

ORDINANCE NO 2008-1015

AN ORDINANCE OF THE CITY OF MOUNT DORA, FLORIDA REZONING CERTAIN LANDS FROM C-3 (HIGHWAY COMMERCIAL); OP (OFFICE PROFESSIONAL) AND R-2 (DUPLEX RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT); PROVIDING FOR A PLANNED UNIT DEVELOPMENT ON CERTAIN LANDS OWNED BY ANITA SIMPSON, FOUR GATORS, INC.; 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 C-3 (Highway Commercial), OP (Office Professional) and R-2 (Duplex Residential) to PUD (Planned Unit Development), subject to the conditions set forth in this ordinance. The property is more particularly described as:

PARCEL 1:

THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; THE SOUTH 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; AND THAT PART OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, LYING NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 441; ALL BEING IN SECTION S0, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL: BEGIN AT THE INTERSECTION OF THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20 AND THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 441, AS IT EXISTED THE 5TH DAY OF NOVEMBER, 1990; RUN THENCE N00°04'00"E ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 5.07 FEET; THENCE S89°33'30"W 62.98 FEET; THENCE S00°26'30"E 5.00 FEET TO A POINT ON THE SAID NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 441; THENCE N89°33'30"E ALONG SAID NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 441 A DISTANCE OF 46.00 FEET TO THE POINT OF CURVATURE OF A CURVE IN SAID RIGHT OF WAY LINE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2010.08 FEET, THROUGH A CENTRAL ANGLE OF 00°28'59" A DISTANCE OF 16.94 FEET TO THE POINT OF BEGINNING AND POINT OF TERMINUS.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL: THE NORTH 33.00 FEET OT THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4; THE SOUTH 33.00 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE

NORTHWEST 1/4; ALL BEING IN SECTION 20, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA.

PARCEL 2:

THAT PART OF THE SOUTH 1/2 OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF COUNTY ROAD No. 44-B; THAT PART OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF COUNTY ROAD No. 44-B AND NORTH OF THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 441; ALL BEING IN SECTION 19, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL: THAT PART OF THE SOUTH 33.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 44-B; THAT PART OF THE NORTH 33.00 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD No. 44-B; ALL BEING IN SECTION 19, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA.

LESS AND EXCEPT THE FOLLOWING DESCRIBED PARCEL: FROM THE EAST 1/4 CORNER OF SAID SECTION 19, RUN N00°02'48"E ALONG THE EAST LINE OF SECTION A DISTANCE OF 767.67 FEET TO THE NORTH RIGHT OF WAY LINE OF U.S. HIGHWAY No. 441; THENCE RUN N89°31'09"W ALONG SAID NORTH RIGHT OF WAY LINE 209.60 FOR THE POINT OF BEGINNING; THENCE CONTINUE N89°31'09"W 300.00 FEET TO THE EAST RIGHT OF WAY LINE OF COUNTY ROAD 44-B; THENCE N00°09'21"E ALONG SAID EAST RIGHT OF WAY LINE 277 FEET; THENCE S89°31'09"E 300.00 FEET; THENCE S00°09'21"W 277 FEET TO THE POINT OF BEGINNING.

PARCEL 3:

THE NORTH 33.00 FEET OF THE NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4; THE SOUTH 33.00 FEET OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4; ALL BEING IN SECTION 20, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA.

AND

THAT PART OF THE EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 AND THAT PART OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 IN SECTION 20, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGIN AT THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4, RUN THENCE N00°04'W ALONG THE WEST LINE OF THE SAID EAST 1/2 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 825 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SAID SECTION 20, THE SAID POINT BEING HEREBY DESIGNATED AS POINT "A"; BEGIN AGAIN AT THE POINT OF BEGINNING, RUN THENCE N89°19'15"E 152 FEET; THENCE N12°19'E 860 FEET, MORE OR LESS, TO THE SOUTH LINE OF THE NORTH 3/4 OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF THE NORTHWEST 1/4 OF THE SAID SECTION 20; THENCE RUN WEST, ALONG A STRAIGHT LINE, TO THE ABOVE

