

ORDINANCE NO. 07-109

AN ORDINANCE OF THE CITY OF LEESBURG, FLORIDA, REZONING APPROXIMATELY 24 ACRES GENERALLY LOCATED EAST OF CITRUS BOULEVARD AND SOUTH OF PARK HOLLAND ROAD, LYING IN SECTION 14, TOWNSHIP 19 SOUTH, RANGE 25 EAST, LAKE COUNTY, FLORIDA, FROM COUNTY R-1 (RURAL RESIDENTIAL) TO PUD (PLANNED UNIT DEVELOPMENT) SUBJECT TO CONDITIONS CONTAINED IN EXHIBIT A; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE PEOPLE OF THE CITY OF LEESBURG, FLORIDA, that:

Section 1.

Based upon the petition of Frederick D. Woodrell, Trustee the owner of the property hereinafter described, which petition has heretofore been approved by the City Commission of the City of Leesburg Florida, pursuant to the provisions of the Laws of Florida, the said property located in Lake County, Florida, is hereby rezoned from County R-1 (Rural Residential) to PUD (Planned Unit Development) subject to conditions contained in Exhibit A, to-wit:

Legal Description
(See Exhibit B)

Alternate Key Numbers: 3561872 & 1772117

Section 2.

This ordinance shall become effective upon its passage and adoption, according to law.

PASSED AND ADOPTED at the regular meeting of the City Commission of the City of Leesburg, Florida, held on the 8th day of October, 2007.

By: Laana Henderson
Mayor

ATTEST

Betty M. Richardson
City Clerk

FREDERICK D. WOODRELL TRUSTEE
REZONING TO PUD (PLANNED UNIT DEVELOPMENT)
PLANNED DEVELOPMENT CONDITIONS
AUGUST 23, 2007

This Planned Development Conditions for a PUD (Planned Unit Development) District is granted by the City of Leesburg Planning Commission, Lake County, Florida to Frederick D. Woodrell, Trustee "Permittee" for the purposes and subject to the terms and conditions as set forth herein pursuant to authority contained in Chapter 25 Zoning, Section 25-278 Planned Developments of the City of Leesburg Code of Ordinances, as amended.

BACKGROUND: The "Permittee" is desirous of obtaining a PUD (Planned Unit Development) zoning district to allow construction of a proposed single-family mixed use residential development consisting of approximately 75 residential units on approximately 23 acres located east of Citrus Boulevard and south of Park Holland Road,, on a site within the City of Leesburg in accordance with their PUD application and supplemental information.

1. PERMISSION is hereby granted to construct, operate, and maintain a Planned Development in and on real property in the City of Leesburg. The property is more particularly described as follows:

LEGAL DESCRIPTION:
See attached legal Exhibit B.

2. LAND USE

The above-described property shall be used for single-family mixed use residential development, pursuant to City of Leesburg development codes and standards and the Conceptual Development Plan dated May 15, 2007 as follows:

A. Residential Development

1. The project shall contain approximately 75 residential mixed use units on approximately 23 acres at a gross density of ~~3.5~~ 3.91 units per gross acre.
2. The minimum lot sizes shall be approximately 3,300 square feet for single-family units as shown on the conceptual Plan.
3. Minimum lot widths shall be 35 feet for single-family units. Minimum lot depths shall be 95 feet as shown on the Conceptual Development Plan.
4. The following minimum yard setbacks shall be maintained for single-family units:

Front setback – 20 feet;
Rear setback – 20 feet; and
Side setbacks - 15' feet per side except for attached units (Villas) which may have one zero lot line where units are attached.
5. Minimum distance between structures shall be 10 feet; measured from building wall to building wall and the roof overhang shall not exceed two feet.

