



TOWN COMMISSION MEETING AGENDA TOWN OF LADY LAKE, FLORIDA

All interested persons are cordially invited to attend this public meeting.

DATE AND TIME

Monday, November 18, 2024, 6:00 PM

PLACE

Town Hall Commission Chambers, 409 Fennell Blvd., Lady Lake

PROCEDURE

Citizens are encouraged to participate in the Town of Lady Lake meetings. Citizen groups are asked to name a spokesperson. Speakers will be limited to three minutes. Additional time may be granted at the Mayor's discretion. Upon being recognized by the Mayor, please approach the dais, state your name and address, and speak into the microphone. The order of agenda items may be changed if deemed appropriate by the Town Commission. Please be respectful of others and put your cell phone on silent mode.

CALL TO ORDER

INVOCATION

Pastor Keith Johnson

PLEDGE OF ALLEGIANCE

ROLL CALL

AGENDA

A. CONSENT

1. November 4, 2024 – Town Commission Minutes

B. NEW BUSINESS

1. Consideration of Approval of Stormwater Utility Feasibility Study Findings.

(C.T. Eagle)

C. TOWN ATTORNEY'S REPORT

1. Ordinance 2024-20 – Second and Final Reading - An Ordinance of the Town of Lady Lake, Florida; Amending the Hammock Oaks Community Development District (CDD) pursuant to Florida Statutes 190.046 and 190.005, encompassing portions of land in Sections 19 and 30, Township 18 South, Range 24 East, Lake County, Florida; Incorporating an additional 118.15 acres, totaling an amended CDD boundary of 767.805 acres; Providing for repeal of ordinances in conflict herewith; Providing for severability; Providing for an effective date. (Thad Carroll)
2. Ordinance 2024-23 - Second and Final Reading - An Ordinance of The Town of Lady Lake, Lake County, Florida; Providing for a Text Amendment to the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08) Chapter 3, "Developmental Procedures and Regulations"; Providing for amendment to add Section 3-2. A, titled "Annexation". (Thad Carroll)

TOWN MANAGER'S REPORT

MAYOR AND COMMISSIONER'S REPORT

PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or comments. It is not limited to items on the agenda, and it is open to any concern or comments that the public may have.

ADJOURN

Please contact the Town Clerk's Office with any questions at 352-751-1501. This public hearing is being conducted in a handicapped accessible location. Any handicapped person requiring special accommodation or an interpreter for the hearing or visually impaired should contact the Clerk's Office at least two days prior to the meeting. To access a Telecommunication Device for Deaf Persons (TDD), please call 352-751-1565.

If a person decides to appeal a decision made with respect to any matter considered at the above meeting or hearing, he/she may need a verbatim record of the proceedings including the testimony and evidence, a record of which is not provided by the Town of Lady Lake. (F.S. 286-0105) One or more members of any other Town Board or Committee may be in attendance at this meeting, but will not be conducting business.

**DRAFT MINUTES OF THE COMMISSION MEETING
TOWN OF LADY LAKE, FLORIDA**

November 4, 2024

The regular meeting of the Lady Lake Town Commission was held in the Commission Chambers at Lady Lake Town Hall, 409 Fennell Blvd., Lady Lake, Florida, with Mayor Freeman presiding. The meeting convened at 6:00 p.m.

CALL TO ORDER

INVOCATION

Pastor Jeff Hosmer – North Lake Presbyterian Church

PLEDGE OF ALLEGIANCE

Led by Mayor Freeman

ROLL CALL

Commissioner (Ward)	Present
Regan (Four)	Excused
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

STAFF PRESENT

Bill Lawrence, Town Manager; Thad Carroll, Growth Management Director; Becky Higgins, Senior Planner; C.T. Eagle, Public Works Director; Mike Burske, Parks and Recreation Director; Police Chief Steve Hunt, Lady Lake Police Department; Deputy Chief Jason Brough, Lady Lake Police Department; Aly Herman, Library Director; Nancy Wilson, Town Clerk; and Carol Osborne, Deputy Town Clerk.

Town Attorney Derek Schroth was also in attendance.

A. CONSENT

1. October 21, 2024 – Special Town Commission Meeting Minutes

2. October 21, 2024 - Town Commission Meeting Minutes

3. Consideration of Reducing the Amount of the Construction Bond for the Hammock Oaks Subdivision Phase 1.

4. Consideration of the First Amendment to the Water, Sanitary Sewer, and Reuse Utility Agreement for the Hammock Oaks Subdivision – Requesting Utilities Capacity Reservation of 2,172 Water ERUs, 2,172 Sewer ERUs, and 2,172 Reuse ERUs, and 4,940 Reuse ERUs for Common Areas on approximately 536.56 acres owned by SK Hammock Oaks, LLC, with the Zoning Entitlement of Planned Unit Development (PUD), located on the South Side of Highway 466, East of Cherry Lake Road, West of Rolling Acres Road, lying North of Lake Ella Road within the Town of Lady Lake, Florida.

5. Consideration of Approval to allow “The Frozen Kiwi” to Vend Food Product at the Lady Lake Soccer Association Practices.

6. Proposal for Adjustment of Off-Duty Detail Rates

Commissioner Roberts made a motion to approve the Consent Agenda as presented; Commissioner Gourlie seconded. Motion carried 4-0.

B. NEW BUSINESS

1. Consideration of Approval for Evelyn Stetler to Host Art in the Park on February 1st and 2nd 2025 at Snooky Park. (Mike Burske)

Parks and Recreation Director Mike Burske presented this agenda item stating that Evelyn Stetler would like to host Art in the Park on February 1st and 2nd at Snooky Park. Ms. Stetler ran and staffed the event for several years until she sold her business. As the Town does not have the desire to partner the event, Ms. Stetler would take care of all the details. The proper deposit and insurance would be required before the event would be held; she will contribute a donation the town instead of the Chamber of Commerce. This will vary by the number of vendors.

Commissioner Gourlie made a motion to approve Evelyn Stetler to Host Art in the Park on February 1st and 2nd 2025 at Snooky Park; Commissioner Sage seconded. Motion passed 4-0.

2. Consideration of Allowing Marria Crinion to Teach Pickleball Lessons on the Lady Lake Tennis and Pickleball Courts. (Mike Burske)

Parks and Recreation Director Mike Burske presented this agenda item stating that Marria Crinion contacted him a few months ago asking to teach lessons at the pickleball courts. This was during the time when the commission granted Ralph Jones permission to teach. He stated that Mr. Jones made his request earlier this year and was advised to wait until the current instructors’ contracts expired. Mr. Burske stated that the current instructors did not wish to renew their contracts.

1 Mr. Burske stated that having more than one pickleball instructor ties up the courts so other
2 players do not have access. He decided that having one pickleball instructor was the best option as
3 the town has just two courts.

