

ORDINANCE NUMBER 2014-680

**AN ORDINANCE OF THE TOWN OF LAKE PLACID
CREATING SECTION 160-7 OF THE CODE OF THE
TOWN OF LAKE PLACID ENTITLED HAPPINESS
FARMS PLANNED DEVELOPMENT; AND PROVIDING
FOR AN EFFECTIVE DATE**

WHEREAS, Chapter 163, Florida Statutes, provides for amendment to adopted Land Development Regulations; and

WHEREAS, Notice of this proposed Ordinance was published at least ten (10) days prior to adoption in a newspaper of general circulation in the Town of Lake Placid; and

WHEREAS, two public hearings were held by the Town Council on said Ordinance on:

The 13th day of October, 2014; and

The 10th day of November, 2014

WHEREAS, the proposed Ordinance was read by title, or in full at both public hearings;
and

WHEREAS, it appears to be in the best interest of the Town of Lake Placid that the Ordinance be adopted.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF LAKE PLACID, FLORIDA, AFTER PUBLIC HEARING AND COMMENT AS FOLLOWS:

SECTION 1. SECTION 160-7, ENTITLED “HAPPINESS FARMS PLANNED DEVELOPMENT ORDINANCE” OF THE CODE OF THE TOWN OF LAKE PLACID IS TO READ AS FOLLOWS:

Section 160-7.1. *Happiness Farms Planned Development Ordinance.*

(a) This is the Planned Development Ordinance for the Happiness Farms Planned Development in the Town of Lake Placid, Florida (hereinafter the “Ordinance”). This Ordinance is made pursuant to Section 154-13 of the Code of the Town of Lake Placid.

(b) A certified copy of this Ordinance shall be recorded in the Public Records of Highlands County, Florida.

(c) This Ordinance shall be codified in Chapter 160 of the Code of the Town of Lake Placid, Florida.

Section 160-7.2. *Findings of fact and conclusions of law.* The Town Council received and considered the application for Ordinance and all related comments; testimony and evidence submitted by the Developer; comments by the appropriate reviewing agencies and the public; and the recommendation of the Town's Local Planning Agency. Based upon the foregoing and the developer's commitment to comply with the terms and conditions of this Ordinance, the Lake Placid Town Council makes the following findings of fact and conclusions of law:

(a) *Project.* This project shall be known as the "Happiness Farms Planned Development" or the "Development" and applies to 2.64 acres of land legally described as Lots 1 to 8, inclusive, and Lot 9 less the west 10 feet, Block 59, Lake Grove Re-subdivision, according to the plat thereof as recorded in Plat Book 1, Page 31, of the Public Records of Highlands County, Florida (the "PD Land"). The PD Land is within the Town of Lake Placid.

(b) *Owner.* The PD Land is owned by Happiness Farms, Inc.

(c) *Developer.* The PD Land is being developed by Happiness Farms, Inc. (the "Developer"), or its successor. The Planned Development Application was submitted by the Developer. The Owner and the Developer shall be herein referred to as the Developer, because both consent to the Ordinance and because this Ordinance runs with the land and is binding on all future owners.

(d) *Comprehensive plan amendment.* The Developer has satisfactorily addressed all Town issues. The PD Land is not located in an area of critical state concern. The Development will not interfere with the achievement of the objectives of the adopted state comprehensive plan Chapter 163 Florida Statutes. Sections 163.3161 through 163.3215 of the Florida Statutes empower the Town Council to adopt and to amend the Town of Lake Placid Comprehensive Plan.

(e) *Public notice.* The public notice requirements of Chapter 163 of Florida Statutes and the Town Code have been satisfied.

(f) *LPA public hearing.* The Local Planning Agency (LPA) held a duly noticed public hearing to consider the Ordinance. The LPA heard and considered testimony and documents and recommended to the Town Council to approve the Ordinance.

(g) *Town public hearings.* The Lake Placid Town Council held two duly noticed public hearings to consider the Ordinance. At each hearing, the Town Council heard and considered testimony and documents and approved the Planned Development.

(h) *Consistency.* The Town Council finds that this Ordinance is consistent with the adopted Town of Lake Placid Comprehensive Plan. The Town Council finds that this Ordinance is necessary to promote, protect, and improve the public health, safety, comfort, good order, appearance, convenience, morals, and general welfare of the Town of Lake Placid.

Section 160-7.3. *General conditions, restrictions and limitations.* The Town Council, having made the above findings of fact and conclusions of law, hereby adopts the following general and specific conditions, restrictions and limitations:

(a) *Runs with the land.* This Ordinance shall be binding upon and inure to the benefit of the PD Land, Developer, its successors and assigns, including any entity which may assume any of the rights bestowed, or responsibilities imposed upon the Developer by this Ordinance.

