

**FRUITLAND PARK LOCAL PLANNING AGENCY MEETING  
AGENDA**

**April 28, 2022**

City Hall Commission Chambers  
506 W. Berckman Street  
Fruitland Park, Florida 34731

**As soon as practical at 6:15 p.m.**

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVAL OF MINUTES** (city clerk)  
March 24, 2022 LPA meeting

**QUASI-JUDICIAL PUBLIC HEARING**

- 4. Quasi-Judicial Public Hearing – Ordinance 2022-009 SSCPA- 24.83+ Acres - LC Urban Medium–SFMD – N Myrtle Lake Ave and E Myrtle Lake View Drive – Petitioner: Crystal Lake Land Holdings, LLC** (city attorney/city manager/community development director)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY URBAN MEDIUM RESIDENTIAL TO CITY SINGLE FAMILY MEDIUM DENSITY OF 24.83 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF MYRTLE LAKE AVENUE AND EAST OF MYRTLE LAKE VIEW DRIVE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**END OF QUASI-JUDICIAL PUBLIC HEARING**

- 5. UNFINISHED BUSINESSES**
- 6. PUBLIC COMMENTS**

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the Local Planning Agency at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the Local Planning Agency. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the Local Planning Agency addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**7. OTHER BUSINESS**

**8. ADJOURNMENT**

Any person requiring a special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.) If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. The city does not provide verbatim records. (§286.0105, F.S.)

**PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.**

**CITY OF FRUITLAND PARK  
LPA AGENDA ITEM SUMMARY SHEET  
Item Number: 3**

**ITEM TITLE:** Draft LPA Meeting Minutes  
**For the Meeting of:** April 28, 2022  
**Submitted by:** City Clerk  
**Date Submitted:** March 14, 2022  
**Funds Required:** No  
**Attachments:** Draft minutes

**Item Description:** Meeting Minutes – March 24, 2022

**Action to be Taken:** Approve the minutes.

**Staff's Recommendation:** Approve the meeting minutes as submitted, if there are no corrections.

**Additional Comments:** None

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**FRUITLAND PARK LOCAL PLANNING AGENCY  
DRAFT MEETING MINUTES  
March 24, 2022  
6:15 p.m.**

A regular meeting of the Fruitland Park Local Planning Agency was held at 506 W. Berckman Street, Fruitland Park, Florida 34731 on Thursday, March 24, 2022 at 6:15 p.m.

**Members Present:** Mayor Chris Cheshire, Vice Mayor John L. Gunter, Commissioners Chris Bell, Patrick DeGrave and John Mobilian.

**Also present:** City Manager Gary La Venia; City Attorney Anita Geraci-Carver, City Treasurer Jeannine Racine, Police Chief Erik Luce, Community Development Director Dwyane Williams, Public Works Director Robb Dicus, Parks and Recreation Director Michelle Yoder, Administrative Assistant Candice Dennis, and City Clerk Esther B. Coulson.

**1. CALL TO ORDER**

Mayor Cheshire called the meeting to order.

ACTION: 6:14:23 p.m. No action was taken.

**2. ROLL CALL**

After Mayor Cheshire requested that Ms. Coulson call the roll, a quorum was declared present.

ACTION: 6:14:37 p.m. No action was taken.

**3. APPROVAL OF MINUTES**

January 27, 2022 LPA meeting

ACTION: 6:14:49 p.m. **On motion of Vice Mayor Gunter, seconded by Commissioner Bell and unanimously carried, the LPA approved the previously cited minutes as submitted.**

**QUASI-JUDICIAL PUBLIC HEARING**

**4. Quasi-Judicial Public Hearing – Ordinance 2022-004 SCCPA 0.287+ Acres – LC Urban Medium – SFMD – N Register Road – E US Highway 27 / 441 – Petitioner: Countryside Baptist Church Ministries Inc.**

After Ms. Geraci-Carver read into the record the title of proposed Ordinance 2022-004, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY  
OF FRUITLAND PARK, FLORIDA PROVIDING FOR A  
SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY  
AMDENDING THE FUTURE LAND USE DESIGNATION

FROM LAKE COUNTY URBAN MEDIUM TO SINGLE FAMILY MEDIUM DENSITY ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 0.287+ ACRES OF PROPERTY LOCATED AT 2811 REGISTER ROAD GENERALLY LOCATED NORTH OF REGISTER ROAD AND EAST OF U.S. HIGHWAY 27 / 441; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:15:02 p.m. After Mr. Williams, who was sworn to testify, gave a background on the subject item, **a motion was made by Vice Mayor Gunter and seconded by Commissioner Mobilian that the LPA recommend the approval of Ordinance 2022-004 as previously cited.**

**There being no one from the public and by unanimous consent, Mayor Cheshire closed the public hearing.**

**Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.**

**5. First Reading and Quasi-Judicial Public Hearing – Ordinance 2022-005 SCCPA – 0.686+ Acres – LC Urban Medium – I – 2822 Register Road – Petitioner: Countryside Baptist Church Ministries Inc.**

After Ms. Geraci-Carver read into the record the title of proposed Ordinance 2022-005, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE DESIGNATION FROM LAKE COUNTY URBAN MEDIUM TO INSTITUTIONAL ON THE FUTURE LAND USE MAP OF THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FOR APPROXIMATELY 0.686+ ACRES OF PROPERTY LOCATED AT 2811 REGISTER ROAD GENERALLY LOCATED NORTH OF REGISTER ROAD AND EAST OF U.S. HIGHWAY 27 / 441; DIRECTING THE CITY CLERK TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY

MANAGER TO AMEND SAID COMPREHENSIVE PLAN;  
PROVIDING FOR SEVEERABILITY AND SCRIVENER'S  
ERRORS; REPEALING ALL ORDINANCES IN CONFLICT  
HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.

**ACTION:** 6:17:43 p.m. After Mr. Williams, who was previously sworn, gave a background on the subject item, **a motion was made by Commissioner Bell and seconded by Vice Mayor Gunter that the LPA recommend the approval of Ordinance 2022-005 as previously cited.**

**There being no one from the public and by unanimous consent, Mayor Cheshire closed the public hearing.**

**Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.**

#### **END OF QUASI-JUDICIAL PUBLIC HEARING**

**6. UNFINISHED BUSINESS**

There was no unfinished business to come before the LPA at this time.

**ACTION:** 6:20:06 p.m. No action was taken.

**7. PUBLIC COMMENTS**

There were no public comments at this time.

**ACTION:** 6:20:08 p.m. No action was taken.

**8. OTHER BUSINESS**

There were no public comments at this time.

**ACTION:** No action was taken.

**9. ADJOURNMENT**

The meeting adjourned at 6:21 p.m.

Signed  
Esther B. Coulson, City Clerk, MMC

Signed  
Chris Cheshire, Mayor

**CITY OF FRUITLAND PARK  
LPA AGENDA ITEM SUMMARY SHEET  
Item Number: 5**

<b>ITEM TITLE:</b>	<b>Quasi-Judicial Public Hearings</b>		
<b>For the Meeting of:</b>	April 28, 2022		
<b>Submitted by:</b>	City	Attorney/City	Manager/Community
	Development Director		
<b>Date Submitted:</b>	April 14, 2022		
<b>Funds Required:</b>	No		
<b>Account Number:</b>	N/A		
<b>Amount Required:</b>	N/A		
<b>Balance Remaining:</b>	N/A		
<b>Attachments:</b>	Yes, Quasi-Judicial Hearing Establishment		
<b>Item Description:</b>	<b>Quasi-judicial public hearings</b>		
<b>Action to be Taken:</b>	<b>LPA consideration.</b>		
<b>Staff's Recommendation:</b>	N/A		
<b>Additional Comments:</b>	N/A		
<b>City Manager Review:</b>	Yes		
<b>Mayor Authorization:</b>	Yes		

**RESOLUTION 2004-014**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA; RELATING TO QUASI-JUDICIAL HEARINGS; ESTABLISHING PROCEDURES FOR THE DISCLOSURE OF EX PARTE COMMUNICATIONS; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, Florida Statute 286.0115 allows municipalities to remove the presumption of prejudice attached to ex parte communications with local public officials in quasi-judicial proceedings through the adoption of a resolution or ordinance establishing a process for the disclosure of such communications; and

**WHEREAS**, the City Commission of the City of Fruitland Park desires to implement the provisions of F.S. 286.0115 with respect to quasi-judicial proceedings which occur before the City Commission as well as city boards and committees.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK:**

**Section 1.** The following procedures shall apply with regards to any quasi-judicial matters before the City Commission or any board or committee of the City:

**Procedures for quasi-judicial hearings;  
Disclosure of ex parte communications.**

(a) *Intent.* Pursuant to Section 286.0115(1), Florida Statutes, it is the intent of the city commission that this section is intended to remove the presumption of prejudice from *ex parte* communications with city officials and to permit, among other things, site visits, the receipt of expert opinion, and the review of mail and other correspondence relating to quasi-judicial proceedings by said city officials. .

(b) *Definitions.* As used in this section, the following terms shall be defined as follows:

- (1) "City official" means and refers to any elected or appointed public official holding a municipal position or office who recommends or takes quasi-judicial action as a member of a city board, commission, or committee, including, but not limited to, a member of the city commission, the code enforcement board, the planning and zoning board, or the local planning agency.
- (2) "*Ex parte* communication" means a communication involving a city official and a member of the public, regarding a pending quasi-judicial action, such that the city official may be exposed to only one perspective



or part of the evidence with regard to a quasi-judicial action pending before the commission or board on which the city official serves. *Ex parte* communications occur at other than a public meeting of the board on which the city official serves at which the quasi-judicial action discussed has been publicly noticed.

- (3) "Member of the public" refers to any person interested in a quasi-judicial action, including, but not limited to, an applicant, an officer or member of a homeowner's association, an officer or member of an environmental, homebuilding/development, or concerned citizen's organization, an official or employee of a governmental entity other than the City, a developer, a property owner, or an interested citizen, or a representative of or attorney for any of the foregoing.
- (4) "Quasi-judicial" refers to a land use, land development, zoning, or building related permit, application or appeal, as set forth below, in which city officials give notice and an opportunity to be heard to certain substantially affected persons, investigate facts, ascertain the existence of facts, hold hearings, weigh evidence, draw conclusions from the facts, and apply the law to the facts, as the basis for their decision.
- (5) "Site visit" means an inspection of real property subject to an application for any quasi-judicial action prior to a public hearing on the application conducted by a city official. The mere act of driving by a site in the daily course of driving to a particular location, such as work or a particular store, which act is not undertaken for the purpose of inspecting a particular parcel of real property is not a site visit for purposes of this section.

(c) *Ex parte communications between city officials and members of the public.*

- (1) A member of the public not otherwise prohibited by statute, charter provision or ordinance may have an *ex parte* communication with any city official regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below.
- (2) Except as otherwise provided by statute, charter provision, or ordinance, any city official may have an *ex parte* communication with any expert witness or consultant regarding any quasi-judicial matter on which action may be taken by the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) below. Nothing here,

however, shall restrict a city official access to city staff or expert witness or consultant retained by the City.

(3) Disclosure.

- (A) All city officials shall disclose the occurrence of all *ex parte* communications or discussions with a member of the public or an expert witness or consultant involving said city official which relate to the quasi-judicial action pending before the commission or board on which the city official serves.
  - (B) Disclosure shall occur by no later than the final public hearing, or if no formal public hearing is held, then any hearing at which the final decision regarding the quasi-judicial matter is made. The city official shall disclose the *ex parte* communication verbally or by memorandum. Any such memorandum disclosing the occurrence of the *ex parte* communication shall be placed in the official file regarding the pending quasi-judicial matter which file shall be maintained in the City Clerk's records.
  - (C) At the time of disclosure, the city official shall identify the person, group, or entity with whom the *ex parte* communication took place, the substance of the *ex parte* communication, and any matters discussed which are considered by the city official to be material to said city official's decision in the pending quasi-judicial matter.
- (d) *Oral or written communications between city staff and city officials.* City officials may discuss quasi-judicial matters pending before the commission or board on which said city official serves with city staff without the requirement to disclose pursuant to sub-section (c)(3) above.
- (e) *Site visits by city officials.* Any city official may conduct a site visit of any property related to a quasi-judicial matter pending before the commission or board on which the city official serves; provided, that the city official adheres to the disclosure requirements set forth in sub-section (c)(3) above. Any disclosure of a site visit pursuant to sub-section (c)(3) shall disclose the existence of the site visit, and any information obtained by virtue of the site visit considered by the city official to be material to said official's decision regarding the pending quasi-judicial matter.
- (f) *Review of mail, correspondence, and written communications by city officials.* Any city official may review mail, correspondence, or written communications, related to a quasi-judicial matter pending before the commission or board on which the city official serves. Upon review of the mail, correspondence, or



written communication, the document shall be placed in the official file regarding the pending quasi-judicial matter and maintained in the city clerk's records.

- (g) *City clerk's file.* All correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter shall be placed in the official file regarding said matter and maintained by the city clerk. Said correspondence, mail, or written communications reviewed by city officials prior to the final hearing on a pending quasi-judicial matter, or any disclosure memoranda as described in sub-section (c)(3)(B), shall be available for public inspection. By no later than the final public hearing, or if no formal public hearing is held, then at any hearing at which the final decision regarding the quasi-judicial matter is made, the city clerk shall make said correspondence, mail, written communications, or other matters, and any disclosure memoranda placed in the official file, a part of the record. All of the foregoing documents shall be received by the commission or board as evidence, with the exception of disclosure memoranda, subject to any objections interposed by participants at the hearing.
- (h) *Opportunity to comment upon substance of disclosure.* At such time that a disclosure regarding an *ex parte* communication, receipt of an expert opinion, site visit, or review of mail, correspondence, or other written communication is made a part of the record at a hearing, persons who may have opinions or evidence contrary to those expressed in the *ex parte* communication, expert opinion, or mail, correspondence, or other written communication, or noted during the site visit, shall be given a reasonable opportunity to refute or respond and provide contrasting information, evidence, or views.

**Section 2.** If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

**Section 3.** This resolution shall be effective upon passage.

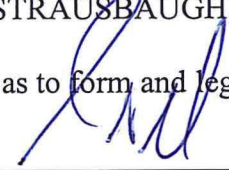
**PASSED AND RESOLVED** this 24<sup>th</sup> day of June, 2004, by the City Commission of the City of Fruitland Park, Florida.

  
\_\_\_\_\_  
JOHN L. GUNTER, JR., VICE MAYOR

ATTEST:

  
\_\_\_\_\_  
MARGE STRAUSBAUGH, CITY CLERK

Approved as to form and legality:

  
\_\_\_\_\_  
Scott A. Gerken, City Attorney



Select Year: 2020 

## The 2020 Florida Statutes

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[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)[PUBLIC BUSINESS](#)[PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS](#)**286.0115 Access to local public officials; quasi-judicial proceedings on local government land use matters.—**

(1)(a) A county or municipality may adopt an ordinance or resolution removing the presumption of prejudice from ex parte communications with local public officials by establishing a process to disclose ex parte communications with such officials pursuant to this subsection or by adopting an alternative process for such disclosure. However, this subsection does not require a county or municipality to adopt any ordinance or resolution establishing a disclosure process.

(b) As used in this subsection, the term “local public official” means any elected or appointed public official holding a county or municipal office who recommends or takes quasi-judicial action as a member of a board or commission. The term does not include a member of the board or commission of any state agency or authority.

(c) Any person not otherwise prohibited by statute, charter provision, or ordinance may discuss with any local public official the merits of any matter on which action may be taken by any board or commission on which the local public official is a member. If adopted by county or municipal ordinance or resolution, adherence to the following procedures shall remove the presumption of prejudice arising from ex parte communications with local public officials.

1. The substance of any ex parte communication with a local public official which relates to quasi-judicial action pending before the official is not presumed prejudicial to the action if the subject of the communication and the identity of the person, group, or entity with whom the communication took place is disclosed and made a part of the record before final action on the matter.

2. A local public official may read a written communication from any person. However, a written communication that relates to quasi-judicial action pending before a local public official shall not be presumed prejudicial to the action, and such written communication shall be made a part of the record before final action on the matter.

3. Local public officials may conduct investigations and site visits and may receive expert opinions regarding quasi-judicial action pending before them. Such activities shall not be presumed prejudicial to the action if the existence of the investigation, site visit, or expert opinion is made a part of the record before final action on the matter.

4. Disclosure made pursuant to subparagraphs 1., 2., and 3. must be made before or during the public meeting at which a vote is taken on such matters, so that persons who have opinions contrary to those expressed in the ex parte communication are given a reasonable opportunity to refute or respond to the communication. This subsection does not subject local public officials to part III of chapter 112 for not complying with this paragraph.

(2)(a) Notwithstanding the provisions of subsection (1), a county or municipality may adopt an ordinance or resolution establishing the procedures and provisions of this subsection for quasi-judicial proceedings on local government land use matters. The ordinance or resolution shall provide procedures and provisions identical to this subsection. However, this subsection does not require a county or municipality to adopt such an ordinance or resolution.

(b) In a quasi-judicial proceeding on local government land use matters, a person who appears before the decisionmaking body who is not a party or party-intervenor shall be allowed to testify before the decisionmaking body, subject to control by the decisionmaking body, and may be requested to respond to questions from the

decisionmaking body, but need not be sworn as a witness, is not required to be subject to cross-examination, and is not required to be qualified as an expert witness. The decisionmaking body shall assign weight and credibility to such testimony as it deems appropriate. A party or party-intervenor in a quasi-judicial proceeding on local government land use matters, upon request by another party or party-intervenor, shall be sworn as a witness, shall be subject to cross-examination by other parties or party-intervenors, and shall be required to be qualified as an expert witness, as appropriate.

(c) In a quasi-judicial proceeding on local government land use matters, a person may not be precluded from communicating directly with a member of the decisionmaking body by application of ex parte communication prohibitions. Disclosure of such communications by a member of the decisionmaking body is not required, and such nondisclosure shall not be presumed prejudicial to the decision of the decisionmaking body. All decisions of the decisionmaking body in a quasi-judicial proceeding on local government land use matters must be supported by substantial, competent evidence in the record pertinent to the proceeding, irrespective of such communications.

(3) This section does not restrict the authority of any board or commission to establish rules or procedures governing public hearings or contacts with local public officials.

**History.**—s. 1, ch. 95-352; s. 31, ch. 96-324.

**CITY OF FRUITLAND PARK**  
**LPA AGENDA ITEM SUMMARY SHEET**  
**Item Number: 5**

**ITEM TITLE:** Quasi-Judicial Public Hearing – Ordinance 2022-009  
SSCPA (Annexation) – N of Myrtle Avenue and W of  
CR468 - Petitioner: Crystal Lake Land Holdings, LLC.

**For the Meeting of:** April 28, 2022

**Submitted by:** City Attorney/City Manager/Community Development  
Director

**Date Submitted:** April 14, 2022

**Funds Required:** No

**Attachments:** Proposed Ordinance 2022-009, legal description (Exhibit A),  
zoning map designation (Exhibit B), Comprehensive Plan  
exhibits, (See Agenda Item Summary Sheet 6d for  
advertising affidavit and staff report.)