DESIGNATED POINT "A". AND ALSO: BEGIN AT THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 20, THENCE RUN N89°19'15"E 152 FEET; THENCE S06°29'W 568.5 FEET TO THE NORTHERLY LINE OF THE RIGHT OF WAY OF U.S. HIGHWAY 441; THENCE RUN WESTERLY ALONG THE NORTHERLY LINE OF THE SAID RIGHT OF WAY 87 FEET, MORE OR LESS, TO THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4; THENCE RUN N00°04'W ALONG THE WEST LINE OF THE SAID NORTHEAST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 510 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

AND BEGIN AT THE INTERSECTION OF THE EAST LINE OF THE SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 20 AND THE NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 441, AS IT EXISTED THE 5TH DAY OF NOVEMBER, 1990; RUN THENCE N00°04'00"E ALONG THE EAST LINE OF SAID NORTHWEST 1/4 OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 A DISTANCE OF 5.07 FEET; THENCE S89°33'30"W 62.98 FEET; THENCE S00°26'30"E 5.00 FEET TO A POINT ON THE SAID NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 441; THENCE N89°33'30"E ALONG SAID NORTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY No. 441 A DISTANCE OF 46.00 FEET TO THE POINT OF CURVATURE OF A CURVE IN SAID RIGHT OF WAY LINE; THENCE SOUTHEASTERLY ALONG THE ARC OF SAID CURVE, SAID CURVE BEING CONCAVE TO THE SOUTHWEST AND HAVING A RADIUS OF 2010.08 FEET, THROUGH A CENTRAL ANGLE OF 00°28'59" A DISTANCE OF 16.94 FEET TO THE POINT OF BEGINNING AND POINT OF TERMINUS.

PARCEL 4

THAT PART OF THE SOUTH 33.00 FEET OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD 44-B; THAT PART OF THE NORTH 33.00 FEET OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, LYING EAST OF THE EASTERLY RIGHT OF WAY LINE OF COUNTY ROAD No. 44-B; ALL BEING IN SECTION 19, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA;

CONTAINING 1,695,542 SQ. FT. OR 38.924 ACRES, MORE OR LESS.

Section 2. Adoption of Development Plan.

The final development plan, attached hereto as Exhibit "A," for that certain parcel of property described above and known as Loch Leven Landing is approved and adopted pursuant to Section 3.4.5 of the Land Development Code of the City of Mount Dora, subject to the additional conditions contained herein.

Section 3. Property ownership and development.

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 4. The subject property shall be developed in accordance with the final development plan approved herein and shall be subject to the following additional conditions.

A. The project will be developed in three phases. Phase 1 will consist of The anchor retail tenant and attached retail; and site, parking and utility improvements shown as Phase 1 on the development plan. The owner also has the option of constructing 1 single family home in the residential portion of the property as part of phase 1. Access to this property shall be via a minimum 10 foot access drive. Phase II will consist of the commercial and office uses remaining on the site, and Phase III will consist of a maximum of 48 dwelling units.

B. Site Development Standards:

Building Setbacks:	C-3/OP	R-2
Front	0*	20
Side	0*	10
Rear	0*	20

Minimum Lot Size (sq. ft.):	0*	1,500
Minimum Street Frontage:	0*	

* No minimum standards are set provided that building and fire codes can be met and necessary service areas can be provided. On lots 5-7 if setbacks between buildings exceed 5 feet pedestrian areas must be constructed between buildings. No driving ails will be permitted between buildings.

Additional site development standards for town homes or zero lot line dwellings:

1. The dwelling units may be joined by a common wall.
2. Minimum lot area will consist of land and unit purchase and shall be no less than 1, 500 square feet.
3. Common walls shall be placed along the interior side property lines except where the unit is located at the end of a sequential row of units and cannot be placed on a lot line attached to an adjacent unit.
4. Maximum coverage by all buildings and accessory uses shall be 75% of the total site area for the residential portion.

