/ Dental Offices
Pet Shops
Real Estate Services
Retail Music Stores
Retail Nurseries and Garden Stores
Shoe Repair
Shopping Centers****
Sporting Goods Stores
Supermarkets/ Other Retail Food Stores
Theater/ Video Establishments***
Toy and Games Shops
Travel Agents
Veterinary*******

Notes:

- * Excludes Automobile Repair Garage Facilities except as approved by a Conditional use Permit.**
- ** Requires approval of a Conditional Use Permit.**
- *** Excludes "Adult" oriented forms of business or service.**
- **** A group of 5 or more businesses with shared parking or in which the total land area of the development is 5 acres or more will require a Conditional Use Permit.**
- ***** Excludes Kennels or Boarding except as approved by a Conditional Use Permit.**

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2. Building Setbacks and Building Height

All commercial buildings shall maintain a 50' setback from State and County rights-of-way, 25' setback from City or private road rights-of-way, and 25' setback from residential properties.

Setbacks from natural water bodies shall be 25' from the established mean high water line.

The maximum building height shall be 35 feet; however, cupolas and spires shall be permitted up to 42 feet.

3. Parking

Parking shall be provided as required by the City of Clermont Land Development Regulations for each individual land use, as the project is developed.

C. Public Services

As assistance to the City of Clermont in its expansion of Public Services, on or before the issuance of the fifth (5th) residential building permit within the Legend's project, the developer shall make a bulk purchase of 50 Police Impact Fees.

D. Recreation and Open Space

The Developer shall provide a minimum of 103.5 acres or approximately 25% of the site for common open space. Such areas will be set aside for passive and active recreational uses and stormwater abatement/ management systems to include appropriate appurtenances. Final location of all uses shall be determined by the Developer at the time of construction.

Recreational amenities that may be developed within the common open space areas include, but are not limited to:

1. **Golf Courses (including Golf Cart Barn and Maintenance Facilities), Pro-Shop and Clubhouse.** Such uses may include sales of food and alcoholic beverages for on-site consumption.*
2. **Satellite recreational centers/ clubhouses within proposed residential areas.** Such facilities shall include all associated amenities commonly associated with such uses.
3. **Tennis Courts, Shuffle Board Courts, and Swimming Pools.**
4. **Pedestrian/ Jogging Paths.**

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5. Sales and Model Center associated with the project.*
* Temporary facilities shall be permitted for the indicated uses for a period of two (2) years from the time of formal City approval.

E. Transportation

1. The Developer shall meet the required access management standards of Lake County and the Florida Department of Transportation (FDOT) consistent with jurisdictional roadway classifications as it relates to identified jurisdictional facilities.
2. Access to the project from US 27 shall be limited to the proposed project entrance and the access located at the proposed commercial area. Required improvements shall be consistent with terms and conditions as specified in item #3, below.
3. Overall regional roadway improvements to US Highway 27, Hartwood Marsh Road, Hancock Road, and other facilities identified through the Development of Regional Impact Review process shall be provided consistent with approved monitoring and modeling/mitigation measures delineated in the Final Project Development Order. Immediate improvements necessitated by construction of ingress/egress roadways to the project shall be provided consistent with the impact of the facility constructed. Plans and specifications for such improvements shall be submitted to the City and appropriate jurisdictional entities for review and approval on a case by case basis. Such improvements may include, but not be limited to accel/ decel lanes, turn lanes, tapers, signalization, signage, widening and resurfacing of the impacted roadway.
4. The applicant shall provide for pedestrian and bicycle circulation paths throughout the project. Improvement plans for such facilities shall be included with construction drawings for each phase of the project. Bicycle parking shall be provided at community recreation centers and at commercial areas consistent with demand.
5. Sidewalks shall be provided adjacent to US Highway 27, or within the commercial parcel, at the time of development and as approved by the City.
6. In order to provide neighborhood continuity, all residential areas shall access internally to recreational, commercial, and other public areas through design and implementation of road networks, pedestrian ways and bicycle paths.

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7. The roads within the Planned Unit Development may at the developer's election, be private, but in such instances, the private roads shall be owned and maintained by a duly appointed and authorized Homeowners Association. In the event the roads are publicly dedicated, the applicant shall provide right-of-way extension to adjacent properties as determined upon formal review.
8. All roads and rights-of-way within the Planned Unit Development shall be designed and constructed in accordance with adopted City Land Development Regulations and requisite Subdivision Standards. Sidewalks located along the road rights-of-way within the development shall be 3' wide and constructed in accordance with ADA and City Standards.

