Town of Lake Hamilton

Town Council Regular Meeting Agenda – December 1, 2026

Time: 6:00 P.M.
Location: Chambers 100 Smith Avenue

Phyllis Hall, Mayor
Robert Mathis, Vice Mayor
Marisol Ortega, Council Member Seat 1
Joshua Collier, Council Member Seat 3
Carmen Demanche, Council Member Seat 4

1. CALL TO ORDER

2. INVOCATION

3. PLEDGE TO ALLEGIANCE

4. ROLL CALL

5. PRESENTATION

A. Police Officer Swear In Ceremony

6. CONSENT AGENDA

Note: Members of the Council may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the Mayor under the Approval of the Order of Business at the beginning of the meeting.

A. November 5, 2026, Agenda Review Meeting Minutes

B. November 10, 2026, Regular Council Meeting Minutes

C. November 18, 2026, Special Meetings minutes

7. PUBLIC COMMENT – NON-AGENDA ITEMS (Limited to 3 Minutes)

Your Town Council welcomes and invites citizens to comment on items (Non- Agenda Items) of community interest/concern or to bring forth areas of personal attention which may not have been fully addressed by Town Staff after prior contact to Town Hall, the Council may immediately act on any item or may request it be placed on a future agenda for further consideration.

8. OLD BUSINESS

A. Public Hearing and Final Reading of Ordinance O-2026-XX: an applicant-initiated request amending the Comprehensive Plan of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821-834515-000110), generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from Residential Lands – 5 to Commercial Services. APPROVED on first reading on November 10, 2026.

B. Public Hearing and Final Reading of Ordinance O-2026-XX: an applicant-initiated request amending the zoning classification of a portion of one (1) parcel comprising +/-

2.75 acres (parcel identification numbers: 272821-834515-000110, generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from R-5 Single Family Modular to C-1 Highway Commercial Zoning District (C-1). Approved at first reading on November 10, 2026.

C. Public Hearing and Final Reading of Ordinance O-2026-XX: AN APPLICANT-INITIATED REQUEST AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON FOR A 4 +/- ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD (PARCEL ID NUMBERS 272808-821701-000100 AND PART OF 272808-821701-000011) FROM AGRICULTURE LANDS AND CONSERVATION TO INDUSTRIAL-LIGHT; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. Approved at First Reading on November 10, 2026.

D. Public Hearing and Final Reading of ORDINANCE O-2026-XX: AN APPLICANT-INITIATED REQUEST AMENDING THE ZONING CLASSIFICATION OF A 4 +/- ACRE PARCEL OF LAND (PARCEL ID #S 272808-821701-000100 AND PART OF 272808-821701-000011) GENERALLY LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE (AG) AND CONSERVATION (CON) TO INDUSTRIAL ZONING (M-1) INDUSTRIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Approved at First Reading on November 10, 2026.

E. Public Hearing and Final Reading of ORDINANCE O-2026-XX: AN APPLICANT INITIATED REQUEST, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM AGRICULTURE – AG TO CONSERVATION (CON) FOR A .55 ACRE PORTION OF A PARCEL OF LAND LOCATED NORTHEAST OF 901 ROBERTS ROAD 1890 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD (Parcel ID 27-28-08-821701-000011); AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIBENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. Approved at First Reading on November 10, 2026.

F. Public Hearing and Final Reading of Ordinance O-2026-XX: AN APPLICANT-INTIATED REQUEST REZONING A .55 ACRE PORTION OF A PARCEL OF LAND LOCATED ON THE NORTHEAST OF 901 ROBERTS ROAD 1890 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE TO CONSERVATION (CON) ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR

SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Approved at First Reading on November 10, 2026.

G. Final Reading of Ordinance O-2026-6: AN ORDINANCE OF THE TOWN COUNCIL OF LAKE HAMILTON AMENDING THE CODE OF ORDINANCES, CHAPTER 16 LAND DEVELOPMENT CODE, ARTICLE VII DEVELOPMENT IN FLOOD-PRONE AREAS, TO CORRECT CROSS-REFERENCES, AMEND THE DESIGNATED POSITION OF THE FLOODPLAIN ADMINISTRATOR, AND AMEND THE DEFINITION OF MARKET VALUE FOR THE PURPOSE OF FLOODPLAIN MANAGEMENT; PROVIDING FOR CLARITY; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Approved at First Reading on November 10, 2026.

H. Final Reading of Ordinance O-2026-XX AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, POLK COUNTY, FLORIDA, AMENDING CHAPTER 20, NUISANCES, OF THE TOWN CODE OF ORDINANCES; ESTABLISHING SUPPLEMENTAL DIRECT-ABATEMENT PROCEDURES FOR VACANT LOTS; REVISING COST-RECOVERY AND LIEN-PRIORITY PROVISIONS IN SECTIONS 20-1 AND 20-49 TO CONFORM TO APPLICABLE FLORIDA LAW; Approved at First Reading on November 10, 2026.

9. NEW BUSINESS

A. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA; ADOPTING A CAFETERIA PLAN FOR CALENDAR YEAR 2027 BEGINNING AT 12:01 AM ON JANUARY 1, 2027, AND ENDING DECEMBER 31, 2027; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

B. A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON AMENDING THE FEE SCHEDULE FOR ALL DEVELOPMENT SERVICES AND OTHER SUCH MATTERS REQUIRING ACTION BY THE TOWN STAFF; PROVIDING FOR A REPEAL OF ALL INCONSISITENT RESOLUTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

C. Authorize Town of Lake Hamilton to join Central Florida Development Council (CFDC) as a Public Municipal Partner

10. STAFF REPORTS

TOWN ADMINISTRATORS REPORT

TOWN CLERK REPORT

TOWN ATTORNEY REPORT

TOWN COUNCIL COMMENTS

11. ADJOURNMENT

12. **Any opening invocation that is offered before the official start of the Town Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Town Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Town Council or the town staff, and the Town is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Person in attendance at the Town Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the Town Council Chambers or exit the Town Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.**

Any person desiring to appeal any decision made by the Town Council, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings, and for such purposes, must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense, as the Town does not provide one. (F.S.286.26.105)
ATTN: PERSONS WITH DISABILITIES. In accordance with the American with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding, please contact the Town Clerks Office at 863-439-1910, at least forty-eight (48) hours prior to the meeting, provide a written request to the Office of the Town Clerk. If you are hearing or speech impaired, please contact the
Florida Relay Service by dialing 7-1-1 or 1-800- 955-8771 (TTY) / 1-800-955-8770 (Voice).

5.A

Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH: John Meyer, Interim Chief of Police

FROM: Brittney Sandoval, Town Administrator

AGENDA ITEM: Police Officer Swear In Ceremony

DATE: December 1, 2026

SUMMARY & RECOMMENDATION: Police Officer Swear In Ceremony

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☐ NO: ☐ N/A: ☒

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

6.A

Town of Lake Hamilton

Town Council
Agenda Summary Report

TO:

THROUGH:

FROM:

AGENDA ITEM: November 5, 2026, Agenda Review Meeting Minutes

DATE: December 1, 2026

SUMMARY & RECOMMENDATION:

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☐ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☐

If Yes, Please Explain:

RECOMMENDATION:

ATTACHMENT(S):
Novebmer 5, 2026, Agenda Review meeting minutes .pdf

TOWN OF LAKE HAMILTON MINUTES
TOWN COUNCIL WORKSHOP
THURSDAY, NOVEMBER 5, 2026
6:00 PM

The Town Council of Lake Hamilton held a Town Council Workshop on Thursday, November 5, 2026, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER
Mayor Hall called the meeting to order at 6:01 pm.

INVOCATION
Led by Council Member Ortega

PLEDGE OF ALLEGIANCE
Led by all.

ROLL CALL
Hall, Ortega, Collier, and Demanche were present. Mathis was absent.
Town Attorney Sabatini, Town Administrator Sandoval, Town Clerk Borja, Public Works Director Henry, Community Development Director Ball and Interim Chief John Meyers were present.

WORKSHOP BUSINESS
The council reviewed, discussed and found errors in the agenda items for the November 10, 2026, Regular Council Meeting agenda.

Town Administrator asked the Council for dates they would be available for a special meeting.

The Council discussed.

ADJOURNMENT
Mayor Hall adjourned the meeting at 8:07 pm.

Any opening invocation that is offered before the official start of the Town Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Town Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Town Council or the town staff, and the Town is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the Town Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the Town Council Chambers or exit the Town Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

Any person desiring to appeal any decision made by the Town Council, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings, and for such purposes, must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense, as the Town does not provide one. (F.S. 286.26.105)

ATTN: PERSONS WITH DISABILITIES. In accordance with the American with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding, please contact the Town Clerks Office at 863-439-1910, at least forty-eight (48) hours prior to the meeting, provide a written

request to the Office of the Town Clerk. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1 or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice).

ATTEST:

_____
Phyllis Hall, Mayor

_____
Jacqueline Borja, Town Clerk

_____
Brittney Sandoval, Town Administrator

6.B

Town of Lake Hamilton

Town Council

Agenda Summary Report

TO:

THROUGH:

FROM:

AGENDA ITEM: November 10, 2026, Regular Council Meeting Minutes

DATE: December 1, 2026

SUMMARY & RECOMMENDATION:

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☐ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☐

If Yes, Please Explain:

RECOMMENDATION:

ATTACHMENT(S):
Novemver 10, 2026 Regular Council Meeting minutes.pdf

TOWN OF LAKE HAMILTON MINUTES
TOWN COUNCIL REGULAR MEETING
TUESDAY, NOVEMBER 10, 2026
6:00 PM

The Town Council of Lake Hamilton held a Town Council Regular Meeting on Tuesday, November 10, 2026, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER
Mayor Hall called the meeting to order at 6:02 pm.

INVOCATION
Led by Howard Cone.

PLEDGE TO ALLEGIANCE
Led by all.

ROLL CALL
Hall, Mathis, Ortega, Collier, and Demanche were present. was absent.
Council Member Demanche joined via phone call.

PRESENTATION

Employee of the Quarter Presentation FY25/26 Quarter 4
Town Administrator Sandoval presented the award to Bobby McClain.

Police Officer Swear In Ceremony
Ceremony was postponed to the next meeting.

Christopher Votour request to address Council
Chris Votour was not presented but sent his request via email.
The Council discussed.
Town Attorney advised the Town Council to accept the request based on his legal opinion.
Motion made by Ortega and a second by Collier to approve Christopher Votour's request for his payout of his sick time in the amount of $7,544.38 as long as he signs a drafted by the Town Attorney letter of acknowledgement from the Town.

A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche nay. **Motion passed 4-1.**

CONSENT AGENDA

Note: Members of the Council may remove items from the Consent Agendas if they wish to discuss them. Requests for removal need to be made known to the Mayor under the Approval of the Order of Business at the beginning of the meeting.

Motion made by Collier and a second by Ortega to approve Consent agenda and noting there will not be agenda review meetings for November and December.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

September 28, 2026, Final Trim Meeting minutes

October 1, 2026, Agenda Review Workshop minutes

January Regular Council Meeting moved to January 12th due to the holidays.

PUBLIC COMMENT – NON-AGENDA ITEMS (Limited to 3 Minutes)

Jonathan Stokes commented a proposal for the Town to purchase a property; he spoke with the owner to purchase the property at fair price along with plans on how to develop it.
Howard Cone commented on Jonathan Stokes proposal to purchase the property across from his house.
Frances Crews commented on the partnership of JTL Miller non-profit organization with the Town.
Ron Barawaskas commented in favor the proposal of Jonathan Stokes.

OLD BUSINESS

Continued from the October 6, 2026 Regular Council Meeting - Staff to present information regarding Random Drug and Alcohol Screening process and cost for Employees.
Finance Director Sauerhafer presented the item to the Council.
Council Member Collier discussed the "reasonable suspicion" process.

Staff to present information regarding the organization and use of Human Resources in surrounding cities.
Finance Director Sauerhafer presented the item to the Council.
The Council discussed.
Patrick Henry commented.
Gina Pirtle commented.

NEW BUSINESS

Public Hearing and First Reading of Ordinance O -2026-XX: an applicant-initiated request amending the Comprehensive Plan of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821-834515-000110), generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from Residential Lands – 5 to Commercial Services.

Mayor Hall read the title for the record.
Community Development Director Katz presented the item to the Council.
The applicant's engineer presented the item specs to the Council.
The Council discussed.
Mayor Hall opened the hearing for public comments.
Chuck Walter commented.
The hearing was closed.
Motion made by Ortega and a second by Collier to approve First Reading of Ordinance O-2026-XX: an applicant-initiated request amending the Comprehensive Plan of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821- 834515-000110), generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from Residential Lands Â– 5 to Commercial Services.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

Public Hearing and First Reading of Ordinance O-2026-XX: an applicant-initiated request amending the zoning classification of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821-834515-000110, generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from R-5 Single Family Modular to C-1 Highway Commercial Zoning District (C-1).

