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**DRAFT ORDINANCE 2020-09
TOWN OF LADY LAKE, FLORIDA**

AN ORDINANCE OF THE TOWN OF LADY LAKE REQUESTING AMENDMENT OF THE PLANNED COMMERCIAL “CP” ZONING CLASSIFICATION FOR CERTAIN PROPERTY OWNED BY THE VILLAGES OPERATING COMPANY; LOCATED IN THE VICINITY OF MAIN STREET, ALVAREZ AVENUE, AND DEL MAR DRIVE IN LADY LAKE, FLORIDA; PROVIDING FOR A SECOND SUPPLEMENTAL AGREEMENT TO THE REGULATIONS OF THE VILLAGE DOWNTOWN CENTER; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE.

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

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

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

WHEREAS, on October 2, 1995, the Town and The Villages, Lazy B Cattle Venture, Ltd, First Bank of The Villages, and the District entered into a Memorandum of Agreement (“Agreement”), which is recorded in Official Records Book 1393, Page 849, Public Records of Lake County, Florida.

WHEREAS, the Agreement was entered into by the parties for the purposes of developing the land described in the plat of the Villages Center Subdivision recorded in Plat Book 33, Page 92, Public Records of Lake County, Florida (the “Village Center Subdivision”).

WHEREAS, certain provisions within the Agreement were clarified by that Agreement (Clarification Agreement) dated February 2, 1998 and recorded in Official Records Book 1804, Page 2035, Public Records of Lake County, Florida.

NOW THEREFORE, BE IT ORDAINED, and enacted by the Town Commission of the Town of Lady Lake, In Lake County, Florida:

SECTION 1: Amendment for Additional Permitted Uses.

Said property is more particularly described in Exhibit “A” attached hereto and incorporated herein. The existing “CP” zoning and the existing Agreement entered into by the parties on October 2, 1995, and subsequently amended through a supplemental

1 agreement entered into by the same on February 2, 1998, is hereby supplemented and
2 amended to include the uses of Single-Family Residential and Multifamily Residential.

3 **SECTION 2 Conflicts.**

4 All prior entitlements and amendments under prior agreements are vested and remain in
5 full effect.

6 **SECTION 3 Severability.**

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

17 **SECTION 4 Effective Date.**

18 This ordinance shall become effective upon adoption.

19 **PASSED AND ORDAINED this 1st day of March, 2021** in the regular session of the Town
20 Commission of the Town of Lady Lake, Lake County, Florida, upon the Second and Final
21 Reading.

22 Town of Lady Lake, Florida

23 _____
24 Ruth Kussard, Mayor

25 Attest:

26 _____
27 Nancy Slaton, Interim Town Clerk

28 Approved as to form:

29 _____
30 Derek Schroth, Town Attorney

31

SECOND SUPPLEMENTAL AGREEMENT

THIS SECOND SUPPLEMENTAL AGREEMENT (“Second Supplemental Agreement”) is dated this 1st day of March, 2021, between THE VILLAGES OPERATING COMPANY (the “Villages”) and THE TOWN OF LADY LAKE, FLORIDA (the “Town”).

RECITALS

1. On October 2, 1995, the Town and The Villages, Lazy B Cattle Venture, Ltd, First Bank of The Villages, and the District entered into a Memorandum of Agreement (“Agreement”), which is recorded in Official Records Book 1393, Page 849, Public Records of Lake County, Florida.

2. The Agreement was entered into by the parties for the purposes of developing the land described in the plat of the Villages Center Subdivision recorded in Plat Book 33, Page 92, Public Records of Lake County, Florida (the “Village Center Subdivision”).

3. Certain provisions within the Agreement were clarified by that Agreement (Clarification Agreement) dated February 2, 1998 and recorded in Official Records Book 1804, Page 2035, Public Records of Lake County, Florida.

4. The Villages Operating Company (the “Owner”) owns certain real property within a portion of the Village Center Subdivision, which property is depicted and legally described in Exhibit A (hereinafter “Building Areas”).

5. The Building Areas are within the Villages Center Downtown which is an urban downtown area served by shared infrastructure and shared dedicated parking.

6. The Town and Owner, pursuant to the Town’s Land Development Regulations, desire to enter into this Second Supplemental Agreement to supplement the Regulations as they apply to the Building Areas and amend the permitted uses within the Building Areas.

NOW THEREFORE, in consideration of the mutual covenants herein contained and other good and valuable consideration, the parties agree and follows:

1. As to the Building Areas, this Second Supplemental Agreement supplements the Regulations as they apply to the Village Center Downtown.

2. Permitted Uses within Building Areas described in Exhibit A: Building Areas. Multi-family residential, commercial, and any use permitted in a Public Facilities District under Chapter 5, Section 4(q) of the Town’s Land Development Regulations, is permitted for Building Areas except for those uses expressly prohibited in the Agreement. Multi-family residential uses shall be limited to the second floor of Building Areas 2, 12, and 14. Multi-family uses are permitted on both the second and third floors of Building Area 7. The multi-family units shall be age restricted units. Each unit must be occupied by at least one person who is at least 55 years of age. No

1 person under 19 years of age may be a permanent resident of a unit, except that persons below
2 the age of 19 years may be permitted to visit and temporarily reside for periods not exceeding 30
3 days in total in any calendar year period.

4 3. **IN WITNESS WHEREOF**, the parties have executed this Second Supplemental Agreement
5 the day and year first above written.

6 **TOWN OF LADY LAKE, FLORIDA**

7 _____
8 Ruth Kussard, Mayor

9 Attest:

10 _____
11 Nancy Slaton, Interim Town Clerk

12 Approved as to form:

13 _____
14 Derek Schroth, Town Attorney
15

1

THE VILLAGES OPERATING COMPANY

2

3

Martin L. Dzuro, Vice President

4 Witness:

5

6 Printed Name:

7 Witness:

8

9 Printed Name:

10 **STATE OF FLORIDA**

11 **COUNTY OF LAKE**

12 The foregoing instrument was acknowledged before me by means of _____ physical
13 presence or _____ online notarization, this ____ day of _____, 2020 by Martin L.
14 Dzuro, as Vice President of The Villages Operating Company, who is personally known to
15 me or who has produced _____ as identification.

16 _____

17 Notary Public Signature

18 My Commission Expires (Seal):

- 1
- 2 **EXHIBIT "A"**
- 3 BUILDING AREAS 2, 7, 12 AND 14 OF VILLAGE CENTER, AS PER PLAT THEREOF, RECORDED
- 4 IN PLAT BOOK 55, PAGES 72 THROUGH 79, INCLUSIVE, OF THE PUBLIC RECORDS OF LAKE
- 5 COUNTY, FLORIDA.

