

ORDINANCE 2017-62

An Ordinance of the Osceola County Board of County Commissioners providing for restrictions within the Crescent Lakes subdivision; Providing a purpose and intent; Providing a petition for adoption; Providing for definitions of terms; Providing for homeowner maintenance obligations; Providing for prohibited property uses; Providing for parking restrictions; Providing for common area use restrictions; Providing for enforcement; Providing for supplemental enforcement, civil penalty; Providing for severability; Providing for an effective date.

WHEREAS, the County Commission has been requested by the Crescent Lakes Common Facilities District (CFD) to adopt pertinent provisions of the Crescent Lakes Subdivision deed restrictions into the Osceola County Code of Ordinances to allow for the enforcement of such restrictions; and

WHEREAS, Crescent Lakes is a subdivision lying and being in Osceola County, Florida, as more particularly described in Exhibit A which is attached hereto and made a part here of; and

WHEREAS, the Crescent Lakes Subdivision recorded a Declaration of Covenants and Restrictions ("Declaration") date March 17, 1995 at Official Records Book 1249, Page 1159 of the Public Records of Osceola County, Florida, subjecting certain real property to the covenant, restrictions, easements, charges and liens therein set forth; and

WHEREAS, the Crescent Lakes Subdivision has no mandatory Homeowners Association established within the Declaration to enforce the above mentioned covenants, restrictions, easements, charges and liens therein set forth; and

WHEREAS, the Crescent Lakes to enforce the above mentioned covenants, restrictions, charges and liens therein has caused unsightly occurrences, diminish property values and generally degraded the quality of life for the resident of said neighborhood; and

WHEREAS, the County Commission find that the enactment of this ordinance will promote the public health, safety and welfare; and

WHEREAS, the prohibitions contained within this ordinance are legislatively deemed to be reasonable and the least restrictive measure to control and regulate such conditions and intended to come within the meaning and purview of *City of Coral Gables v. Wood*, 305 So.2d 261 (Ha. 3d DCA 1974) and *Henley v. City of Cape Coral*, 292 So. 2d 410 (Ha. 2d DCA 1974).

THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF OSCEOLA COUNTY, FLORIDA:

SECTION 1. PURPOSE AND INTENT. The purpose and intent of this Ordinance is to adopt pertinent provisions of the Crescent Lakes Subdivision deed restrictions (“declaration”) into the Osceola County Code of Ordinances to allow the County to enforce said restrictions to enhance the health, safety and welfare of its residents.

SECTION 2. DEFINITIONS. The following definitions shall apply for the purpose of this Ordinance.

A. **“Common Facilities”** shall mean the facilities and improvements within the District, including without limitation, all real property (and interests therein and improvements thereon) and personal property dedicated to the District for the common use and enjoyment of the Owners, their family members, lessees and guests.

B. **“District”** shall mean and refer to the Crescent Lakes Common Facilities District created pursuant to Ordinance 08-13 dated April 21, 2008.

C. **“Lot”** shall mean a lot within the Property as shown on the plat of the subdivision upon which a Unit has been or is intended to be constructed.

D. **“Owner”** shall mean and refer to the record owner, whether one or more persons or entities, of the fee simple title to any Lot, but excluding those having such interest merely as security for the performance of an obligation.

E. **“Plat”** shall mean the plat of Crescent Lakes subdivision, consisting of: Allamanda Grace, Aster Cove, Calla Lily Cove, Crepe Myrtle Cove, Dahlia Reserve, Heatherstone, Jasmine Pointe, Laurel Run, Orchid Edge Unit 1, Orchid Edge Unit 2, and Willow Bend, as recorded in the Public Records.

F. **“Property”** shall mean and refer to that certain real property described in Exhibit A, which is attached hereto.

G. **“Public Records”** shall mean the public records of Osceola County, Florida.

H. **“Unit”** shall mean any single-family dwelling for which a certificate of occupancy has been issued, and shall include the Lot upon which said dwelling is located.

I. **“Back Yard”** means the back yard as defined by Zoning and Code regulations applicable to the particular private property.

J. **“Front Yard”** means the front yard as defined by Zoning and Code regulations applicable to the particular private property.

K. **“Parked”** means the standing of a vehicle/automobile, whether occupied or not otherwise than temporarily for the purpose of and while actually engaged in loading or unloading merchandise or embarking or disembarking passengers.

L. **“Person”** means any individual, firm, sole proprietorship, partnership, corporation, or unincorporated association.

M. **“Side Yard”** means the side yard as defined by Zoning and Code regulations applicable to the particular private property.

N. **“Vehicle”** means every device capable of traveling or being moved upon a public highway or public waterway and in, upon, or by which any person or property may be transported or drawn upon a public highway or public waterway.