Mayor Hall read the title for the record.
Community Development Director Katz presented the item to the Council.
The Council discussed.
Mayor Hall opened the hearing for public comments.
No public comments were made; the hearing was closed.
Motion made by Ortega and a second by Mathis to approve First Reading of Ordinance O-2026-XX: an applicant-initiated request amending the zoning classification of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821- 834515-000110, generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from R-5 Single Family Modular to C-1 Highway Commercial Zoning District (C-1).
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

Public Hearing and First Reading of Ordinance O-2026-XX: AN APPLICANT-INITIATED REQUEST AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON FOR A 4 +/- ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD (PARCEL ID NUMBERS 272808-821701-000100 AND PART OF 272808-821701-000011) FROM AGRICULTURE LANDS AND CONSERVATION TO INDUSTRIAL-LIGHT; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hall read the title for the record.
Community Development Director Katz presented the item to the Council.
The applicant David Gregory and Chris Kay from Pinnacle presented their item.
The Council discussed.
Mayor Hall opened the hearing for public comments.
No public comments were made; the hearing was closed.
Motion made by Mathis and a second by Collier to approve First Reading of Ordinance O-2026-XX: AN APPLICANT-INITIATED REQUEST AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON FOR A 4 +/- ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD (PARCEL ID NUMBERS 272808-821701-000100 AND PART OF 272808-821701-000011) FROM AGRICULTURE LANDS AND CONSERVATION TO INDUSTRIAL-
LIGHT; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENERÂ'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

Public Hearing and First Reading of ORDINANCE O-2026-XX: AN APPLICANT-INITIATED REQUEST AMENDING THE ZONING CLASSIFICATION OF A 4 +/- ACRE PARCEL OF LAND (PARCEL ID #S 272808-821701-000100 AND PART OF 272808-821701-000011) GENERALLY LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE (AG) AND CONSERVATION (CON) TO INDUSTRIAL ZONING (M-1) INDUSTRIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Mayor Hall read the title for the record.
Community Development Director Katz presented the item to the Council.
Mayor Hall opened the hearing for public comments.
No public comments were made; the hearing was closed.
Motion made by Mathis and a second by Ortega to approve First Reading of ORDINANCE O-2026-XX: AN APPLICANT-INITIATED REQUEST AMENDING THE ZONING CLASSIFICATION OF A 4 +/- ACRE PARCEL OF LAND (PARCEL ID #S 272808-821701-000100 AND PART OF 272808-821701-000011) GENERALLY LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE (AG) AND CONSERVATION (CON) TO INDUSTRIAL ZONING (M-1) INDUSTRIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.
Motion made by Mathis and a second by Ortega to approve First Reading of ORDINANCE O-2026-XX: AN APPLICANT-INITIATED REQUEST AMENDING THE ZONING CLASSIFICATION OF A 4 +/- ACRE PARCEL OF LAND (PARCEL ID #S 272808-821701-000100 AND PART OF 272808-821701-000011) GENERALLY LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE (AG) AND CONSERVATION (CON) TO INDUSTRIAL ZONING (M-1) INDUSTRIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

Public Hearing and First Reading of ORDINANCE O-2026- XX: AN APPLICANT INITIATED REQUEST, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM AGRICULTURE – AG TO CONSERVATION (CON) FOR A .55 ACRE PORTION OF A PARCEL OF LAND LOCATED NORTHEAST OF 901 ROBERTS ROAD 1890 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD (Parcel ID 27-28-08-821701-000011); AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIBENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hall read the title for the record.
Community Development Director Katz presented the item to the Council.

Mayor Hall opened the hearing for public comments.
No public comments were made; the hearing was closed.
Motion made by Mathis and a second by Collier to approve First Reading of ORDINANCE O-2026-XX: AN APPLICANT INITIATED REQUEST, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM AGRICULTURE Â– AG TO CONSERVATION (CON) FOR A .55 ACRE PORTION OF A PARCEL OF LAND LOCATED NORTHEAST OF 901 ROBERTS ROAD 1890 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD (Parcel ID 27-28-08-821701-000011); AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDINGFOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIBENERÂ'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

Public Hearing and First Reading of Ordinance O-2026 -XX: AN APPLICANT-INTIATED REQUEST REZONING A .55 ACRE PORTION OF A PARCEL OF LAND LOCATED ON THE NORTHEAST OF 901 ROBERTS ROAD 1890 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE TO CONSERVATION (CON) ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Mayor Hall read the title for the record.
Community Development Director Katz presented the item to the Council.
Mayor Hall opened the hearing for public comments.
No public comments were made; the hearing was closed.
Motion made by Mathis and a second by Collier to approve First Reading of Ordinance O-2026 -XX: AN APPLICANT-INTIATED REQUEST REZONING A .55 ACRE PORTION OF A PARCEL OF LAND LOCATED ON THE NORTHEAST OF 901 ROBERTS ROAD 1890 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE TO CONSERVATION (CON) ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

First Reading of Ordinance O-2026-6: AN ORDINANCE OF THE TOWN COUNCIL OF LAKE HAMILTON AMENDING THE CODE OF ORDINANCES, CHAPTER 16 LAND DEVELOPMENT CODE, ARTICLE VII DEVELOPMENT IN FLOOD-PRONE AREAS, TO CORRECT CROSS-REFERENCES, AMEND THE DESIGNATED POSITION OF THE FLOODPLAIN ADMINISTRATOR, AND AMEND THE DEFINITION OF MARKET VALUE FOR THE PURPOSE OF FLOODPLAIN MANAGEMENT; PROVIDING FOR CLARITY; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
Mayor Hall read the title for the record.
Community Development Director Katz presented the item to the Council.
Mayor Hall opened the hearing for public comments.
No public comments were made; the hearing was closed.
Motion made by Demanche and a second by Collier to approve First Reading of Ordinance O-2026-6: AN ORDINANCE OF THE TOWN COUNCIL OF LAKE HAMILTON AMENDING THE CODE OF

ORDINANCES, CHAPTER 16 LAND DEVELOPMENT CODE, ARTICLE VII DEVELOPMENT IN FLOOD-PRONE AREAS, TO CORRECT CROSS-REFERENCES, AMEND THE DESIGNATED POSITION OF THE FLOODPLAIN ADMINISTRATOR, AND AMEND THE DEFINITION OF MARKET VALUE FOR THE PURPOSE OF FLOODPLAIN MANAGEMENT; PROVIDING FOR CLARITY; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

First Reading of Ordinance O-2026-XX AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, POLK COUNTY, FLORIDA, AMENDING CHAPTER 20, NUISANCES, OF THE TOWN CODE OF ORDINANCES; ESTABLISHING SUPPLEMENTAL DIRECT-ABATEMENT PROCEDURES FOR VACANT LOTS; REVISING COST-RECOVERY AND LIEN-PRIORITY PROVISIONS IN SECTIONS 20-1 AND 20-49 TO CONFORM TO APPLICABLE FLORIDA LAW;
Mayor Hall read the title for the record.
Community Development Director Katz presented the item to the Council.
Mayor Hall opened the hearing for public comments.
No public comments were made; the hearing was closed.
Motion made by Ortega and a second by Collier to approve First Reading of Ordinance O-2026-XX AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, POLK COUNTY, FLORIDA, AMENDING CHAPTER 20, NUISANCES, OF THE TOWN CODE OF ORDINANCES; ESTABLISHING SUPPLEMENTAL DIRECT-ABATEMENT PROCEDURES FOR VACANT LOTS; REVISING COST-RECOVERY AND LIEN-PRIORITY PROVISIONS IN SECTIONS 20-1 AND 20-49 TO CONFORM TO APPLICABLE FLORIDA LAW;
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

RESOLUTION R-2026-XX: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, LAKE HAMILTON, POLK COUNTY, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN OF LAKE HAMILTON FOR FISCAL YEAR 2026-2027; DELINEATING AN AMENDMENT TO THE EXPENDITURES BY DEPARTMENT OF ACTIVITY; REPEALING ALL PROVISIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
Mayor Hall read the title for the record.
Public Works Director Henry presented the item to the Council.
Mayor Hall opened the hearing for public comments.
No public comments were made; the hearing was closed.
Motion made by Collier and a second by Ortega to approve RESOLUTION R-2026-XX: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, LAKE HAMILTON, POLK COUNTY, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN OF LAKE HAMILTON FOR FISCAL YEAR 2026-2027; DELINEATING AN AMENDMENT TO THE EXPENDITURES BY DEPARTMENT OF ACTIVITY; REPEALING ALL PROVISIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

Consider Approval of ADDENDUM 5 TO SUPPLEMENTAL AGREEMENT 24-005 with

Pennoni – MONROE ST. WATER TREATMENT PLANT CONSTRUCTION TECHNICAL SERVICES – GROUNDING STUDY, BENCH TESTING, AND DISINFECTION BYPRODUCT ASSESSMENT SERVICES

Public Works Director Henry presented the item to the Council.
Motion made by Collier and a second by Mathis to approve ADDENDUM 5 TO SUPPLEMENTAL AGREEMENT 24- 005 with Pennoni Â– MONROE ST. WATER TREATMENT PLANT CONSTRUCTION TECHNICAL SERVICES Â– GROUNDING STUDY, BENCH TESTING, AND DISINFECTION BYPRODUCT ASSESSMENT SERVICES
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

Consider Approval to Purchase (2) 2026 Nissan Frontier 4x4 crew cab pickup trucks from Wesley Chapel Nissan.

Public Works Director Henry presented the item to the Council.
Motion made by Ortega and a second by Collier to approve Purchase (2) 2026 Nissan Frontier 4x4 crew cab pickup trucks from Wesley Chapel Nissan.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

Consider Approval of Bid Package for the Town Hall Parking Lot and Drainage Project.

Town Administrator Sandoval presented the item to the Council.
For the record the Bid was updated with the correct dates.
Motion made by Collier and a second by Ortega to approve Bid Package for the Town Hall Parking Lot and Drainage Project with the corrected verbiage and dates on section 1.4A
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

Consider Approval to Purchase a New Caterpillar 416 Backhoe Loader from Ring Power Corporation Utilizing Florida Sheriffs Association Contract FSA26-EQU24.0

Public Works Director Henry presented the item to the Council.
Motion made by Mathis and a second by Collier to approve Purchase a New Caterpillar 416 Backhoe Loader from Ring Power Corporation Utilizing Florida Sheriffs Association Contract FSA26 - EQU24.0 A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye.
Motion passed 5-0.

Discussion and Policy Direction: Land Development Code (LDC) Amendment for Corner Lot Fenes and Utility Easement Encroachments

Planner Assistant Schuette presented the item to the Council for direction.
The Council discussed.

STAFF REPORTS

Town Administrator Sandoval: She informed the Council, the Town had a successful truck or treat event. The 39-mile event was smooth sailing. The Town is currently getting ready for the Christmas Tree Lightening event on December 11th. The vender application for the event is out. The Grant Application will be closed on the 30th in the month of November. Town Hall will be closed for Thanksgiving on November 26 & 27 Thursday and Friday. The staff will have a quarterly meeting with potluck. Northeast Chamber shared the ribbon cutting ceremony. She introduced John Meyers as the interim chief of police to the Council.

Town Clerk Borja: She informed the Council of their upcoming meetings. The Chamber Luncheon taking place in Davenport on Thursday, November 12th. The Ridge Dinner will be in Frostproof on December 10th. She also updated the Council on the statues of records request.

Town Council Comments:

Vice Mayor Mathis brought to the Council's attention, he wants to consider purchasing the property mentioned in the public comments.

The Council discussed.

Motioned made by Mathis, second by Collier to direct staff to look and inquire about potential sale for Danpool property. A roll call vote was taken. Hall aye, Mathis aye, Ortega aye, Collier aye, and Demanche aye. **Motion passed 5-0.**

ADJOURNMENT

Mayor Hall adjourned the meeting at 9:25 pm.

Any opening invocation that is offered before the official start of the Town Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Town Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Town Council or the town staff, and the Town is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Person in attendance at the Town Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the Town Council Chambers or exit the Town Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

Any person desiring to appeal any decision made by the Town Council, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings, and for such purposes, must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense, as the Town does not provide one. (F.S.286.26.105)

ATTN: PERSONS WITH DISABILITIES. In accordance with the American with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding, please contact the Town Clerks Office at 863-439-1910, at least forty-eight (48) hours prior to the meeting, provide a written request to the Office of the Town Clerk. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1 or 1-800- 955-8771 (TTY) / 1-800-955-8770 (Voice).

ATTEST:

_____
Phyllis Hall, Mayor

_____
Jacqueline Borja, Town Clerk

_____
Brittney Sandoval, Town Administrator

6.C

Town of Lake Hamilton

Town Council

Agenda Summary Report

TO:

THROUGH:

FROM:

AGENDA ITEM: November 18, 2026, Special Meetings minutes

DATE: December 1, 2026

SUMMARY & RECOMMENDATION:

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☐ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☐

If Yes, Please Explain:

RECOMMENDATION:

ATTACHMENT(S):
November 18, 2026 Special Meeting minutes.pdf

TOWN OF LAKE HAMILTON MINUTES
TOWN COUNCIL SPECIAL MEETING
WEDNESDAY, NOVEMBER 18, 2026 6:00 PM

The Town Council of Lake Hamilton held a Town Council Special Meeting on Wednesday, November 18, 2026, at 100 Smith Ave., Lake Hamilton, FL 33851.

CALL TO ORDER

Mayor Hall called the meeting to order at 6:00 pm.

INVOCATION

Led by Howard Cone.

PLEDGE OF ALLEGIANCE

Led by all.

ROLL CALL

Hall, Mathis, Ortega, Collier, were present. Demanche was absent.

SPECIAL MEETING BUSINESS

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, POLK COUNTY, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN OF LAKE HAMILTON FOR FISCAL YEAR 2025-2026; REFLECTING AN AMENDMENT TO REVENUE GENERATED TOGETHER WITH THE SOURCES OF THE REVENUE; DELINEATING AN AMENDMENT TO THE EXPENDITURES BY DEPARTMENT OF ACTIVITY; REPEALING ALL PROVISIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

Mayor Hall read the title for the record.
Finance Director Sauerhafer presented the item to the Council.
Mayor Hall opened the hearing for public comments.
No comments were made; hearing closed.
Motion made by Collier and a second by Mathis to approve A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, POLK COUNTY, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN OF LAKE HAMILTON FOR FISCAL YEAR 2025-2026; REFLECTING AN AMENDMENT TO REVENUE GENERATED TOGETHER WITH THE SOURCES OF THE REVENUE; DELINEATING AN AMENDMENT TO THE EXPENDITURES BY DEPARTMENT OF ACTIVITY; REPEALING ALL PROVISIONS IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye and Collier aye . **Motion passed 4-0.**

RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, LAKE HAMILTON, POLK COUNTY, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN OF LAKE HAMILTON FOR FISCAL YEAR 2026-2027 - ADDITIONAL PERSONNEL EXPENSES FOR A FULL-TIME CODE ENFORCEMENT SPECIALIST
Mayor Hall read the title for the record.