(b) *Continuation of government and utilities.* Any reference herein to any governmental agency or utility company shall be construed to mean any future entity, which may be created or designated as successor to, or which otherwise, possesses any of the powers and duties of, any branch of government, governmental agency or utility company.

(c) *Further review.* Whenever this Ordinance provides for reviews or determinations of any kind subsequent to its issuance, the right to review shall include all directly affected governmental agencies and departments as are or may be designated by the Town Council as well as all governmental agencies and departments set forth under applicable laws and legally adopted rules.

(d) *Noncompliance.* Failure by the Developer (or the Developer's successor in interest) to comply with the terms and conditions of this Ordinance (as determined by the Town Planning and Zoning Official) shall result in the suspension of approval or issuance of further development permits and Certificates of Occupancy until the noncompliance is cured. The decision of the Town's Planning and Zoning Official may be reviewed de novo by the Town Council.

(e) *Land development regulations.* The Town of Lake Placid Land Development **Code** shall govern the Development.

(f) *Amendment.* Any amendment to this Ordinance shall comply with the Town's Comprehensive Plan in effect at the time of the amendment.

(g) *Future fees.* The provisions of this Ordinance do not preclude the application of any other general government fees or any impact fees regardless of their nature either existing at adoption or enacted thereafter (including any increases in existing fees).

Section 160-7.4. *Happiness Farms Planned Development Zoning District: Planned Development.* The Happiness Farms Planned Development Zoning District has been established on and for the PD Land.

(a) *Underlying zoning district.* The proposed Planned Development Zoning District for this request does not require an underlying zoning district.

(b) *PD Zoning district.* The PD Zoning District is established by the Ordinance. The Development shall be subject to the other provisions of Chapter 154 of the Code of Ordinances, Town of Lake Placid, Florida, which are not inconsistent with this Ordinance. Accordingly, the zoning for the Development is PD.

(c) *Development Concept.* A Development Concept PD only assigns uses and/or densities and intensities to the property at this point in time. At a later date, the applicant or a future developer for the property will be required to submit a Conceptual Site Development Plan and a Final Site Development Plan for the Town Council's review and approval. Such plans must be consistent with the approval of this Development Concept PD. The Conceptual Site Development Plan must be reviewed by the Town's Local Planning Agency and reviewed and approved by the; Town Council as an amendment to this Ordinance. The final site plan shall be approved by the Town Council through Resolution. This is a planned development zoning ordinance with a development concept that is delineating and vesting the specific development standards requested by the owner. This ordinance reserves for a later day (when the then owner is ready to propose specifics) the final elements, terms and conditions of the development. To be clear, no building permit will be issued until a final planned development ordinance and final site development plan for the subject property is adopted. The final ordinance will address the specifics of the development proposed by the owner. Except as specifically herein addressed, the final planned development ordinance may include without limitation: access, parking, landscaping, boundary setbacks, building height, screening, concurrency, signage, open space, utility service, parks, transportation, storm water management, multi-use paths. These requirements will vary depending upon the density and intensity of the specific development proposed by the owner.

(d) *Site Development Plan.* The final site development plan to be implemented by this planned development may be approved and adopted by resolution of the Town Council, but only if the final planned development ordinance has been adopted. A final site development plan will not be approved to implement this planned development zoning ordinance with a development concept. After adoption of the final planned development ordinance, the proposed final site development plan may be submitted to the Town at least 30 days before the Town Council Meeting at which it is to be considered. The proposed final site development plan shall include the following:

1. If the property is to be developed in phases, the phasing plan shall be set out in the final planned development ordinance or submitted as a separate proposed resolution (filed with the Town 30 days prior to consideration).

2. The proposed final site development plan shall be filed with the Town 30 days prior to consideration by the Town Council. The proposed final site development plan shall include the matters required by this code, and any other matters which the owner desires to propose.

(e) *Proposed Uses Permitted in this District shall be:*

1. Professional office uses, such as legal, real estate, insurance, accounting, banks, financial, trade organizations, cooperatives and governmental and utility.