4 Mr. Burske stated at the October 21 commission meeting Ms. Crinion stated during public comment
5 that she has taught at our courts for two years. He stated that the Parks and Recreation department
6 was never notified of this adding that it is proper protocol to notify any facility prior to beginning
7 lessons. He stated that had Ms. Crinion notified him of her desire to teach, she would have been the
8 first instructor considered when the current contract expired. He acknowledged that Ms. Crinion
9 has taught unnoticed at our courts for some time; the goal of the Parks and Recreation Department
10 is to serve the public as a whole and to give the most people the opportunity to use our facilities.
11 He reiterated that because there are just two courts, he is asking the Commission to wait until Mr.
12 Jones no longer wishes to teach or expand the pickleball courts by eliminating the tennis court in
13 the future. He stated that Ms. Crinion has all her certificates, has good references, and would be the
14 next instructor asked to teach when the position becomes available. He stated that Ms. Crinion was
15 advised of this prior to the October 21st Commission meeting.

16 Commissioner Roberts stated that she in agreement with Mr. Burske's recommendation. She stated
17 that she is not in favor of having two pickleball instructors as it limits the public's free use of the
18 courts. She stated that Mr. Jones is a Lady Lake resident and Ms. Crinion lives in the southern
19 portion of The Villages. She stressed that does not exclude Ms. Crinion and reiterated that one
20 instructor is sufficient until additional courts are added.

21 Commissioner Sage agreed with Commissioner Roberts' statement. He stated that pickleball has
22 become very popular nationwide and the use of our courts has increased the past few years. He
23 asked Mr. Burske if residents have been waiting for pickleball lessons because Mr. Jones not
24 available. Mr. Burske answered no.

25 Mayor Freeman asked Mr. Burske at what time of day are the courts utilized most, and when does
26 Mr. Jones provide lessons.

27 Mr. Burske advised that the courts are used nearly all day, every day. He noted that the town is one
28 of the few areas that have lighted courts. He stated that Mr. Jones provides lessons between 7a.m.
29 – 10 a.m.

30 **Commissioner Roberts made a motion to deny Marria Crinion to teach pickleball lessons on the**
31 **Lady Lake Tennis and Pickleball Courts; Commissioner Sage seconded. Motion passed 4-0.**

32 **3. Highlands at Hammock Oaks Subdivision Phases 1 & 2 – Preliminary Plat Plan — Proposing a**
33 **total of 438 units spread amongst two phases, including 198 Single Family Residence Lots, 100**
34 **Villa Lots, and 140 Townhomes Lots, on multiple parcels consisting of approximately 92.12**

acres, zoned Planned Unit development (PUD), owned by Lugano Development, LLC, Burgland Land Holdings, LLC, and Devin & Angela Long, located east of Rolling Acres Road, south of Sunshower Lane and north of Abele Road, within the Town Limits of the Town of Lady Lake, Florida. (Thad Carroll)

Growth Management Director Thad Carroll presented this agenda item stating that the applicant is Rober Walpole with CHW, the owners of the property are Lugano Development, LLC, Burgland Land Holdings, LLC, and Devin and Angela Long. The Future Land Use Designation: Single Family Medium Density, Up to 4 Dwelling Units per Acre (Policy Specific); Zoning Designation: Planned Unit Development (PUD); Present Use of the Property: Vacant/Under Site Construction.

Staff recommends approval of the Highlands at Hammock Oaks Preliminary Plat Plan.

Mr. Carroll advised that the preliminary plat was submitted on Monday, June 10, 2024, by Mr. Walpole; Phases 1 & 2 propose 438 units. He advised that this developer is also constructing Reserves at Hammock Oaks and Highlands at Hammock Oaks. He presented aerial maps and sketch maps of the subject property. He noted that an enclave was created and advised that this may occur provided that our police can respond to the area. The creation of enclaves is acceptable with Lake County; he noted that the enclave was created after the property was annexed and rezoned.

All required reviews were conducted by the Town and Lake County Public Works departments, the fire inspector, engineers, and the school board. He noted that the Lake County School Board is working with the applicant on a draft proportionate share mitigation agreement. No building permits will be released until they have proportionate share satisfied with the school board.

Mr. Carroll stated that the Preliminary Plat Plan approval does not permit the construction of any improvements. The applicant must continue the process via the submittal and approval of an Improvement Plat Plan application. The Final Plat Plan will be presented after the water, sewer, and road network are designed. All regulatory agency permits must be submitted to the Town prior to commencing site work. A Water, Sewer, and Reuse Agreement will have to be created between Town of Lady Lake and the Property Owner/Developer requesting additional utility capacity allocated to service the Highlands at Hammock Oaks Subdivision Phases 1 and 2.

At the October 14, 2024, meeting, the Planning and Zoning Board voted 5-0 to forward the Highlands at Hammock Oaks Preliminary Plat to the Town Commission with the recommendation of approval

Commissioner Gourlie made a motion to approve the Highlands at Hammock Oaks Subdivision Phases 1 & 2 Preliminary Plat Plan; Commissioner Roberts seconded. Motion passed 4-0.

4. Reserves at Hammock Oaks Subdivision Phase 1A — Final Plat Plan — Proposing 159 Single Family Lots on 68.491 acres Zoned PUD within the Reserves at Hammock Oaks Subdivision, located South of Sunshower Lane, North of Lake Ella Road, West of Rolling Acres Road, East of Cherry Lake Road, owned by SK Hammock Oaks, LLC, within the Town Limits of the Town of Lady Lake, Florida. (Thad Carroll)

Growth Management Director Thad Carroll presented this agenda item stating that on Tuesday, September 10, 2024, Aaron Hickman, PSM, of CWH, Inc on behalf of SK Hammock Oaks, LLC, applied for the final plat of Reserves at Hammock Oaks —Phase 1A Subdivision. Reserves at Hammock Oaks Subdivision consists of nine phases; Phase 1A consists of 159 market rate single family lots on 68.491 acres.

Mr. Carroll presented maps showing where the project is located.

All required reviews have been completed. At the October 14, 2024, meeting, the Planning and Zoning Board voted 5-0 to forward the Reserves at Hammock Oaks Phase 1A Final Plat to the Town Commission with the recommendation of approval.

Prompted by a question from Commissioner Roberts, Mr. Carroll explained the location of this subdivision in relation to the Highlands at Hammock Oaks.

Commissioner Roberts made a motion to approve the Reserves at Hammock Oaks Subdivision Phases 1A Final Plat Plan; Commissioner Gourlie seconded. Motion passed 4-0.

5. Reserves at Hammock Oaks Subdivision Phase 1B — Final Plat Plan — Proposing 80 Townhome Lots on 10.565 Acres Zoned PUD within the Reserves at Hammock Oaks Subdivision, located south of Sunshower Lane, North of Lake Ella Road, West of Rolling Acres Road, East of Cherry Lake Road, owned by SK Hammock Oaks, LLC, within the Town Limits of the Town of Lady Lake, Florida. (Thad Carroll)

Growth Management Director Thad Carroll stated that Reserves at Hammock Oaks Subdivision consists of nine phases. Phase 1B consists of 80 market rate townhome lots on 10.656 acres.

Mr. Carroll reviewed maps of the subject property noting that it abuts Rolling Acres Road.