6. Accessory structures shall have a minimum rear and side setback of 5 feet and shall not occupy more than 30 percent of the required rear yard.
7. An attached screened enclosure must maintain a minimum setback of fifteen (15) feet from the rear property line.
8. Impervious surface coverage shall not exceed 65 percent for residential uses. Other types of development may exceed this percentage; however, the overall project shall maintain open space of 30 percent.
9. Maximum building height shall not exceed two and one-half (2 1/2) stories or 30 feet.
10. Permitted Uses:
 - a. Single-family detached and attached dwellings;
 - b. Accessory structures;
 - c. Temporary modular sales center and construction office until completion project.
 - d. All residential units shall be developed through a subdivision plan or condominium instruments.

B. Recreational Development

1. Recreational development provided on the site shall include active and passive uses, as well as enclosed or un-enclosed recreational space, devoted to the common use of the residents. Such recreation space shall consist of not less than 15,000 square feet (two hundred (200) square feet of space per dwelling unit). In computing usable recreation space, the following items may be considered at one and twenty-five hundredths (1.25) times the actual area.
 - a. Recreational activities such as play grounds, basket ball, tennis and hand ball courts, etc.
 - b. Developed recreational trails which provide access to the public trail system.
 - c. Swimming pool, including the deck area which normally surrounds such pools.
 - d. Indoor recreation rooms provided such rooms are permanently maintained for the use of residents for recreation.
2. Required stormwater areas and buffer areas shall not be considered as recreational space except for any areas developed as recreational trails which provide access to the public trail system.
3. Within the community sidewalks or trails or a combination thereof shall be provided throughout the community to provide pedestrian access from all residences to all amenities.
4. Recreational vehicle parking shall be restricted through deed restrictions/covenants etc. which shall prohibit unenclosed parking within the development unless an approved designated area is provided. If provided, the area shall be buffered and final location will be determined by staff as part of the site plan approval process.

C. The commercial use of a sales office and/or model center shall be a permitted use as long

as it is specifically related to the PUD residential development of the site.

D. Open Space and Buffer Areas

1. All wetlands on the project site shall be identified and the location and extent of each wetland shall be determined by St. Johns River Water Management District and/or U.S. Army Corp of Engineers. Each wetland shall be placed on a suitable map, signed and sealed by a surveyor registered to practice in Florida and shall be submitted as part of the preliminary plan application, **or given to an adjacent property owner prior to development.**
2. Buildings or structures shall be a minimum of 50 feet from any wetland jurisdiction boundary.
3. Wetlands shall have a minimum upland buffer as established by St. Johns River Water Management District and/or U.S. Army Corp of Engineers; whichever is more restrictive. All upland buffers shall be naturally vegetated and upland buffers that are devoid of natural vegetation shall be re-planted with native vegetation or as required by St. Johns River Water Management District and/or U.S. Army Corp of Engineers.
4. Land uses allowed within the upland buffers are limited to hiking trails, walkways, passive recreation activities and stormwater facilities as permitted by St. Johns Rivet Water Management District.
5. If wetland alteration is permitted by St. Johns River Water Management District and/or U.S. Army Corp of Engineers, wetland mitigation shall be required in accordance with permit approvals from St. Johns River Water Management District or U.S. Army Corp of Engineers, whichever is more restrictive.
6. A wildlife/historical/archaeological management plan for the project site shall be prepared based on the results of an environmental assessment of the site and any environmental permit required from applicable governmental agencies. The management plan shall be submitted to the City as part of the preliminary plan application. The Permittee shall designate a responsible legal entity that shall implement and maintain the management plan.
7. To the extent practical, wetlands shall be placed in a conservation easement, which shall run in favor of, and be enforceable by, St. Johns River Water Management District or another legal entity such as a homeowners association, **or given to an adjacent property owner.** The conservation easement shall require that the wetlands be maintained in their natural and unaltered state. Wetlands shall not be included as a part of any platted lot, other than a lot platted as a common area, which shall be dedicated to St. Johns River Water Management District or another legal entity such as a homeowners association for ownership and maintenance, **or given to an adjacent property owner.**
8. Landscape buffer areas shall be required along the east, west and north property lines as follows:
 - a. The property boundary lines adjacent on the east and west shall have a twenty five (25) foot landscape buffer with an eight (8) foot decorative solid fence or wall with landscaping. The exact design and location of the wall shall be determined during the site plan review process.

b. The property boundary line adjacent on the north along Park Holland Road shall have a twenty five (25) foot landscape buffer with a six (6) foot high decorative fence or wall with landscaping or a raised three foot landscape berm with planting. The exact design and location of the wall shall be determined during the site plan review process.