O. **“Automobile”** means any privately owned car, pickup, van, motorcycle, or other similar means of personal transportation.

P. **“Driveway”** means the approved paved portion of private property designed for the parking use of Automobiles.

SECTION 3. MAINTENANCE OBLIGATIONS OF OWNERS. Within the Crescent Lakes subdivision every Owner must keep and maintain his Lot, including but not limited to, the Unit and all other improvements thereon, in good order, condition and repair, and must perform promptly all maintenance and repair work on their Lot and Unit at the owner's expense. In this regard each Owner shall be responsible for the maintenance, repair and repainting of their Lot and Unit and shall keep same in a neat and orderly fashion, including, without limitation, mowing of lawns, maintaining, trimming, replacing and fertilizing of plants, trees and shrubs.

SECTION 4. PROHIBITED USES; RESTRICTIONS.

A. No detached structures, including temporary utility or storage sheds, building or tents shall be constructed, erected or maintained upon any Lot.

B. No unit garages shall be enclosed or converted into a living or habitable area. Unit garage doors shall be required to remain in place at all times, and no construction or conversion shall change the exterior of any garage so as to interfere with the use of it as a storage place for automobiles.

C. Each Owner shall be responsible for properly depositing his/her garbage and/or trash into containers sufficient for pick-up by the appropriate authorities in

accordance with Chapter 19, Osceola County Code of Ordinance. Trash containers or discarded items shall be stored or screened from public view, except on collection days. No garbage or trash may be placed out for collection prior to 6:00 p.m. the night before scheduled collection. All containers must be removed and properly screened by 9:00 p.m. the day of scheduled collection.

SECTION 5. PARKING.

A. Parking areas and driveways are solely for the parking of automobiles (cars, pickups, vans, motorcycles etc.). Any other vehicle, as defined by this ordinance (including a Commercial vehicle, trailer, vessel etc.), shall be parked within the confines of an enclosed garage.

B. There shall be no parking of any kind on the grass yard for the front, side or rear portions of the property. Parking in the front yard shall only be allowed upon the approved paved portion of the driveway, which may be permitted by County Code.

C. Parking of vehicles and automobiles, as defined by this ordinance, while on the street or any portion of the public right of way (whether paved or not), shall be prohibited between the hours of 11:00pm and 7:00am Eastern Standard time.

SECTION 6. RESPONSIBILITY.

The owner, tenant, occupant, lessee or person otherwise in charge, control and/or possession of the private property upon which a violation of this ordinance occurs, and the owner of vehicle parked in violation of this ordinance shall be jointly and individually responsible for not complying with this ordinance.

SECTION 7. COMMON AREAS; USES AND RESTRICTIONS.

A. Each and every Owner is strictly prohibited from improving, modifying or maintaining any Common Facilities.

B. No boating, jet skiing, swimming or wading shall be permitted in any lake, retention pond or other body of water within the Common Facilities District.

C. No piers, docks or marinas shall be permitted on or adjacent to any Lot or Common Facilities.

D. Parks and recreation facilities within the district are intended for daytime use only and are off limits before sunrise and after sunset.

SECTION 8. ENFORCEMENT. The Code Enforcement Board shall have jurisdiction to hear and decide violations of this Article. Any person, who violates any of the provisions of this Ordinance, shall have Code Enforcement action, be punished as provided in Osceola County Code Chapter 7 and its Amendments. The jurisdiction of the Code Enforcement Board shall not be exclusive. Any alleged violation of any of the provisions of this Ordinance may pursue by appropriate remedy, whether by injunctive, declaratory, or other civil or criminal sanction, in court, at the option of the County. The provision of this ordinance may be additionally enforced as a non-criminal infraction by the sheriff, deputy sheriff, and any other authorized law enforcement officer.

SECTION 9. SUPPLEMENTAL ENFORCEMENT; CIVIL PENALTY. This Ordinance may be enforced pursuant to the supplemental procedures contained in Chapter 7 of the Osceola County Code of Ordinances. The civil penalty for violation of this ordinance shall be \$100.00 per violation.

SECTION 10. SEVERABILITY. It is declared to be the intent of the Board of County Commissioners that, if any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 11. INCLUSION INTO THE CODE. The provisions of this Ordinance shall be included and incorporated within the Code of Ordinances of Osceola County, Florida, and may be re-numbered or re-lettered to accommodate such inclusion.

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect upon filing with the Department of State.