**Item Description:** Ordinance 2022-009 to change the Future Land Use  
Designation from Lake County Urban Medium Residential to Fruitland Park Single Family Medium  
Density (Residential PUD) of 24.83± acres which is consistent with the City of Fruitland Park's  
Comprehensive Plan. The "proposed" infill development and future land use is a decrease in  
density from its current Urban Medium Density at seven units per acre to Single Family Medium  
Density at four units per acre). The Planning and Zoning Board approved the subject proposed  
ordinance at its April 21, 2022 meeting. (The second reading will be held on May 12, 2022.)

**Action to be Taken:** Recommend the approval of Ordinance 2022-009.

**Staff's Recommendation:** Approval.

**Additional Comments:**

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**ORDINANCE 2022-009**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY URBAN MEDIUM RESIDENTIAL TO CITY SINGLE FAMILY MEDIUM DENSITY OF 24.83 +/- ACRES OF PROPERTY GENERALLY LOCATED NORTH OF MYRTLE LAKE AVENUE AND EAST OF MYRTLE LAKE VIEW DRIVE; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, a petition has been received from A & B Engineering Consultants, PA as applicant, on behalf of Crystal Lake Land Holdings, LLC as Owner, requesting that real property within the city limits of the City of Fruitland Park be assigned a land use designation of "Single Family Medium Density" under the Comprehensive Plan for the City of Fruitland Park; and

**WHEREAS**, the required notice of the proposed small scale comprehensive plan amendment has been properly published as required by Chapter 163, Florida Statutes; and

**WHEREAS**, the Planning and Zoning Commission of the City of Fruitland Park and the Local Planning Agency for the City of Fruitland Park have reviewed the proposed amendment to the Comprehensive Plan and have made recommendations to the City Commission of the City of Fruitland Park.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:**

**Section 1:** The following described property consisting of approximately 24.83 ± acres generally located north of Myrtle Lake Avenue and east of Myrtle Lake View Drive as described and depicted as set forth on Exhibit "A" shall be assigned a land use designation of Single Family Medium Density under the City of Fruitland Park Comprehensive Plan as depicted on the map attached hereto as Exhibit "B" and incorporated herein by reference.

**Section 2:** A copy of said Land Use Plan Amendment is filed in the office of the City Manager of the City of Fruitland Park as a matter of permanent record of the City, matters and contents therein are made a part of this ordinance by reference as fully and completely as if set forth herein, and such copy shall remain on file in said office available for public inspection.

**Section 3. Direction to the City Manager.**

Upon the Effective Date of this ordinance, the City Manager is hereby authorized to amend the comprehensive plan and future land-use map as identified herein after compliance with F.S. 163.3187 and F.S. 163.3184(11).

**Section 4: Severability.**

If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 5:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 6: 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 7. Adoption**

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

**Section 8:** This Ordinance shall become effective 31 days after its adoption by the City Commission. If this Ordinance is challenged within 30 days after its adoption, it may not become effective until the state land planning agency or Administrative Commission, respectively, issues a final order determining that this Ordinance is in compliance. No development permits or land uses dependent on this amendment may be issued or commence before it has become effective.

**PASSED AND ORDAINED** in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Chris Cheshire, Mayor  
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

\_\_\_\_\_  
Esther Coulson, MMC, City Clerk

\_\_\_\_\_  
Anita Geraci-Carver, City Attorney

Mayor Cheshire	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Vice-Mayor Gunter	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)
Commissioner Bell	_____ (Yes), _____ (No), _____ (Abstained), _____ (Absent)



Commissioner DeGrave \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)  
Commissioner Mobilian \_\_\_\_\_ (Yes), \_\_\_\_\_ (No), \_\_\_\_\_ (Abstained), \_\_\_\_\_ (Absent)

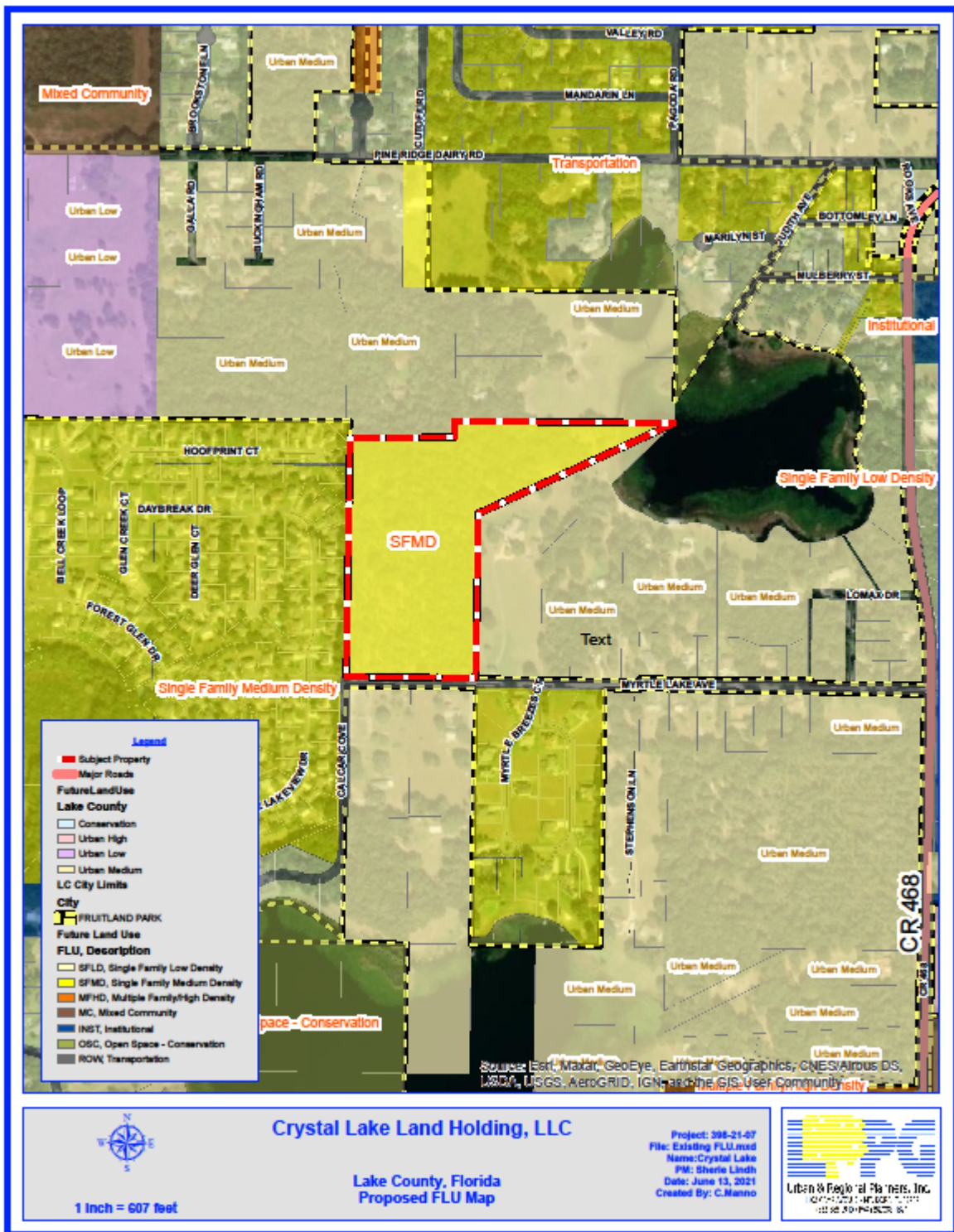
Passed First Reading \_\_\_\_\_  
Passed Second Reading \_\_\_\_\_  
(SEAL)

**“EXHIBIT A”**

That part of the North  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of Section 8, Township 19 South, Range 24 East, in Lake County, Florida, bounded and described as follows:

Commence at the Southeast corner of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 8, Township 19 South, Range 24 East, and run North  $89^{\circ}0'05''$  West along the North  $\frac{1}{2}$  of the Southeast  $\frac{1}{4}$  of said Section 8, a distance of 988.35 feet; thence North  $00^{\circ}59'55''$  East 25.00 feet to a point on the North right-of-way line of Myrtle Lake Avenue and the Point of Beginning of this description; from said Point of Beginning run North  $89^{\circ}0'00''$  West along the North right-of-way line of Myrtle Lake Avenue 658.92 feet to a point on the West line of the East  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 8; thence North  $00^{\circ}57'00''$  East along the West line of the East  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , a distance of 1,219.46 feet to a point that is South  $00^{\circ}57'00''$  West 82.20 feet from the Northwest corner of the East  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 8; thence South  $89^{\circ}34'30''$  East parallel with the North line of the Southeast  $\frac{1}{4}$  of said Section 8 a distance of 529.99 feet; thence North  $00^{\circ}53'13''$  East 82.20 feet to a point on the North line of the Southeast  $\frac{1}{4}$  of Said Section 8; thence South  $89^{\circ}34'30''$  East along the North line of the Southeast  $\frac{1}{4}$  a distance of 1,120.29 feet to the Northeast corner of the Northeast  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of said Section 8; thence South  $65^{\circ}13'49''$  West 1,099.42 feet; thence South  $00^{\circ}59'55''$  West 836.39 feet to the Point of Beginning.