Community Development Director Katz presented the item to the Council.
The Council discussed.
Town Administrator further explained the item to the Council.
Mayor Hall opened the hearing for public comments.
Howard Cone commented on his personal code enforcement case on this property.
Motion made by Collier and a second by Ortega to approve RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, LAKE HAMILTON, POLK COUNTY, FLORIDA, ADOPTING A BUDGET AMENDMENT FOR THE TOWN OF LAKE HAMILTON FOR FISCAL YEAR 2026-2027 - ADDITIONAL PERSONNEL EXPENSES FOR A FULL-TIME CODE ENFORCEMENT SPECIALIST
A roll call vote was taken. Hall aye, Mathis nay, Ortega aye and Collier aye. **Motion passed 3-1.**

Consider Approval of Amendment 1 of the State Revolving Fund Loan Agreement WW531680 for the Town of Lake Hamilton.

Public Works Director Henry presented the item to the Council.

Motion made by Mathis and a second by Ortega to approve Amendment 1 of the State Revolving Fund Loan Agreement WW531680 for the Town of Lake Hamilton
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye and Collier aye. **Motion passed 4-0.**

Consider Approval of Change Order #4 for Lake Hamilton Monroe Street Water Treatment Plant and Offsite Wellfield Project.

Public Work Director Henry presented the item to the Council.

Motion made by Mathis and a second by Ortega to approve Change Order #4 for Lake Hamilton Monroe Street Water Treatment Plant and Offsite Wellfield Project.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye and Collier aye. **Motion passed 4-0.**

ADDENDUM 6 TO SUPPLEMENTAL AGREEMENT 24-005 (PENNONI) – MONROE ST. WATER TREATMENT PLANT CONSTRUCTION TECHNICAL SERVICES.

Public Work Director Henry presented the item to the Council.
Motion made by Mathis and a second by Ortega to approve ADDENDUM 6 TO SUPPLEMENTAL AGREEMENT 24-005 (PENNONI) Â– MONROE ST. WATER TREATMENT PLANT CONSTRUCTION TECHNICAL SERVICES.
A roll call vote was taken. Hall aye, Mathis aye, Ortega aye and Collier aye. **Motion passed 4-0.**

SUPPLEMENTAL AGREEMENT 26-013 TO MASTER AGREEMENT FDEP WASTEWATER TREATMENT FACILITY PERMIT RENEWAL SERVICES
Public Works Director Henry presented the item to the Council.
Motion made by Mathis and a second by Ortega to approve SUPPLEMENTAL AGREEMENT 26-013 TO MASTER AGREEMENT FDEP WASTEWATER TREATMENT FACILITY PERMIT RENEWAL SERVICES

A roll call vote was taken. Hall aye, Mathis aye, Ortega aye and Collier aye **Motion passed 4-0.**

Town Administrator ask the Council to approve an addendum to the agenda to discuss Danpol property.
The Council was in consensus.
Main Street Property
Town Administrator Sandoval presented the item to the Council.
She reached out to the property owner Alex per Town Council request asking they would sell the property to the Town.
The property owner presented to options to the Town; to purchase property at $900,000 or long term lease it at $8,500.
Finance Director Sauerhafer informed the Council as of now currently the Town as $995,640.
The Council discussed.
Howard Cone Commented the town should ask for the owner to hold off on selling the property until the Town can budget to buy it for year 2027-2028.
Motioned made by Mathis, second by Collier to direct staff to look for grants to purchase the property and discussed further with the property owner. Roll Call was taken Ortega nay, Collier yay, Mathis yay and Hall nay. **2-2 motioned did not pass.**

ADJOURNMENT

Mayor Hall adjourned the meeting at 6:51 pm.

Any opening invocation that is offered before the official start of the Town Council meeting shall be the voluntary offering of a private person, to and for the benefit of the Town Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Town Council or the town staff, and the Town is not allowed by law to endorse the religious or non-religious beliefs or views of such speaker. Persons in attendance at the Town Council meeting are invited to stand during the opening ceremony. However, such invitation shall not be construed as a demand, order, or any other type of command. No person in attendance at the meeting shall be required to participate in any opening invocation that is offered or to participate in the Pledge of Allegiance. You may remain seated within the Town Council Chambers or exit the Town Council Chambers and return upon completion of the opening invocation and/or Pledge of Allegiance if you do not wish to participate in or witness the opening invocation and/or the recitation of the Pledge of Allegiance.

Any person desiring to appeal any decision made by the Town Council, with respect to any matter considered at such meeting or hearing, will need a record of the proceedings, and for such purposes, must ensure that a verbatim record and transcript of the proceeding is made in a form acceptable for official court proceedings, which record includes the testimony and evidence upon which the appeal is to be based. It shall be the responsibility of the person desiring to appeal any decision to prepare a verbatim record and transcript at his/her own expense, as the Town does not provide one. (F.S. 286.26.105)

ATTN: PERSONS WITH DISABILITIES. In accordance with the American with Disabilities Act and Section 286.26, Florida Statutes, persons needing special accommodations to participate in this proceeding, please contact the Town Clerks Office at 863-439-1910, at least forty-eight (48) hours prior to the meeting, provide a written request to the Office of the Town Clerk. If you are hearing or speech impaired, please contact the Florida Relay Service by dialing 7-1-1 or 1-800-955-8771 (TTY) / 1-800-955-8770 (Voice).

ATTEST:

_____
Phyllis Hall, Mayor

_____
Jacqueline Borja, Town Clerk

_____
Brittney Sandoval, Town Administrator

Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH: Brittney Sandoval, Town Administrator

FROM: Jonah Katz, CD Director

AGENDA ITEM:

Public Hearing and Final Reading of Ordinance O-2026-XX: an applicant-initiated request amending the Comprehensive Plan of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821-834515-000110), generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from Residential Lands – 5 to Commercial Services. APPROVED on first reading on November 10, 2026.

DATE: December 1, 2026

SUMMARY & RECOMMENDATION:

The applicant is requesting a comprehensive plan amendment to change the future land use map classification from Residential Lands – 5 (RES-5.0) to Commercial-Service (CS). The applicant has a companion rezoning request for the same area, requesting a change from R-5 to C-1. The attached staff report provides an analysis of the request. Planning Commission reviewed this request at their meeting on September 9, 2026 and made a recommendation to Council to approve the request based on its consistency with the Town of Lake Hamilton Comprehensive Plan.

CONSENT AGENDA ☐ **OLD BUSINESS** ☒ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Ordinance O-2026-XX - Land Use LH Self Parking and Storage_1122026.pdf
Diaz Detour Commercial FLU Staff Report _ TOWNCOUNCIL.pdf

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM RESIDENTIAL LANDS – 5 TO COMMERCIAL SERVICES FOR A 2.75 ACRE PARCEL OF LAND LOCATED ON THE WEST SIDE OF DETOUR ROAD 515 FEET SOUTH OF THE INTERSECTION OF DETOUR ROAD AND HATCHINEHA ROAD; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIBENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 through 163.3215, Florida Statutes, empowers local governments to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth; and

WHEREAS, in exercise of its authority the Town Council has determined it necessary to adopt amendments to the Town's Comprehensive Plan, which are attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Comprehensive Plan is in full compliance with the laws of the State of Florida; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Town Council has held meetings and hearings on **Ordinance O-2026-XX**, the amendment to the Comprehensive Plan and made a part hereof; and the meetings were advertised and held with due public notice to obtain public comment; and having considered written and oral comments received during public hearings, find the amendment complete and appropriate to the needs of the Town.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The provisions set forth in the recitals of this Ordinance (whereas clauses) are hereby adopted by the Town Council as legislative findings and intent of the Ordinance.

SECTION 2. AMENDMENT TO THE COMPREHENSIVE PLAN. The Town of Lake Hamilton Comprehensive Plan, Future Land Use Map is hereby amended as set forth in Exhibit "A".

SECTION 3. 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 4. COPY OF ORDINANCE ON FILE. A copy of this Ordinance shall be kept on file in the office of the Lake Hamilton Town Clerk.

SECTION 5. CONFLICTS WITH OTHER ORDINANCES. That portion of any Ordinance which may be in conflict with this Ordinance is hereby repealed with the adoption of this Ordinance.

SECTION 6. EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency, or the Administration Council enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

SECTION 7. INCORPORATION INTO COMPREHENSIVE PLAN. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Comprehensive Plan is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

INTRODUCED and PASSED on first reading this 10th day of November, 2026.
PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____

PHYLLIS HALL, MAYOR

ATTEST:

_____

JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____

ANTHONY SABITINI, ESQ., TOWN ATTORNEY

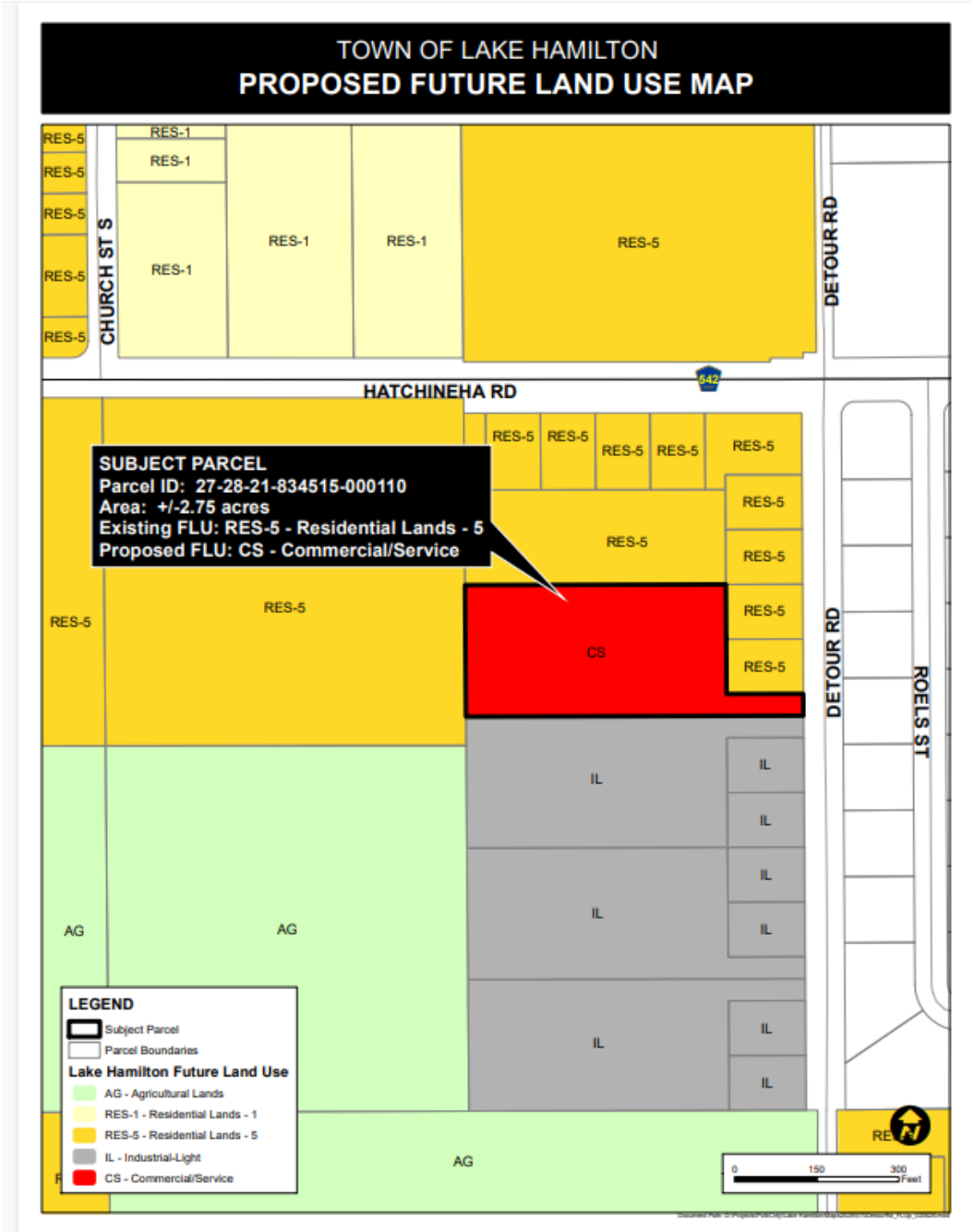
Record of Vote	Yes	No
Ortega		
Mathis		
Demanche		
Hall		
Collier		

Exhibit A

Legal Descriptions: Lake Hamilton Hills Plat Book 152 Page 3, Lots 11

Parcel ID Numbers: 272821-834515-000110

Future Land Use Map Amendment:



Town of Lake Hamilton

FLU Staff Report

November 10, 2026

TO: **LAKE HAMILTON TOWN COUNCIL**

FROM: **Community Development**

SUBJECT: **FUTURE LAND USE MAP AMENDMENT**

Ordinance 2026-xx: An applicant-initiated amendment to the Future Land Use Map of the Town of Lake Hamilton specifically changing the Future Land Use Map designation for a portion of a parcel that totals approximately 2.75 acres, generally located along the West Side of Detour Road 515 Feet South of the Intersection of Detour Road and Hatchineha Road, parcel ID Number 272821-834515-000110 from Residential Land – 5 (R5) to Commercial/Service (CS).