9. Landscaping of the required buffer areas shall be as follows:

For each one hundred (100) linear feet, or fraction thereof, of boundary, the following plants shall be provided in accordance with the planting standards and requirements of the Land Development Code.

a. Two (2) canopy trees

b. Two (2) ornamental trees

c. Thirty (30) shrubs

d. The remainder of the buffer area shall be landscaped with grass, groundcover, and/or other landscape treatment.

e. Existing vegetation in the required buffer shall be protected during construction.

f. Variations to the landscape requirements may be approved by the Planning and Zoning Manager as long as the intent of the PUD is maintained.

E. Development Phasing

1. The proposed project may be constructed in phases in accordance with the Planned Unit Development Conceptual Plan. Changes to the Development Plan, other than those conditions described in this agreement, shall be revised in accordance with the Planned Unit Development review process.

2. Implementation of the project shall substantially commence within 24 months of approval of this Planned Development. In the event, the conditions of the PUD have not been implemented during the required time period, the PUD shall be scheduled with due notice for reconsideration by the Planning Commission at their next available regular meeting. The Planning Commission will consider whether to extend the PUD approval or rezone the property to R-2 (Medium Density Residential) or another appropriate zoning classification less intense than the development permitted by these PUD Conditions.

3. STORMWATER MANAGEMENT / UTILITIES

Prior to receiving final development approval, the Permittee shall submit a stormwater management plan and utility plan acceptable to the City of Leesburg. Water, wastewater and natural gas services will be provided by the City of Leesburg. Prior to any clearing, grubbing, or disturbance of natural vegetation in any phase of the development, the Permittee shall provide:

A. A detailed site plan that demonstrates no direct discharge of stormwater runoff generated by the development into any wetlands or onto adjacent properties.

- B. A stormwater management system designed and implemented to meet all applicable St. Johns River Water Management District and City of Leesburg requirements.
- C. A responsible legal entity for the maintenance of the stormwater management system on the plat prior to the approval of the final plat of record. A homeowners association is an acceptable maintenance entity.
- D. The 100-year flood plain shown on all plans and lots.
- E. The appropriate documentation that any flood hazard boundary has been amended in accordance with Federal Emergency Management Agency requirements, if the 100 year flood plain is altered and /or a new 100 year flood elevation is established in reference to the applicable flood insurance rate map.
- F. A copy of the Management and Storage of Surface Waters permit obtained from St. Johns River Water Management District.
- G. A detailed site plan that indicates all the provisions for electric, water, sewer, and/or natural gas in accordance with the City of Leesburg Land Development Codes.
- H. Developer shall bear all responsibility, financial and otherwise, for the construction and installation of utility infrastructure and other improvements related to the use and development of the property including such off site improvements required by the City, all of which shall be constructed to the applicable specifications imposed by the ordinances and regulations of the City in effect at the time of construction.
- I. Developer shall be responsible for the installation of a natural gas water heater and natural gas furnace in eighty percent (80%) of all homes in the development.

4. TRANSPORTATION IMPROVEMENTS

- A. Vehicular access to the project site shall be provided by one access point from Park Holland Road on the north. The primary access shall be through a divided boulevard type road for the entrance. Actual location and design of the access shall be determined during the site plan review process and shall include consideration of sidewalks, recreation paths etc. Other potential vehicular and pedestrian accesses will be reviewed during the development review process.
- B. The Permittee shall provide all necessary improvements/paving/right-of-way/signalization within and adjacent to the development including not limited to a fifty (50) foot right-of-way for Park Holland Road as required by Lake County and City of Leesburg.
- C. All roads within the development shall be designed and constructed by the developer to meet the City of Leesburg requirements.
- D. Sidewalks shall provide cross connections to all recreation and residential areas. Internal road rights-of-ways shall be of sufficient width to contain the sidewalk. All sidewalks shall be constructed in accordance with City of Leesburg Codes.
- E. The Permittee shall be responsible for obtaining all necessary Lake County permits and a

copy of all permits shall be provided to the City of Leesburg prior to construction plan approval.