F. Utilities

1. The Developer shall provide to the City a 20' (total width) utility easement adjacent to the north boundary of the property. Such easement shall extend the full length of the subject property and may be located within the rear yard of adjacent lots. In lieu of providing the utility easement an alternate means for extension of the necessary utility corridor may be provided upon mutual accord of the City and the Developer.
2. As assistance to the City of Clermont in its expansion of Public Facilities, on or before the issuance of the fifth (5th) residential building permit within the Legend's project, the developer shall make a bulk purchase of 50 water and 50 sewer connections.
3. The Developer shall, through appropriate improvement plan design and physical construction placement, provide that utility lines will not have more than 36 inches of overburden. Where landscape may be located over such lines the City shall receive indemnification in the event of necessary operation and/ or maintenance on the utility. Repair and/ or replacement of landscape shall be the responsibility of the Developer. The City shall give reasonable notice in non-emergency situations.
4. The Developer shall extend potable water, sanitary sewer, and reuse lines from the King Ridge development to the Legend's project. The City shall provide reimbursement to the Developer through potable water and sanitary sewer impact fee credits in an amount equal to the cost of the extension of the utilities.
5. In order to prevent potential cross connection between potable water supply and reuse water lines, all reuse lines shall be installed in purple colored pipe.

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G. Stormwater Management Plan Requirements

1. Verification of the stormwater run-off data, assumptions, and calculations shall be provided and approved by the City Engineer and St. John's River Water Management District on each proposed phase of the site prior to any development activity. The drainage and stormwater retention requirements of the City and the appropriate regulatory agencies shall be met.
2. A St. John's River Water Management District stormwater permit shall be required and filed with the City prior to receipt of a building permit or any development activity.
3. Permeability tests must be submitted as part of the stormwater/site plan review process. Permeability shall be maintained.
4. Final disposition of stormwater outfall shall be as approved by the City Engineer.
5. A duly authorized and sanctioned Home (Master Property) Owners Association shall be the entity responsible for the maintenance of the stormwater management system.

H. Construction Parameters and Noise Abatement

Contractors shall be allowed to work 7:00 a.m. to 7:00 p.m., Monday through Saturday. Noise levels during construction of the project shall not exceed those recommended by the Florida Department of Environmental Protection. Heavy equipment and normal work operations will be allowed on the site between the hours of 7:00 A.M. and 7:00 P.M., Monday thru Saturday.

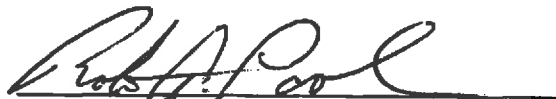
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4. The project may use an allowable pipe velocity of 20 fps in lieu of 10 fps for reinforced concrete pipe only when demonstrated that damaging scour (erosion) will not result; formal approval shall be required from the City Engineer.
5. The project may be permitted a maximum pipe slope of 8% on sanitary sewer collection systems upon formal approval of the City Engineer.
6. The permanent community main entry sign shall be permitted maximum height of 10 feet; and neighborhood descriptive entry feature sign walls shall be allowed a maximum of 8 feet.

DONE AND RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLERMONT, LAKE COUNTY, FLORIDA THIS 26TH DAY OF JANUARY, 1998.


ROBERT A. POOL, Mayor

ATTEST:



JOSEPH E. VAN ZILE, City Clerk

Exhibit "A"
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WEST OF US 27:

PARCEL 1:

Southwest 1/4 of the Southeast 1/4 of Section 5, Township 23 South, Range 26 East, also described as Tracts 51,52,61 and 62 of MONTE VISTA PARK FARMS.

Tract 60, more particularly described as the Southeast 1/4 of the Southeast 1/4 of the Southwest 1/4 of Section 5, Township 23 South, Range 26 East.

Northeast 1/4 of the Southeast 1/4 of Southwest 1/4 of Section 5, Township 23 South, Range 26 East, otherwise described as Tract 53. In Section 5, Township 23 South, Range 26 East according to the map of MONTE VISTA PARK FARMS, filed February 13, 1914, and recorded in Plat Book 2, Page 27, Public Records of Lake County, Florida.

PARCEL 2:

The SE 1/4 of the SE 1/4 of Section 5, Township 23 South, Range 26 East, also described as Tracts 49, 50, 63 and 64, MONTE VISTA PARK FARMS, as per plat thereof recorded in the office of the Clerk of the Circuit Court in and for Lake County, Florida.

