

ORDINANCE NO. 2024-38

AN ORDINANCE OF THE TOWN OF MONTVERDE, FLORIDA, AMENDING THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE TO INCLUDE PUBLIC NOTICE REQUIREMENTS FOR LAND DEVELOPMENT APPLICATIONS AND AMENDING VARIOUS SECTIONS IN THE TOWN OF MONTVERDE LAND DEVELOPMENT CODE TO BE CONSISTENT WITH THE PUBLIC NOTICE REQUIREMENTS ADOPTED HEREIN; PROVIDING FOR CODIFICATION AND SEVERABILITY; PROVIDING FOR THE REPEAL OF ORDINANCES IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Montverde desires to amend its land development code to centralize within the administrative chapter of the land development code all public notice requirements for land development applications requiring public notice; and

WHEREAS, the Town Council desires to comply with statutory requirements as well as provide public notice for land development applications not specifically addressed in Florida Statutes; and

WHEREAS, in centralizing public notice requirements it is necessary to repeal certain sections of the land development code; and

WHEREAS, the Town Council is authorized pursuant to Ch. 166, and 163, Florida Statutes, to adopt this ordinance; 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; and

WHEREAS, the Town Council of the Town of Montverde, Lake County, Florida hereby finds and declares that the adoption of this ordinance serves a public purpose.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA AS FOLLOWS:

Section 1. Recitals.

The above recitals are true and correct and, by this reference, are hereby incorporated into and made an integral part of this ordinance.

Section 2. Public Notice Requirements.

That the Montverde Land Development Code, Town of Montverde, Florida, is hereby amended by adding a new division to be numbered Division 3., in Article I, Chapter 2, of the Montverde Land Development Code, which said division shall read as follows:

DIVISION 3. – PUBLIC NOTICE REQUIREMENTS

Sec. 2-47. Publication and notice.

Public notice, as defined in Sec. 1-2, Montverde Land Development Code, must be given as follows:

LDC PUBLICATION & NOTICE REQUIREMENTS						
APPLICATION TYPE	Hearings Required	Newspaper publication 14-days prior to P&Z	Newspaper publication required 14-days prior to TC1, unless otherwise provided below	Newspaper publication required 14-days prior to TC2, unless otherwise provided below	Certified Mail notice to property owners w/ 300' or 600' 14-days prior to P&Z & TC adoption hearing	Specific Instructions / Other Special Requirements
Annexation	P&Z, TC 2	Yes	Yes 7 days prior to TC1	Yes 2X see Specific Instructions	600 ft.	Send LC-BCC Certified Mail 10 days prior to first newspaper publication for P&Z. TC-2 - Advertise 1x each week for 2 consecutive weeks before TC 2 with 2nd week publication no less than 10 days prior to TC2. Within 7 days after adoption, file Ordinance with Circuit Court, LC, and Dept of State with map & legal description.
Land Development Code Ordinance, Zoning Code, Zoning Map Ordinance Initiated by the Town	P&Z, TC 2	Yes	Yes	Yes	No	For Zoning Map Ordinance initiated by the Town and ordinance changing the actual list of permitted conditional, or prohibited uses within a zoning category, follow statutory requirements in s.166.041, F.S.
Comp Plan Amendment - Small Scale	P&Z, TC 2	Yes	Yes	Yes	300 ft.	Within 10 working days after the adoption, the ordinance must be filed with Florida Commerce. If not challenged within 30 days of the adoption, record a copy of the ordinance in the official records of Lake County.
Comp Plan Amendment - Large Scale - Expedited Review	P&Z, TC 2	Yes	Yes	Yes	600 ft.	Within 10 working days of the 1 st public hearing, transmit three copies of the ordinance to Florida Commerce and one copy to reviewing agencies. Reviewing agencies have 30 days to provide comments to the Town. Within 180 days after receipt of agency comments, hold 2 nd reading/adoption public hearing. Within 10 working days of the 2 nd reading/adoption hearing, transmit three copies of the ordinance to Florida Commerce and one copy to reviewing agencies that provided timely comments. If not challenged within 30 days of the adoption, record a copy of the ordinance in the official records
Comp Plan Amendment - Large Scale - State Coordinated Review	P&Z, TC 2	Yes	Yes	Yes	600 ft.	Within 10 working days of the 1 st public hearing, transmit three copies of the ordinance to Florida Commerce. Florida Commerce issues report to Town within 60 days after receipt of ordinance. Within 180 days after receipt of report, hold 2 nd reading/adoption public hearing. Within 10 working days of the 2 nd reading/adoption hearing, transmit three copies of the ordinance to Florida Commerce and one copy to reviewing agencies that provided timely comments. If not challenged within 30 days of the adoption, record a copy of the ordinance in the official records of Lake County.
Conditional Use Permit	P&Z, TC 1	Yes	Yes	Yes	300 ft.	If approved, the conditional use permit (resolution) must be signed by the applicant and recorded in the official records of Lake County.
Development Preliminary Plans	P&Z, TC 1	Yes	Yes	No	300 ft.	Sec. 8-5 thru Sec. 8-7, LDC
Development Final Plan	P&Z, TC-1	Yes	Yes	N/A	300 ft.	Sec. 8-8 thru Sec. 8-10, LDC
Development Final Record Plat	P&Z, TC 1	Yes	Yes	N/A	300 ft.	Sec. 8-11 thru Sec. 8-14, LDC
Minor Subdivision	TC 1	N/A	Yes	N/A	300 ft.	Sec. 8-3, LDC
Planned Unit Development (PUD)	P&Z, TC 2	Yes	Yes	Yes	300 ft.	
Re-Zoning	P&Z, TC 2	Yes	Yes	Yes	600 ft.	
Site Plan - Major	P&Z, TC 1	Yes	Yes	N/A	300 ft.	Site inspection to ensure Site Plan improvements were completed per approved plans prior to CO.
Site Plan - Minor (addition of less than 2,000 sf, & less than 50% of total sq. ft, changes in use requiring other site improvements, conditional uses)	P&Z, TC 1	Yes	Yes	N/A	300 ft.	Site inspection to ensure Site Plan improvements were completed per approved plans prior to CO.
Variance	P&Z, TC 1	Yes	Yes	N/A	300 ft.	

