

**ORDINANCE 2022-21**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF MONTVERDE, LAKE COUNTY, FLORIDA, AMENDING THE TOWN OF MONTVERDE'S COMPREHENSIVE PLAN PURSUANT TO 163.3184, FLORIDA STATUTES, BY AMENDING THE COMPREHENSIVE LAND-USE PLAN DESIGNATION FROM LAKE COUNTY AGRICULTURE TO TOWN OF MONTVERDE SINGLE FAMILY LOW DENSITY RESIDENTIAL ON THE FUTURE LAND-USE MAP FOR THE HEREIN DESCRIBED PROPERTY; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; THE DIRECTING THE TOWN MANAGER TO AMEND SAID COMPREHENSIVE PLAN; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR THE FORWARDING OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; AND PROVIDING FOR AN EFFECTIVE DATE;**

**WHEREAS**, the Town of Montverde desires to amend the Comprehensive Plan for the Town of Montverde by assigning a future land use designation to the property more particularly described below and amending the future land use map to reflect the assigned future land use designation; and

**WHEREAS**, the Planning and Zoning Board sitting as the Local Planning Agency of the Town of Montverde held a public hearing on this ordinance which was advertised in accordance with law, and

**WHEREAS**, the Town Council of the Town of Montverde public hearing has been advertised as required by law for two public hearings with the first public hearing occurring at least 7 days after the first advertisement was published and the second public hearing for adoption of this ordinance occurring at least 5 days after the day of the second advertisement; and

**WHEREAS**, the Town Council of the Town of Montverde hereby finds and determines that the plan amendment is internally consistent with the Town's Comprehensive Plan; and

**WHEREAS**, it is in the best interests of the Town of Montverde to amend the Comprehensive Plan for the Town of Montverde as set forth herein.

**Now, therefore, it be ordained by the Town Council of the Town of Montverde, Florida:**

**Section 1. Legislative Findings**

The recitals set forth above are hereby adopted as legislative findings of the Town Council of the Town of Montverde.

**Section 2. Future Land Use Designation Amendment.**

- A. The Property is legally described in **Exhibit A** attached hereto. The location of the property is depicted on **Exhibit B** for visual reference.

The Property consists of 111.411 +/- acres.

- B. That portion of the Future Land Use Element referenced as the Future Land Use Map of the Town of Montverde Comprehensive Plan is hereby amended by changing the Town of Montverde Future Land Use Map designation of the property described in **Exhibit A** (the "Property") from Lake County Agriculture and designating the Property on the Future Land Use Map to:

**TOWN OF MONTVERDE SINGLE FAMILY LOW DENSITY RESIDENTIAL** HOWEVER, THE LAND USE AND DEVELOPMENT POTENTIAL OF THE PROPERTY MADE AVAILABLE BY THIS FLUM AMENDMENT IS LIMITED AS PROVIDED BELOW:

**The minimum lot size for residential dwelling units is ½ acre.**

**Section 3. Severability.**

Upon a determination that by a court of competent jurisdiction that a portion of this ordinance or the comprehensive plan adopted hereby is void, unconstitutional or unenforceable, all remaining portions shall remain in full force and effect.

**Section 4. Scrivener's Errors.**

Scrivener's errors in the legal description may be corrected without a public hearing or at public meeting, by re-recording the original ordinance or a certified copy of the ordinance and attaching the correct legal description.

**Section 5. Direction to the Town Manager**

Upon the Effective Date of this ordinance, the town manager or designee is hereby authorized to amend the comprehensive plan and future land-use map as identified herein after compliance with F.S. 163.3184 and F.S. 163.3184(11).

**Section 6. Repeal**

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

**Section 7. Adoption**

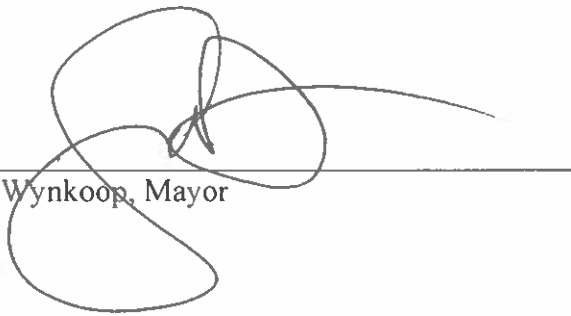
After adoption, a copy hereof shall be forwarded to the Department of Economic Opportunity.

**Section 8. Effective Date**

This ordinance shall become effective upon the 31<sup>st</sup> day after adoption unless timely challenged, and then will become effective upon the date a final order is issued by the Department of Economic Opportunities or Administration Commission finding the amendment in compliance in accordance with Section 163.3184, Florida Statutes. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

BE IT ORDAINED at a meeting of the Town Council of the Town of Montverde, Lake County, Florida, this 14<sup>TH</sup> day of March, 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 March 14, 2023

Second Reading May 9th, 2023

Council Member Ley 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: v ke mayor

