

ORDINANCE NO. 845

AN ORDINANCE PROVIDING FOR A PLANNED UNIT DEVELOPMENT ON CERTAIN LANDS OWNED BY MORRISON HOMES OF FLORIDA, INC. F/K/A GEORGE WIMPEY OF FLORIDA, INC.; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH DEVELOPMENT; AMENDING ORDINANCE NO. 529 OF THE CITY OF MOUNT DORA, AS AMENDED BY ORDINANCE NOS. 579, 601, 609, 614, 615, 626, 665, 681 AND 706; PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MOUNT DORA, FLORIDA:

SECTION 1. Property ownership and description.

Sec. 1.1 Purpose.

The purpose of this section is to set forth the location and ownership of the property and to describe the existing conditions of the property to be developed under the project name of "Country Club of Mount Dora" hereinafter referred to as the "Project".

Sec. 1.2 Legal Description.

The subject property is 439 +/- acres in area. It is described on Exhibit "A" which is attached hereto and incorporated by reference.

Sec. 1.3 Property ownership and development.

~~The subject property is owned by or is under option to purchase in favor of Morrison Homes of Florida, Inc. f/k/a George Wimpey of Florida, Inc., 1885 Country Club Boulevard, Mount Dora, Florida 32757. The property may or may not be developed by the Owner. For the purposes of this Ordinance the term "Developer" shall refer to any person, corporation or entity which carries out any building activity, makes any natural change in the use or appearance of any structure or land, or divides the property into two or more parcels.~~

Sec. 1.4 General description of property area.

A. The 439 +/- acres consists of multiple tracts of land situated contiguous to U.S. 441 and having frontage on Lake Loch Leven.

B. The property lies within the City of Mount Dora, Florida, pursuant to its annexation under the terms of Ordinance #467, Ordinance #487, Ordinance #488, Ordinance #489 and Ordinance #490.

SECTION 2. Project development requirements.

Sec. 2.1 Purpose.

The purpose of this section is to set forth basic development regulations and to generally describe the project which is being developed as a Planned Unit Development, hereinafter referred to as a "PUD", as specified in Section 3.4.5 of the Land Development Code of the City of Mount Dora, Florida.

Sec. 2.2 General.

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

B. Unless otherwise noted, the definitions of all terms shall be the same as the definitions set forth in the City of Mount Dora Land Development Code.

Sec. 2.3

A. The Preliminary Development Plan for the project is attached hereto as Exhibit "B" and is an integral part of this PUD document. A reduced version of the Preliminary Development Plan is attached to this document and incorporated by reference. Elements in the Preliminary Development Plan include the following:

Land Use	Acres
Internal Road Right of Way	57.36
Single Family Lots	156.97
Club Cottages	4.37
Water Management Ponds	44.70
Club Area, Recreation Areas & Natural Park	15.10
Maintenance Area	1.35
Preserved Wetlands (exclusive of Nature Park)	26.20
Cemetery	1.88
Golf Course & Misc. Open Space	122.39
Cluster Cottages	8.88
Total Area	439.20

B. In addition to the planned elements shown in the Preliminary Development Plan, such easements and rights-of-way shall be established within or adjacent to the project site as may be necessary or desirable for the service, function or convenience of the project, said easements and rights-of-way to be determined and indicated on recorded plats of the property or any portion thereof.

Sec. 2.4 Maximum Project Density.

No more than 827 residential units shall be constructed within the Country Club of Mount Dora Project. Development of all 827 dwelling units would result in a gross project density of approximately 1.88 units per acre.

Sec. 2.5 Purpose.

A. The Preliminary Development Plan indicates that the basic nature of development permitted for the project as a whole consists of single family residences (attached & detached) on individual lots of various types along with a golf course, with the appurtenant club facilities such as club house, swimming pool and tennis courts, lakes, wetlands, and recreational open space.

B. Record Plat Approval Requirements.

All record plats, shall be filed in accordance with all applicable rules and regulations of the City of Mount Dora, including, but not limited to the Land Development Code and Code of Ordinances.

SECTION 3. Land use.

The PUD containing a total of 439 plus or minus acres shall be used for the following:

Sec. 3.1 Residential

A total of 169.04 plus or minus acres will be utilized for a total of 827 dwelling units, at an overall adjusted gross density of 1.88 units per acre. The development will be constructed in two phases. The first phase shall extend from U.S. 441 east to the power easement which runs north and south just east of Wolfbranch Creek. The second phase shall consist of the remainder of the property. Subject to City approval, each phase may consist of one or more plats in any combination of single-family residences or single-family detached villas or single family club cottages or cluster cottages (attached).