* P&Z (Planning & Zoning), TC (Town Council), 1 or 2 refers to number of Town Council readings required. Timeframes are minimum requirements.

Public notice as required in this section shall comply with any applicable Florida Statutes, and if none, then at a minimum will include the date, time, and place of the meeting; the title or titles of proposed ordinances/resolutions; and the place within the town where such proposed ordinances/resolutions may be inspected by the public. The notice shall also advise that interested parties may appear at the meeting and be heard with respect to the proposed ordinance/resolution.

Section 3. That section 10-11(f) of the Montverde Land Development Code, Town of Montverde, Florida, is hereby amended to read as follows:

Sec. 10-11(f) Procedures for conditional use permits.

(f) The planning and zoning board shall hold a public hearing on every application for a conditional use permit. ~~The town clerk shall send all property owners within 300 feet of the property corners of the affected property a written notice stating the name of the petitioner, the nature of the proposed conditional use, and the date and time of the hearing.~~ The planning and zoning board may recommend approval subject to stated conditions. The planning and zoning board shall submit its recommendations to the town council. Within 30 days thereafter, the town council shall hold a public hearing with due public notice to consider the recommendations. The town council may grant the conditional use permit if it finds that the proposed use is desirable and not detrimental to the welfare. If issued, the permit shall be in writing and shall contain the conditions and limitations thereof. The permit shall be filed in the public records of the county. The town council may require the petitioner to pay the legal fees and costs incurred by the municipality in preparing and recording the permit. Any conditional use that does not meet these requirements shall be denied.

Section 4. That section 10-12(e) of the Montverde Land Development Code, Town of Montverde, Florida, is hereby amended to read as follows:

Sec. 10-12(e) Procedures for variances.

(e) The planning and zoning board shall hold a public hearing on every application for a variance. ~~The town clerk shall send all property owners within 300 feet of the affected property a written notice stating the name of the petitioner, the nature of the requested variance, and the date and time of the hearing.~~ The planning and zoning board may recommend approval subject to stated conditions. The planning and zoning board shall submit its recommendations to the town council. Within 30 days thereafter, the town council shall hold a public hearing with due public notice to consider the recommendations. The town council may grant the variance if it finds that the proposed use is desirable and not detrimental to the welfare. If issued, the permit shall be in writing and shall contain the conditions and limitations thereof. The permit shall be filed in the public records of the county. The town council may require the petitioner to pay the legal fees and costs incurred by the municipality in preparing and recording the permit. Any conditional use that does not meet these requirements shall be denied.

Section 5. That the definition of public notice in section 1-2 of the Montverde Land Development Code, Town of Montverde, Florida, is hereby amended to read as follows:

Sec. 1-2 Definitions

Public notice means due public notice as used in the phrase "Public Hearing or hearing with due Public Notice," ~~involved~~ involves the following action: At least 15 days in advance of such hearing, notice shall be published two times in a newspaper of general circulation in the county or in the area of the county involved, which notice shall state the time and place of the hearing, the nature of the matter to be discussed, and that written comments filed with the administrative official will be heard, and said notice may state that hearings will be continued from time to time as may be found necessary. This does not apply to public notices for development applications included in Sec. 1-2, Montverde Land Development Code.

Section 6. Conflicts And Ordinances Repealed.

All ordinances or parts of ordinances in conflict are hereby repealed.

Section 7. 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 8. Codification.

It is the intent of the Town Council of the Town of Montverde that the provisions of this chapter shall become and made a part of the Town of Montverde Code of Ordinances; and grants authority to the codifier to renumber or re-letter sections, and change the words in this ordinance to section, article, chapter or such other appropriate word or phrase in order to accomplish such intentions.

Section 9. Effective Date.

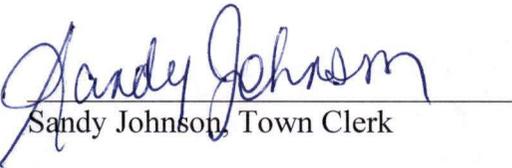
This Ordinance shall become effective immediately upon adoption.

PASSED AND DULY ADOPTED by the Town of Montverde, Lake County, Florida this 10th day of September, 2024.



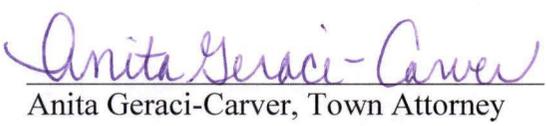
Joe Wynkoop, Mayor

Attest:



Sandy Johnson, Town Clerk

Approved as to form and legality:



Anita Geraci-Carver, Town Attorney

First Reading 8-13-2024
Second Reading 9-10-2024

Council Member Womack moved the passage and adoption of the above and foregoing Ordinance. Motion was seconded by Council Member Hartle and upon roll call on the motion the vote was as follows:

	Yea	Nay
Vice Mayor – Jim Peacock	✓	
Councilmember Jim Ley	✓	
Councilmember Allan Hartle	✓	
Councilmember Carol Womack	✓	
Mayor Joe Wynkoop	✓	