- F. The City of Leesburg will not be responsible for the maintenance or repair of any of the roads or transportation improvements unless specifically accepted by formal action of the City Commission. The Permittee shall establish an appropriate legal entity that will be responsible to pay the cost and perform the services to maintain the roads and transportation improvements.
- G. A traffic/transportation study, if applicable, shall be submitted prior to site plan approval for review and determination of any necessary access improvements. Said improvements will be the responsibility of the Permittee.
- H. At the time of site plan approval, the Permittee shall become responsible for their pro-rata share of the cost of the signal(s) as determined by the County, City staff and the traffic study submitted therewith.
- I. Any issues with regard to easement access to adjacent properties, shall be resolved and reviewed by the City Attorney prior to the approval of the preliminary subdivision plan.

5. DESIGN REQUIREMENTS

A. Residential Development

1. Building Design

a. Single-family homes shall have garages located with the following provisions.

- 1) Front access garages must be set back a minimum of five (5) feet from the attached primary structure or the front building line.
- 2) Side entrance garages may be in line with or off set from the primary structures front setback provided the garage has front facade windows.
- 3) Homes with covered front entrees and/or porches of a minimum fifty (50) square feet may have front access garages setback in line with the porch or five (5) feet forward of the porch.
- 4) A minimum of two off street parking spaces, including garages, shall be provided for each unit with two or less bedrooms. For units with three or more bedrooms, three off street parking spaces shall be provided, including garages, for each unit. Garages shall be required to be maintained for primarily parking of vehicles both through these conditions and through restrictive covenants. These requirements may be revised for an age restricted community by the Planning and Zoning Manager. On street parking for residents shall be prohibited.

2. Additional Design Features

a. All buildings shall utilize at least three of the following design features to provide visual relief along all elevations of the building:

- 1) Dormers
- 2) Gables

- 3) Recessed entries
- 4) Covered porch entries
- 5) Cupolas
- 6) Pillars or posts
- 7) Bay window (minimum 12 inch projections)
- 8) Eaves (minimum 6-inch projections)
- 9) Repetitive windows with minimum 4-inch trim.

B. Other similar design variations meeting the intent of this section may be approved by the Planning and Zoning Manager.

6. MISCELLANEOUS CONDITIONS

- A. The uses of the proposed project shall only be those uses identified in the approved Planned Development Conditions. Any other proposed use must be specifically authorized by the Planning Commission in accordance with the Planned Development amendment process.
- B. No person, firm or corporation shall erect, construct, enlarge, alter, repair, remove, improve, move, convert, or demolish any building structure, or alter the land in any manner without first submitting the necessary plans and obtaining appropriate approvals in accordance with the City of Leesburg Codes.
- C. Construction and operation of the proposed use(s) shall at all times comply with City and other governmental agencies rules and regulations.
- D. The transfer of ownership or lease of any or all of the property described in this PUD Agreement shall include in the transfer or lease agreement, a provision that the purchaser or lessee is made good and aware of the conditions pertaining to the Planned Development established and agrees to be bound by these conditions. The purchaser or lessee may request a change from the existing plans and conditions by following the procedures as described in the City of Leesburg Land Development Code, as amended.
- E. These PUD Conditions 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, and shall be subject to each and every condition herein set out.
- F. Any violation of City, State or Federal laws or permit requirements concerning the development of this project will constitute a violation of this permit and will result in all activities on the project site being halted until the violation is satisfactorily resolved and may result in a hearing before the Planning Commission to determine whether a change in the conditions of this PUD are necessary.