AGENDA & HEARING DATES:

Planning Commission Meeting: Wednesday September 9th at 5:30 PM
Anticipated Town Council Meeting (First Reading): Tuesday November 10th at 6:00 PM
Anticipated Town Council Meeting (Second Reading): Tuesday, December 1st at 6:00 PM

Attachments

Location Map Aerial Photo | Existing Future Land Use Map | Proposed Future Land Use Map | Ordinance 2026-xx Lake Hamilton Self Storage

Overview:

APPLICATIONS	
Owner	Carlos Diaz
Agent	JD Salazar – Barrios Engineering
Property Size	± 2.75 Acres
Property Location	Generally located along the West Side of Detour Road 515 Feet South of the Intersection of Detour Road and Hatchineha Road
Parcel ID	272821-834515-000110
Future Land Use: Existing	Town Agricultural Lands (R-5)
Future Land Use: Proposed	Town Commercial/Service (CS)

BACKGROUND AND REASON FOR REQUEST:

The applicant is requesting a Future Land Use change from Residential Lands - 5 (R-5) to Town Commercial/Service (CS). The applicant has a companion rezoning application requesting Town Highway Commercial (C-1) to facilitate a commercial development. Descriptions for both the existing and proposed Future Land Use are provided as follows:

Town of Lake Hamilton Comprehensive Plan, Future Land Use Element, Policy

Existing Future Land Use:

Policy 1.2.5: Residential Lands-5.0 (RES-5.0)

a) **Purpose:**

Identification of areas which are established for a medium-density residential environment of urban character, and which may be utilized for compatible short-term agricultural activities..

b) **Range of Potential Uses:**

Suburban or urban residential uses, short-term agricultural uses, agriculturally-compatible residential uses, public or semi-public uses, and low-intensity recreational uses.

c) **Range of Potential Density/Intensity:**

The maximum gross residential density is 5.0 dwelling units per acre and the maximum floor area ratio for non-residential development shall not exceed 0.25.

Proposed Future Land Use:

Policy 1.2.8: Commercial/Service (CS)

a) **Purpose:**

Identification of areas which are established for commercial uses of a service nature, including highway oriented businesses, and which are restricted in permissive use and/or intensity in direct relationship to their specific location.

b) **Range of Potential Uses:**

Motels, restaurants, curio shops, fruit sales, recreation uses, automotive service stations, automotive sales and service, machinery and equipment assembly and repair, warehousing, and public or semi-public uses.

c) Range of Potential Density/Intensity:

The maximum floor area ratio for non-residential development shall not exceed 0.5.

COMPREHENSIVE PLAN COMPATIBILITY:

This request can be considered to meet Polices 5.1.2, 5.3.2, and 5.3.3 of the Comprehensive Plan. The relevant section of the Comprehensive Plan are excerpted below:

OBJECTIVE 5.1: DESIGNATE AREAS FOR THE DEVELOPMENT OF RETAIL COMMERCIAL AREAS AT LOCATIONS AND INTENSITIES WHICH WILL BE COMPATIBLE WITH THE ESTABLISHED FUNCTIONAL AND AESTHETIC CHARACTER OF THE COMMUNITY.

Policy 5.1.2: Utilize the zoning regulations to establish the grouping and concentration of retail commercial uses at nodal points in the community having immediate access to the major roadway system and to necessary public facilities and services.

OBJECTIVE 5.3: PROHIBIT COMMERCIAL UTILIZATION OF LANDS ILL-SUITED OR NOT FULLY DEMONSTRATED AS NEEDED FOR COMMERCIAL DEVELOPMENT

Policy 5.3.2: Designate land on the zoning map for commercial usage only when an immediate commercial development of said land is proposed.

Policy 5.3.3: Designate land for commercial usage only at locations where commercial development will be consistent with the established land use pattern.

Additional considerations of this proposal's compatibility with the Comprehensive Plan can be made under the following sections:

GOAL 1 (Transportation Element):

IT SHALL BE THE GOAL OF THE TOWN OF LAKE HAMILTON TO PROVIDE A SAFE AND EFFICIENT TRANSPORTATION SYSTEM FOR ALL MODES OF TRAVEL THAT IS FINANCIALLY FEASIBLE, CONSISTENT WITH COMMUNITY NEEDS, AND ENVIRONMENTALLY SOUND.

OBJECTIVE 2.2 (Transportation Element):

COORDINATE ALL EXISTING AND PROPOSED TRANSPORTATION IMPROVEMENTS WITH THE FUTURE LAND USES AS SHOWN ON THE FUTURE LAND USE MAP

OBJECTIVE 3.3 (Transportation Element): THE TOWN SHALL COORDINATE WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION, THE POLK TRANSPORTATION

PLANNING ORGANIZATION, AND POLK COUNTY TO ASSURE RIGHT-OF-WAY AVAILABILITY FOR CAPACITY EXPANSION.

Policy 3.3.1: Require minimum structural setbacks for all new development and redevelopment within the Town limits that abuts a State, County, or Town roadway in order to provide right-of-way availability.

Specific impacts to town and regional infrastructure of the development will be measured in more detail upon site plan review and evaluation of the specific uses proposed. It is appropriate at the plan amendment review stage, however, for the Planning Commission and Council to consider the impacts of changing allowable land uses will have on general infrastructure capacities.

Table 1 includes the density/intensity for the amendment to the Future Land Use Map request for the property, the potential change could result in a potential increase of 59,961 sq.ft of non-residential.

Table 1:
Analysis of Impacts from Proposed Future Land Use Map Amendment

	Existing FLU: Residential Lands - 5 11.16 (2.75 acres)	**Proposed FLU: Commercial Service (CS) (2.75 acres)**
Density/Intensity	5 du/ac Non-Residential FAR: .25	FAR 0.5
Density Potential	13.8 Potential DUs	59,961 SF
Difference	No commercial	No residential

The proposed Future Land Use, can be considered compatible with the Comprehensive Plan conditions and can be considered compatible with the surrounding area based on the Future Land Uses assigned to nearby properties within the Town limits. More information is available in the Land Use Analysis located below:

Land Use Analysis:

The subject property is surrounded by properties within the incorporated Town limits to its North, South, and West. The East of the Subject property is unincorporated Polk County lands. The unincorporated Polk County properties have a Future Land Use Designation of A/RR under Polk County's land code and contain single family residences. To the North of the subject property is an existing modular home use, with

Town Residential Lands-5 Future Land Use and R-5 zoning. To the west of the subject property is agricultural lands under a future land use designation of Residential Lands-5 and Planned Unit Development (PUD) zoning. To the South of the subject property is an existing commercial property under the same ownership of the subject property.

The Land Use Matrix below outlines the existing and proposed Future Land Use and zoning of the subject property and the adjacent properties. The proposed Future Land Use and Zoning Maps are also provided for reference.

Land Use Matrix

Northwest	North	Northeast
FLU: Town Residential Lands-5 **ZONING**: PUD **EXISTING USE:** Agricultural	**FLU: Town Residential Lands-5** **ZONING**: R-5 **EXISTING USE:** Modular Home	**FLU: Town Residential Lands-5** **ZONING**: R-5 **EXISTING USE:** Vacant Residential
West	**Subject Property**	**East**
FLU: Town Residential Lands-5 **ZONING**: PUD **EXISTING USE:** Agricultural	**EXISTING FLU:** Residential Lands – 5 **PROPOSED FLU:** Town C/S **EXISTING ZONING:** Town R5 **PROPOSED ZONING:** Town C-1 **EXISTING USE:** Vacant	**FLU: A/RR (Polk County)** **ZONING**: N/A **EXISTING USE:** SFR
Southwest	**South**	**Southeast**
FLU: Town Agricultural Lands **ZONING**: C-1 **EXISTING USE:** Agricultural	**FLU:** Industrial-Light **ZONING**: M-1 **EXISTING USE:** Commercial	**FLU: A/RR (Polk County)** **ZONING**: N/A **EXISTING USE:** SFR

<u>Public Facilities and Services Analysis</u>:

The following is a summary analysis of the potential impacts on existing public facilities and services.

Potable Water

At this time, the Town can provide potable water for the development. A water line exists

along Detour Road. This system currently has sufficient capacity to accommodate the proposed land use change. This statement is not intended to assert that this capacity will be reserved for proposed development on the subject parcel. The town will evaluate the point of connection when the applicant requests potable water service and a point of connection through development review. The owner/developer will be responsible for the cost of any improvements related to the development of the subject property.

Sanitary Sewer

At this time, the Town cannot provide sanitary sewer for the development.

Transportation/Traffic:

The subject property has access to Detour Road, which is maintained by the Town. At this time, a traffic study was not conducted. When specific uses are identified, during a construction plan review, a traffic study will be provided and reviewed.

Trip generation rates for the proposed use for the stie using ITE code 12th edition, anticipates the generation 31 Trips ADT's and 4 peak hr trips. However, the proposed land use could result in a higher generation of trips depending on the final development. A traffic study will take place at the time construction plans are submitted for review.

Schools

The proposed commercial will not impact Polk County schools.

Recreation/Open Space:

There are no requirements for commercial to provide recreation/open space.

Emergency Services:

Emergency services for both City and County-operated facilities are all in close proximity to the subject property. Police, fire, and EMS are located within a 3-mile radius (by car) and travel time without sirens is 6 minutes or less.

- Polk County Fire Rescue – 1.1 Miles ~ 5 minutes
- Lake Hamilton Police Department – 1.1 Miles ~ 5 minutes
- Winter Haven Hospital Emergency Room – 9 miles ~ 22 minutes
- Heart of Florida Davenport Emergency Room – 11.9 miles – 25 minutes

Environmental:

The site does not include wetland or floodplains. The applicant has provided an Environmental Assessment Report for review. No noteworthy observations were identified.

Recommendation:

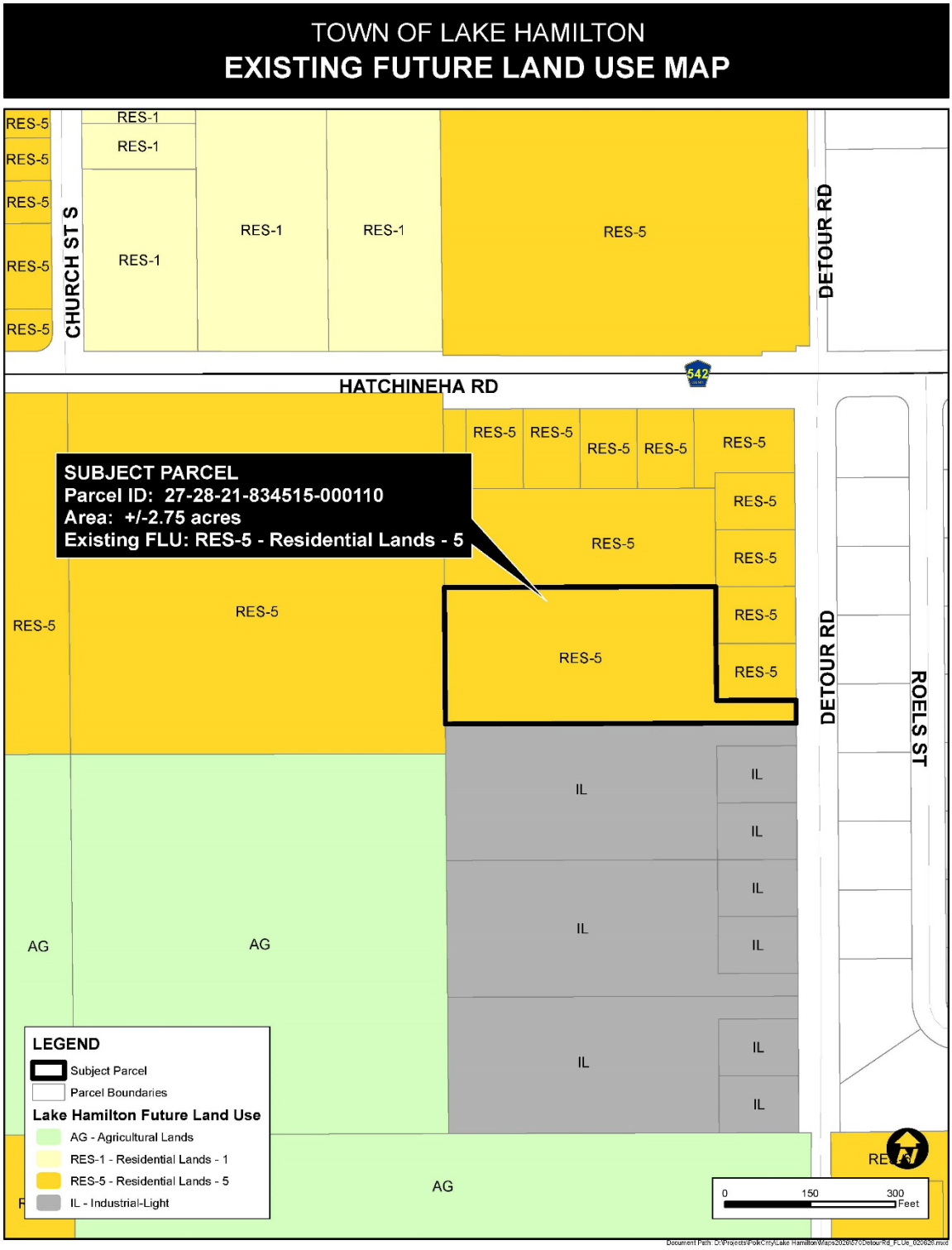
Town Council may consider the request and approve or deny it based on whether it is consistent with the Comprehensive Plan and compatible with the surrounding area.

At the September 9th, 2026 meeting of the Lake Hamilton Planning Commission, it was recommended that the Town Council approve this request.