All required reviews were completed. At the October 14, 2024, meeting, the Planning and Zoning Board voted 5-0 to forward the Reserves at Hammock Oaks Phase 1B Final Plat to the Town Commission with the recommendation of approval.

Commissioner Gourlie made a motion to approve the Reserves at Hammock Oaks Subdivision Phases 1B Final Plat Plan; Commissioner Roberts seconded. Motion passed 4-0.

6. Consideration of Road Transfer Agreement of a Portion of Teague Trail with Lake County. (C.T. Eagle)

Public Works Director C.T. Eagle presented this agenda item stating that the proposed road transfer agreement with Lake County is for a portion of Teague Trail also known as Old CR 25, that lies between the newly constructed cul-de-sac abutting US 27/441 on the north end and the traffic signal with US 27/441 on the south end next to Racetrack gas station. The Benchmark Group is proposing to realign the dead-end portion of Teague Trail to their new development, also known as the Mayfield Property, which is just south of Town Hall. Staff supports this proposal as the best use of this dead-end roadway. The Benchmark Group is also proposing to enter into a maintenance agreement with the Town to maintain the roadway, at their expense, if the transfer is approved. The development conceptual plan is included in the backup documents.

Commissioner Gourlie asked if this would connect with Clay Avenue.

Mr. Eagle stated that the conceptual plan includes connecting the dead-end of Fennell Blvd. to Clay Avenue. He clarified that the portion of Teague Trail that is being transferred is in Lake County, which was the portion of CR 25 that was under the overpass.

Commissioner Sage made a motion to approve the road transfer agreement of a portion of Teague Trail with Lake County; Commissioner Roberts seconded. Motion passed 4-0.

7. Consideration of the Lady Lake Strategic Plan for 2024-2027. (Bill Lawrence)

Town Manager Bill Lawrence presented this agenda item stating that this is the Town's first strategic plan. It was crafted with valuable input from staff and department managers. Their collaborative spirit and commitment to teamwork were instrumental in shaping the plan. He stated that the group agreed to adopt a two-year practical plan with attainable goals that include core values, a vision statement and a mission statement. He stated that there were a lot of great ideas, and it was difficult deciding which topics were the most important. He stated that Mayor Freeman was invited to the meetings.

Brett Meade, a consultant and former Police Chief in Mount Dora, was invited to facilitate the meetings to aid the group in focusing on which ideas were most important. Mr. Meade assisted the group in finalizing the draft strategic plan.

Mr. Lawrence stated that in the past several months with the approval of the commission on certain items, the town is already underway in fulfilling some of the goals included in the strategic plan.

Commissioner Roberts stated that it is a thoughtfully crafted strategic plan. She suggested scheduling a workshop to review this plan as not all the commissioners were involved during its creation.

Mayor Freeman thanked the department heads for their well thought out ideas.

Commissioner Roberts made a motion to discuss the 2024-2027 Lady Lake Strategic Plan at a future workshop; Commissioner Gourlie seconded. Motion passed 4-0.

C. TOWN ATTORNEY’S REPORT

1. Ordinance 2024-22 (Second and Final Reading) — Dissolution of the Disciplinary Arbitration Panel. (Nancy Wilson)

Town Clerk Nancy Wilson presented this agenda item stating the commission voted to dissolve the Disciplinary Arbitration Panel at the October 7, 2024, meeting. As background information, she stated that the Disciplinary Arbitration Panel (DAP) had three members who were assembled primarily to determine police matters presented by the Police Benevolent Association (PBA). The PBA has rewritten their contract to not utilize the DAP, therefore there is no need for this board.

Commissioner Gourlie made a motion to approve Ordinance 2024-22 on second and final reading; Commissioner Sage seconded.

Commissioner (Ward)	Vote
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

Motion passed by a 4-0 vote.

2. Ordinance 2024-24 (Second and Final Reading) — Repealing and Replacing Chapter 4 of the Code of Ordinances Regarding Animal Services (Derek Schroth)

Town Attorney Derek Schroth presented this agenda item stating the Town had an agreement with the Lake County Sheriff’s Office and Lake County for the provision of animal control enforcement. The Town has repealed its current ordinance regarding animal control and this ordinance adopts Lake County’s ordinance.

Commissioner Roberts made a motion to approve Ordinance 2024-24 on second and final reading; Commissioner Gourlie seconded.

Commissioner (Ward)	Vote
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES

Commissioner (Ward)	Vote
Freeman (Three)	YES

Motion passed by a 4-0 vote.

3. Ordinance 2024-20 — First Reading – an Ordinance of the Town of Lady Lake, Florida; Amending the Hammock Oaks Community Development District (CDD) pursuant to Florida Statutes 190.046 and 190.005, encompassing portions of land in Sections 19 and 30, Township 18 south, Range 24 East, Lake County, Florida; Incorporating an additional 118,15 acres, totaling an amended CDD boundary of 767.805 acres; Providing for repeal of ordinances in conflict herewith; Providing for severability; Providing for an effective date. (Thad Carroll)

Growth Management Director Thad Carroll presented this agenda item stating this is a revision of the Community Development District boundary (CDD). He stated that on April 4, 2022, the Town of Lady Lake adopted Ordinance 2021-30, establishing the Hammock Oaks Community Development District (CDD), consisting of 378.076 acres. On Monday, May 1, 2023, the Town Commission approved Ordinance 2023-03, thus approving the incorporation of 271.847 acres into the district. He stated that this ordinance represents the applicant's desire to incorporate additional acreage.

Mr. Carroll explained that the original CDD is Hammock Oaks; the Reserves at Hammock Oaks was added into the original Hammock Oaks CDD; by adding this property into the CDD the total acreage increases to 767.805.

All required reviews have been completed. Mr. Carroll advised that the Planning and Zoning Board does not make recommendations on CDD amendments.

Mr. Carroll stated that the applicant provided statements regarding the impacts on short-term employment and the needs and services the town will provide for the CDD. Most of the impacts are positive. He stated the town will provide sewer and water; the development will maintain their roads.

Mayor Freeman asked if the roads within the development are public.

Jere Earlywine, Attorney

Mr. Earlywine advised that the roads are public roads, yet the town is not responsible for maintaining them. He stated certain areas within the neighborhood will be gated and owned by the HOA. The CDD roads are not gated.

Commissioner Roberts made a motion to approve Ordinance 2024-20 on first reading; Commissioner Gourlie seconded.

Commissioner (Ward)	Vote
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

1 Motion passed by a 4-0 vote.

2 **4. Ordinance 2024-23 — First Reading – An Ordinance of the Town of Lady Lake, Lake County,**
3 **Florida; Providing for a Text Amendment to the Town of Lady Lake Land Development**
4 **Regulations (Ordinance No. 94-08) Chapter 3, “Developmental Procedures and Regulations”;**
5 **Providing for amendments to add Section 3-2. A, titled “Annexation”. (Thad Carroll)**

6 Growth Management Director Thad Carroll presented this agenda item clarifying that this is not an
7 annexation proposal. This proposal is to amend the Land Development Regulations to add Section
8 3-2 A., titled, “Annexation”.