5. Roof eaves shall not overhang property lines.

C. Parking

Parking space ratios will be based on 5.0 parking spaces per 1,000 (1 space per 200 square feet) square feet of building area. Cross access and shared parking agreements will be required for the site.

D. Landscape Buffer:

1. Perimeter Buffer

a. Front: Along S.R. 44 - Enhanced Type "a"

b. Front: Along U.S. Hwy 441 - Enhanced Type "a"

c. The perimeter buffer along U.S. Hwy 441 and S.R. 44 shall be enhanced to incorporate a meandering 3 foot high garden wall interspersed with a hedge of the same height on average. The perimeter buffer along U.S. Hwy 441 and S.R. 44 shall measure a minimum of fifteen feet in width on average with the following plant material:

Three canopy trees for each 100 linear feet of boundary. Perimeter canopy trees shall measure four and a half (4.5) inch caliper at time of planting.

Three understory trees for each 100 linear feet of boundary

d. Where parking lots and drive aisles are constructed adjacent to U.S. Hwy 441 and S.R. 44, additional perimeter buffer screening shall be provided in the form of a 3 foot continuous hedge and/or garden wall or combination thereof.

e. Florida Friendly landscape principals will be incorporated into the site. The applicant shall be responsible for all costs associated with review and inspection of Florida Friendly Landscape.

f. A curvilinear ground cover bed measuring 5 feet average width (30 inch minimum to 7.5 feet maximum) in front of the required 3 foot hedge and wall will be provided.

g. Where parking areas are adjacent to the perimeter buffers, landscape islands shall be constructed every 5 spaces with each containing a canopy tree. These trees shall count toward the perimeter landscape requirements.

h. The entire perimeter buffer shall be installed as part of Phase 1.

2. Interior Buffer:

- a. Within the interior, additional landscape islands shall be provided to enhance the perception of separation between the perimeter parking areas and the adjacent U.S. Hwy 441 and S.R. 44 roadways. A landscaped island shall be provided at the end of each parking row as well as a landscaped island a minimum of every five parking spaces adjacent to S.R. 44 and U.S. Hwy 441.
- b. In an effort to further enhance separation and buffering between parking areas and establish a “boulevard look” at the time of planting, specific end cap islands shall be improved with canopy trees measuring 4 ½ inches at the time of planting.
- c. In an effort to accommodate clustering of buildings, outdoor patios and well defined pedestrian and vehicular use areas interior landscape buffers between non-residential tracts shall not be required. In lieu of specific percentages of the paved parking areas devoted to landscaping, effective landscaping design and plant materials shall be incorporated in t the overall site layout to buffer uses and define parking areas. Interior landscaped areas shall be dispersed so as to define drive aisles, pedestrian ways and limit unbroken rows of parking. Interior landscaping requirements shall be consistent with landscape plan included as part of the Final PUD Development Plan.

3. Irrigation

Irrigation systems will incorporate low volume measures including rain and soil moisture sensors. The irrigation system shall be designed to accommodate the specific needs for each plant group to ensure that overwatering does not occur.

E. On-Site Circulation:

1. Two distinct intersections, internal to the site, have been identified on the PUD plan. The intersections will feature enhanced hardscape and landscape to more effectively and safely manage vehicular and pedestrian circulation. These intersections shall be improved with distinctive pavement markings and landscape features functioning as traffic calming devises.
2. Sidewalks shall be provided for pedestrian access to the proposed project and to adjacent properties as appropriate. Perimeter sidewalks along S.R. 44 and U.S. Hwy 441 shall be increased to six feet in width
3. Bike lanes shall be provided along the southernmost interior east-west frontage road.
4. A minimum of one outdoor patio will be incorporated into tracts 5-7 combined and one within tract 10 in accordance with the appropriate use.

5. A minimum 10 foot access drive shall be allowed for the residential development described in Phase I.

F. Open Space:

35% open space shall be provided over the entire nonresidential portion of the site.