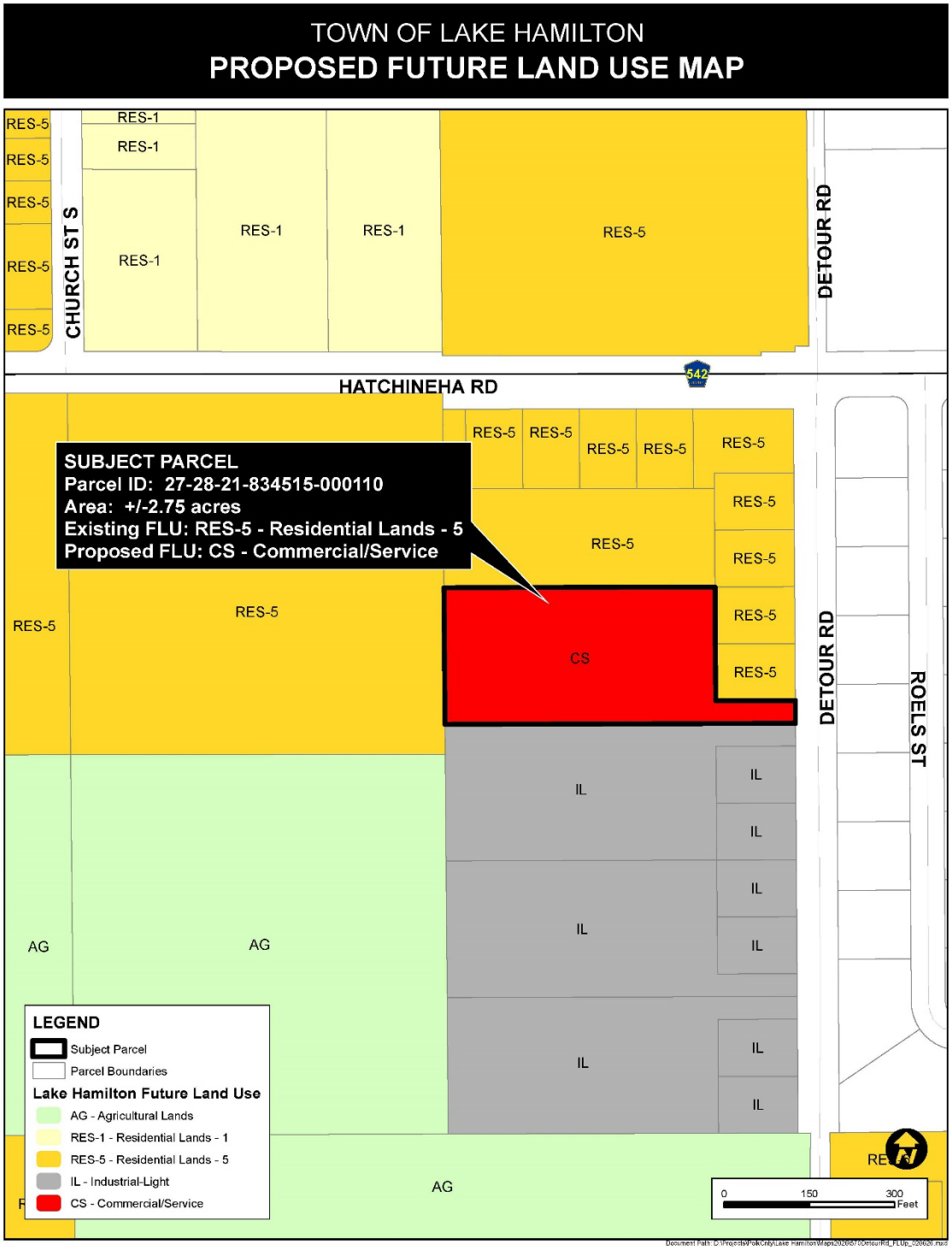
AERIAL MAP
LAKE HAMILTON SELF PARK & STORAGE



EXISTING FLU
LAKE HAMILTON SELF PARK & STORAGE



PROPOSED FLU
LAKE HAMILTON SELF PARK & STORAGE



Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH:

FROM: Jonah Katz, CD Director

AGENDA ITEM:

Public Hearing and Final Reading of Ordinance O-2026-XX: an applicant-initiated request amending the zoning classification of a portion of one (1) parcel comprising +/- 2.75 acres (parcel identification numbers: 272821-834515-000110, generally located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road from R-5 Single Family Modular to C-1 Highway Commercial Zoning District (C-1). Approved at first reading on November 10, 2026.

DATE: December 1, 2026

SUMMARY & RECOMMENDATION:

The applicant is requesting to rezone from R-5 to C-1 to facilitate the development of a commercial development. The applicant has a companion FLU application requesting Commercial Services (CS) designation. The attached staff report provides an analysis of the request. Planning Commission at their meeting on September 9, 2026 recommended that Town Council approve this item based on its consistency with the Town of Lake Hamilton Comprehensive Plan.

CONSENT AGENDA ☐ **OLD BUSINESS** ☒ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Ordinance O-2026-XX - Rezoning LH Self Parking and Storage_1122026.pdf
Diaz Detour Commercial Rezoning Staff Report _ TOWNCOUNCIL.pdf

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, REZONING A 2.75 ACRE PARCEL OF LAND LOCATED ON THE WEST SIDE OF DETOUR ROAD 515 FEET SOUTH OF THE INTERSECTION OF DETOUR ROAD AND HATCHINEHA ROAD FROM R-5 SINGLE-FAMILTY MODULAR TO C-I HIGHWAY COMMERCIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there has been a request for approval of a rezoning of the property described below; and

WHEREAS, the change will further the general health, safety, and welfare and be a benefit to the Town as a whole; and

WHEREAS, the zoning change requested by the applicant is consistent with the Future Land Use Element of the Lake Hamilton Comprehensive Plan.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

1. The parcel is located 515 feet south of the intersection of Hatchineha and Detour Roads on the west side of Detour Road as shown on Map "A", which is attached hereto, and consists of a total of approximately 2.75 acres, and is described as follows:

   LAKE HAMILTON HILLS SUBDIVISION, LOTS 11, PLAT BOOK 152, PAGE 3

2. The parcel, as platted and described above, constitutes less than five percent (5%) of the municipally zoned area of the Town.

3. Said property is hereby rezoned from R-5 Single-family Modular Zoning District to C-1 Commercial Zoning District and the regulations of that District contained in the Land Development Code shall govern further public review and development of the property within this District with the following specific conditions:

   a. That any section, paragraph, or portion which may be deemed illegal or unconstitutional shall not affect any other section of this ordinance.

   b. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

   c. This ordinance shall take effect immediately upon adoption after second reading.

4. A certified copy of this Ordinance, as well as a copy of the Land Development Code shall be located in the Office of the Town Clerk of Lake Hamilton.

INTRODUCED and PASSED on first reading this 10th day of November, 2026.

PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____

PHYLLIS HALL, MAYOR

ATTEST:

_____

JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____

ANTHONY SABITINI, ESQ., TOWN ATTORNEY

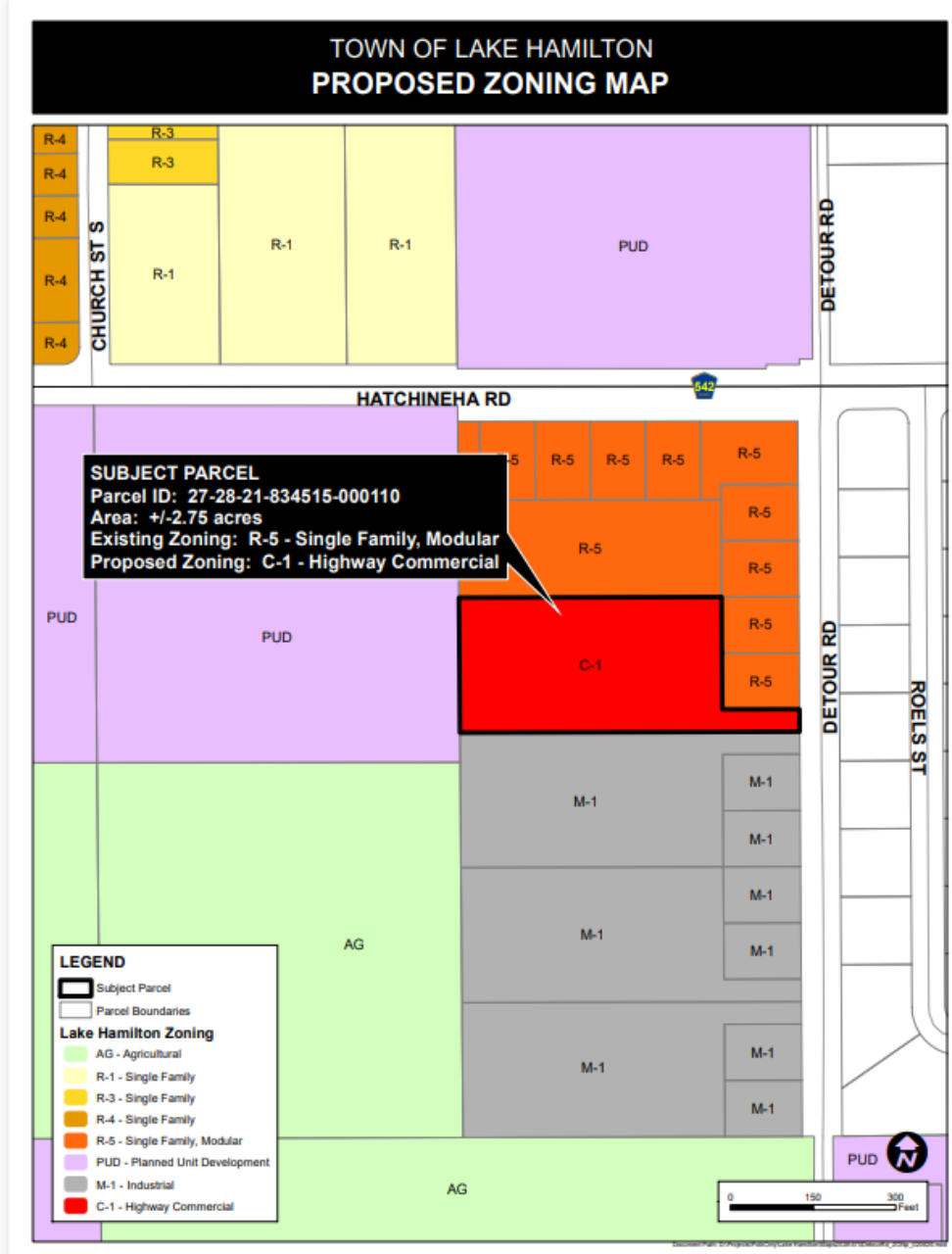
Record of Vote	Yes	No
Ortega		
Mathis		
Demanche		
Hall		
Collier		

MAP A

Legal Descriptions: Lake Hamilton Hills Plat Book 152 Page 3, Lot 11

Parcel ID Numbers: 272821-834515-000110

Future Land Use Map Amendment:



Town of Lake Hamilton

Rezoning Staff Report

November 10, 2026

TO: TOWN COUNCIL

FROM: **Community Development Director**

SUBJECT: **Commercial Rezoning**
Ordinance 2026-xx: An applicant-initiated amendment to the Official Zoning Map of the Town of Lake Hamilton specifically changing the zoning of a parcel that totals approximately 2.75 acres, generally located along the West Side of Detour Road 515 Feet South of the Intersection of Detour Road and Hatchineha Road, parcel ID Number 272821-834515-000110. The requesting zoning change is from R-5 Single Family Modular (R-5) to Highway Commercial (C-1).

AGENDA & HEARING DATES:

Planning Commission Meeting: Wednesday, September 9th at 5:30 PM
Anticipated Town Council Meeting (First Reading): Tuesday November 10th at 6:00 PM
Anticipated Town Council Meeting (Second Reading): Tuesday, December 1st at 6:00 PM

Attachments
Location Map Aerial Photo | Existing Zoning Map | Proposed Zoning Map | Ordinance 2026-xx Lake Hamilton Self Storage

Overview:

APPLICATIONS	
Owner	Carlos Diaz
Agent	JD Salazar – Barrios Engineering
Property Size	± 2.75 Acres
Property Location	Generally located along the West Side of Detour Road 515 Feet South of the Intersection of Detour Road and Hatchineha Road
Parcel ID	272821-834515-000110
Future Land Use: Existing	R-5 Single Family Modular
Future Land Use: Proposed	C-1 Highway Commercial

BACKGROUND AND REASON FOR REQUEST:
The applicant is requesting to rezone from R-5 to C-1 to facilitate the development of a new self storage facility on the property. The applicant has a companion FLU application requesting Commercial Services (CS) designation. Descriptions for both the existing and proposed zoning categories are provided as follows:

Existing R-5 District:

Sec. 16-104 – Description of Zoning Districts

b. *Purpose.* The medium single-family modular dwelling district (R-5) is intended for mid-density urban single-family residential development. The purpose of the R-5 modular dwelling district is to provide areas within the town for modular homes; to designate those uses and services deemed appropriate and proper for location and development within said zoning district; and to establish such development standards and provisions as are necessary to ensure proper development in a medium-density, modular dwelling, and residential environment. It is intended that the maximum residential density within the district shall be six dwelling units per acre of land. The minimum lot size is 6,000 square feet.

Proposed C-1 Highway Commercial Zoning District:

Sec. Sec. 16-108. - C-1 Commercial District.

(a) *Scope, purpose and permitted uses.* This section applies to the C-1 commercial district. The purpose of the C-1 commercial district is to:

(1) Provide for commercial uses of land and buildings along certain highway frontage in a manner that will recognize its economic utility in servicing the motoring public;

(2) Establish certain criteria to promote traffic safety in such service; and

(3) Minimize any adverse effect of such commercial uses on adjoining residential or agricultural districts.

COMPREHENSIVE PLAN AND ZONING COMPATIBILITY:

Table 1 includes the density/intensity for the amendment to the Future Land Use Map request for the property, the potential change could result in a potential increase of 243,000 sq.ft of non-residential.