EXHIBIT B





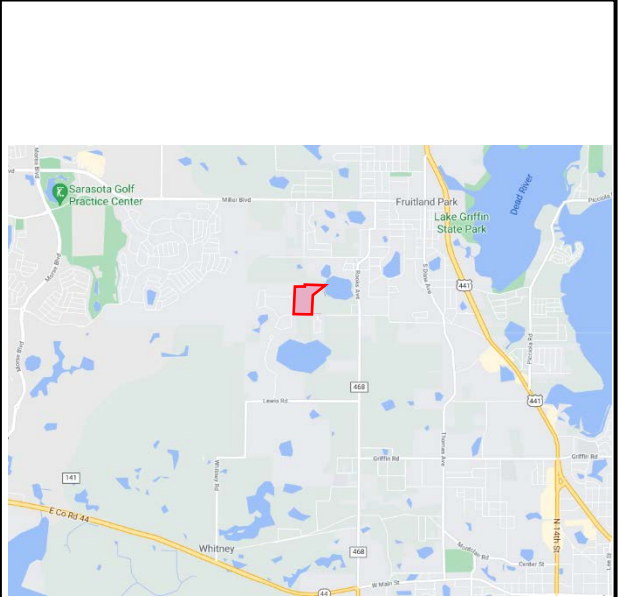
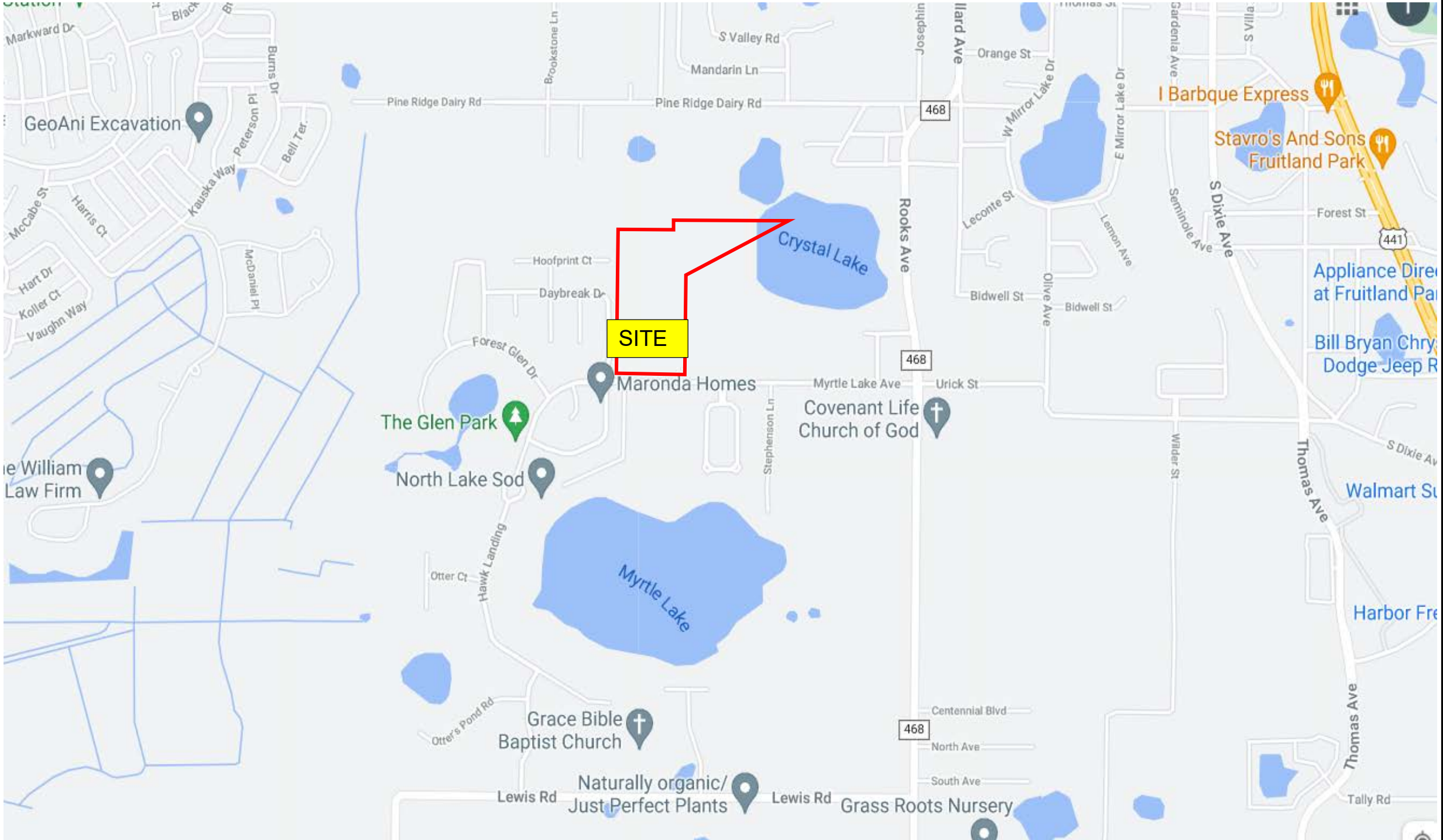
**Alt Key 1288606**  
Myrtle Lake Ave  
Fruitland Park, FL



Sheet Title:  
**Exhibit A**  
(Aerial Photo)



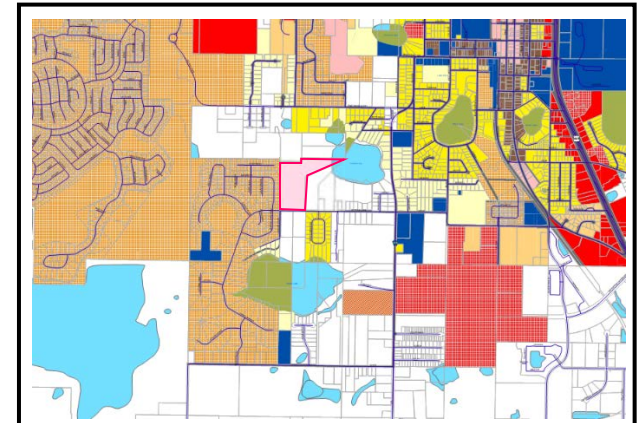
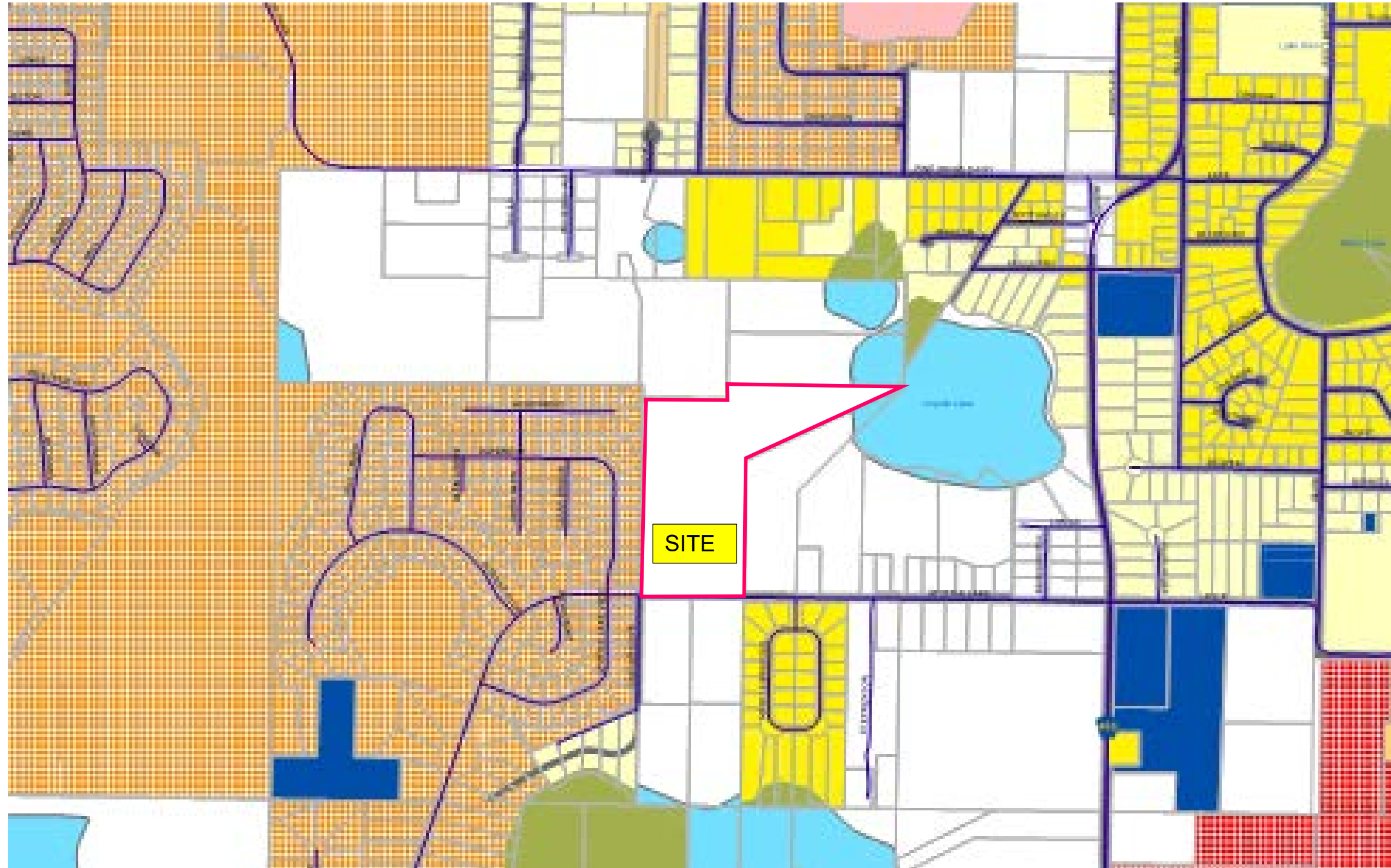
**Alt Key 1288606**  
Myrtle Lake Ave  
Fruitland Park, FL



Sheet Title:  
**Exhibit B**  
(Location Map)