ATTEST:

BOARD OF COUNTY COMMISSIONERS
OF OSCEOLA COUNTY, FLORIDA

BY: 

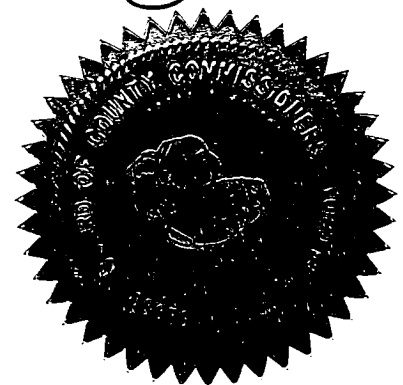
Chair/Vice Chair

OSCEOLA COUNTY CLERK OF THE BOARD

BY: Debra Adams
Clerk/Deputy Clerk of the Board

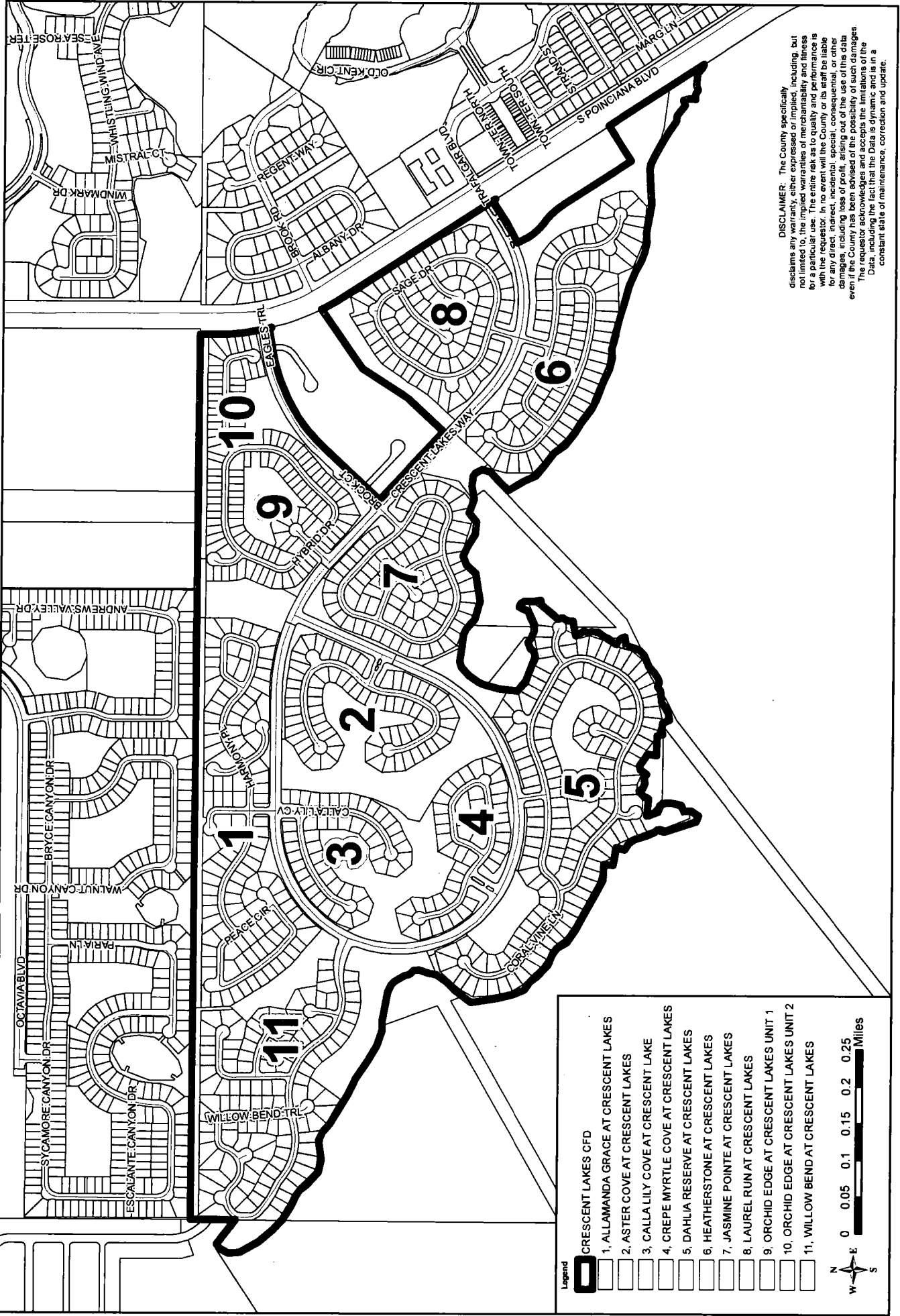
As authorized for execution at the Board of
County Commissioners meeting of:

December 11, 2017



Crescent Lakes CFD

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

December 12, 2017

Ms. Paula J. Carpenter
Clerk of the Board
Osceola County
1 Courthouse Square, Suite 2401
Kissimmee, Florida 34741

Attention: Debra A. Davis, Deputy Clerk

Dear Ms. Carpenter:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Osceola County Ordinance No. 2017-62, which was filed in this office on December 12, 2017.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb