

**TOWN OF LADY LAKE
409 FENNEL BOULEVARD
LADY LAKE FL 32159**

INSTRUMENT #2022028991
OR BK 5906 PG 1429 - 1433 (5 PGS)
DATE: 3/2/2022 4:41:47 PM
GARY J. COONEY, CLERK OF THE CIRCUIT COURT
AND COMPTROLLER, LAKE COUNTY, FLORIDA
RECORDING FEES \$44.00



**ORDINANCE 2021-13
TOWN OF LADY LAKE, FLORIDA**

**AN ORDINANCE OF THE TOWN OF LADY LAKE, LAKE COUNTY, FLORIDA,
AMENDING THE TOWN OF LADY LAKE COMPREHENSIVE PLAN;
INCORPORATING A PROPERTY RIGHTS ELEMENT; PROVIDING FOR
REPEAL OF ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT
HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING AN
EFFECTIVE DATE.**

WHEREAS, Section 163.3167, Florida Statutes, requires Town of Lady Lake to maintain a comprehensive plan to guide its future development and growth; and

WHEREAS, Section 163.3177(6)(i)1., Florida Statutes, requires the Town of Lady Lake comprehensive plan to include a property rights element; and

WHEREAS, the Town of Lady Lake respects judicially acknowledged and constitutionally protected private property rights; and

WHEREAS, the Town of Lady Lake respects the rights of all people to participate in land use planning processes; and

WHEREAS, this ordinance will amend the comprehensive plan by adding a property rights element.

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

SECTION 1. The Town of Lady Lake comprehensive plan is amended by adding the property rights element attached as Exhibit A and made a part of this ordinance as if set forth in full.

SECTION 2. Conflict

All ordinances made in conflict with the Ordinance are hereby repealed to the extent of such conflict.

SECTION 3. Severability

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance, or application hereof, is for any reason held invalid or unconstitutional by a Court, such portion or application shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions or application hereof.

SECTION 4. Effective Date

This Ordinance shall become effective immediately upon adoption.

PASSED AND ORDAINED this 23 day of February, 2022 in the regular session of the Town Commission of the Town of Lady Lake, Lake County, Florida, upon the Second and Final Reading.

Town of Lady Lake, Florida



Jim Reitz, Mayor

Attest:



Nancy Wilson, Town Clerk

Approved as to form:



Derek Schroth, Town Attorney



Exhibit A

XI PRIVATE PROPERTY RIGHTS ELEMENT

GOAL PPR 1: The Town of Lady Lake will engage in local decision making with respect for property rights and with respect for people's rights to participate in decisions that affect their lives and property.

OBJECTIVE PPR 1-1: Town of Lady Lake will respect judicially acknowledged and constitutionally protected private property rights.

Policy PPR 1-1.1: Town of Lady Lake will consider in its decision-making the right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.

Policy PPR 1-1.2: Town of Lady Lake will consider in its decision-making the right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.

Policy PPR 1-1.3: Town of Lady Lake will consider in its decision-making the right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.

Policy 1-1.4: Town of Lady Lake will consider in its decision-making the right of a property owner to dispose of his or her property through sale or gift.

OBJECTIVE PPR 1-2: People have the right to participate in planning and development decisions that affect their lives and property. Town of Lady Lake decision-making will be transparent so that all people may participate in decisions that affect their lives and property. Policies 2.1 through 2.3 provide minimum standards for some planning and development decisions. Land development regulations may provide for additional processes and standards.

Policy PPR 1-2.1: Decisions for which Town of Lady Lake must follow policies 2.2 and 2.3. Town of Lady Lake must follow the procedures in policies 2.2 and 2.3 when the Town amends this comprehensive plan; changes the zoning designation of property; or approves a development order for more than [9] residential dwelling units, for more than [9,999] square feet of non-residential development, governing more than [5] acres of land, requiring a variance, or requiring a special exception.

Policy PPR 1-2.2: Public hearing necessary. A decision policy 2.1 identifies must occur in a public hearing meeting the standards of this policy.

A. Any affected person may participate. Town of Lady Lake recognizes that planning and development decisions affect complex systems and have impacts that occur beyond the site of development. Any affected person may participate in and be a party to a hearing on a decision this policy governs. An affected person is any person or local government that will suffer an adverse effect to an interest protected or furthered by this comprehensive plan, including interests related to health and safety, police and fire protection service systems, densities or intensities of development, transportation facilities, health care facilities, equipment or services, and environmental or natural resources. The alleged adverse interest may be shared in common with other members of the community at large. An owner, developer, or applicant for a development order is an affected person. An association representing the interest of one or more members when the interest is within the association's general scope of interest and activity is an affected person.

B. An affected person's right to be heard. Town of Lady Lake recognizes that it should make planning and development decisions in response to true and accurate information. In all decisions this policy governs, Town of Lady Lake will provide every affected person an equal opportunity to be heard, to present and rebut evidence, and to be informed of all information on which Town of Lady Lake bases its decision.

Policy PPR 1-2.3: Town of Lady Lake must mail notice. Town of Lady Lake recognizes that a person cannot participate in decisions about which they are unaware. In addition to providing notice as other laws require, when Town of Lady Lake makes a decision policy 2.1 identifies that relates to a piece or to pieces of real property that Town of Lady Lake can specifically identify, Town of Lady Lake will, at least 14 days before the hearing, mail notice of the hearing to the owners of real property and to residents within [150] feet of the real property to which the decision relates.

OBJECTIVE PPR 1-3: People rely on this comprehensive plan and on the zoning designations of properties when deciding how to use property. Town of Lady Lake decision-making will be reliable and predictable to promote sound, long-term investments in the community. Policies 3.1 through 3.3 provide minimum standards for some planning and development decisions. Land development regulations may provide for additional processes and standards

Policy PPR 1-3.1: Decisions for which Town of Lady Lake must follow policies 3.2 and 3.3.

Town of Lady Lake must follow the procedures in policies 3.2 and 3.3 when Town of Lady Lake amends this comprehensive plan or changes the zoning designation of property.

Policy PPR 1-3.2: Majority vote required. Town of Lady Lake may only make a decision policy 3.1 identifies by the affirmative vote of a majority of Lady Lake Town Commission.

Policy PPR 1-3.3: Right to evaluate proposed decisions. Town of Lady Lake respects the right of people, including elected officials, to fairly evaluate proposed decisions this objective governs. The Town of Lady Lake may only make a decision policy 3.1 identifies ten or more days after Town of Lady Lake has made available to the public the specific decision Town Commission will consider and the written record which will support the Commission's decision.