# Alt Key 1288606

Myrtle Lake Ave  
Fruitland Park, FL



### Legend:

- R-1, Residential Single Family Home - Low Density
- R-2, Residential Single Family Home - Medium Density
- R-2A, Medium Density Residential
- R-3, Multi-Family Residential - High Density
- R-3A, High Density Residential/Neighborhood Commercial
- RP, Residential Professional
- C-1, Neighborhood Commercial
- C-2, General Commercial
- IND, Industrial
- PUD, Planned Unit Development
- CPUD, Commercial Planned Unit Development District
- IND-PUD, Industrial PUD
- MPUD, Mixed Use PUD
- PFD, Public Facilities District
- GB, Green Belt District
- ROW, Right-of-Way



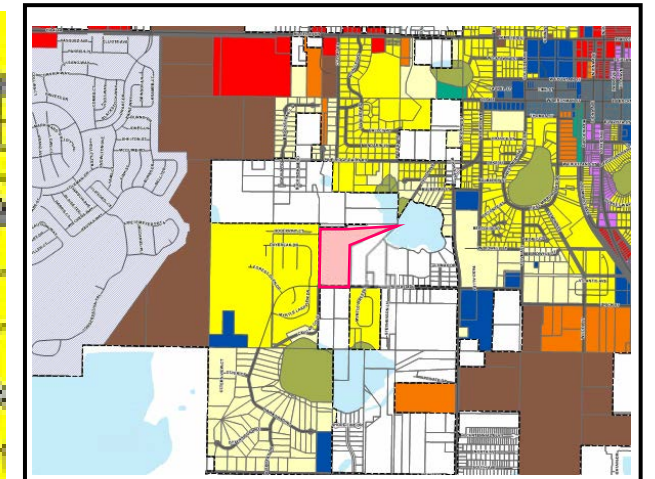
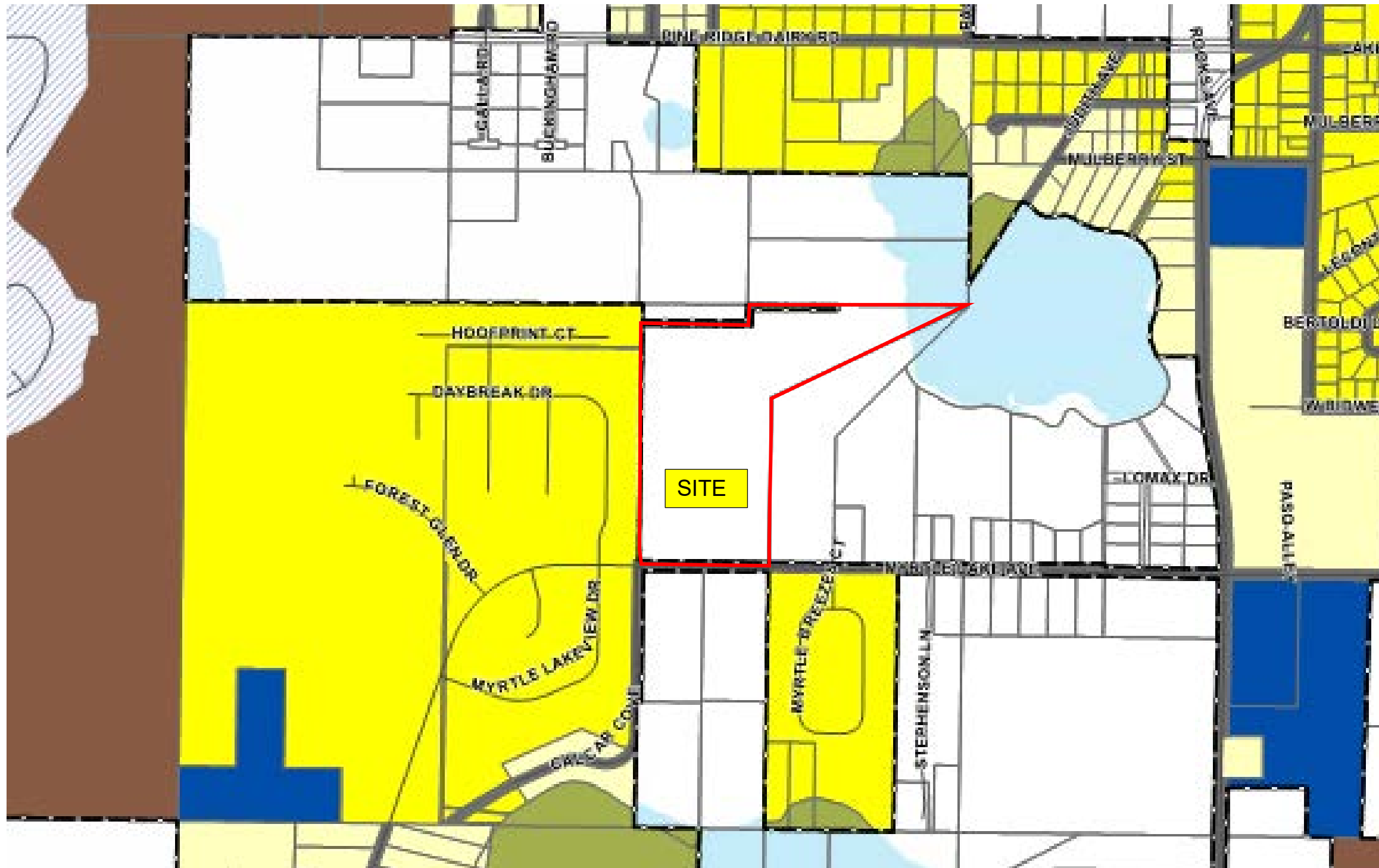
Sheet Title:

## Exhibit C

(Requested Zoning Map Designation)

# Alt Key 1288606

Myrtle Lake Ave  
Fruitland Park, FL



## Legend:

Minor Roads	COMM, Commercial
County Boundary	MC, Mixed Community
Tax Parcels	IND, Industrial
Lakes	INST, Institutional
<b>Fruitland Park Future Land Use</b>	REC, Recreational
<b>FLU, Description</b>	OSC, Open Space - Conservation
CBDMU, Central Business District Mixed Use	OSU, Open Space - Utilitarian
T, Transitional	ROW, Transportation
SFLD, Single Family Low Density	VDR1, The Villages of Fruitland Park DRI
SFMD, Single Family Medium Density	
MFLD, Multiple Family Low Density	
MFHD, Multiple Family/High Density	



Sheet Title:

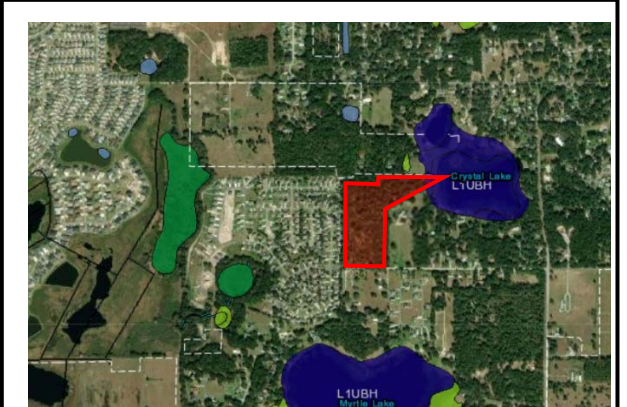
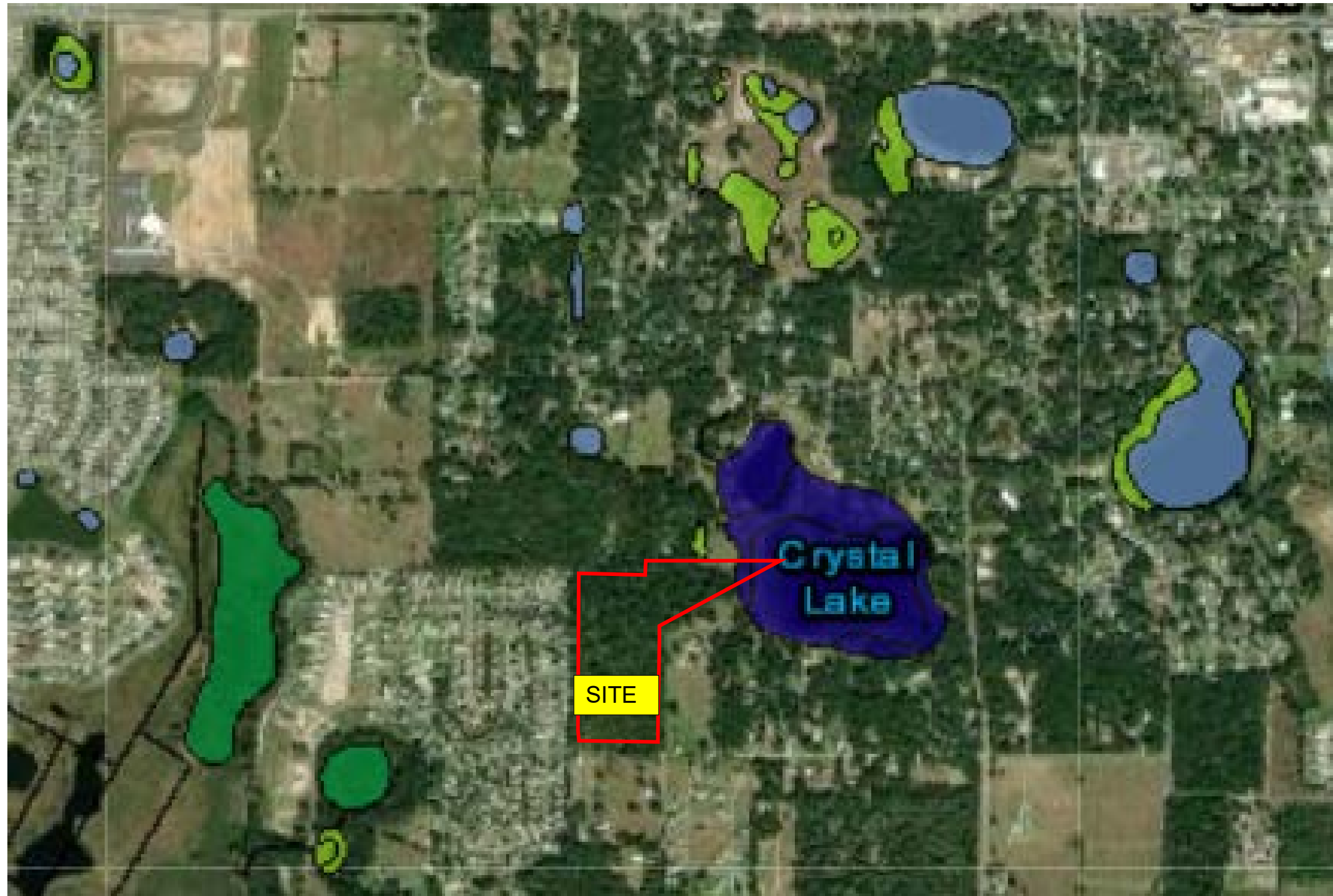
## Exhibit D

