

ORDINANCE 2023-34

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING ZONING REGULATIONS IN CHAPTER 8 OF THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE TO INCLUDE A DECLARATION OF UNITY OF TITLE PROCESS FOR THE COMBINATION OF REAL PROPERTY WITHIN THE TOWN OF MONTVERDE; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR CODIFICATION AND SEVERABILITY, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Montverde desires to provide a formal process to allow for a lot, plot or parcel of land to be joined with or combined with an adjacent property or portion of an adjacent property under the same ownership as an indivisible building site; and

WHEREAS, the Town finds that the declaration of unity of title process is efficient, less costly and yet still allows for review and regulation by the Town; and

WHEREAS, the Planning and Zoning Board of the Town of Montverde considered this ordinance at a public meeting and has made a recommendation to Town Council; and

WHEREAS, the Town Council of the Town of Montverde held a public hearing which was advertised in accordance with law and held such public hearing no less than 10 days after the day advertisement was published.

WHEREAS, the Town of Montverde has determined that it is necessary to amend the Town's Land Development Code to protect the health, safety, and welfare of its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Montverde, Florida, as follows:

SECTION 1. Legislative Findings and Intent. The findings set forth in the recitals above are hereby adopted as legislative findings pertaining to this Ordinance.

SECTION 2. That Section 8-27 of Article I in Chapter 8, Part III (Land Development Code) of the Montverde Code of Ordinances shall be created to read as follows:

Sec. 8-27. Declaration of Unity of Title.

(a) *Purpose and intent.*

To combine separate lots, plots, parcels, acreage or portions thereof as a unified, indivisible building site.

(b) *Standards.*

- (1) A declaration of unity of title may be applied for lots in either platted subdivision or a metes and bounds legal description, provided that each parcel or lot is currently recognized as a lot of record or legally created lot approved by the town.
- (2) Existing access to each lot may not be altered for each lot (i.e., an easement may not be added or extended).

(c) *Submittal.*

- (1) A completed and executed Declaration of Unity of Title form provided by the town.
- (2) A sketch of description of the property as unified.
- (3) Current property record cards of the affected parcels.
- (4) Warranty deeds for the affected parcels.

(d) *Review and Recording.*

- (1) The town manager or designee shall transmit a copy of the proposed declaration of unity of title submittal to the town planner, town attorney and town engineer/surveyor of the town for review and comments.
- (2) If the proposed submittal meets the conditions of these regulations and otherwise complies with all applicable laws and ordinances, the town manager or designee shall approve the declaration of unity of title and record in the public records of Lake County, Florida at the applicant's expense.

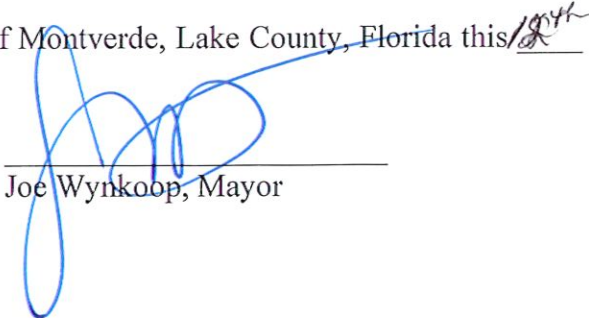
SECTION 3. Codification. It is the intent of the Town Council of the Town of Montverde that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in renumbering and codifying the provision of this Ordinance.

SECTION 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

SECTION 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this Town, the provision of this Ordinance shall govern.

SECTION 6. Effective Date. This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this 18th day of September, 2023.



Joe Wynkoop, Mayor

Attest:

Sandy Johnson
Sandy Johnson, Town Clerk

Approved as to form and legality:

Anita Geraci-Carver
Anita Geraci-Carver, Town Attorney

First Reading 8/8/2023

Second Reading 9/12/2023

^{Vice Mayor}
Council Member Hartle moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member Ley and upon roll call on the motion the vote was as follows:

	YEA	NAY
Allan Hartle, Vice Mayor	✓	
Jim Ley, Councilmember	✓	
Jim Peacock, Councilmember	✓	
Carol Womack,	✓	
Joe Wynkoop, Mayor	✓	