

1 **DRAFT ORDINANCE 2018-51**
2 **TOWN OF LADY LAKE, FLORIDA**

3 **AN ORDINANCE REDESIGNATING ZONING CLASSIFICATION FOR CERTAIN PROPERTY**
4 **BEING APPROXIMATELY 8.94 ACRES OF LAND OWNED BY THE FIRST BAPTIST CHURCH**
5 **OF LADY LAKE, INC.; REFERENCED BY ALTERNATE KEY NUMBER 1454701; ADDRESSED AS**
6 **1241 WEST LAKEVIEW STREET, LOTS 13 AND 14 OF THE LEE & STEVENS ADD**
7 **SUBDIVISION, WITHIN LAKE COUNTY, FLORIDA; REZONING SUBJECT PROPERTY FROM**
8 **LAKE COUNTY AGRICULTURAL (A) TO LADY LAKE PUBLIC FACILITIES DISTRICT (PFD);**
9 **PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.**

10 **WHEREAS**, on December 2, 1991, the Town of Lady Lake adopted a Comprehensive Plan
11 (Ordinance 91-21) pursuant to the requirements of Chapter 163, Part H, Florida Statutes and
12 Chapter 9J-5, Florida Administrative Code; and

13 **WHEREAS**, on January 23, 1992, the Florida Department of Community Affairs determined that
14 the Town of Lady Lake Comprehensive Plan was in compliance with the requirements of
15 Chapter 163, Part 2, Florida Statutes and Chapter 9J-5, Florida Administrative Code; and

16 **WHEREAS**, on August 15, 1994, the Town of Lady Lake adopted the Land Development
17 Regulations of the Town of Lady Lake, Florida, and Official Zoning Map in accordance with the
18 Town of Lady Lake Comprehensive Plan and the requirements of Chapter 163, Part 2, Florida
19 Statutes; and

20 **WHEREAS**, the Town Commission of the Town of Lady Lake held a public hearing to consider a
21 proposed amendment to the Official Zoning Map and determined that said amendment as
22 proposed is consistent with the Town of Lady Lake Comprehensive Plan and meets the
23 requirements of the Town of Lady Lake Land Development Regulations.

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

26 **SECTION 1: Petition**

27 Based upon the petition of certain landowners of property, which is located in Lake County,
28 Florida, and described in Exhibit “A” hereto, a request has been made that the property be
29 zoned “Lady Lake Public Facilities District” (PFD). Said petition has been approved by the Town
30 Commission of the Town of Lady Lake in accordance with the Town of Lady Lake
31 Comprehensive Plan, the Land Development Regulations of the Town of Lady Lake, the Charter
32 of the Town of Lady Lake, and the Florida Statutes. The property described in Exhibit “A” hereto
33 is hereby rezoned from “Lake County Agricultural” (A) to “Lady Lake Public Facilities District”
34 (PFD).

1 **SECTION 2: Severability**

2 The provisions of this Ordinance are declared to be separable and if any section, sentence,
3 clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional,
4 such decision shall not affect the validity of the remaining sections, sentences, clauses or
5 phrases of this Ordinance, but they shall remain in effect, it being the legislative intent that this
6 Ordinance shall stand notwithstanding the invalidity of any part.

7 **SECTION 3: Effective Date**

8 This ordinance shall become effective immediately upon its passage by the Town Commission,
9 except as limited by the provisions of Section 171.06, Florida Statutes, as said provisions pertain
10 to newly annexed property and the final adoption of a Comprehensive Plan Amendment by the
11 Town Commission.

12 PASSED AND ORDAINED this 4th day of **February, 2019**, in the regular session of the Town
13 Commission of the Town of Lady Lake, Lake County, Florida, upon the second and final reading.

14 Town of Lady Lake, Florida

15
16 _____
Jim Richards, Mayor

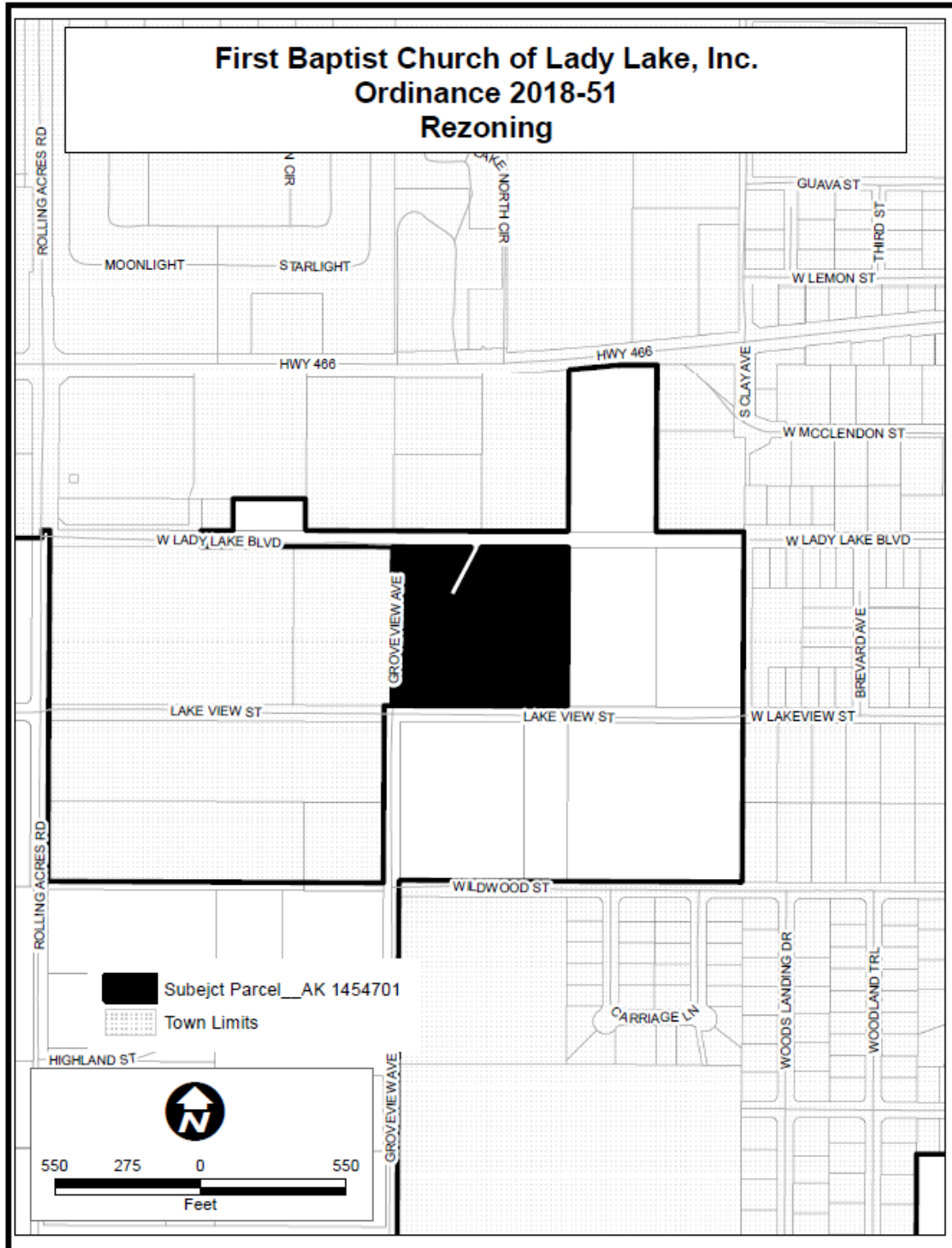
17 Attest:

18 _____
19 Kristen Kollgaard, Town Clerk

20 Approved as to form:

21 _____
22 Derek Schroth, Town Attorney

- 1 EXHIBIT A—Legal Descriptions and Map
- 2 Parcel ID: 20-18-24-1100-000-01300; LADY LAKE, LEE & STEVENS ADD LOT 3--LESS CR 466 & LESS
- 3 S 10 FT FOR RD R/W-- PB 8 PG 11 ORB 1068 PG 2246- AK 1454701



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EXHIBIT B—MEMORANDUM OF AGREEMENT

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This Memorandum of Agreement dated ____ of _____, between the Town of Lady Lake, Florida, a Florida municipal corporation (the “Town”) whose mailing address is 409 Fennell Blvd., Lady Lake, Florida 32159, and First Baptist Church of Lady Lake, Inc., whose mailing address is 432 County Road 466, Lady Lake, FL 32159.

RECITALS

The First Baptist Church of Lady Lake, Inc. is the owner of two parcels in Lady Lake, Florida, as depicted and described in the Bubble Plan of Exhibit “C”.

The real property described as Parcel “A” in the legal description and Bubble Plan of Exhibit “C” enclosed is “Public Facilities District” (PFD) pursuant to the zoning ordinances and Land Development Regulations of the Town. The real property described as Parcel “B” in the legal description and Bubble Plan of Exhibit “C” enclosed has a Future Land Use Map designation of Lake County Urban Low Density and is currently zoned Lake County Agricultural “A”.

The applicant wishes to change the current future land use of Parcel “B” to Town of Lady Lake Religious Facilities (RF) and the zoning designation to Lady Lake Public Facilities District (PFD), consistent with Parcel “A” and with the Lady Lake Comprehensive Plan and Land Development Code.

This memorandum of Agreement in no way implies the authority of any governmental agency to interfere with the lawful activities or ministries of the church or to infringe upon the “Object” of the First Baptist Church of Lady Lake, Inc., as set forth in its “Articles of Incorporation” which is as follows:

- a. The general nature or object of this corporation is to conduct for religious worship and instruction, churches, school, pastorium, and other institutions connected therewith of a religious, educational, charitable or benevolent character to the end that its own members and others may be generally instructed and guided concerning those articles of faith which are most sure held among New Testament Baptist Churches and to advance spiritual growth and enlightenment, moral, and personal purity among its own membership and to the people of the community in which it is located; to promote home and foreign missions; and aid in the spread of the Gospel of Jesus Christ to the ends of the earth; and to educate, prepare, and ordain Christian men for the ministry of the Gospel of Jesus Christ.”

NOW THEREFORE, in recognition of the foregoing, the parties agree to the following terms and conditions as part of the proposed PDF zoning for that property depicted and described in the attached legal description of Exhibit “A” and depicted and described in the attached bubble map.

- 1 1. Lots: The First Baptist Church of Lady Lake, Inc. property consists of two parcels.
- 2 2. Permitted Uses: Permitted uses in the Public Facilities District under Chapter 5, Section 4).
- 3 q). of the Town of Lady Lake Land Development Regulations to include broadcasting
- 4 facilities, cemeteries, house of worship, educational institutions, daycare centers, adult care
- 5 facility, funeral homes, with or without crematorium, and church with associated ministries
- 6 including community outreach, Christian education, congregation meetings, and worship.
- 7 3. Uses Expressly Prohibited: Any and all uses other than those aforementioned as
- 8 “permitted uses” shall be expressly prohibited.
- 9 4. Design Standards: The design standards within this Memorandum of Agreement do not
- 10 affect any previous construction completed and in compliance with design standards in
- 11 affect under the previous Memorandum of Agreement, approved by the Town of Lady Lake
- 12 on November 18,1996, and filed with Lake County on January 10, 1997; except as required by
- 13 Chapter 7, Section 7-11.
- 14 a) The maximum impervious surface ratio (which includes building coverage) shall be 75
- 15 percent.
- 16 b) The maximum building height is 35 feet unless adequate fire protection measures are
- 17 provided as stipulated in the current fire codes.
- 18 c) Setback requirements shall be:
- 19 d) Front Yard Setback (where facing a public street): twenty feet minimum
- 20 e) Rear Yard Setback: ten feet minimum
- 21 f) Rear Yard Setback: ten feet minimum
- 22 g) All structures must be permitted by the Town pursuant to site plans submitted, and
- 23 the owner shall install and complete all required site improvements prior to the Town
- 24 issuing a Certificate of Occupancy for any permitted structure. Site plan approval shall be
- 25 based upon adherence to Chapter 7 of the Town’s Land Development Regulations.
- 26 h) Parking: Parking requirements shall be as required pursuant to Chapter 7 of the
- 27 Town’s land Development Regulations for the specific use. A parking plan was previously
- 28 approved by the Town of Lady Lake, allowing shared parking between the First Baptist
- 29 Church of Lady Lake and the retail plaza of Sabal Palms, 510 County Road 466, Lady
- 30 Lake, Florida, 32159, including a bridge to connect the two parking lots. All regular
- 31 parking spaces shall be 10’ x 20’ in size. Florida Accessible parking spaces should be 12’ x
- 32 20’ in size with an eight-foot wide minimum van accessible access aisle.

1 i) Landscaping: Approved uses shall comply with appropriate landscaping and buffering
2 requirements. No buffer shall be less than a Class “A” Landscaping Buffer.

3 j) Signage: Signage shall be allowed pursuant to the provisions of Chapter 17 of the
4 Town’s Land Development Regulations.