Table 1:

Analysis of Impacts from Proposed Rezoning

	Existing Zoning: (R-5) Single Family Modular (2.75 Acres)	Proposed Zoning: (C-1) Commercial Highway (2.75 acres)
Density/Intensity	6 DU/AC	FAR 0.35
Density Potential	16.5 DU	41,793 SF

The proposed zoning change can be considered compatible with the surrounding area based on the Future Land Uses and zoning on nearby properties. More information is available in the Land Use Analysis located below:

Land Use Analysis:

The subject property is surrounded by properties within the incorporated Town limits to its North, South, and West. The East of the Subject property is unincorporated Polk County lands. The unincorporated Polk County properties have a Future Land Use Designation of A/RR under Polk County's land code and contain single family residences. To the North of the subject property is an existing modular home use, with Town Residential Lands-5 Future Land Use and R-5 zoning. To the west of the subject property is agricultural lands under a future land use designation of Residential Lands-5 and Planned Unit Development (PUD) zoning. To the South of the subject property is an existing commercial property under the same ownership of the subject property.

The Land Use Matrix below outlines the existing and proposed Future Land Use and zoning of the subject property and the adjacent properties. The proposed Future Land Use and Zoning Maps are also provided for reference.

Land Use Matrix

Northwest	North	Northeast
FLU: Town Residential Lands-5 **ZONING**: PUD **EXISTING USE:** Agricultural	**FLU: Town Residential Lands-5** **ZONING**: R-5 **EXISTING USE:** Modular Home	**FLU: Town Residential Lands-5** **ZONING**: R-5 **EXISTING USE:** Vacant Residential
West	**Subject Property**	**East**
FLU: Town Residential Lands-5	**EXISTING FLU:** Residential Lands – 5	**FLU: A/RR (Polk County)**

ZONING: PUD **EXISTING USE:** Agricultural	**PROPOSED FLU:** Town C/S **EXISTING ZONING:** Town R5 **PROPOSED ZONING:** Town C-1 **EXISTING USE:** Vacant	**ZONING**: N/A **EXISTING USE:** SFR
Southwest	**South**	**Southeast**
FLU: Town Agricultural Lands **ZONING**: C-1 **EXISTING USE:** Agricultural	**FLU:** Industrial-Light **ZONING**: M-1 **EXISTING USE:** Commercial	**FLU: A/RR (Polk County)** **ZONING**: N/A **EXISTING USE:** SFR

Public Facilities and Services Analysis:

The following is a summary analysis of the potential impacts on existing public facilities and services.

Potable Water

At this time, the Town can provide potable water for the development. A water line exists along Detour Road. This system currently has sufficient capacity to accommodate the proposed land use change. This statement is not intended to assert that this capacity will be reserved for proposed development on the subject parcel. The town will evaluate the point of connection when the applicant requests potable water service and a point of connection through development review. The owner/developer will be responsible for the cost of any improvements related to the development of the subject property.

Sanitary Sewer

At this time, the Town cannot provide sanitary sewer for the development.

Transportation/Traffic:

The subject property has access to Detour Road to the East, which is maintained by the Town. At this time, a traffic study was not conducted. When specific uses are identified, during a construction plan review, a traffic study will be provided and reviewed.

Trip generation rates for the proposed use for the site using ITE code 12th edition, anticipates the generation 31 Trips ADT's and 4 peak hr trips. However, the proposed land use could result in a higher generation of trips depending on the final development. A traffic study will take place at the time construction plans are submitted for review.

Schools

The proposed commercial will not impact Polk County schools.

Recreation/Open Space:

There are no requirements for commercial to provide recreation/open space.

Emergency Services:

Emergency services for both City and County-operated facilities are all in close proximity to the subject property. Police, fire, and EMS are located within a 3-mile radius (by car) and travel time without sirens is 6 minutes or less.

- Polk County Fire Rescue – 1.1 Miles ~ 5 minutes
- Lake Hamilton Police Department – 1.1 Miles ~ 5 minutes
- Winter Haven Hospital Emergency Room – 9 miles ~ 22 minutes
- Heart of Florida Davenport Emergency Room – 11.9 miles – 25 minutes

Environmental:

The site does not include wetland or floodplains. The applicant has provided an Environmental Assessment Report for review. No noteworthy observations were identified.

Recommendation:

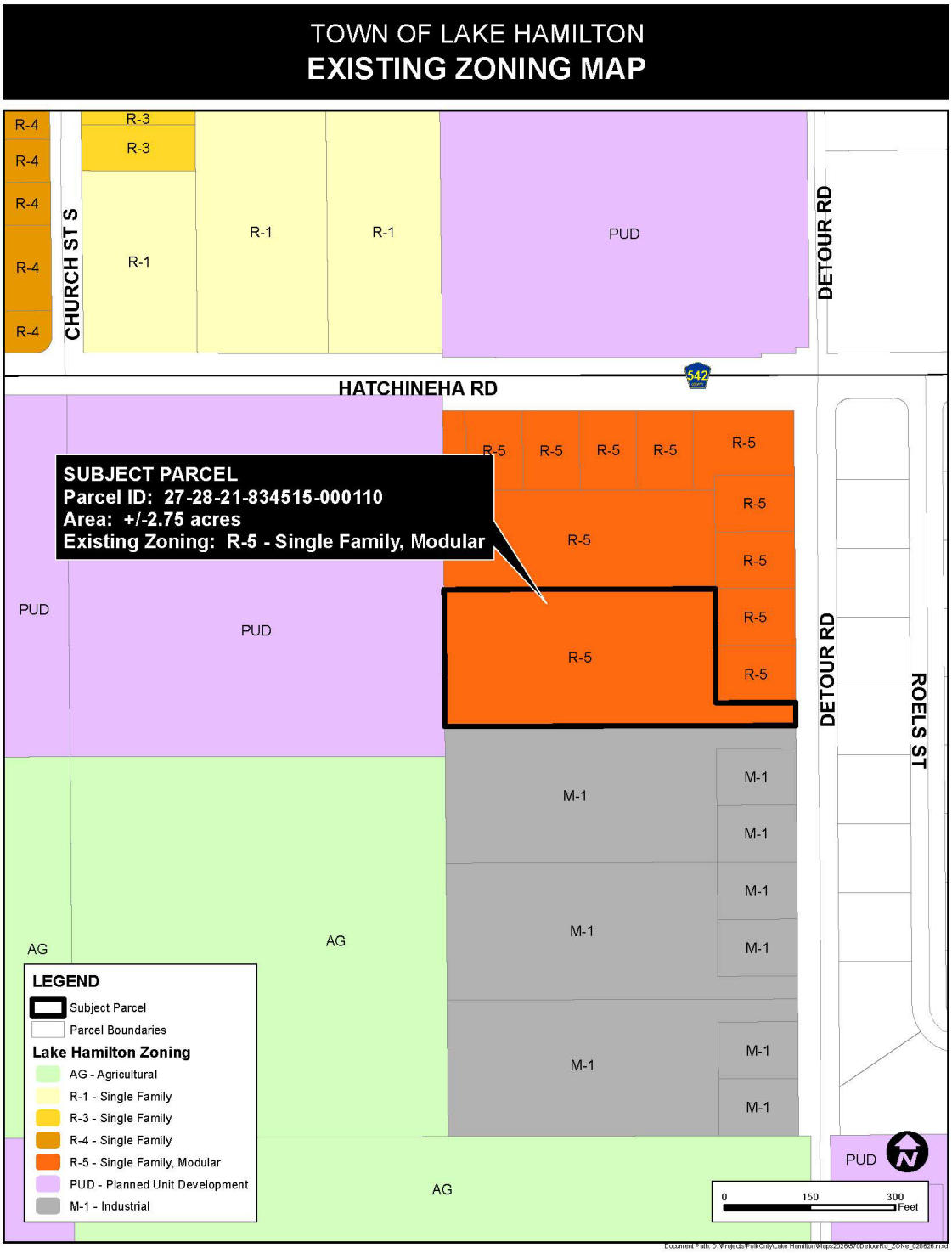
Town Council may consider the request and approve or deny it based on whether it is consistent with the Comprehensive Plan and compatible with the surrounding area.

At the September 9th, 2026 meeting of the Lake Hamilton Planning Commission, it was recommended that the Town Council approve this request.

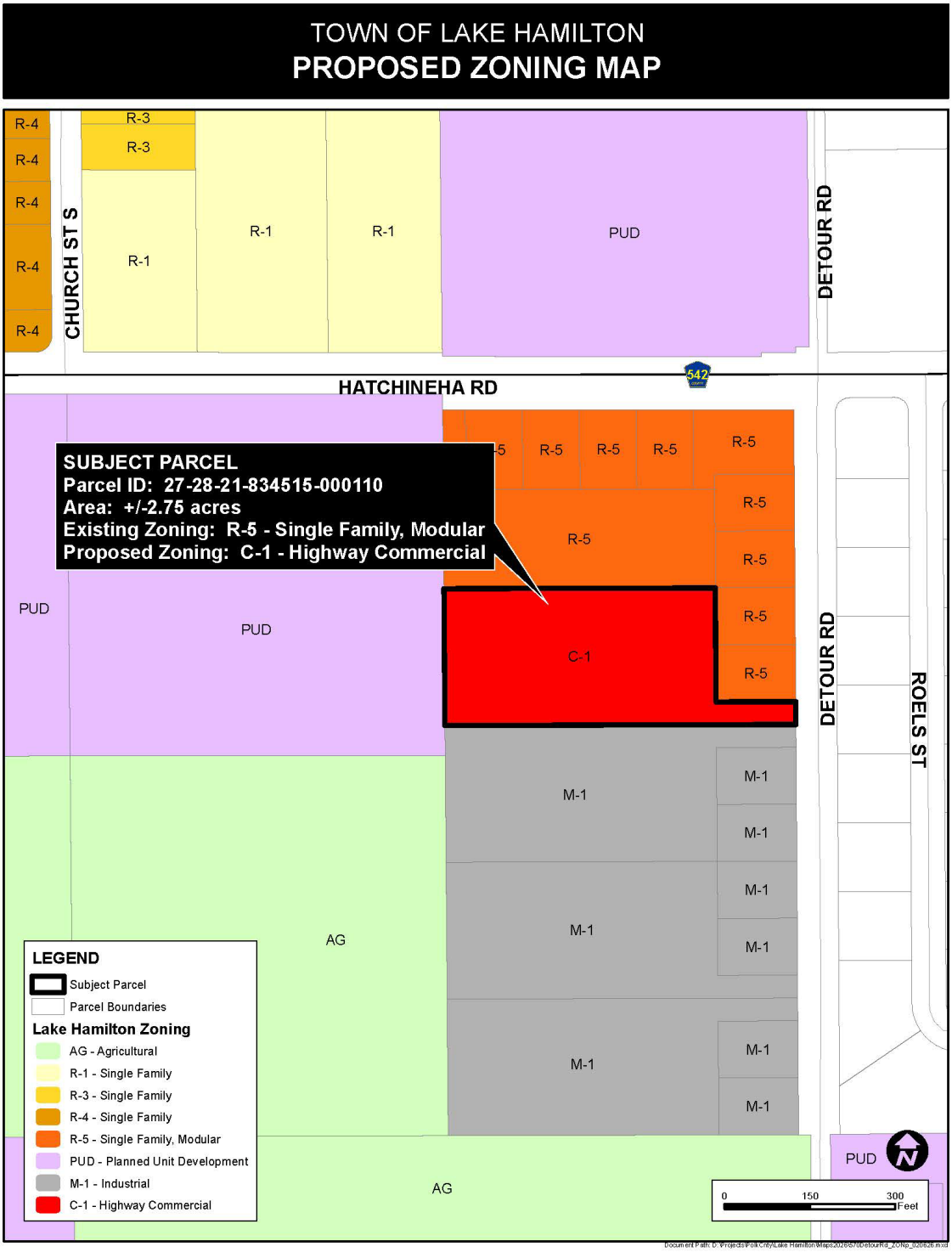
AERIAL MAP
LAKE HAMILTON SELF PARK & STORAGE



EXISTING Zoning Map
LAKE HAMILTON SELF PARK & STORAGE



PROPOSED Zoning Map
LAKE HAMILTON SELF PARK & STORAGE



Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH: Brittney Sandoval, Town Administrator

FROM: Jonah Katz, CD Director

AGENDA ITEM:

Public Hearing and Final Reading of Ordinance O-2026-XX: AN APPLICANT-INITIATED REQUEST AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON FOR A 4 +/- ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD (PARCEL ID NUMBERS 272808-821701-000100 AND PART OF 272808-821701-000011) FROM AGRICULTURE LANDS AND CONSERVATION TO INDUSTRIAL-LIGHT; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIVENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. Approved at First Reading on November 10, 2026.

DATE: December 1, 2026

SUMMARY & RECOMMENDATION: The applicant is requesting a comprehensive plan amendment to change the future land use map classification from Agricultural Lands and Conservation to Industrial-Light. The applicant has a companion rezoning request for the same area, requesting a change from Agricultural (AG) and Conservation (CON) to M-1 Industrial Zoning District. The attached staff report provides and analysis of the request. The Town Planning Commission at their meeting held on October 21, 2026 recommended to Town Council to approve this request based on its consistency with the Town Comprehensive Plan and its compatibility with the surrounding area.

CONSENT AGENDA ☐ **OLD BUSINESS** ☒ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Ordinance O-2026-XX - Land Use PinnacleExpansion_1122026.pdf
Pinnacle Expansion Industrial FLU Staff Report_TOWNCOUNCIL.pdf
Pinnacle Environmental Report rev 9-17-26.pdf

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM AGRICULTURE – AG AND CONSERVATION – CON TO INDUSTRIAL-LIGHT FOR A 4 +/- ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FO RREPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIBENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 through 163.3215, Florida Statutes, empowers local governments to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth; and

WHEREAS, in exercise of its authority the Town Council has determined it necessary to adopt amendments to the Town's Comprehensive Plan, which are attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Comprehensive Plan is in full compliance with the laws of the State of Florida; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Town Council has held meetings and hearings on **Ordinance O-2026-XX**, the amendment to the Comprehensive Plan and made a part hereof; and the meetings were advertised and held with due public notice to obtain public comment; and having considered written and oral comments received during public hearings, find the amendment complete and appropriate to the needs of the Town.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The provisions set forth in the recitals of this Ordinance (whereas clauses) are hereby adopted by the Town Council as legislative findings and intent of the Ordinance.