9 Mr. Carroll explained that on August 15, 1994, when the LDRs were adopted, there was no provision
10 in the code that pertained to comprehensive plan amendments and rezoning. He explained that if
11 the commission denies an applicant’s annexation application, the applicant must wait one year to
12 reapply for annexation of the same property. He clarified that the commission has the discretion to
13 grant a waiver within the one-year period if the commission believes the project is good for the
14 town.

15 Mr. Carroll stated that including this language into the LDR’s provides consistency with the
16 comprehensive plan amendments as well as the rezoning amendments.

17 Mr. Carroll advised that following the October 14, 2024, Planning and Zoning Board meeting, staff
18 removed Sec. 3-2) A) e) which stated the following:

19 e) Prohibition of multiple applications in one, twelve-month period. If the Town Commission has
20 approved at final hearing an application submitted under this section, then the Town shall not
21 reconsider an application submitted under this section concerning the same property (in whole or
22 in part) for a period of twelve months from the date the application was approved.

23 This text was removed because, once an application for annexation is approved by the Town
24 Commission, the subject property would be incorporated into the Town limits with no need for any
25 subsequent applications.

26 At the October 14, 2024, meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance
27 2024-23 to the Town Commission with the recommendation of approval.

Commissioner Roberts asked if it is the Town's practice to wait 12 months to resubmit an application.

Mr. Carroll stated that it has not been practiced regarding annexations. He stated that the way the code is written, the applicant is required to submit applications for annexation, comprehensive plan amendment, and rezoning concurrently. If the applicant cannot apply for comprehensive plan amendment and rezoning, they cannot apply for annexation. However, if an annexation application was denied and the other applications were not formally heard, this amendment would provide the applicant the process to resubmit the application within one year.

Commissioner Gourlie made a motion to approve Ordinance 2024-23 on first reading; Commissioner Sage seconded.

Commissioner (Ward)	Vote
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

Motion passed by a 4-0 vote.

5. Resolution 2024-112 – First and Final Reading — A Resolution of the Town of Lady Lake, Lake County Florida; amending Resolution 91-110 by replacing fees for land use permits/approvals adopted by Resolution 2012-113; Providing for revised land Use Application Fees; Establishing a schedule of application fees for Land Use Activities; Providing for repeal of inconsistent provisions; Providing for an effective date. (Thad Carroll)

Growth Management Director Thad Carroll presented this agenda item stating the introduction of new state legislation and updates to third-party reviewer fees have prompted Town Staff to reevaluate the fees as currently outlined in land use fee schedule which was last amended in 2012 via Resolution 2012-113. Since that time, the price of goods and services, as well as staff salaries and consulting fees, have increased significantly. To address this, a baseline adjustment of 25% has been applied, and each fee has been analyzed to reflect true costs, such as administrative, legal, and consultant fees.

As a result, it was determined that many fees need to be updated or removed. The proposed changes aim to ensure a fair assessment of planning and zoning related applications and processes while recouping the administrative costs and financial resources incurred by the operations of the department. Proposed changes and explanations were included in the attachments of the packet.

Mr. Carroll advised that the Planning and Zoning Board does not make recommendations regarding fee schedule changes.

Commissioner Roberts stated that she reviewed these figures and agrees with the proposals. She commended staff for keeping the fees low yet increasing them to keep in line with other various fee increases.

Mr. Carroll expressed his appreciation and stated that the fee increases will be effective January 1, 2025.

Commissioner Sage asked if the state regulates our fees.

Town Attorney Derek Schroth replied affirmatively adding that building fees have certain statutory criteria that cannot exceed a certain average of the department's budget. He stated that other user fees must be proportionate to the actual cost.

Commissioner Roberts made a motion to approve Resolution 2024-112 on first and final reading; Commissioner Sage seconded.

Commissioner (Ward)	Vote
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

Motion passed by a 4-0 vote.

6. Resolution 2024-113 – First and Final Reading — A resolution of the Town of Lady Lake, Lake County, Florida; Amending Resolution 2018-101 “Building Permit Fees and Related Fees by replacing Exhibit “A”; Providing for revised building permit fees and related fees; Providing for repeal of inconsistent provisions; Providing for an effective date. (Thad Carroll)

Growth Management Director Thad Carroll presented this agenda item stating the introduction of new state legislation and updates to third-party Building Official and Fire Official fees has prompted Town Staff to evaluate the fees as presently assessed in the current building fee schedule previously reviewed and amended in 2018 via Resolution 2018-101. It has been determined that many fees need to be updated, removed, or added. Changes to the fee schedule are being proposed at this time to fairly assess residential and commercial permit fee applications, and recoup administrative costs and financial resources incurred in the operations of the department. Proposed changes and explanations were included in the attachments of the packet.

Mr. Carroll thanked Senior Planner Becky Higgins and Development Coordinator Malina Wright for their research. He noted that some fees that were removed were duplications across two fee schedules, building fees and growth management fees, other fees.

Commissioner Sage suggested reviewing the fees during the budget process and change them at that time

Mr. Carroll agreed and stated that a review every two to three years is warranted. He cautioned that the statutory requirement is such that if our reserves are starting to accrue, we may be required to lower our fees. The fee schedule will be reviewed at the end of the fiscal year.

Commissioner Roberts commended Becky Higgins and staff for their hard work compiling this information.

Commissioner Gourlie made a motion to approve Resolution 2024-113 on first and final reading; Commissioner Roberts seconded.

Commissioner (Ward)	Vote
Gourlie (Two)	YES
Roberts (One)	YES
Sage (Five)	YES
Freeman (Three)	YES

Motion passed by a 4-0 vote.

TOWN MANAGER'S REPORT

Town Manager Bill Lawrence stated that today is Mike Burske's 20-year anniversary with the Town. He commended Parks and Recreation department for The Not Too Scary Halloween event. It was a great success.

Mr. Lawrence commended Public Works Director C.T. Eagle and Elisha Pappacoda who went with him to the Oak Grove community. He stated many of these residents spoke during the October 21 meeting regarding the flooding in their area. Mr. Eagle explained the process of what is being done to reduce the flooding. He stated that the service crew has pumped over 6 million gallons of water from that area recently. He stressed the ponds are at capacity.

Mr. Lawrence advised that he has a meeting with interim city manager of Fruitland Park to discuss the interlocal wastewater utility agreement.

MAYOR AND COMMISSIONER'S REPORT

Commissioner Gourlie stated the residents of Oak Grove, who are in his Ward, are very appreciative of the prompt response to the flooding situation. He stated that the residents were also appreciative that town staff came to their neighborhood and discussed the issue with them.

Commissioner Gourlie thanked the Public Works staff for their hard work.

Commissioner Roberts thanked Public Works staff for their hard work clearing the storm debris in a timely manner. She stated that she has observed other areas where piles of debris have not been removed.

Commissioner Sage thanked Mr. Eagle and the Public Works crew as well. He stated that many residents expressed their appreciation with how great the town looks after the hurricanes.

Mayor Freeman spoke with the Lake County Mosquito and Aquatic Management department and stated that they will come to Lady Lake and spray. He stated to contact him if there were neighborhoods in Lady Lake that would like this service.