(Requested FLUM Designation)



**Alt Key 1288606**

Myrtle Lake Ave  
Fruitland Park, FL



Legend:

Wetlands	
	Estuarine and Marine Deepwater
	Estuarine and Marine Wetland
	Freshwater Emergent Wetland
	Freshwater Forested/Shrub Wetland
	Freshwater Pond
	Lake
	Other
	Riverine

Riparian	
	Forested/Shrub
	Herbaceous



Sheet Title:

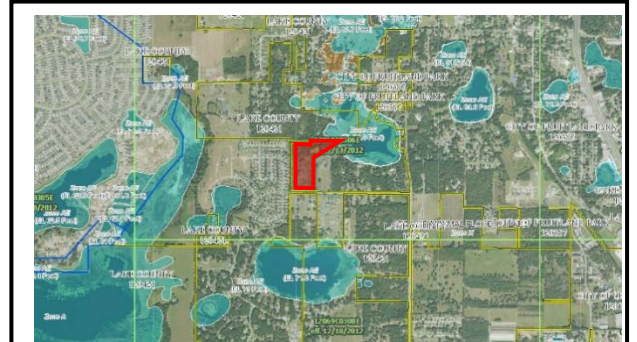
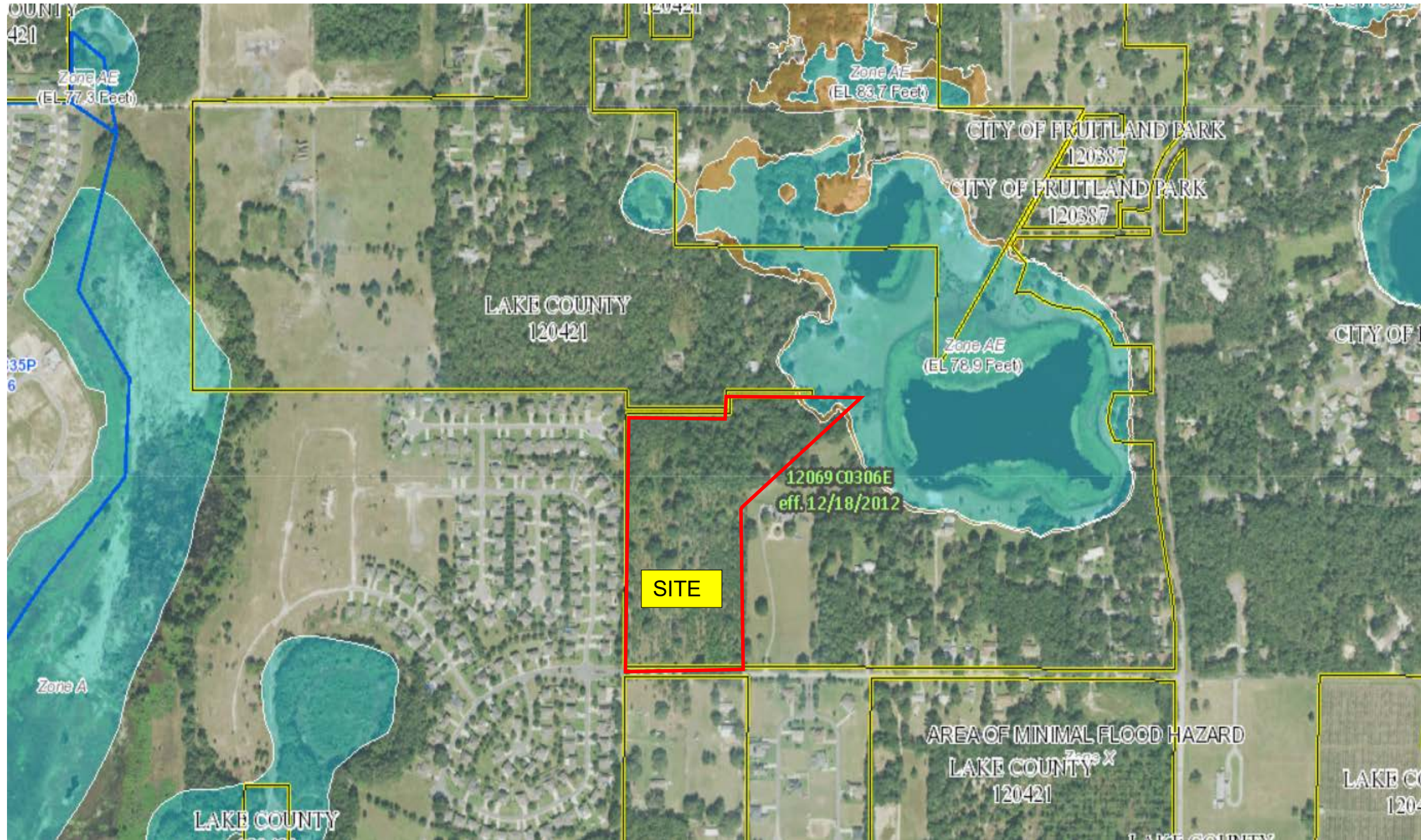
**Exhibit E**

(Environmental Constrains, Wetland Map)



# Alt Key 1288606

Myrtle Lake Ave  
Fruitland Park, FL



### Legend:

#### Effective FIRM Panels

- GeoIndex
- No Digital Data Available
- Digital Data Available
- Unmapped

#### NFHL

- River Mile Markers
- Profile Baselines

#### Political Jurisdictions

- Submittal Information

#### Coastal Barrier Resources System Area (US FWS)

- CBRS Prohibitions
- Otherwise Protected Area
- System Unit



Sheet Title:

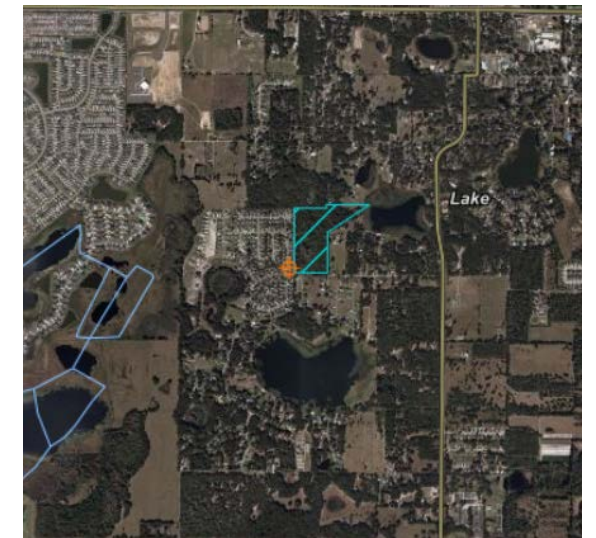
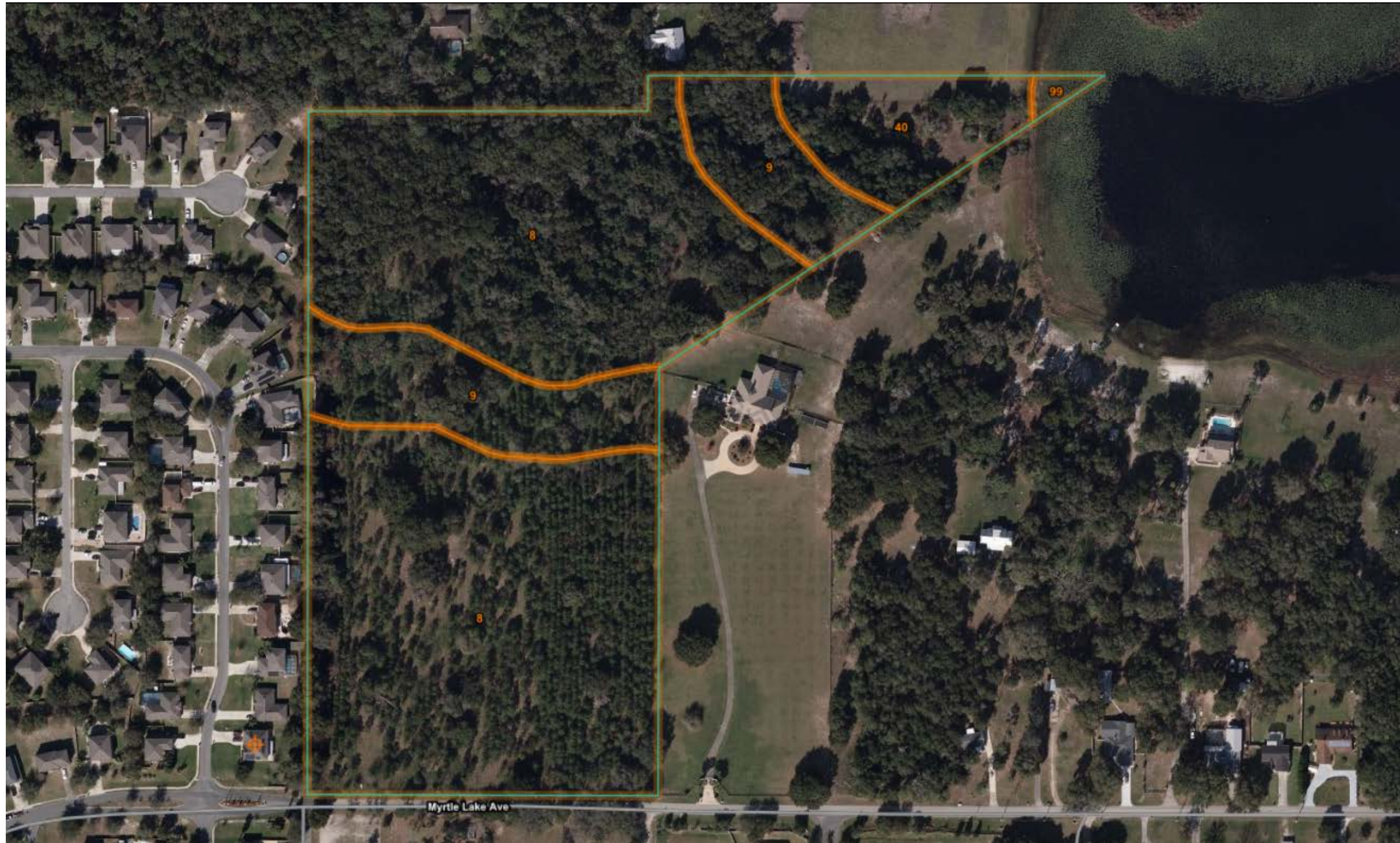
## Exhibit F