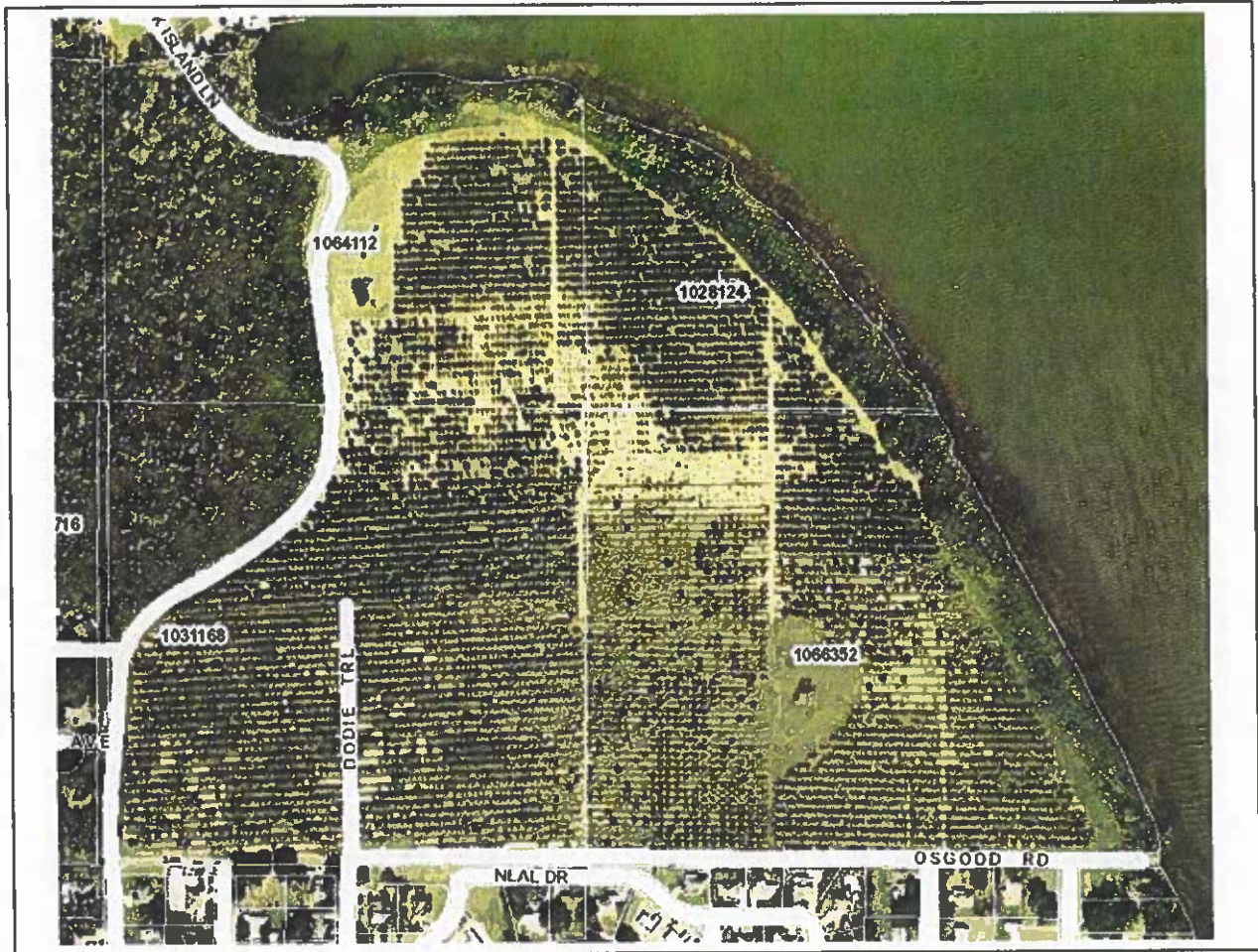
	YEA	NAY
Billy Bates		✓
Allan Hartle	✓	
Jim Ley	✓	
Judy Smith	✓	
Joe Wynkoop	✓	

**EXHIBIT A**

**Legal Description of Property**

Lake County Parcel Nos. 01-22-26-1500-000-00C00; 35-21-26-0004-000-00400; 36-21-26-0003-000-00100 and 02-22-26-0001-000-00100

**EXHIBIT B**  
**Map Depicting Property**



**Ron DeSantis**  
GOVERNOR



**Meredith Ivey**  
ACTING SECRETARY

April 21, 2023

The Honorable Joe Wynkoop  
Mayor, Town of Montverde  
17404 Sixth Street,  
Montverde, Florida 34756

Dear Mayor Wynkoop:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for the Town of Montverde (Amendment No. 23-01ESR) received on March 24, 2023. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the Town is reminded that:

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the Town. **If the Town receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the Town that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
(850) 245.7105 | [www.FloridaJobs.org](http://www.FloridaJobs.org) | [www.Twitter.com/FLDEO](https://www.Twitter.com/FLDEO) | [www.Facebook.com/FLDEO](https://www.Facebook.com/FLDEO)

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

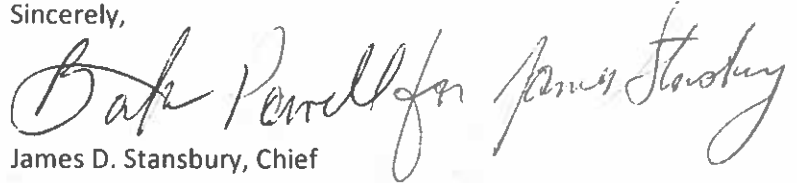
The Honorable Joe Wynkoop

April 21, 2023

Page 2 of 2

If you have any questions concerning this review, please contact Jon Coulter, Planning Analyst, by telephone at (850)-717-8421 or by email at [jon.coulter@deo.myflorida.com](mailto:jon.coulter@deo.myflorida.com).

Sincerely,

A handwritten signature in black ink that reads "Babe Powell for James Stansbury". The signature is written in a cursive, flowing style.

James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JDS /jc

Enclosure(s): Procedures for Adoption

cc: Eric White, Associate Planner, Town of Montverde  
Tara McCue, AICP, Executive Director, East Central Florida Regional Planning Council