2. Medical or dental offices, clinics for human care and assisted living facility.
3. Veterinary clinics, with no outside kenneling.
4. Retail outlets for sale of food and beverages; package liquor, food and drink establishments, drive-in food or drink establishments, retail bakery where the products produced are primarily sold on the premises and micro-brewery.
5. Parks and playgrounds, public, private and commercial; and any public use.
6. Retail outlets for sale of legal goods and services including repair incidental to sales, vehicle service station with sale of fuel, sundries and notions, drugs, hardware, garden supplies including fertilizer packaged for retail sale, book and record sales, toys, gift and jewelry shops, pet shop, hobby supply, household furnishings and home appliances, office furniture and equipment, automobile new parts and accessories, camera and photographic supply, sporting goods, bait and tackle, musical instruments and television and radio. Other retail outlets of similar character are permitted.
7. Personal service establishments, such as barber shops, beauty parlors, shoe repair and shine shops, self-service laundry, laundry or dry cleaning pickup and delivery station, tailor or dressmaking shop, florist, travel agency, interior decorator, watch or jewelry repair.
8. Miscellaneous commercial uses, such as fitness center; art; dance; music; radio; television; fortune telling; photographic studio; day nursery or nursery schools; educational facilities, public or private; and mini warehouse storage.
9. Multifamily residential uses having a zero lot line setback, to include duplex or semi-detached, villa, garden apartment, apartment, town house, triplex and quadruplex.

(f) *Intensity/Density of the Proposed Uses:*

1. The intensity in this District shall be in conformance with the Downtown Mixed Use land use category, a floor area ratio of 1.00.
2. The density in this District shall be in conformance with the Downtown Mixed Use land use category, not to exceed twelve (12) dwelling units per gross acre.

(g) *Accessory uses.* Permitted accessory uses and structures in this District shall only be accessory to the permitted uses when located on the same lot.

(h) *No additional development.* No portion of the PD Land may be sold or subdivided or divided into condominiums, nor shall any development beyond that contained in this Ordinance be permitted without express amendment of this Ordinance by the Town.

(i) *Variance.* Variances to the standards listed in this Ordinance may only be made by the Town Council of the Town of Lake Placid, as an amendment to this Ordinance; or as a minor amendment according to Section 154-27.1 of the Town Code.

Section 160-7.5. *Public facilities requirements.*

(a) *Water and wastewater facilities.* Water and wastewater service shall be provided by the Town, utilizing all existing Department of Environment Protection standards. The Developer shall be responsible for all costs associated with bringing/connecting these services to the site. The Developer shall utilize the services of an established Public Service Commission regulated private or public contractor licensed to construct the required system. All applicable Local, State and Federal permits to operate the system shall be obtained and filed with the Town prior to the issuance of the first Certificate of Occupancy.

(b) *Water and wastewater service.* The Developer shall enter into a Capacity Agreement with the Town (within thirty (30) days of application for a final site development plan) for the surrender of certain water rights to the Town; the provision by the Town of potable water and wastewater service to the Development; and the Developer's payment of the System Development Charges. The Agreement shall be secured by Bond or Certificate of Deposit approved by the Town Attorney.

Section 160-7.6. *Utilities:* All utilities (specifically including electric distribution lines) shall be installed and maintained underground.

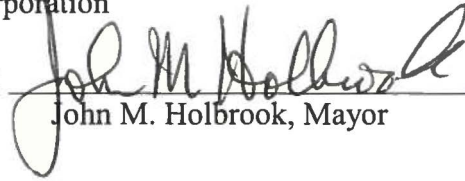
Section 160-7.7. *Severability:* If any section, subsection, sentence, clause, phrase, or provision of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holdings shall not be construed to render the remaining provisions of this Amended Ordinance invalid or unconstitutional.

Section 160-7.8. *Effective date:* This Ordinance shall take effect upon the expiration of the period allowed by law to appeal the Notice of Intent (NOI) to find the companion Small Scale Plan Amendment, Ordinance 2014-679 in compliance published by the Florida Department of Economic Opportunity, or, in the case of appeal, such later date as the in compliance determination becomes final as provided by law.

ADOPTED AND ORDAINED this 10 day of November 2014 by the Lake Placid Town Council.

TOWN OF LAKE PLACID, a Florida Municipal Corporation

By:


John M. Holbrook, Mayor

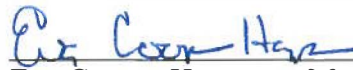


By:



Eva Cooper Hapeman, Municipal Clerk

THIS ORDINANCE WAS READ in full or by title on at least two (2) separate days in two (2) separate Town Council meetings (on the 13 day of October, 2014 and on the 10 day of November, 2014). Notice of the proposed enactment containing the Ordinance title, stating that a copy may be obtained at Town Hall, and stating the date, time and place of the above hearings and advising that interested parties may appear at the meeting and be heard with respect to the proposed ordinance was published at least once in the *Lake Placid Journal* or the *Highlands Today* on the 26 day of October, 2014, being at least ten (10) days prior to adoption.



Eva Cooper Hapeman, Municipal Clerk