7. CONCURRENCY

The proposed land use change or approval would result in demands on public facilities which would exceed the current capacity of some public facilities, such as, but not limited to roads, sewage, water supply, drainage, solid waste, parks and recreation, schools and emergency medical facilities. However, no final development order (building permits) shall be granted for a proposed development until there is a finding that all public facilities and services required for the development have sufficient capacity at or above the adopted level of service (LOS) to accommodate the impacts of the development, or that improvements necessary to bring facilities up to their adopted LOS will be in place concurrent with the impacts of the development.

A. Utilities

1. Projected Capacities

- a. The City's utility planning efforts draw upon phasing, capacity and service requirements, based upon information provided by the applicant. The City develops its plans consistent with sound engineering principles, prudent fiscal practices and due regard for regulatory compliance.
- b. The development will require construction of new distribution mains, since existing facilities in the service area are not adequate. Should the developer wish to accelerate the construction of such facilities to provide service, the developer will bear the cost of design, permitting and construction. Any such facilities must be constructed in a fashion consistent with the City's master plans and to the City standards and specifications.
- c. The City is in the process of Consumptive Use Permit renewal. The application provides for anticipated demands due to this and other potential development

B. Commitment of Capacity

There are no previous commitments of any existing or planned excess capacity.

C. Ability to Provide Services

1. The City intends to provide water, wastewater and reclaimed water services within its service area for the foreseeable future.
2. The City updates its Ten-Year Capital Improvement Plan (CIP) as part of our annual budgetary process. Included within the CIP are water, wastewater, and reclaimed water improvements necessary to provide service to proposed development.
3. The City has completed an impact fee study, based in part on the CIP in order to assure adequate and appropriate funding for required improvements. The combination of master planning and CIP planning has allowed the City to issue bonds to fund new potable water facilities and substantial reuse facilities, among other infrastructure improvements.

Exhibit B
Legal Description

CASE #:148--4-090706

Commence at the Northwest corner of Government Lot 2, Section 14, Township 19 South, Range 24 East, Lake County, Florida, run East along the North line of said Government Lot 2, a distance of 1584 feet to a concrete monument to the Point of Beginning of this description; run thence South 400 feet; thence continue South 470 feet, more or less, to a one-half inch diameter iron rod, eighteen inches in length, with plastic survey cap marked D. Melvin LS 4033, the top of said iron being set at ground level; thence continue South to a point on the South line of said Government Lot 2; thence West along said South line to a point which is 755 feet East of the West line of said Government Lot 2; thence North 438 feet; thence East 399 feet to a point which is 1154 feet East of the West line of said Government Lot 2; thence North 882 feet to the North line of said Government Lot 2; thence East to the Point of Beginning.

ORB 2913 PG 542, Alt key #1772117

And

Commence at the Northwest corner of Government Lot 2, Section 14, Township 19 South, Range 24 East, Lake County, Florida, run East along the North line of said Government Lot 2, a distance of 1584 feet to a concrete monument; run thence South 400 feet to the Point of Beginning of this description; thence East 95 feet, more or less, parallel to the North line of said Government Lot 2, to a concrete monument (said concrete monument being at the Northwest corner of a tract of land conveyed to Milton Cowan Foard, M.D., and Beatriz Johnson Foard, his wife, by Walter C. Holland and Helen M. Holland, his wife, on May 22, 1964, recorded in Official Records Book 262, page 899, Public Records of Lake County, Florida; run thence South 00°18'30" West parallel with the West line of said Government Lot 2 a distance of 250 feet to a concrete monument; run thence East 40 feet to a concrete monument; run thence North 81°46'26" East, a distance of 393.99 feet to a concrete monument; run thence North 81°46'26" East (being the same course) to the waters of Lake Griffin; run thence Southerly along and with the waters of said Lake Griffin without regard to any artificial canals to a point on the South line of said Government Lot 2; run thence West along the South line of said Government Lot 2, to a point which is South of the Point of Beginning; run thence North to a one-half inch diameter iron rod, eighteen inches in length, with plastic survey cap marked D. Melvin LS 4033, the top of said iron being set at ground level and being 470 feet South of the said Point of Beginning; thence continue North 470 feet, more or less to the point of Beginning.

ORB 2913 PG 545, Alt key #3561872