PUBLIC COMMENTS

Robert Menzie, 204 Hawthorne Ave.

Mr. Menzie stated that a lot of money is spent spraying for mosquitos. He stated a more cost-effective method of mosquito control is installing bat houses around town.

Mayor Freeman stated that this is a good idea, and he would discuss this with the Lake County representative.

ADJOURN

Being no further business to discuss, the meeting adjourned at 6:53 p.m.

Carol Osborne, Deputy Town Clerk

Ed Freeman, Mayor



TOWN COMMISSION MEETING AGENDA ITEM

TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Consideration of Approval of Stormwater Utility Feasibility Study Findings. (C.T. Eagle)

AGENDA ITEM ID

20241118

DEPARTMENT

Public Works

SUMMARY

STAFF RECOMMENDED MOTION

Approve the Stormwater Utility Feasibility Study and authorize staff to prepare the necessary documents and begin advertisements for implementation of the Stormwater Utility.

The Town Commission previously approved Surface Water Professionals to conduct a feasibility study for the possible implementation of a new Stormwater Utility. The study is now completed, and the recommendations are being presented for your consideration. Town staff supports the recommendations in the study, utilizing non ad-valorem assessments, establishing the ERU of 2,000 square feet, and setting the rate to \$4 per ERU for the Enhanced Tier of Service. The commission may also set the rate higher or lower if so desired. If approved, town staff will begin preparing the necessary documents to implement the new Stormwater Utility and begin the required proper public noticing and advertisement efforts. The related ordinances and documentation will be brought back to Town Commission for final approval prior to implementation.

FISCAL IMPACT

None at this time.

SOURCE OF FUNDING

N/A

FUNDING ACCOUNT

N/A

SUPPORTING DOCUMENTS

Stormwater Utility Feasibility Assessment, Surface Water Professionals, LLC



TOWN COMMISSION MEETING AGENDA ITEM TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Ordinance 2024-20 – Second and Final Reading - An Ordinance of the Town of Lady Lake, Florida; Amending the Hammock Oaks Community Development District (CDD) pursuant to Florida Statutes 190.046 and 190.005, encompassing portions of land in Sections 19 and 30, Township 18 South, Range 24 East, Lake County, Florida; Incorporating an additional 118.15 acres, totaling an amended CDD boundary of 767.805 acres; Providing for repeal of ordinances in conflict herewith; Providing for severability; Providing for an effective date. (Thad Carroll)

AGENDA ITEM ID

20241118

DEPARTMENT

Growth Management

SUMMARY

STAFF RECOMMENDED MOTION

Staff recommends approval of Ordinance 2024-20, Second and Final Reading - Amending the Hammock Oaks Community Development District (CDD).

On Monday, April 4, 2022, the Town of Lady Lake adopted Ordinance 2021-30, establishing the Hammock Oaks Community Development District (CDD), consisting of 378.076 acres, pursuant to Florida Statute 190.005. On Monday, May 1, 2023, the Town Commission approved Ordinance 2023-03, thus approving the incorporation of 271.847 acres into the district. The additional acreage added at the time effectively added the Reserves at Hammock Oak into the original Hammock Oaks CDD. The CDD at present is approximately 649.655 acres; the commercial properties along Highway 466 and the multi-family component of the development are not included.

Since the approval of Ordinance 2023-03, Kolter Land Partners has added additional acreage, including what is now Highlands at Hammock Oaks, located east of Rolling Acres Road, and an additional 24.02 acres connecting the Reserve at Hammock Oaks to Lake Ella Road. On April 4, 2024, Jere Earlywine of Kutak Rock LLP, submitted a petition to include the additional 118.15 acres, bringing the proposed total land area of the CDD to 767.805 acres and the number of residential dwelling units to 2,612.

As stated in the regulatory costs statement, "a community development district ("CDD") is established under the Uniform Community Development District Act of 1980, Chapter 190 of the Florida Statutes, as amended (the "Act"). A CDD is a local unit of special-purpose government that is limited to the performance of those specialized functions authorized by the Act. Those specialized functions consist of planning, financing, constructing and

maintaining certain public infrastructure improvements and community development services. As an independent special district, the CDD's governing body establishes its own budget and, within the scope of its authorized powers, operates independently of the local general-purpose governmental entity (i.e., the town) whose boundaries include the CDD. However, a CDD cannot regulate land use or issue development orders; those powers reside with the local general-purpose government.”

The petitioner for the proposed CDD has obtained written consent to amend the District from all owners of the real property located within the proposed District in accordance with Section 190.005 of the Florida Statutes.

PAST ACTIONS

On Monday, April 4, 2022, the Town of Lady Lake adopted Ordinance 2021-30, establishing the Hammock Oaks Community Development District (CDD) of 378.076 acres.

Monday, May 1, 2023, the Town of Lady Lake adopted Ordinance 2023-03, establishing the amended Hammock Oaks Community Development District (CDD) of 649.655 acres.

The Planning and Zoning Board does not make recommendations regarding the establishment or boundary amendments to Community Development Districts.

At the November 4, 2024 meeting, the Town Commission voted 5-0 to approve Ordinance 2024-20 upon first reading.

FISCAL IMPACT

Not applicable.

SOURCE OF FUNDING

Not applicable.

FUNDING ACCOUNT

Not applicable.

1 **DRAFT ORDINANCE 2024-20**
2 **TOWN OF LADY LAKE, FLORIDA**

3 **AN ORDINANCE OF THE TOWN OF LADY LAKE, FLORIDA, AMENDING THE**
4 **HAMMOCK OAKS COMMUNITY DEVELOPMENT DISTRICT (CDD) PURSUANT TO**
5 **FLORIDA STATUTES 190.046 AND 190.005, ENCOMPASSING PORTIONS OF**
6 **LAND IN SECTIONS 19 AND 30, TOWNSHIP 18 SOUTH, RANGE 24 EAST, LAKE**
7 **COUNTY, FLORIDA; INCORPORATING AN ADDITIONAL 118.15 ACRES, TOTALING**
8 **AN AMENDED CDD BOUNDARY OF 767.805 ACRES; PROVIDING FOR REPEAL OF**
9 **ORDINANCES IN CONFLICT HERewith; PROVIDING FOR SEVERABILITY;**
10 **PROVIDING FOR AN EFFECTIVE DATE.**

11 **WHEREAS**, the Florida Legislature has passed the Uniform Community Development District
12 Act of 1980 (otherwise known as Chapter 190, Florida Statutes) to provide an alternative
13 method to finance and manage basic services for community development; and

14 **WHEREAS**, the Hammock Oaks Community Development District, has petitioned the Town
15 Commission of the Town of Lady Lake, Florida, to amend the boundary of the Hammock Oaks
16 Community Development District; and

17 **WHEREAS**, the Town Commission of the Town of Lady Lake, Florida, adopted Ordinance 2021-
18 30 on April 4, 2022, granting the establishment of the District, and adopted Ordinance No. 2023-
19 03 on May 1, 2023, amending the boundaries of the District; and

20 **WHEREAS**, a public hearing has been conducted by the Town Commission pursuant to the
21 requirements and procedures of Chapter 190, Florida Statutes; and

22 **WHEREAS**, the Town Commission has considered the record of the public hearing and has
23 decided that the boundary amendment of the Hammock Oaks Community Development
24 District is the best alternative means to provide certain basic services to the additional
25 properties of the community; and

26 **WHEREAS** the proposed boundary amendment of the District will prevent the general body of
27 taxpayers in the Town of Lady Lake from bearing the burden for installation of the
28 infrastructure and the maintenance of certain facilities within the development; and

29 **WHEREAS**, the Town Commission finds that the boundary amendment of the Hammock Oaks
30 Community Development District is in the best interests of all of the citizens of the Town of
31 Lady Lake, Florida.

