

ORDINANCE NO. 838

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA PERTAINING TO ZONING; PROVIDING FOR A PLANNED UNIT DEVELOPMENT ON CERTAIN LANDS OWNED BY GENE BATSON, BARBARA BATSON, JOHN NELSON, JENNIFER MYERS AND BETH DONOVAN; PROVIDING FOR THE TERMS AND CONDITIONS OF SUCH DEVELOPMENT; PROVIDING FOR AN EFFECTIVE DATE.

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

Section 1. That certain parcel of property described below is hereby rezoned from R-1 (Single Family Residential) to PUD (Planned Unit Development), subject to the conditions set forth in this ordinance. The property is more particularly described as:

The North 1/2 of the Southwest 1/4 of the Northwest 1/4 of Section 27, Township 19 South, Range 27 East, Lake County, Florida.

AND

The East 1/2 of the Northeast 1/4 of the Southeast 1/4 of Section 28, Township 19 South, Range 27 East, Lake County, Florida.

AND

The Northwest 1/4 of the Northeast 1/4 of the Southeast 1/4 of Section 28, Township 19 South, Range 27 East, Lake County, Florida.

AND

The Southwest 1/4 of the Northeast 1/4 of the Northeast 1/4, and the Southeast 1/4 of the Northeast 1/4 of Section 28, Township 19 South, Range 27 East, Lake County, Florida.

Section 2. Property ownership and development.

The subject property was at the time of annexation owned by Gene Batson, Barbara Batson, John Nelson, Jennifer Myers and Beth Donovan. 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 carried 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.

Section 3. The parcel of property rezoned hereby shall be subject to all conditions

set forth in the Land Development Regulations for a parcel of property zoned R1 except as set forth below.

- A. The developer shall be allowed to construct 291 single-family homes on the property.
- B. The minimum lot size shall be 60 feet wide by 115 feet deep.
- C. The minimum setbacks shall be as follows:

Front to open air porch	-	16 feet
Front to primary structure	-	24 feet
Side	-	7 feet
Side adjacent to right of way	-	15 feet
Rear	-	25 feet
- D. Prior to any building permits being issued, the developer shall present to Planning and Zoning the models that it will offer at a minimum. There shall be no fewer than 6 floor plans with 3 facades for each floor plan.
- E. Each house shall have an open air front porch meeting the following requirements:
 - 1. The porch will extend along the entire front portion of the house not occupied by the garage.
 - 2. The roofing material of the porch will match the roofing material of the house.
 - 3. The porch will not be screened.
 - 4. The porch will be a minimum of 8 feet in depth.
- F. The garage for each house shall be setback a minimum of eight feet from the front building line.
- G. Access to the site shall be provided at Niles Road. Additional access shall be provided to the Stephens property to the west and the Simpson property to the east to promote neighborhood interconnectivity.
- H. The developer shall be required to construct a left turn lane on Wolfbranch Road for the left turning movement onto Niles Road.
- I. Trail - The developer shall be required to construct a trail that connects with the trail system on the Stephens property. The location and extent of the trail shall be shown on the Final PUD plan and shall be subject to City approval.
- J. Creek to Sink Connections – The developer shall provide educational brochures

informing property owners within the property of the of the necessity of, and the methods for, protecting the Wolf Branch creek to sink connection. A reference to this restriction shall be placed in the restrictive covenants for the project.

- K. Park Site – The developer shall provide a 10.91 acre park site for use by the public. The park will be dedicated to, and maintained by, a homeowners association. This park must be completed prior to any development of Phase IV. This 10.91 acre park shall have at least a 200 foot contiguous boundary with the Simpson property to the east. This contiguity may be achieved by either placing the park at the eastern end of the portion of the property located east of Niles road and placing Kittansett Court at the western end of the property located east of Niles road, or, at the developer’s option, by placing a maximum of nine (9) lots on Kittansett Court. In addition, the developer shall develop a linear park of a minimum of 50 feet in width running north and south from the north right-of-way of Bethpage Loop to the south right of way of Bethpage Loop and a linear park of a minimum of 50 feet in width running east and west from the east right-of-way of Aronimink Drive to the easternmost west right of way of Merion Drive. The park inside Bethpage Loop must be completed in conjunction with the construction of Bethpage Loop. The park between Aronimink Drive and Merion Drive must be completed in conjunction with the construction of Merion Drive. These parks shall be maintained by the home owners’ association, but shall be dedicated to public use.
- L. Stormwater - The stormwater system must be designed to meet Outstanding Florida Water standards or the 100 year storm event standards.
- M. Groundwater Recharge - A groundwater recharge analysis shall be conducted to ensure that post development recharge is at least equal to pre-development recharge. This must be provided with the submittal of the Final Plat.
- N. Florida Friendly Landscape Requirements - All individual building lots and common landscape areas must meet the Florida Friendly Landscape Requirements designed by the University of Florida. These requirements shall be developed prior to the issuance of any building permits.
- O. Energy Efficiency - Individual dwelling units shall be constructed to meet or exceed Energy Star standards for efficient and economical energy consumption.
- P. Exterior Lighting - The developer shall install downward directed exterior lighting to meet the requirements of the Dark Sky Society.
- Q. Restrictive Covenants - The restrictive covenants of the development must include:
 - 1. a requirement that no less than three (3) canopy trees of a City of Mount Dora approved species be maintained on each individual lot at all times;

2. a prohibition against overnight on-street parking;
3. a prohibition against chain link fencing;
4. a prohibition against car repair, except in emergency situations; and,
5. a provision granting the City of Mount Dora the right to enforce by all legal means the restrictive covenants set forth in subparagraphs 1, 2, 3 and 4 above.

Section 4. 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.

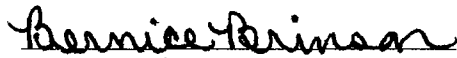
Section 5. Effective date.

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 17th day of February, 2004 by the City Council of the City of Mount Dora, Florida.


James E. Yatsuk, Mayor
City of Mount Dora

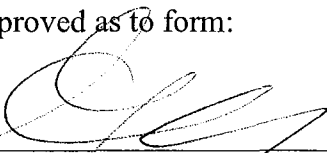
Attest:


Bernice Brinson, City Clerk
City of Mount Dora

1st Reading: 01/20/2004

2nd Reading: 02/17/2004

Approved as to form:


Gary Cooney
City Attorney