5 k) Water Retention Areas: The drainage and storm water retention requirements of the
6 Town and the appropriate regulatory agencies shall be met and approved by the Town
7 Consulting Engineer. These areas shall be properly maintained by the developer.

8 l) Lighting: Parking lots that are to be used after dark shall be adequately lighted. All
9 lighting for the proposed facilities shall be designed and located such that light and/or
10 glare shall be directed upon the subject property only.

11 m) Potable Water, Sanitary Sewer and Reuse: The properties described in Exhibit “A”
12 shall connect to the Town of Lady Lake’s potable water, central sewer, and reclaim/reuse
13 systems at time of development. All costs associated with design, permitting,
14 engineering, materials, construction and inspections shall be the sole cost of the
15 owner/developer. The owner/developer may request a waiver to connect to Town
16 Utilities if certain conditions are met in accordance with Town of Lady Lake Land
17 Development Regulations, Chapter 14, Appendix “B.”

18 5. The terms and conditions as set forth in this Memorandum of Agreement shall insure to
19 the benefit of, and shall constitute a covenant running with the land and under the terms,
20 conditions and provisions hereof, and shall be legally binding upon any heirs, assigns and
21 successors in title or interest, and shall be subject to each and every condition herein set out.

22 6. The properties shall be developed in substantial accordance with an approved bubble
23 plan incorporating all conditions of this Memorandum of Agreement. Approved uses shall
24 comply with access management requirements. The subject properties shall be required to
25 provide cross access easement at a width being no less than twenty-four feet.

26 7. All applicable rules and regulations for development within the Town shall be met;
27 including but not limited to, final site plan approval, landscaping, drainage, parking, sign
28 regulations, and yard setbacks.

29 8. The final Site Development Plan may be submitted in phases.

30 9. Enforcement of this Memorandum of Agreement shall be through the Town of Lady Lake
31 Town Commission. Upon approval of this agreement, the aforementioned property shall
32 only be used for the purposes described herein. No change in use, further expansion of the
33 uses, additions to the uses, or additions to the facilities shall be permitted except as
34 approved by formal amendment of this Memorandum of Agreement. Any other proposed use

1 shall be specifically authorized by amendment and approval of the Town of Lady Lake Town
2 Commission and shall be legally binding upon any heirs, assigns, and successors in title or
3 interest.

4 10. The owners shall be responsible for and shall comply with all county, state and federal
5 rules and regulations related to the proposed development of the property.

6 11. This agreement shall be governed by the State of Florida.

7 12. This Memorandum shall be recorded in the public record of Lake County, Florida.

8 13. Any amendments to this memorandum of Agreement are binding only upon execution by
9 both the First Baptist Church of lady Lake, Inc. and the Town of Lady Lake.

10 14. Commencement: Notwithstanding the provisions herein, development shall commence
11 within 12 months following the issuance of a Development Order from the Town of Lady
12 Lake unless an extension has been granted by the Town Manager; the Town Manager may
13 grant one or more extensions not to exceed two years.

14 **IN WITNESS WHEREOF**, the parties hereto have executed this Agreement on the date first
15 written.

16 TOWN OF LADY LAKE, FLORIDA

17 _____
18 Jim Richards, Mayor

19 Attest:

20 _____
21 Kristen Kollgaard, Town Clerk

22 Approved as to form:

23 _____
24 Derek Schroth, Town Attorney

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PROPERTY OWNER

First Baptist Church of Lady Lake, Inc.

STATE OF FLORIDA

COUNTY OF LAKE

The foregoing instrument was acknowledged before me this ____ day of _____, 2019 by _____, Owners/Authorized Signer of the Property, who is personally known to me or has produced _____ as identification.

My Commission Expires:

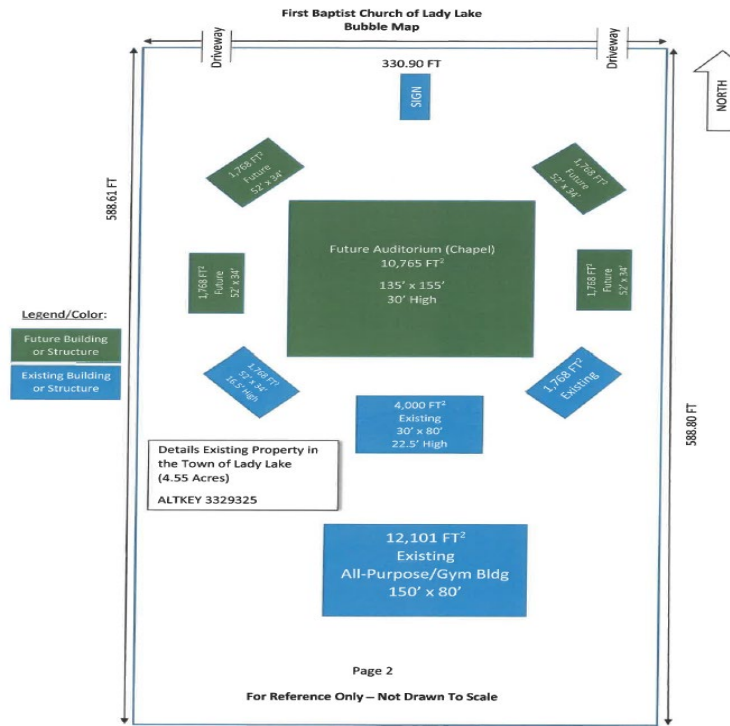
Notary Public Signature

EXHIBIT "C" — LEGAL DESCRIPTIONS AND BUBBLE PLAN

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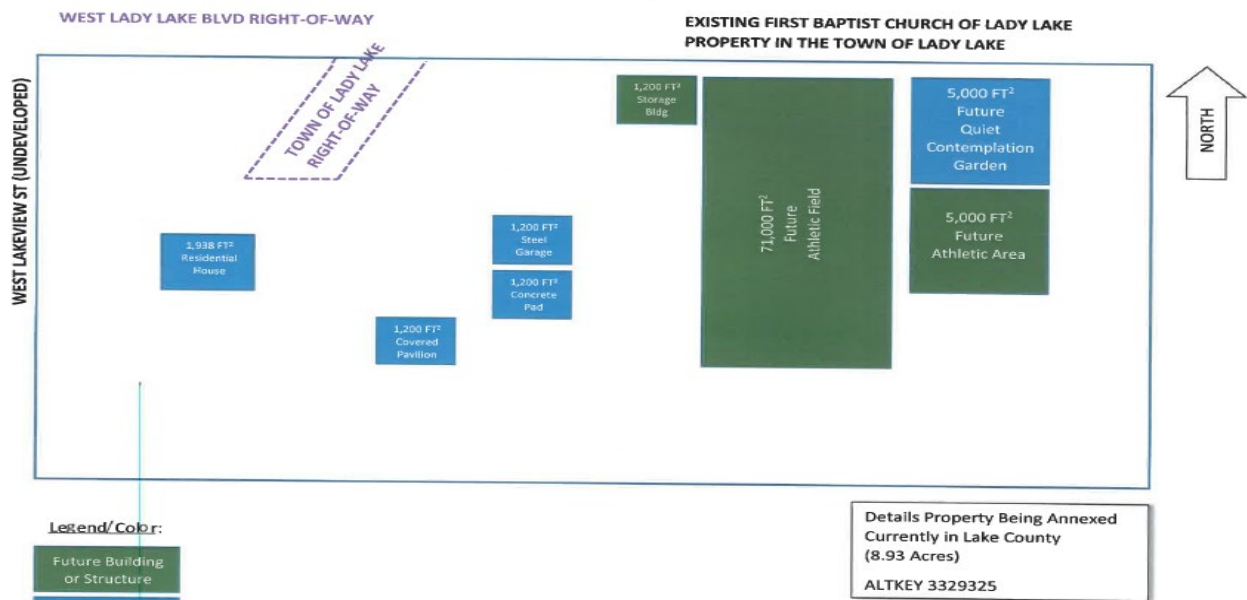
Parcel "A": 20-18-24-1105-000-00300; LADY LAKE, LEE & STEVENS ADD LOT 3--LESS CR 466 & LESS S 10 FT FOR RD R/W-- PB 8 PG 11 ORB 1068 PG 2246- AK 3329325; and

Parcel "B": 20-18-24-1100-000-01300; LADY LAKE, LEE & STEVENS ADD LOT 3--LESS CR 466 & LESS S 10 FT FOR RD R/W-- PB 8 PG 11 ORB 1068 PG 2246- AK 1454701.



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**First Baptist Church of Lady Lake
Bubble Map**



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**Page 3
For Reference Only – Not Drawn To Scale**