SECTION 2. AMENDMENT TO THE COMPREHENSIVE PLAN. The Town of Lake Hamilton Comprehensive Plan, Future Land Use Map is hereby amended as set forth in Exhibit "A".

SECTION 3. 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 4. COPY OF ORDINANCE ON FILE. A copy of this Ordinance shall be kept on file in the office of the Lake Hamilton Town Clerk.

SECTION 5. CONFLICTS WITH OTHER ORDINANCES. That portion of any Ordinance which may be in conflict with this Ordinance is hereby repealed with the adoption of this Ordinance.

SECTION 6. EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency, or the Administration Council enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

SECTION 7. INCORPORATION INTO COMPREHENSIVE PLAN. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Comprehensive Plan is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

INTRODUCED and PASSED on first reading this 10th day of November, 2026.
PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____

PHYLLIS HALL, MAYOR

ATTEST:

_____

JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____

ANTHONY SABITINI, ESQ., TOWN ATTORNEY

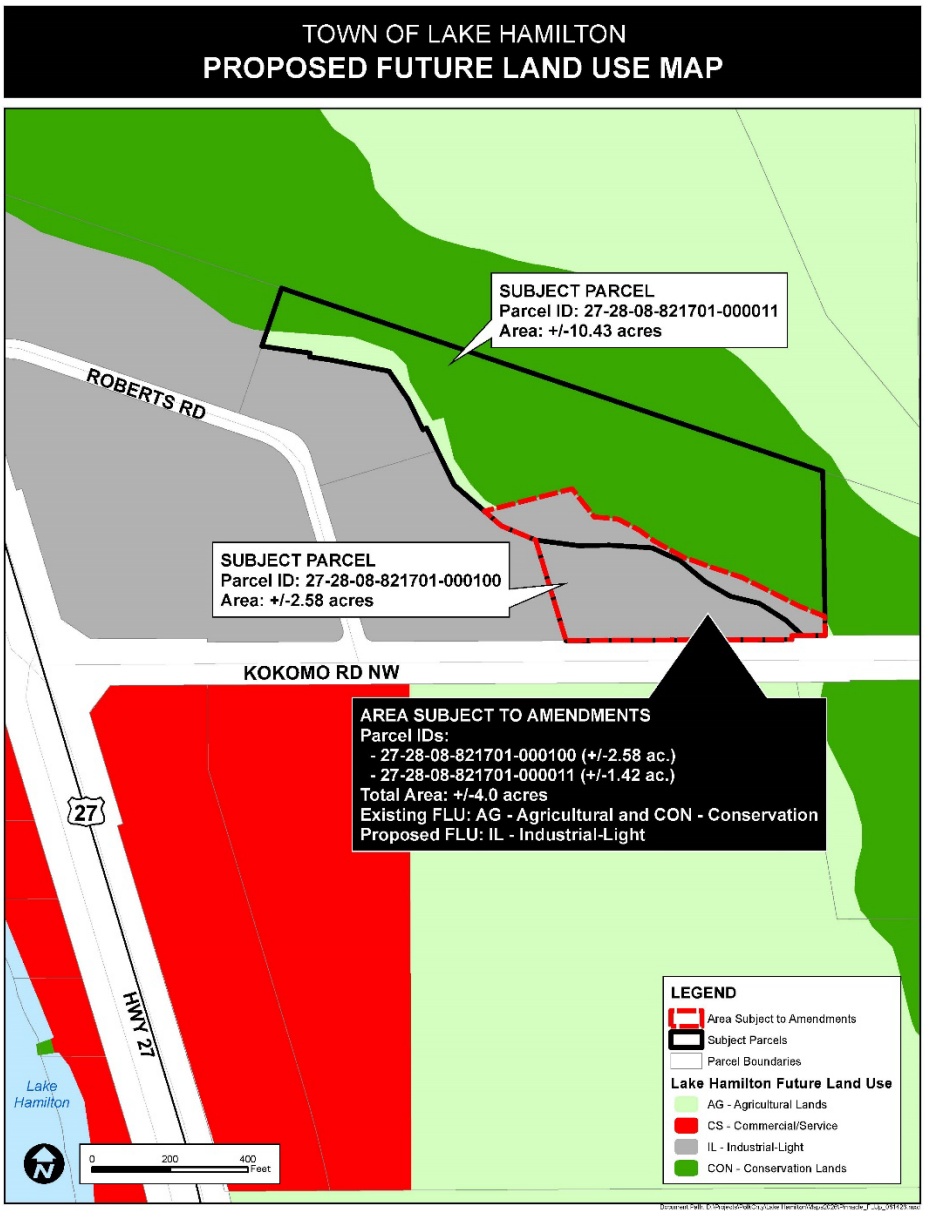
Record of Vote	Yes	No
Ortega		
Mathis		
Demanche		
Hall		
Collier		

Map A

Legal Descriptions: Roberts Industrial Park Plat Book 117 Page 11, Lot 10 and Part of Lot 1

Parcel ID Numbers: 272808-821701-000100 and Part of 272808-821701-000011

Future Land Use Map Amendment:



Town of Lake Hamilton

FLU Staff Report

November 10, 2026

TO: LAKE HAMILTON TOWN COUNCIL

FROM: **Community Development**

SUBJECT: **FUTURE LAND USE MAP AMENDMENT**

Ordinance 2026-xx: An applicant-initiated amendment to the Future Land Use Map of the Town of Lake Hamilton specifically changing the Future Land Use Map designation for a parcel and a portion of a parcel that totals approximately 4 +/- acres, generally located along the east side of Roberts Road, approximately 1245 ft. east of the intersection of US 27 and Kokomo Road (parcel 272808-821701-000100 and a portion of parcel 272808-821701-000011, from Agricultural Lands (AG) – Conservation (CV) to Industrial-Light (I-L).

AGENDA & HEARING DATES:

Planning Commission Meeting: Wednesday, Oct. 21st, 2026; 5:30 PM
Anticipated Town Council Meeting (First Reading): November 10th; 6:00 PM
Anticipated Town Council Meeting (Second Reading): December 1st; 6:00PM

Attachments

Location Map Aerial Photo | Existing Future Land Use Map | Proposed Future Land Use Map | Ordinance 2026-xx Pinnacle Express Future Land Use

Overview:

APPLICATIONS	
Owner	Winterset Partners, LLC and Pinnacle Express, Inc.
Agent	Carter and Kaye Engineering, LLC
Property Size	± 4 acres
Property Location	Generally located along the east side of Roberts Road, approximately 1245 ft. east of US 27 and Kokomo Rd intersection
Parcel ID	272808-821701-000100 and portion of parcel 272817-000000-000011
Future Land Use: Existing	Town Agricultural Lands (AG) and Town Conservation (CON)
Future Land Use: Proposed	Town Industrial Light (I-L)

BACKGROUND AND REASON FOR REQUEST:

The applicant is requesting a Future Land Use change from Town Agricultural Lands (AG) and a portion of Town Conservation Lands to Town Industrial Light. The applicant has a companion rezoning application requesting Light Industrial (M-1) to expand a facility. Descriptions for both the existing and proposed Future Land Use are provided as follows:

Town of Lake Hamilton Comprehensive Plan, Future Land Use Element, Policy

Existing Future Land Use:

Policy 1.2.2: Agriculture Lands (AG)

a) **Purpose:**
The primary functions of Agricultural Lands, as designated on the Future Land Use Map, shall be to protect and encourage areas which have a long-term agricultural character, while providing for low density residential use, and to protect unique native habitats and maintain open space.

b) **Range of Potential Uses:**
Citrus groves, farms, ranches, agro-industrial uses, agricultural service establishments, agriculturally compatible residential uses, rural residential uses, mining, transmission towers, wells and storage tanks.

c) **Range of Potential Density/Intensity:**
The maximum gross residential density is 0.2 dwelling units per acre and the maximum floor area ratio for non-residential development

Policy 1.2.12: Conservation Lands (CV)

a) **Purpose:**
Identification of areas which have natural resources of unique value and which may be considered as wetlands or environmentally sensitive lands.

b) **Range of Potential Uses**:
Any use which has the primary purpose of protecting natural resources, including passive recreational use.

c) **Range of Potential Density/Intensity:**
Structures within the CV land use category shall be limited to docks and boardwalks, storage buildings or tools and equipment needed to maintain the area, and other accessory structures supportive of recreation activities. The maximum floor area ratio for shall not exceed 0.05.

Proposed Future Land Use:

1.2.9: Industrial Light (I-L)

a) **Purpose:**
Identification of areas which are established for light industrial and other employment-oriented uses. Also, to prohibit residential development from these areas so as to avoid adverse impacts, and to provide locations for intensive commercial development not suited for other land use categories due to the potential for adverse impact upon adjacent residential areas.

b) **Range of Potential Uses:**
Light industrial uses, offices, research/corporate uses, warehouse distribution uses intensive commercial uses, wholesale commercial uses, service uses, and public or semipublic uses.

c) Range of Potential Density/Intensity:
The maximum floor area ratio for non-residential development shall not exceed 0.6.

COMPREHENSIVE PLAN COMPATIBILITY:

OBJECTIVE 6.1 (Future Land Use Element): PERMIT THE ESTABLISHMENT OF NEW INDUSTRIAL USES WHICH WILL BE CONSISTENT WITH THE CHARACTER OF THE TOWN AS A LOW-DENSITY RESIDENTIAL COMMUNITY.

Policy 6.1.4: Utilize zoning regulations to provide for the location of industrial development in areas immediately served by arterial or secondary arterial roads to avoid the intrusion of industrial traffic into nonindustrial areas.
Policy 6.1.6: Utilize zoning regulations to facilitate the enlargement and improvement of existing industrial areas to accommodate new industrial development.

This request can be considered to meet Polices 6.1.4 and 6.1.6.

Additional considerations of this proposal's compatibility with the Comprehensive Plan can be made under the following section:

OBJECTIVE 2 (Conservation Element): THE TOWN SHALL INCLUDE IN ITS LAND DEVELOPMENT REGULATIONS, DEVELOPMENT STANDARDS AND MITIGATION PROCEDURES TO CONSERVE, APPROPRIATELY USE, AND PROTECT THE NATURAL FUNCTION OF FLOODPLAINS AND WETLANDS AND TO PROTECT CONSERVATION WETLANDS AND ENVIRONMENTALLY-SENSITIVE AREAS WITHIN THE TOWN.

Table 1 includes the density/intensity for the amendment to the Future Land Use Map request for the property, the potential change could result in a potential increase of 243,000 sq.ft of non-residential.

Table 1:
Analysis of Impacts from Proposed Future Land Use Map Amendment

	Existing FLU: Agricultural Lands and Conservation Lands (CV) (4+/-acres)	**Proposed FLU: Industrial Light (I-L) (4+/- acres)**
Density/Intensity	1 du/ac No Commercial	FAR 0.5
Density Potential	2 dwellings	67,553.72 sq ft of non-residential
Difference	No commercial	No residential

The proposed Future Land Use can be considered compatible with the Comprehensive Plan conditions and can be considered compatible with the surrounding area based on the Future Land Uses assigned to nearby properties within the Town limits. More information is available in the Land Use Analysis located below:

Land Use Analysis:

The subject property is surrounded by properties within the incorporated Town limits, which has been assigned Town Industrial (M-1) to the west. A FLU application to Industrial Light (I-L) has been submitted. Town Agricultural Lands (AG) across Kokomo Rd. and to the east is conservation (CON).

The property to the north is vacant conservation property, zoned CON. To the South is vacant agricultural property, zoned AG. To the West is vacant property, zoned CON with a portion of the property incorporated in the FLU application.

The Land Use Matrix below outlines the existing and proposed Future Land Use and zoning of the subject property and the adjacent properties. The proposed Future Land Use and Zoning Maps are also provided for reference

Land Use Matrix

Northwest	North	Northeast
FLU:Town Conservation (CV) **ZONING**: Conservation **EXISTING USE:** vacant	**FLU: Town Conservation (CV)** **ZONING**: Conservation **EXISTING USE:** vacant	**FLU: Town Conservation (CV)** **ZONING**: Conservation **EXISTING USE:** vacant
West	**Subject Property**	**East**
FLU: Industrial Light **ZONING**: M-1 **EXISTING USE:** warehouses	**EXISTING FLU:** Agricultural **PROPOSED FLU:** Town I-L **EXISTING ZONING:** Town AG **PROPOSED ZONING:** Town M-1 (see companion application) **EXISTING USE:** Vacant	**FLU:** Conservation **ZONING**: CON **EXISTING USE:** Vacant
Southwest	**South**	**Southeast**
FLU: Agricultural **ZONING**: AG **EXISTING USE:** Vacant	**FLU:** Agricultural **ZONING**: AG **EXISTING USE:** Vacant	**FLU:** Conservation **ZONING**: CON **EXISTING USE:** Vacant

Public Facilities and Services Analysis:

The following is a summary analysis of the potential impacts on existing public facilities and services.

Potable Water

At this time, the Town can provide potable water for the development. An 8" water line exists along the north side of Kokomo Rd. The owner/developer will be responsible for the cost of any improvements related to the development of the subject property.

Sanitary Sewer

At this time, the Town cannot provide sanitary sewer for the development. The owner/developer will be responsible for the cost of any improvements related to the development of the subject property.

Transportation/Traffic:

The subject property has access to Kokomo Rd. to the South, which is maintained by the Town maintained. At this time, a traffic study was not conducted. When specific

uses are identified, during a construction plan review, a traffic study will be provided and reviewed.

Trip generation rates using ITE code 150, 11th edition, anticipated to generate 27.6 ADT's and 3 peak hr. trips. Please note that this property will be developed in conjunction with the adjacent property to the West and will require a major traffic study at the time of construction plans are submitted for review.

Schools

The proposed commercial will not impact Polk County schools.