(Environmental Constrains, Flooding)



# Alt Key 1288606

Myrtle Lake Ave  
Fruitland Park, FL



Legend:

Map unit symbol	Map unit name
8	Candler sand, 0 to 5 percent slopes
9	Candler sand, 5 to 12 percent slopes
40	Placid and Myakka sands, depressional
99	Water



Sheet Title:

**Exhibit G**  
(Soils)





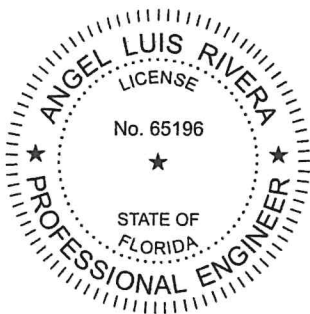
## Alt Key 1288606

Myrtle Lake Ave  
Fruitland Park, FL

# Annexation, PUD and Comprehensive Plan Amendment Application Supplemental Data (revised)

October 8, 2021

Prepared by,



A handwritten signature in blue ink, appearing to be 'AR'.

Angel L. Rivera, PE  
President

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### **I. Property Description**

Crystal Lake Holdings LLC owns 24.83ac (per Property Appraiser) located on Myrtle Lake Ave, adjacent (east) to The Glen Subdivision, in Fruitland Park, Lake County Florida. The property is currently zoned R-3 by Lake County, and it has an Urban Medium Density future land use (by Lake Co).

### **II. Purpose**

It is the owner's intention to annex the property to the City of Fruitland Park. This will also require a City of Fruitland Park apply a zoning district and a large scale comprehensive plan amendment. Once the property is entitled the owner plans to sell the property to a developer, who can continue with the engineering and permitting process.

### **III. Annexation**

The property along the west boundary has been annexed to the City, thus allowing our property to be annexed. Annexing our property will allow the City to annex in the future the properties adjacent to the north and the east boundaries, expanding the City limits and tax base.

### **IV. PUD**

The property currently has a R-3 zoning district by Lake County, and has several adjoining properties with R-1, R-2 & R-3 zoning. The rezoning is required once the property is annexed so the district can be established in the City of Fruitland Park zoning map. The proposed zoning is PUD, Residential Planned Development. Our project is proposing a density of less than three (3) dwelling units per acre, which falls under the 4du/ac allowed density of a medium density district, which is similar to the surrounding properties. The reason for selecting the PUD it's to allow the single family lots to be 65ft wide with a minimum lot area of 8,000sf, which is a typical lot desired by homebuyers.

### **V. Large Scale Comprehensive Plan Amendment**

Florida Statutes 163.3184 governs the adoption of comprehensive plan and plan amendments. A small scale amendment is required for properties equal or less than 10 acres (FS163.3187), thus our property requires a large scale plan amendment. The proposed FLU for our property is "Single Family Medium Density" (Residential PUD). The following are the analyses required by the City to support the PUD & comp plan amendment request.

### **VI. Consistency with the Comp Plan**

Currently, the City's comp plan proposes most of the land surrounding our property to be residential, with densities similar to the one proposed by us. Lake County comp plan, also shows most of the land surrounding our property to be residential with densities similar to the one proposed by us. Our request meets the goals, objectives and policies of the City of Fruitland Park Comprehensive Plan by maintaining the land use patterns. Our property is being planned for residential quality and neighborhood cohesiveness, proposing a product similar to the existing subdivision adjacent to the west (Objective 1-1). Our proposal discourages urban sprawls. Its location makes the property ideal for development infill, as it's clearly shown by the zoning and FLU maps (Objective 1-2). Our proposal also promotes environmental protection as it's preserving the wetland and it's buffer. The project includes a pedestrian access to the Lake which will allow the residents to enjoy nature.

The proposed ponds are located to maintain the existing runoff patterns (Objective 1-6).

## VII. Urban Sprawl

This property is located in Central Florida which has one of the highest growth rates in the nation. The proposed zoning district (PUD) allows a medium density, which discourages low density housing and maximizes land use. Based on the zoning and future land use maps of both, Lake County and City of Fruitland Park, our property, and the surrounding ones, have been designated for residential development and future growth, thus the area can't be considered rural. Our property is surrounded by existing developments, similar to our proposed use. A future subdivision on this site will represent more of an infill development connecting undeveloped pockets of land, and shouldn't be considered an isolated development. By following the established zoning and comp plan maps our property is protecting agricultural and environmental sensitive lands.

Due to our site's location, and existing surrounding developments, our project will be serviced by existing public services and facilities, promoting the efficiency of economies of scale, while at the same time minimizing the need to create future microsystems. The existing utilities and roadways allow for our site to be developed, thus not requiring the City to create new infrastructure. Fire, Police and EMS services are already available within a few miles from our site. Adding paying users to the existing systems only improves the overall economics, and allows for possible decrease in costs by scale. The annexation of our property will increase the City's tax base, which in turn will allow to improve existing public services and facilities. Our site continues, and promotes the annexation pattern, which is greatly beneficial to the City.

The development of our property and other surrounding will promote accessibility and connectivity between the existing & future developments, improving the sense of community.

## VIII. Concurrency Analysis

Concurrency is a finding that the public facilities and services necessary to support a proposed development are available, or will be made available, concurrent with the impacts of the development. The following sections provide this analysis.

## IX. Utility Availability Analysis

The department of Public Works of the City of Fruitland Park was contacted to inquire about the existing utilities and services available. The following is a summary of the findings:

**Sanitary Sewer:** There is no public sanitary sewer within 1,000ft from our property, nevertheless the City's Public Works Department will be installing a new forcemain which should be at a distance of 2,400+/- feet of our project. Therefore, we propose a sanitary lift station, and forcemain, to connect to the City's new system.

**Potable Water:** According to the Department of Public Works there's an existing 10" diameter watermain in front of the property, along Myrtle Lake Ave, which can provide adequate service. An annual average consumption of 325 gallons per day is estimated

per dwelling unit (per City LDC), which can easily be supplied by the existing 10" watermain.

**Stormwater Drainage:** The property is bordered on the northeast by Crystal Lake which would receive most of the runoff. Our proposed grading and stormwater system will follow the existing terrain, thus the runoff patterns will not be altered. The construction of stormwater ponds will ensure that our project meets local regulations which don't allow for increase in runoff discharge.

## X. **Traffic Impact Analysis**

Our property is fronted by Myrtle Lake Ave (2 lane road), which currently services The Glenn Subdivision (to our west), as well as other surrounding developments, and has adequate pavement width to handle the additional trips generated by a new single family subdivision in our property. Myrtle Lake Ave intersects to the east CR-468, which has an annual adjusted daily traffic of 7,600 (according to FDOT online database). The Transportation Element of Lake County's 2030 Comprehensive Plan doesn't show a necessary increase in lanes for CR-468, due to the adopted level of service by the County. According to the City's LDC, single family units generate 10.06 daily trips / D.U. for a total 694 trips, which can easily be handled by the existing roads. A full traffic report will be prepared for the engineering design at a later stage.

## XI. **School Impact Analysis**

We contacted the Growth Planning Department of the Lake County School Board and they determined that our property would be assigned to:

- Fruitland Park Elementary
- Carver Middle School
- Leesburg High School

According to the Lake County School Board, as of 2021, all of these schools have enough capacity to receive the students generated by a residential development in our property. A School Concurrency Capacity Reservation will be submitted to the School Board at a future stage to reserve the seats for the generated students.

## XII. **Public Services & Others**

New developments require several public, or private, services after constructed. The services & facilities listed below can be found within a few miles of our site.

- **Solid Waste:** can be provided by public service
- **Emergency Services:** On January 1, 2021, Lake County Fire Rescue (LCFR) assumed the responsibility for the delivery of fire protection and rescue services within the city limits of Fruitland Park.
- **Public Parks:** Glen Park is located within a few hundred feet. Also, the City has big parks and recreational complexes: Gardenia Park Recreation Complex, Northwest Lake

Community Center, Cales Memorial Multipurpose Soccer Field Recreation Complex, Olive Park and Veteran's Memorial Park, among others.