G. Building Height:

Maximum building height of 35 feet.

H. Lighting:

0.0 foot candles at the property lines.

I. Signage

A. Shopping Center:

1. Monument Sign:

- a. Maximum of one primary monument sign shall be permitted for the center's anchor tenant and interior retail uses
- b. Minimum setback of 10 feet
- c. Maximum copy area of 100 square feet
- d. Maximum sign height of 10 feet

2. Other signs:

- a. Wall, projecting, awning, swing, window, marquee and integral.
- b. Maximum sign copy area of 2 square feet per linear feet of building frontage, 250 square feet maximum.

B. Commercial Tracts:

1. Monument Signs: Tracts 1, 2, 3, 4 & 8:

- a. One monument sign for each tract.
- b. Maximum copy area of 32 square feet for individual monument signs
- c. Maximum sign height of 10 feet
- d. Minimum setback of 10 feet

2. Monument Signs: Tracts 5, 6, & 7:

- a. One monument sign total
- b. Maximum copy area of 50 square feet*
- c. Maximum sign height of 10 feet
- d. Minimum setback of 10 feet

3. Monuments Signs: Tracts 9 & 10:

- a. One monument sign for each tract

- b. Maximum copy area of 32 square feet
 - c. Maximum sign height of 7 feet
 - d. Minimum setback of 5 feet
4. Other signs:
- a. Wall, projecting, awning, swing, window, marquee and integral.
 - b. Maximum sign copy area of 1 square feet per linear feet of building frontage.*

* The owner has the option of applying the following sign standards for lots 5-7: 1) Shopping center sign code standards of one monument sign not to exceed 50 square feet and wall signage of one square feet of sign area per linear feet of building frontage. 2) One monument sign not to exceed 75 square feet and wall signage of .90 square feet of sign area per linear feet of building frontage.

C. Entrance Feature (Subdivision Signage):

- 1. Construction type: monument, integrated into subdivision wall feature
- 2. Maximum sign height of 6 feet
- 3. Minimum setback of 5 feet
- 4. Maximum copy area of 32 square feet for each sign
- 5. Maximum of two subdivision entrance feature signs (one fronting U.S. Hwy 441 and one fronting S.R. 44).

J. Uses

A. Uses shall be those uses allowed within the C-3 zoning district but specifically include Auto parts retailers such as Tire Kingdom, Pep Boys, Advance Auto Parts and the like. Coffee houses/cafes with or without drive through facilities shall be permitted. These uses shall be defined as establishments that primarily serves prepared coffee and other hot and cold beverages as well as light snacks, bakery goods and sandwiches (such as Starbucks, Einstein Bagels and the like).

B. Single tenant stand alone fast food restaurants with drive through facilities such as McDonalds, Burger King, or similar uses shall be prohibited on parcels fronting U.S. 441.

K. Building Design

Building design shall be consistent with the architectural design provided in the Final PUD packet and be reviewed and approved by the Planning and Zoning Commission.

L. Development Plan

The development plan shall be expire Three years from the date of approval.

Extensions may be granted by the City Council. The development plan and supporting documentation is adopted by reference.


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.

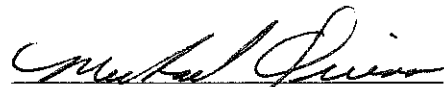
This ordinance shall take effect immediately upon its final adoption by the City Council of the City of Mount Dora, Florida.

PASSED AND ORDAINED this 2nd day of September, 2008 by the City Council of the City of Mount Dora, Florida.



Melissa DeMarco, Mayor
City of Mount Dora

Attest:

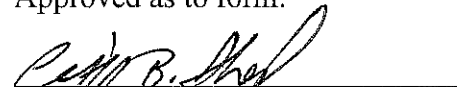


Michael Quinn, City Clerk
City of Mount Dora

First Reading: 8-21-08

Second Reading: 9-2-08

Approved as to form:



Clifford B. Shepard
City Attorney