1 **THEREFORE, BE IT ORDAINED**, and enacted by the Town Commission of the Town of Lady
2 Lake, in Lake County, Florida:

3 **Section 1:** That the foregoing Preamble is hereby ratified and confirmed as true and correct by
4 the Town Commission of the Town of Lady Lake.

5 **Section 2:** That the petition to amend the boundaries of Hammock Oaks Community
6 Development District is hereby granted.

7 **Section 3:** That the external boundaries of the District, as amended, and the real property
8 within the external boundaries of the District, as amended, are described on **Exhibit A** attached
9 hereto. The general location map depicting the Expansion Parcels is identified in **Exhibit B**
10 attached hereto.

11 **SECTION 4:** The District may exercise the general powers provided in Section 190.011, Florida
12 Statutes. The District may also exercise the special powers set forth in Sections 190.012(1), (3)
13 and (4) as well as the special powers for parks and recreation services and facilities and security
14 services and facilities, pursuant to Sections 190.012(2)(a) and 190.012(2)(d), Florida Statutes.

15 **SECTION 5:** That all ordinances or parts of ordinances in conflict herewith are, to the extent of
16 such conflict, hereby repealed.

17 **SECTION 6:** That if any section, sentence, clause, or phrase of this ordinance is held to be
18 invalid or unconstitutional by a court of competent jurisdiction, then said holding shall in no
19 way affect the validity of the remaining portions of this ordinance.

20 **SECTION 7:** That this ordinance shall become effective in accordance with law.

21 **SECTION 8:** The administrative correction of typographical and/or scrivener's errors in this
22 Ordinance which do not affect the intent may be authorized by the Town Manager or designee,
23 without need of public hearing.

PASSED AND ORDAINED by the Town Commission of the Town of Lady Lake, Florida,
this ____ day of _____, 2024.

TOWN OF LADY LAKE

Ed Freeman, Mayor

Attest:

Nancy Wilson, Town Clerk

Approved as to form:

Derek Schroth, Town Attorney



TOWN COMMISSION MEETING AGENDA ITEM TOWN OF LADY LAKE, FLORIDA

AGENDA ITEM TITLE

Ordinance 2024-23 - Second and Final Reading - An Ordinance of The Town of Lady Lake, Lake County, Florida; Providing for a Text Amendment to the Town of Lady Lake Land Development Regulations (Ordinance No. 94-08) Chapter 3, "Developmental Procedures and Regulations"; Providing for amendment to add Section 3-2. A, titled "Annexation". (Thad Carroll)

AGENDA ITEM ID

20241118

DEPARTMENT

Growth Management

SUMMARY

STAFF RECOMMENDED MOTIONS

Growth Management staff recommends approval of Ordinance 2024-23.

On August 15, 1994, the Town Commission adopted the Land Development Code of the Town of Lady Lake, Florida under Ordinance 94-08 in accordance with the Town of Lady Lake Comprehensive Plan and the requirements of Chapter 163, Part II, Florida Statutes. At that time, procedures were codified in Chapter 3 regarding how Comprehensive Plan Amendments and Rezoning applications would be processed. Codified within those processes was language that stated that applications shall not again be accepted by the Town for the same property which were withdrawn by the applicant after notice of the planning and zoning hearing was given, or which were denied by the Town Commission at the final hearing, until twelve months have passed from the date said application was withdrawn or denied; also known as a bar to re-file.

Absent from Chapter 3 at the time of the adoption of Ordinance 94-08 which established the Land Development Code, were procedures regarding how the Town of Lady Lake would process applications for annexation into the Town of Lady Lake. The Florida State Statutes, under Chapter 171, outlines annexation requirements and annexation procedures in general. However, any additional criteria that a county or local government would like to impose regarding the annexation process needs to be adopted and codified by the local governing body.

Although the Land Development Regulations, Chapter 3 "Developmental Procedures and Regulations" have been implemented since 1994 without language regarding annexation procedures, deferring only to those procedures as defined by state statute, staff would like to

amend Chapter 3 at this time for purposes of consistency with the other application procedures, including the establishment of the following policies. The Prohibition of multiple applications in one, twelve-month period; The twelve-month bar to re-file for applications which were withdrawn by the applicant after notice of the planning and zoning hearing was given or which were denied by the Town Commission at the final hearing; and the policy to request a Waiver of the twelve-month bar to re-file and of prohibition on multiple amendments.

In addition to those policies, staff has included language in the amendment that states that applications for annexation shall be accompanied by concurrent Comprehensive Plan Amendment and Rezoning applications for the subject property or properties. By codifying the language as proposed, the Planning and Zoning Board, the Town Commission, and the public can be assured that the annexation, comprehensive plan, and rezoning applications, and the associated impacts, will be considered concurrently in the public forum; further, should any of the applications be denied, also assured that a twelve-month bar to re-file will be imposed for any of the three application types.

PAST ACTIONS

The Technical Review Committee reviewed Ordinance 2024-23 and found it was ready for consideration by the Planning and Zoning (P&Z) Board.

At the October 14, 2024 meeting, the Planning and Zoning Board voted 5-0 to forward Ordinance 2024-23 to the Town Commission with the recommendation of approval.

At the November 4, 2024 meeting, the Town Commission voted 4-0 to approve Ordinance 2024-23 upon first reading.

FISCAL IMPACT

None

FUNDING ACCOUNT

None

1 **DRAFT ORDINANCE 2024-23**
2 **TOWN OF LADY LAKE, FLORIDA**

3 **AN ORDINANCE OF THE TOWN OF LADY LAKE, LAKE COUNTY, FLORIDA; PROVIDING**
4 **FOR A TEXT AMENDMENT TO THE TOWN OF LADY LAKE LAND DEVELOPMENT**
5 **REGULATIONS (ORDINANCE NO. 94-08) CHAPTER 3, “DEVELOPMENTAL PROCEDURES**
6 **AND REGULATIONS”; PROVIDING FOR AMENDMENT TO ADD SECTION 3-2. A, TITLED**
7 **“ANNEXATION”; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND**
8 **PROVIDING AN EFFECTIVE DATE.**

9 **WHEREAS**, on December 2, 1991, the Town of Lady Lake adopted a Comprehensive
10 Plan (Ordinance No. 91-21) pursuant to the requirements of Chapter 163, Part II,
11 Florida Statutes and Chapter 9J-5, Florida Administrative Code; and

12 **WHEREAS**, on January 23, 1992, the Florida Department of Community Affairs
13 determined that the Town of Lady Lake Comprehensive Plan complied with the
14 requirements of Chapter 163, Part II, Florida Statutes and Chapter 9J-5, Florida
15 Administrative Code; and

16 **WHEREAS**, on August 15, 1994, the Town of Lady Lake adopted the Land
17 Development Code of the Town of Lady Lake, Florida in accordance with the Town of
18 Lady Lake Comprehensive Plan and the requirements of Chapter 163, Part II, Florida
19 Statutes; and

20 **WHEREAS**, the Town of Lady Lake has elected to amend Chapter 3, “Developmental
21 Procedures and Regulations”, of the Land Development Regulations, finding it is in the
22 best interests of the Town of Lady Lake and promotes the general welfare of its
23 citizens.