ALSO: That part of the SW 1/4 of the SW 1/4 of Section 4, Township 23 South, Range 26 East lying west of the right-of-way of Federal Highway Number 19.

PARCEL 3:

That part of the NW 1/4 of Section 9, Township 33 South, Range 26 East lying West of the West line of Federal Highway No. 27 and lying N of the center line of the paved private road running generally East and West through said Section 9 West of Federal Highway No. 27.

ALSO: The E 1/2 of the NE 1/4 of the NE 1/4 of Section 8, Township 23 South, Range 26 East, less the part thereof lying West of the center line of the paved private road running generally N and S through said E 1/2 of the NE 1/4 of the NE 1/4 of Section 8.

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PARCEL 4:

That part of the NW 1/4 of Section 9, Township 23 South, Range 26 East lying West of the West line of Federal Highway No. 27 and lying South of the center line of the paved private road running generally East and West through said Section 9 West of Federal Highway No. 27.

PARCEL 5:

The NW 1/4 of the SE 1/4 of the NE 1/4 of Section 8, Township 23 South, Range 26 East, also described as Tract 18 of MONTE VISTA PARK FARMS, as per plat thereof recorded in the office of the Clerk of the Circuit Court, in and for Lake County, Florida.

AND: That part of the N 1/2 of the NE 1/4 of Section 8, Township 23 South, Range 26 East, also described as Tracts 1 2, 3, 14, 15 and 16 of MONTE VISTA PARK FARMS, as per plat thereof recorded in the office of the Clerk of the Circuit Court in and for Lake County, Florida, lying W of the center line of the paved road running generally N and S through the E 1/2 of the NE 1/4 of the NE 1/4 of said Section 8, LESS the NW 1/4 of the NW 1/4 of the NE 1/4, also described as Tract 4 of MONTE VISTA PARK FARMS, as per plat, thereof recorded in the office of the Clerk of the Circuit Court, in and for Lake County, Florida and LESS the SW 1/4 of the NW 1/4 of the NE 1/4 of Section 8, Township 23 South, Range 26 East, also described as Tract 13 of MONTE VISTA PARK FARMS, as per plat thereof recorded in the office of the Clerk of the Circuit Court, in and for Lake County, Florida.

PARCEL 6:

The NW 1/4 of the NW 1/4 of the NE 1/4 of Section 8, Township 23 South, Range 26 East, also described as Tract 4 of the MONTE VISTA PARK FARMS as per plat thereof recorded in the office of the Clerk of the Circuit Court, in and for Lake County, Florida.

The SW 1/4 of the NW 1/4 of the NE 1/4 of Section 8, Township 23 South, Range 26 East, also described as Tract 13 of MONTE VISTA PARK FARMS as per plat thereof recorded in the office of the Clerk of the Circuit Court, in and for Lake County, Florida.

AND: The NE 1/4 of the SW 1/4 of the NE 1/4 of Section 8, Township 23 South, Range 26 East, also described as Tract 19 of MONTE VISTA PARK FARMS as per plat thereof recorded in the office of the Clerk of the Circuit Court, in and for Lake County, Florida.

Exhibit "A"
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PARCEL 7:

The SW 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 of SW 1/4, all in Section 5, Township 23 South, Range 26 East, and being further described as Tracts 55, 56, 57, 58 and 59 in Section 5, according to the plat of MONTE VISTA PARK FARMS as filed on February 13, 1914, in Plat Book 2, Page 27, Public Records of Lake County, Florida.

PARCEL 8:

Tracts 5, 6, 7, 8, 12, 20 and 21 of Section 8, Township 23 South, Range 26 East according to the map of plat of MONTE VISTA PARK FARMS, filed for record on February 13, 1914, and recorded in Plat Book 2, Page 27, Public Records of Lake County, Florida: said Tracts 5, 6, 7 and 8 being otherwise described as the N 1/4 of the NW 1/4 of said Section 8, said Tract 12 being otherwise described as the SE 1/4 of the NE 1/4 of the NW 1/4 of said Section 8, and said Tract 20 being otherwise described as the NW 1/4 of SW 1/4 of NE 1/4 of said Section 8 and said Tract 21 being otherwise described as the NE 1/4 of SE 1/4 of NW 1/4 of said Section 8, in Township 23 South, Range 26 East (LESS road rights-of-way).

PARCEL 9:

Lots 17 and 32 of MONTE VISTA PARK FARMS, as recorded in Plat Book 2, Page 27 of the Public Records of Lake County, Florida. Also described as the E 1/2 of the SE 1/4 of the NE 1/4 of Section 8, Township 23 South, Range 23 East.