### **XIII. Environmental Assessment**

The property is currently vacant, and it doesn't show signs of prior constructions, clearings or alterations. The vegetation is mostly trees and brushes, with the exemption of an existing wetland on the northeast corner, described further below. This environmental assessment covers the following:

**Soils:** An exhibit has been prepared showing the soils classified by the USDA Soil Conservation Service. Our property encompasses approximately 25+/- acres and has 4 primary types of soils. The Soil Conservation Service has classified most of the soils as sand type. The Hydrologic Soil Group for these soils is mostly type "A", with good soil absorption. A full geotechnical study will be performed for the engineering design at a future stage.

**Wetlands and Other Surface Waters:** U.S. Fish & Wildlife Service keeps the National Wetlands Inventory which shows presence of wetland in a small portion of the site's northeast corner (see exhibit). A 25ft buffer will be maintained along the wetland limit. At this moment, there's no residential development proposed within the wetland area or its buffer, but a pedestrian access to the lake will be built as an amenity. A full wetland delineation will be performed for the engineering design at a later stage. Potentially a boat dock can be built to load/unload kayaks and other equipment onto Crystal Lake, as allowed by government regulations. There's no dredging or additional construction proposed within the Lake. Following the current regulations our project will apply for an ERP permit from the Water Management District.

**Endangered Species:** A research of the Florida Fish and Wildlife Conservation Commission (FFWCC) GIS records shows no bald eagles on site, or within a 2,000ft radius. Also, the U.S. Fish and Wildlife Service doesn't show our property, nor the surrounding properties, to be considered critical habitat areas considered essential for the conservation of a listed species. On our site visit of May 14, 2021 no endangered species were seen, but Wildlife detailed surveys will be prepared for the engineering design and permitting at a later stage.

**Flood:** FEMA's Firm Map 12069C0306E, effective 12/18/2012 show a small portion of the northeast corner of the property in a flood zone "AE", with a flood elevation of 78.9ft. The vast majority of the property lies within zone "X" (outside of flooding). The project and its facilities are located outside the flood zone. A drainage study will be prepared for the engineering design at a future stage.

**Land Use and Cover:** The Florida Department of Environmental Protection has continued the efforts of updating the Florida Land Use, Cover, and Forms Classification System maps (FLUCCS), derived from the DOT (1999). Our property has a FLUCCS associated with trees, similar to some of the surrounding properties, which have already been developed.

### **XIV. Florida Master Site File Sign-off**

The Department of State, Division of Historical Resources, issued a letter dated May 7, 2021 which states that *"the Florida Master Site File lists no cultural resources recorded for the*



*designated property*". Also, the City's comprehensive plan, Map 1-8, doesn't show any historical findings within our property, nor nearby.

## **XV. Justification**

Our request to annex, PUD and amend the comprehensive plan follows the best use of this property, which is a residential development. We understand that the Cities/Counties can't update their maps and regulations at a pace to keep up with the constant changes in the economy and needs of their citizens. The following are the main justifications for our request:

1. The density will remain under 4 du/ac, which is the same for the surrounding areas
2. The proposed lot size is allowed under other zoning districts
3. This lot size is compatible with current market standards
4. 60+ individual septic tanks can't be considered environmentally friendly (nor desirable by homeowners), but would be the alternative allowed by the City's LDC, if our request is denied
5. Annexation to the City will require the City to provide water & sewer, but the City is not providing sewer in front of our property. The extra lots that can be created are needed to pay for the sanitary sewer infrastructure required to connect to the City sewer, eliminating the need for septic tanks
6. Adjacent cities allow for even smaller lot sizes and higher densities
7. This annexation, and proposed project, will increase the City's tax base, at no additional cost to the City

**CITY OF FRUITLAND PARK**  
**LPA AGENDA ITEM SUMMARY SHEET**  
**Item Number: 7**

<b>ITEM TITLE:</b>	<b>Public Comments</b>
<b>For the Meeting of:</b>	April 28, 2022
<b>Submitted by:</b>	City Clerk
<b>Date Submitted:</b>	April 14, 2022
<b>Funds Required:</b>	None
<b>Account Number:</b>	N/A
<b>Amount Required:</b>	N/A
<b>Balance Remaining:</b>	N/A
<b>Attachments:</b>	Yes, Resolution 2013-023, Public Participation Policy and Chapter 286 Florida Statutes

**Item Description:** This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the city commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park’s Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the city commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the Local Planning Agency addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

**Action to be Taken:** **None**

**Staff’s Recommendation:** N/A

**Additional Comments:** N/A

**City Manager Review:** Yes

**Mayor Authorization:** Yes

**RESOLUTION 2013 -023**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A PUBLIC PARTICIPATION POLICY WITH REGARD TO MEETINGS OF CITY BOARDS AND COMMISSIONS; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission wishes to adopt a public participation policy for meetings of the City's boards and commissions; and

**WHEREAS**, the City Commission accordingly desires to pass this Resolution 2013-023 to do so.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AS FOLLOWS:**

**Section 1.** The following Public Participation Policy shall apply to meetings of City boards or commissions as provided herein.

Sec. 1. Citizen's Rights

(a) Definition. For the purposes of this section, "board or commission" means a board or commission of the City of Fruitland Park.

(b) Right to be Heard: Members of the public shall be given a reasonable opportunity to be heard on a proposition before a City board or commission except as provided for below. Public input shall be limited to three (3) minutes. This right does not apply to:

1. An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;
2. An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;
3. A meeting that is exempt from §286.011; or
4. A meeting during which the Commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

Sec. 2. Suspension and Amendment of these Rules

(a) Suspension of these Rules: Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the Commission.

(b) Amendment of these Rules: These rules may be amended or new rules adopted by resolution.

- (c) Effect of Variance from Rules: The failure to follow this Public Participation Policy shall not be grounds for invalidating any otherwise lawful act of the City's boards or commissions.

**Section 2.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Resolution.

**Section 3.** This Resolution shall become effective immediately upon passage.

**RESOLVED** this 26 day of September, 2013, by the City Commission of the City of Fruitland Park, Florida.



Christopher J. Bell, Mayor

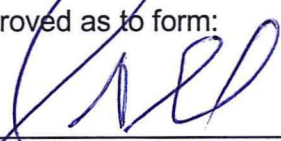
ATTEST:

  
MARIE AZZOLINO, Acting City Clerk

Passed First Reading 9/26/2013

Passed Second Reading N/A

Approved as to form:

  
SCOTT A. GERKEN, City Attorney

Select Year:  

## The 2020 Florida Statutes

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[Title XIX](#)[Chapter 286](#)[View Entire Chapter](#)

## PUBLIC BUSINESS

## PUBLIC BUSINESS: MISCELLANEOUS PROVISIONS

**286.0114 Public meetings; reasonable opportunity to be heard; attorney fees.—**

(1) For purposes of this section, “board or commission” means a board or commission of any state agency or authority or of any agency or authority of a county, municipal corporation, or political subdivision.

(2) Members of the public shall be given a reasonable opportunity to be heard on a proposition before a board or commission. The opportunity to be heard need not occur at the same meeting at which the board or commission takes official action on the proposition if the opportunity occurs at a meeting that is during the decisionmaking process and is within reasonable proximity in time before the meeting at which the board or commission takes the official action. This section does not prohibit a board or commission from maintaining orderly conduct or proper decorum in a public meeting. The opportunity to be heard is subject to rules or policies adopted by the board or commission, as provided in subsection (4).

(3) The requirements in subsection (2) do not apply to:

(a) An official act that must be taken to deal with an emergency situation affecting the public health, welfare, or safety, if compliance with the requirements would cause an unreasonable delay in the ability of the board or commission to act;

(b) An official act involving no more than a ministerial act, including, but not limited to, approval of minutes and ceremonial proclamations;

(c) A meeting that is exempt from s. [286.011](#); or

(d) A meeting during which the board or commission is acting in a quasi-judicial capacity. This paragraph does not affect the right of a person to be heard as otherwise provided by law.

(4) Rules or policies of a board or commission which govern the opportunity to be heard are limited to those that:

(a) Provide guidelines regarding the amount of time an individual has to address the board or commission;

(b) Prescribe procedures for allowing representatives of groups or factions on a proposition to address the board or commission, rather than all members of such groups or factions, at meetings in which a large number of individuals wish to be heard;

(c) Prescribe procedures or forms for an individual to use in order to inform the board or commission of a desire to be heard; to indicate his or her support, opposition, or neutrality on a proposition; and to indicate his or her designation of a representative to speak for him or her or his or her group on a proposition if he or she so chooses; or

(d) Designate a specified period of time for public comment.

(5) If a board or commission adopts rules or policies in compliance with this section and follows such rules or policies when providing an opportunity for members of the public to be heard, the board or commission is deemed to be acting in compliance with this section.

(6) A circuit court has jurisdiction to issue an injunction for the purpose of enforcing this section upon the filing of an application for such injunction by a citizen of this state.

(7)(a) Whenever an action is filed against a board or commission to enforce this section, the court shall assess reasonable attorney fees against such board or commission if the court determines that the defendant to such action acted in violation of this section. The court may assess reasonable attorney fees against the individual filing such an

action if the court finds that the action was filed in bad faith or was frivolous. This paragraph does not apply to a state attorney or his or her duly authorized assistants or an officer charged with enforcing this section.

(b) Whenever a board or commission appeals a court order that has found the board or commission to have violated this section, and such order is affirmed, the court shall assess reasonable attorney fees for the appeal against such board or commission.

(8) An action taken by a board or commission which is found to be in violation of this section is not void as a result of that violation.

**History.**—s. 1, ch. 2013-227.

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