24 **BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF LADY LAKE,**
25 **FLORIDA:**

26 **SECTION 1 Amendment.**

27 “The Land Development Code of the Town of Lady Lake, Florida,” dated August 15,
28 1994 (the “Land Development Code”) is hereby amended as provided below:

29 Chapter 3, “Developmental Procedures and Regulations”, of the Land Development
30 Regulations; is amended, adding Section 3-2. A, titled “Annexation” as set forth in
31 Exhibit “A”, attached hereto and incorporated herein.

SECTION 2 Severability.

If any section, sentence, clause, phrase or word of this Ordinance is for any reason held, or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this ordinance; and it shall be construed to have been the Town Commission's intent to pass this Ordinance without such unconstitutional, invalid or inoperative part therein; and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed and held to be valid, as if such parts had not been included herein; or if this Ordinance or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.

SECTION 3 Codification.

The provisions of this Ordinance shall be codified as and become part of the Codes of Ordinances, Town of Lady Lake. The sections of this Ordinance may be re-numbered or re-lettered to accomplish such intention and the word "Ordinance", or similar words, may be changed to "Section", "Article", or other appropriate word.

SECTION 4 Effective Date.

This ordinance shall become effective upon adoption.

PASSED AND ORDAINED this 18th day of **November 2024** in the regular session of the Town Commission of the Town of Lady Lake, Lake County, Florida, upon the Second and Final Reading.

Town of Lady Lake, Florida

Ed Freeman, Mayor

Attest:

Nancy Wilson, Town Clerk

Approved as to form:

Derek Schroth, Town Attorney

EXHIBIT "A"

Sec. 3-2. A. Annexation.

a) Applications. Application for voluntary annexation per the requirements of F.S. § 171.044, or as amended, may be initiated by any person, board or agency. The requirements of this section are in addition to the requirements of applicable state law.

1) Applications shall be made on the appropriate forms provided by the Town and shall be accompanied by the appropriate review fee.

2) Applications for annexation shall include a legal description of the property and sketch or survey of the property.

3) Applications for annexation shall be accompanied by concurrent Comprehensive Plan Amendment and Rezoning applications for the subject property or properties.

4) Subject to the additional requirements set forth herein, applications for annexation may be made at any time. The Town Commission shall consider the request at the first available meeting in compliance with F.S. §§ 171.044, or as amended, and shall make the final decision for processing of the proposed annexation.

b) Notification of public hearing. Notice of the annexation must be published at least once each week for 2 consecutive weeks prior to the First Reading. At least fourteen (14) days prior to the Planning and Zoning Board hearing, notice shall also be posted on the subject property of the annexation. This is superseded by the requirements of F.S. § 171.044, or as amended, when applicable. Not fewer than 10 days prior to publishing the advertisement for the annexation, the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located.

c) Procedure for public hearing. The following procedures are in addition to, or where in conflict superseded by, those required by state law.

1) Planning and zoning board action. The Planning and Zoning Board shall consider and make recommendations to the Town Commission on every proposed annexation application.

2) Town commission. The Town Commission shall consider recommendations of the Planning and Zoning Board before taking action on the proposed annexation. However, if the Planning and Zoning Board fails to make a

1 recommendation within thirty (30) days of the amendment's first consideration
2 by that body, then the Town Commission may take action based upon an
3 assumed recommendation of approval from the board.

4 d) Criteria for review of annexation. When considering an annexation, the Planning
5 and Zoning Board, and the Town Commission shall consider its consistency with F.S. §
6 171.044 (1) and the Interlocal Service Boundary Agreement (ISBA) adopted under
7 Ordinance 2013-40.

8 e) Withdrawal and denial of applications; twelve (12) month bar to re-file. Any
9 application for any action provided by this section may be withdrawn by the applicant.
10 However, if notice of the Planning and Zoning hearing as set forth in subsection b),
11 above, has already been given, the application must be withdrawn at a public hearing
12 of either the Planning and Zoning Board or the Town Commission. Applications which
13 were withdrawn by the applicant after notice of the planning and zoning hearing was
14 given or which were denied by the Town Commission at the final hearing, shall not
15 again be accepted by the Town until twelve (12) months have passed from the date
16 said application was withdrawn or denied. For the purposes of this section, any
17 application for an annexation concerning the same property (in whole or in part)
18 which was the subject of the prior application, which was withdrawn or denied, shall
19 not be accepted until twelve (12) months have passed from the date said application
20 concerning said property (in whole or in part) was withdrawn or denied. Fees paid
21 shall not be refundable if any expense has been incurred by the Town of Lady Lake for
22 public notice.

23 f) Waiver of twelve (12) month bar to re-file and of prohibition on multiple
24 amendments. The Town Commission may waive the twelve (12) month prohibition for
25 multiple applications set forth in above subsection e), above or the twelve (12) month
26 bar set forth in subsection f), above should it determine, by a majority vote, that a
27 waiver is necessary to prevent injustice or to promote the health, safety, and general
28 welfare of the Town of Lady Lake.

Sec. 3-3. Rezoning.