Each phase shall include, but not be limited to, the following structures, facilities and/or amenities and shall be developed in conformance with the Preliminary Development Plan.

Phase I:

- (a) Main boulevard which shall terminate in a temporary cul-de-sac at Wolfbranch Creek.
- (b) Water and sewer infrastructure extended to Wolfbranch Creek.
- (c) Golf Course - consisting of eighteen (18) holes and related amenities as described elsewhere in this Ordinance and irrigation of same.
- (d) Storm drainage system to accommodate the entire development at build-out.
- (e) Permanent Clubhouse to be constructed when the golf membership reaches 325 permanent members.
- (f) Temporary Trailers - two (2) temporary trailers may be used for construction and sale purposes for as long as new home sales and construction continues in the development. These trailers must be appropriately screened and buffered. In lieu of these temporary trailers, the developer may construct a permanent structure, up to 2,000 square feet, which will be turned over to the Homeowners Association when the sales operation is no longer necessary.
- (g) Maintenance building and golf cart storage area.
- (h) A stabilized unpaved access for emergency vehicles to be provided off Britt Road, or alternative if available.

Phase II:

Any remaining structures, facilities and/or amenities, which are depicted in the Preliminary Development Plan which were not constructed or installed in Phase I.

As depicted in the Preliminary Development Plan, each plat is required to be developed so that it constitutes a self-contained unit, not dependent for all amenities and/or access on later phases of the development. Any applicable impact fees for the golf course and associated facilities shall be payable at the time of issuance of the building permit for said facilities.

The developer may transfer acreage and units between the single family and single family villas classifications freely, so long as the development does not exceed 827 units, at an adjusted gross density of 1.88 units per acre. Said transfer of acreage and units by the Developer shall be deemed to be a minor modification of the Preliminary Development Plan subject to review and written approval by the City.

Sec. 3.2 Recreational.

- A. Acreage committed to recreational space.

There shall be a total of 123.02 plus or minus acres committed to the golf course, 6.39 plus or minus acres committed to the clubhouse site and 5.81 plus or minus acres committed to a nature park, and 2.90 plus or minus acres committed to satellite recreation areas.

B. Recreational uses.

The following recreational uses are permitted.

1. Eighteen (18) hole golf course.
2. Eighty-five hundred (8,500) plus or minus square foot of clubhouse with associated amenities such as pool, tennis courts, shuffleboard courts or other recreational amenities.
3. Nature park with associated amenities such as board walk, picnic area or other amenities which nature park shall be dedicated by conservation easement.
4. Satellite recreational park, south of hole thirteen, to include but not be limited to a pool and fitness center. This satellite recreation park shall be dedicated to the residents of Section J of the development.

SECTION 4. Setbacks and buffer requirements.

Sec. 4.1 Residential.

A. The following setbacks* are for the single family dwelling units:

1. Front setback - 20' from front property line.
2. Rear setback - 15' from rear property line.
3. Side setback - 7.5' from side property line.

B. The following setbacks* are applicable to the single family villas:

1. Front setback - 20' from front property line for a residence with a front garage door and 15' from front property line for a residence with a rear or side garage door.
2. Rear setback - 5' from rear property line.
3. Side setback - the setback on one side may be 0' or greater, provided that a minimum distance of 10' is maintained between buildings at all times, except that a minimum distance of only 8' must be maintained between the

buildings located on Lots 22 and 23 of Unit 3.

C. The following setbacks* are applicable to the single-family club cottages which may be detached or attached in pairs and to the single-family cluster cottages which can be attached in quadrplexes:

1. Front setback - 15' from edge of parking drive or property line.
2. Side setback - 10' between buildings.
3. Rear setback - 15' between buildings or 5' from property lines, whichever is applicable.

* Where such setbacks shall conflict with required easement widths, the easement widths (if larger) shall govern. ~~Rear setbacks of perimeter lots shall be in addition to, and measured from, the buffer (as described in Section 4.3) rather than from the property line.~~

D. Distance from water bodies.

The minimum distance between any structure and Lake Loch Leven shall be 25 feet from waters edge or landward of the conservation easement line as shown on the development plan, whichever is a greater distance from the lake. In no event shall any structure be located within the conservation easement. For purposes of this restriction, boardwalks and docks for which construction approvals have been received by all applicable governmental agencies shall not be considered structures.

E. Dwelling size.

The minimum dwelling size in the development shall be 1,200 square feet of heated/air conditioned space, exclusive of a garage, under roof for all single-family residences except club cottages and cluster cottages. Club cottages and cluster cottages shall be 900 square feet of heated/air conditioned space under roof. Golf carts shall be stored either in an enclosed area attached or a part of the dwelling unit or in an area specifically designated for golf cart storage and designated as same on the development plan attached hereto and made a part hereof.

F. Screen pool enclosures, only one side of which consists of a wall of the main building, shall not be closer than five (5) feet to a lot line. For purposes of this paragraph, the setback distance shall be measured from the lot line, along a line perpendicular to the lot line, to the first vertical plane, which intersects any portion, without limitation, of the screen pool enclosure.

G. Driveways for single-family villas must be a minimum of twenty (20) feet in length.

H. There shall be a maximum of nine hospitality suites located within the project.

These suites shall be located within the cluster cottage section, and shall be sold at build out.

I. Short term rentals shall be restricted to Andover Meadows, Hunter's Greene, ~~and The Southerlands, The Cumberlands, and The Meadowlands.~~

Sec. 4.2 Recreational.

A. All recreational buildings, except those within the satellite recreation area, shall maintain a setback of 50 feet from the edge of any adjacent right-of-way and shall maintain a front, side and rear setback of 50 feet. Recreational buildings within the satellite recreation area shall maintain a setback of 40 feet from the edge of any adjacent right-of-way and shall maintain a front, side and rear setback of 30 feet.

B. The Satellite Recreational Park, south of hole thirteen, shall provide parking equivalent to one space for every 175 square feet of gross floor area. All parking shall comply with federal, state and local ordinances in regards to handicapped requirements and stall sizes.

Sec. 4.3 Buffer requirement.

~~A ten foot maintained vegetative buffer or a six foot high masonry wall shall be placed around the entire Planned Unit Development in accordance with the provisions of Section 6.6.2(4) of the Mount Dora Land Development Code. Said plantings as contained in the vegetative buffer shall not be of a type or variety which shall impede the placement of utilities around the perimeter of the development. No vegetative buffer shall be required in those areas which provide a natural vegetative buffer or which constitute a conservation area, as such areas are depicted on the Preliminary Development Plan. Further, a homeowner can apply to the city to allow the construction of a six foot (6') high privacy fence in the rear of the structure. The maintenance of the vegetative buffer shall be the responsibility of the Homeowners Association. Rear setbacks of perimeter lots shall be in addition to, and shall be measured from, the buffer, rather than from the property line. A type "a" buffer is required between the recreation facilities within the satellite recreation area and club cottages.~~

Sec. 4.4 Perimeter Road.

A. The minimum setback from U.S. 441 shall be 150 feet from the centerline of the road or 75 feet from the right-of-way line, whichever provides the greater setback.

B. The minimum setback from the centerline of Britt Road shall be sixty (60) feet. Developer must dedicate sufficient right-of-way to have thirty-feet from the centerline of Britt Road.

SECTION 5. Height of structures.

No residential structure shall exceed 25 feet in height nor shall a recreational structure exceed 35 feet in height measured from the lowest point within 20 feet of the finished grade.

Building heights for recreational structures may exceed 35' provided the applicant pays for necessary fire equipment and personnel.

SECTION 6. Lot area and frontage requirements.

Sec. 6.1 Residential single-family dwelling units.

The lot areas shall be a minimum of 8,800 square feet with a minimum lot width of 80 feet at the building line.

Sec. 6.2 Single-family villas.

The lot area shall be a minimum of 4,000 square feet with a minimum lot width of 40 feet at the building line.

Sec. 6.3 Club cottages and cluster cottages.

Minimum lot area shall correspond with the footprint of each residential unit.

SECTION 7. Public facilities.

Sec. 7.1 Impact fees.

The Developer acknowledges that the City of Mount Dora may enact impact fees for fire, police, parks and recreation, emergency medical services, public library and/or transportation or any other facilities, and that the project shall be subject to such impact fees.

~~Sec. 7.2 Fire facility:~~

~~————The Developer shall place a Letter of Credit in the amount of \$125,000.00 with the City to be utilized for fire protection. The Developer shall place the Letter of Credit with the City at a time designated by the City, but no later than the construction of Phase One:~~

~~————The Developer shall be entitled to reimbursement up to the amount of the face value of the Letter of Credit from those fire impact fees received by the City from development of the project within seven (7) years from the date any plat for any portion of the project is recorded:~~

Sec. 7.3 Cemetery.

~~The Developer shall preserve the existing cemetery that is located on the project site and allow reasonable access. The Developer shall not have any duty to provide maintenance to the cemetery site. If the cemetery can be terminated or relocated, the Developer will be permitted to do so in accordance with state laws. Reasonable access shall be deemed provided if a dedicated public street abuts the cemetery and a concrete driveway apron is provided. An existing unnamed cemetery is located on the project site. The cemetery shall not be disturbed; however,~~

neither the developer nor any homeowners association nor any individual homeowners shall be responsible for maintenance of the cemetery. Reasonable access shall be allowed to the cemetery.

SECTION 8. Utilities.

Sec. 8.1 Potable water.

Potable water shall be provided by the ~~legal provider of the service~~ City of Mount Dora.

Sec. 8.2 Electric.

Electric service shall be provided by Sumter Electric Corporation.

Sec. 8.3 Sewer.

Public sewerage shall be provided by the ~~legal provider of service~~ City of Mount Dora. To the extent that appropriate permits are obtainable from the Department of Environmental Regulation and other regulatory agencies having jurisdiction, developer shall design, furnish, install and permit, at its sole expense, all on site facilities required for the land-spraying of treated effluent on those portions of the project used for golf course purposes, right-of-ways, common areas, landscaped medians, vegetated buffers and other areas deemed suitable by the City for such spray irrigation. ~~The Developer further agrees to accept such~~ Treated effluent for the project golf course shall be accepted at such time as the effluent is available and under the prevailing terms and conditions governing such spray irrigation. ~~Credits to the Developer will be given in accordance with the Mount Dora Code of Ordinances.~~ The land-spraying program shall be governed by a subsequent agreement to be negotiated by the parties upon determination of whether the necessary permits can be obtained.

~~SECTION 9. Drainage.~~

~~———— Prior to receiving initial plat approval, the Developer shall submit a master site drainage plan for review and approval by the City of Mount Dora in accordance with the requirements of Section 3.4.5 of the Land Development Code of the City of Mount Dora.~~

SECTION 10. Transportation.

Sec. 10.1 Ingress and egress.

There shall be provided a total of two ingress and egress points for the planned unit development: the main entrance shall be located off U.S. 441, with an emergency limited access provided off Britt Road.

Sec. 10.2 Roads.

A. The major entrance boulevard shall maintain a 100 foot right-of-way. All other neighborhood streets shall maintain a minimum 50 foot right-of-way with an additional ten (10) feet on each side of the edge of the right-of-way to be used as a utility easement.

B. All roads and streets shall be constructed according to standards of the Land Development Code of the City of Mount Dora, which shall include, among other requirements, paving of 1 1/4" on all neighborhood streets except for the main boulevard which paving shall be 1 3/4".

C. A frontage road shall be installed along U.S. 441. The timing of construction of the frontage road by the Developer shall be determined by the City and shall be in conformance with Section 6.3.9 of the Land Development Code of the City of Mount Dora. Developer shall dedicate during Phase One a 50-foot right-of-way adjacent to U.S. 441 for this purpose.

D. All roads and streets in Phase I, westerly of the 100' power easement shall be dedicated to the public and shall be accepted for maintenance by the City of Mount Dora if found to have been constructed in conformance with all applicable requirements of the City. All landscaped areas adjacent to or within the right-of-way in Phases I or II shall be maintained by a Homeowner's Association. Phase II roads shall be dedicated to and maintained by the Community Development District established by Ordinance No. 614, but shall be constructed in conformance with all applicable requirements of the City, and shall remain open to the public at all times.

E. Any roads and/or streets which end in a cul-de-sac shall have a 50 foot radius in the cul-de-sac.

Sec. 10.3 Sidewalks.

A. Four (4') foot concrete sidewalks shall be installed along both sides of all neighborhood streets.

B. Five (5') foot concrete sidewalks shall be installed along both sides of the main boulevard.

C. Sidewalks shall be installed along that portion of the property abutting Britt Road at the time deemed necessary by the City. ~~In lieu of this Britt Road sidewalk installation, the developer may donate~~ has donated \$15,930.00 to the City's general fund to be used for sidewalk construction. ~~Should the developer chose this donation option,~~ The City shall, as between the residents of the Country Club of Mount Dora and the City, and not for the benefit of any third party, including Lake County, bear the responsibility of installing the Britt Road sidewalk when needed. The City acknowledges that \$15,930.00 was contributed to the sidewalk construction fund.