- a) *Applications.* Application to rezone land under the Code may be initiated by the landowner(s), Town, Planning and Zoning Board or Town Commission. The requirements of this section are in addition to the requirements of applicable state law.
 - 1) Applications shall be made on the appropriate forms provided by the Town and shall be accompanied by the appropriate review fee.
 - 2) Applications shall include a legal description of the property, sketch or survey of the property, proof of ownership, and authorization from the owner if represented by an agent or contract purchaser. If the rezoning is to Manufactured Homes High Density (MH-9), a Master Park Plan shall be submitted.
 - 3) Applications for rezoning shall be submitted no later than fourteen (14) days in advance of the regularly scheduled TRC meeting in order to be considered at that meeting.
- b) *Notification of public hearing.* These requirements are superseded by the requirements of F.S. § 166.041(2), or as amended, when applicable.
 - 1) *Adjoining owners.* The Town shall send notice per, F.S. § 166.041, or as amended, of the proposed action to the owners of all adjoining properties to the subject property, as well as to any owners of the subject property not party to the application, at least two (2) weeks prior to the Planning and Zoning Board hearing. Such notice shall include the date, time and place of the public hearing before the Planning and Zoning Board and the Town Commission, along with a clear and concise description of the proposed action. For the purposes of such notification, a property shall not be considered an adjoining property if it is separated from the subject property by a road, canal, easement, right-of-way or similar barrier greater than one hundred fifty (150) feet in width.
 - 2) *Posting of property.* At least seven (7) days prior to the Planning and Zoning Board hearing, the applicant shall post the property that is the subject of the proposed action with signs notifying the public of the proposed action, date of public hearings, and who to contact for further information. Signs shall be placed, at a minimum, along all public road frontages, with a minimum of one (1) sign per five hundred (500) feet along any one (1) frontage.
 - 3) *Public advertisement.* Notice of public hearing shall be published in a newspaper of general circulation within the Town at least ten (10) days prior to the final Town Commission meeting. Notice shall also be posted in a conspicuous location at the Town Hall, and may be posted at other public locations at the discretion of the Town.
- c) *Procedure for public hearing.* The following procedures are in addition to, or where in conflict superseded by, those required by state law.
 - 1) *TRC review.* The TRC will review the submittal and make recommendations to the Planning and Zoning Board.
 - 2) *Planning and Zoning Board action.* The Planning and Zoning Board shall consider every rezoning at a public hearing and make recommendations to the Town Commission.
 - 3) *Town Commission action.* The Town Commission shall consider recommendations of the Planning and Zoning Board before taking action. However, if the Planning and Zoning Board fails to make a recommendation within thirty (30) days of the rezoning's first consideration by that body, then the Town Commission may take action based upon an assumed recommendation of approval from the board.

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- d) *Prohibition of multiple applications in one (1) twelve (12) month period.* If the Town Commission has approved at final hearing an application submitted under this section, then the Town shall not reconsider an application submitted under this section concerning the same property (in whole or in part) for a period of twelve (12) months from the date the application was approved.
 - e) *Withdrawal and denial of applications; twelve (12) month bar to re- file.* Any application for any action provided by this section may be withdrawn by the applicant. However, if notice of the planning and zoning hearing as set forth in subsection b)2), above, has already been given, the application must be withdrawn at a public hearing of either the Planning and Zoning Board or the Town Commission. Applications which were withdrawn by the applicant after notice of the planning and zoning hearing was given or which were denied by the Town Commission at the final hearing, shall not again be accepted by the Town until twelve (12) months have passed from the date said application was withdrawn or denied. For the purposes of this section, any application for rezoning concerning the same property (in whole or in part) which was the subject of the prior application which was withdrawn or denied, shall not be accepted until twelve (12) months have passed from the date said application concerning said property (in whole or in part) was withdrawn or denied. Fees paid shall not be refundable if any expense has been incurred by the Town of Lady Lake for public notice.
 - f) *Waiver of twelve (12) month bar to re-file and of prohibition on multiple amendments.* The Town Commission may waive the twelve (12) month prohibition for multiple applications set forth in above subsection d), above or the twelve (12) month bar set forth in subsection e), above should it determine, by a majority vote, that a waiver is necessary to prevent injustice or to promote the health, safety, and general welfare of the Town of Lady Lake.

(Ord. No. 2006-15, § 1(Exh. A), 4-20-2006)

Sec. 3-4. Comprehensive plan amendments.

- a) *Applications.* Application to amend the Comprehensive Plan per the requirements of F.S. § 163.3184, or as amended, which includes the Future Land Use Map (FLUM), may be initiated by any person, board or agency. The requirements of this section are in addition to the requirements of applicable state law.
 - 1) Applications shall be made on the appropriate forms provided by the Town and shall be accompanied by the appropriate review fee.
 - 2) Applications for FLUM amendments shall include a legal description of the property and sketch or survey of the property.
 - 3) Subject to the additional requirements set forth herein, applications for Comprehensive Plan amendments may be made at any time. The Town Commission shall consider the request at the first available meeting in compliance with F.S. §§ 163.3184 and 163.3187, or as amended, and shall make the final decision for processing of the amendment.
- b) *Notification of public hearing.* Notice of public hearing shall be published in a newspaper of general circulation within the Town at least seven (7) days prior to the first Town Commission meeting, with a second publication to be at least fourteen (14) days prior to the final Town Commission meeting. At least fourteen (14) days prior to the Planning and Zoning Board hearing, notice shall also be posted in a conspicuous location at the Town Hall, and may be posted at other public locations at the discretion of the Town. This is superseded by the requirements of F.S. § 163.3184, or as amended, for Future Land Use Map amendments, when applicable.
- c) *Procedure for public hearing.* The following procedures are in addition to, or where in conflict superseded by, those required by state law.
 - 1) *Planning and zoning board action.* The Planning and Zoning Board shall consider and make recommendations to the local planning agency and Town Commission on every proposed amendment to the Comprehensive Plan.
 - 2) *Town commission and local planning agency action.* The Town Commission and local planning agency shall consider recommendations of the Planning and Zoning Board before taking action on proposed amendments to the Comprehensive Plan. However, if the Planning and Zoning Board fails to make a recommendation within thirty (30) days of the amendment's first consideration by that body, then the Town Commission and local planning agency may take action based upon an assumed recommendation of approval from the board.
- d) *Criteria for review of amendments.* When considering an amendment to the Comprehensive Plan, the Planning and Zoning Board, local planning agency and the Town Commission shall consider its consistency with the remainder of the plan and its goals, objectives and policies.
- e) *Prohibition of multiple applications in one (1) twelve (12) month period.* If the Town Commission has approved at final hearing an application submitted under this section, then the Town shall not reconsider an application submitted under this section concerning the same property (in whole or in part) for a period of twelve (12) months from the date the application was approved.
- f) *Withdrawal and denial of applications; twelve (12) month bar to re-file.* Any application for any action provided by this section may be withdrawn by the applicant. However, if notice of the Planning and Zoning hearing as set forth in subsection b), above, has already been given, the application must be withdrawn at a public hearing of either the Planning and Zoning Board or the Town Commission. Applications which were withdrawn by the applicant after notice of the planning and zoning hearing was given or which were denied by the Town Commission at the final hearing, shall not again be accepted by the Town until twelve (12) months have passed from the date said application was withdrawn or denied. For the purposes of this

section, any application for a Comprehensive Plan change concerning the same property (in whole or in part) which was the subject of the prior application which was withdrawn or denied, shall not be accepted until twelve (12) months have passed from the date said application concerning said property (in whole or in part) was withdrawn or denied. Fees paid shall not be refundable if any expense has been incurred by the Town of Lady Lake for public notice.

- g) *Waiver of twelve (12) month bar to re-file and of prohibition on multiple amendments.* The Town Commission may waive the twelve (12) month prohibition for multiple applications set forth in above subsection e), above or the twelve (12) month bar set forth in subsection f), above should it determine, by a majority vote, that a waiver is necessary to prevent injustice or to promote the health, safety, and general welfare of the Town of Lady Lake.

(Ord. No. 2005-51, § 1(Exh. A), 11-17-2005; Ord. No. 2006-14, § 1(Exh. A), 4-20-2006; Ord. No. 2011-21, § 1(Exh. A), 10-3-2011)