Sec. 10.4 Traffic analysis:

~~_____ The Developer must provide a traffic analysis to the City at the onset of the PUD, prior to the commencement of Phase II, prior to the development of fifty percent (50%) of the project and prior to the development of seventy-five percent (75%) of the project, which traffic analysis shall address the following:~~

- ~~_____ 1. _____ Entrance to site at U.S. Highway 441.~~
- ~~_____ 2. _____ The U.S. 441/Wolfbranch Road intersection.~~
- ~~_____ 3. _____ The Britt Road - Wolfbranch Road intersection.~~

~~_____ If, upon review of the traffic analysis provided it by the Developer, the City finds that the Level of Service (LOS) on any road or highway analyzed in the study has decreased to a level of service (LOS) below service level "D" peak hour and the project contributes ten percent (10%) or greater to the capacity of the roadway or intersection at service level "C" as determined by the City, or its designee, unless mitigation measures and/or improvements are secured and committed to occur during the next stage of development, the City may withhold the issuance of building permits for the next phase of the development until such time as the road deficiency is corrected. The Developer must also demonstrate to the City that the final stage of development will not adversely affect service levels (below service level "D" peak hour), or demonstrate that the necessary improvements are committed to occur during the final phase.~~

SECTION 11. Landscaping requirements.

Sec. 11.1

- A. The major boulevard within the subdivision must have a minimum of a 10 foot landscaped median, which median shall be maintained by the Homeowner's Association.
- B. The development shall otherwise comply with the City's landscape requirements.
- C. All landscaped areas, common areas, and the golf course shall be properly irrigated.

~~SECTION 12. Lighting.~~

~~_____ Street lighting shall be installed at every intersection, at the end of each cul-de-sac and at intervals of each 300 feet. Street lighting shall be installed by the Developer.~~

SECTION 13. Timing.

Developer shall submit for plat approval the initial plat of Phase One of the project within 12 months from the effective date of this document and such plat shall be developed in conformance with the requirements of the Land Development Code of the City of Mount Dora and other applicable local or state regulations. ~~The terms of this Ordinance shall be in effect for~~

~~a seven (7) year period effective as of the date of execution. The terms of the Ordinance may be extended by mutual consent of amended by the City and the Developer, subject to a public hearing. The City shall not amend the terms of this ordinance without the consent of the developer so as long as new home sales and construction continues in the development, or until such time as control of the development is transferred from the Developer to the Home Owners Association.~~ The City shall review land subject to this Ordinance at least once every twelve (12) months to determine if there has been demonstrated good faith compliance with the terms thereof. If the City finds on the basis of substantial competent evidence, that there has been failure to comply with the terms of this Ordinance, the Ordinance may be revoked or modified by it.

~~SECTION 14. Permits.~~

~~—Prior to construction and/or platting, whichever occurs first, the property owner shall obtain all necessary permits from the applicable local, regional, state and federal agencies. Copies of all permits shall be furnished to the Development Review Coordinator of the City.~~


SECTION 15. Severability.

Should any section or part of this Ordinance be declared invalid by any court of competent jurisdiction, such adjudication shall not apply or affect any other provision of this Ordinance, except to the effect that the entire section or part of the section may be inseparable in meaning and effect from section to which such holding shall apply.


SECTION 16. Effective Date.

This ordinance shall take effect immediately upon its final adoption by the City Council of the City of Mount Dora, Florida.

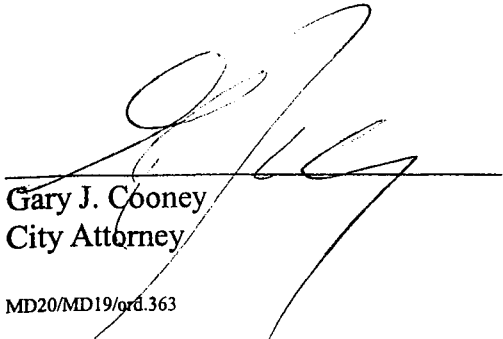
PASSED AND ORDAINED this 2nd day of March, ²⁰⁰⁴ 2003, by the City Council of the City of Mount Dora, Florida.


James E. Yatsuk, Mayor
City of Mount Dora

Attest:


Bernice Brinson, City Clerk
City of Mount Dora

Approved as to form:



Gary J. Cooney
City Attorney

MD20/MD19/grd.363