Recreation/Open Space:

There are no requirements for Industrial Light to provide recreation/open space.

Emergency Services:

Emergency services for both City and County-operated facilities are all in close proximity to the subject property. Police, fire, and EMS are located within a 3-mile radius (by car) and travel time without sirens is 6 minutes or less.

- Polk County Fire Rescue – 1.5 Miles ~ 4 minutes
- Lake Hamilton Police Department – 1.5 Miles ~ 4 minutes
- Winter Haven Hospital Emergency Room – 9.9 miles ~ 22 minutes
- Lakeland Regional Hospital Emergency Room – 35.6 miles ~ 50 minutes

Environmental:

The portion of the site does include wetland or floodplains. The applicant has provided an Environmental Assessment Report for review. No noteworthy observations were identified.

Recommendation:

The proposed land use change is for a designation of industrial future land use, impacting one property currently designated Town Agricultural Lands (AG) and a small portion of another property designated Conversation Land (CV). Historical research into the Comprehensive Plan has found that this portion of the Conservation Land area was delineated in 2011 and was based on existing wetland maps at the time. Final exhibits from the applicant show that approximately .11 acres of lands designated Conversation Land (CV) Future Land Use are being proposed to be changed to Industrial-Light (I-L).

The applicant has stated that 3.0 acres of the subject area will be developed and the remaining portions of the subject area will consist of wetlands, stormwater facilities, required buffers, open and other undeveloped areas necessary to support their project while protecting environmentally sensitive resources. Specific environmental mitigation measures will be fully addressed through

later stages of site plan review.

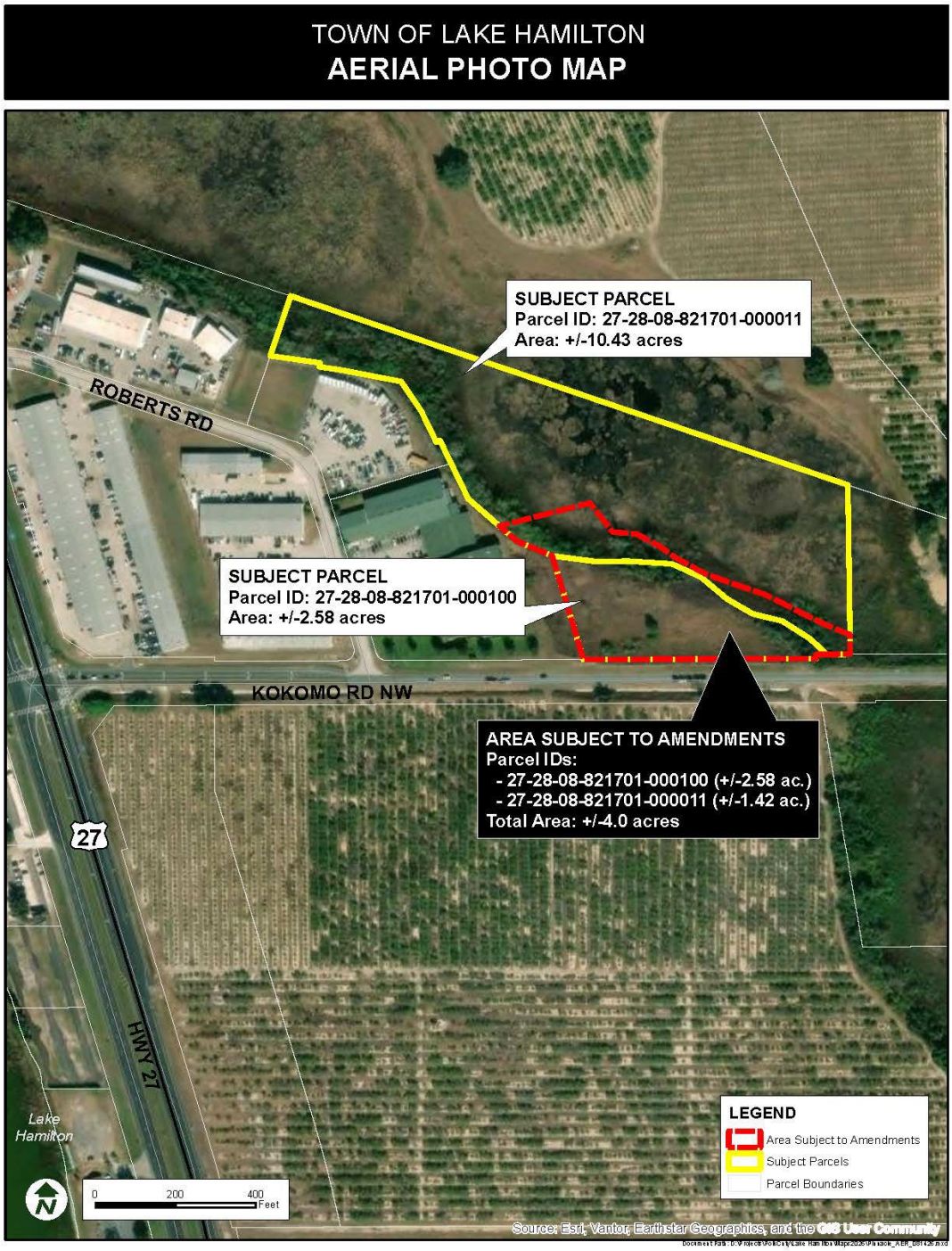
Staff also notes that the subject area contains two parcels that are under different current ownership. Clarification will be needed on future plans of the subject area to be under complete single ownership, to allow for consistent land use, zoning, and site plan review through the construction of the project and the maintenance of the proposed environmental buffers.

Staff notes that a future land use and zoning request submitted by the applicant will convert .55 acres of land currently designated future land use Agriculture (AG) to a Conservation (CON) future land use designation. If approved along with this request, there will be more conservation lands created than what will be changed to industrial in the two subject parcels.

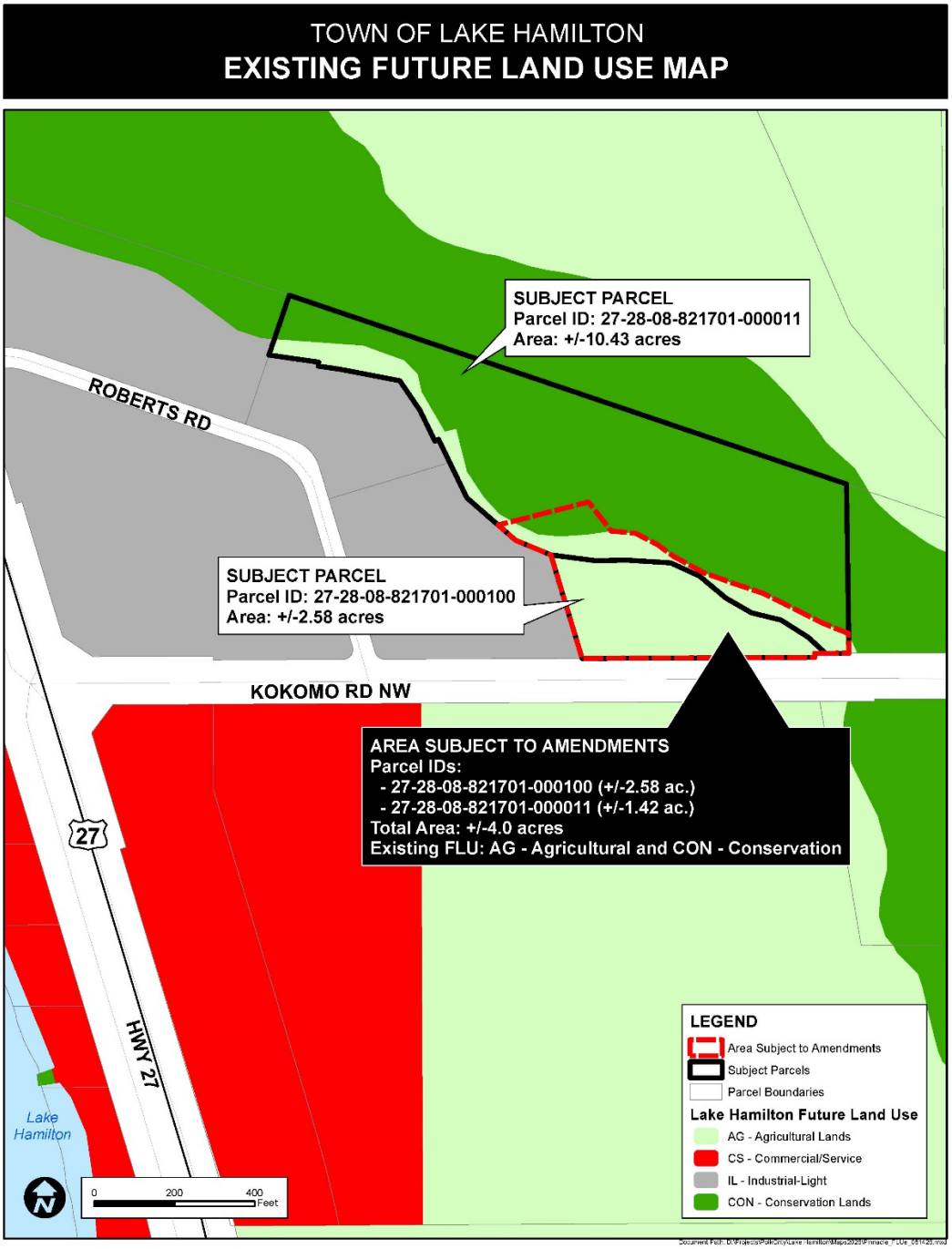
Council may consider the request and make an approval or denial of the proposed change in consideration of whether it is consistent with the Comprehensive Plan and any approved amendments to the Future Land Use of the subject area, as well as its compatibility with the surrounding area.

At the October 21, 2026 Lake Hamilton Planning Commission meeting, it was recommended that Town Council approve this request.

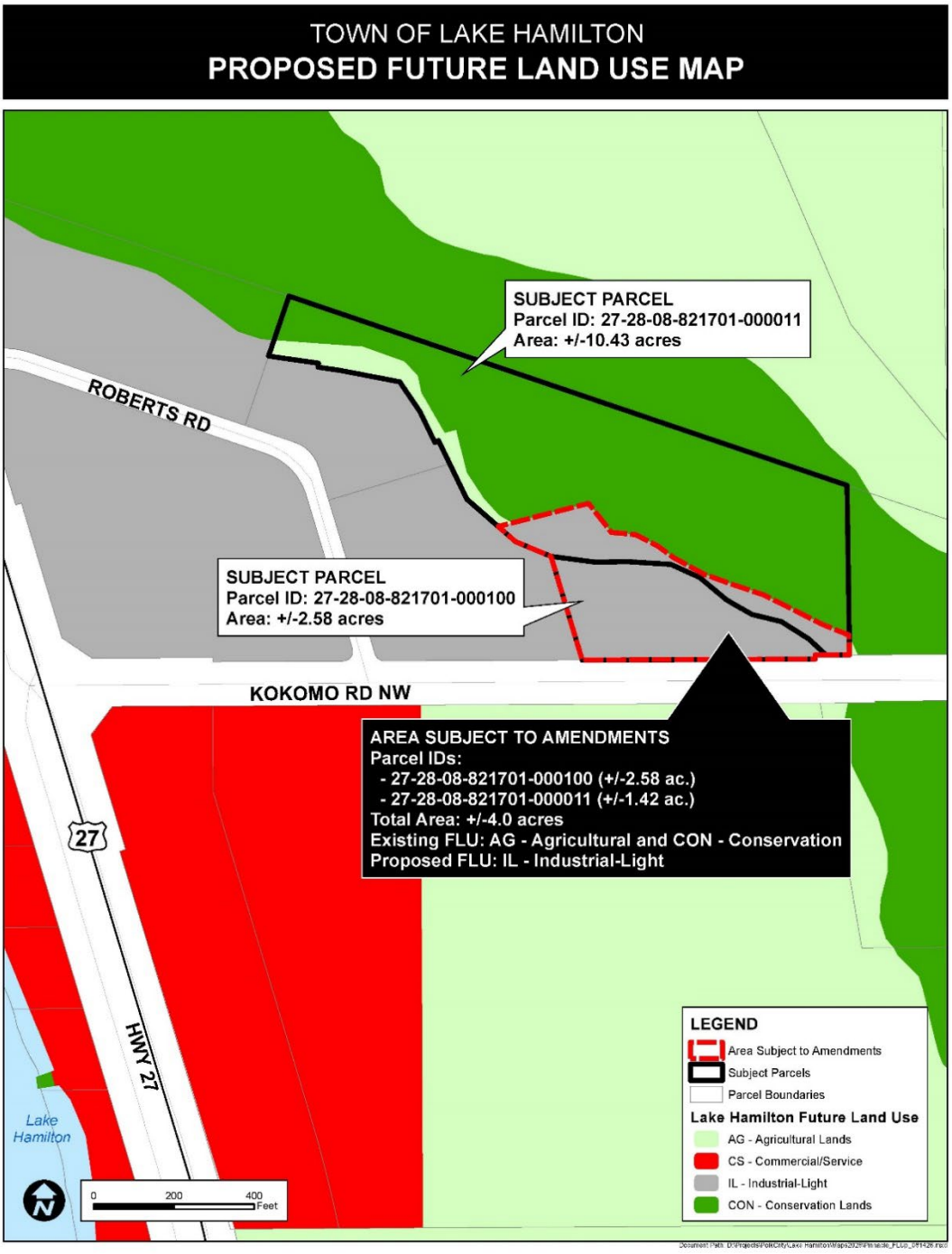
AERIAL MAP
Pinnacle Express FLU Amendment Subject Area



EXISTING FLU
KOKOMO GROVE COMMERCIAL



PROPOSED FLU
KOKOMO GROVE COMMERCIAL



Land Resource Consultants, LLC

251 East Park Avenue, Lake Wales, Florida 33853
OrangeGroveKid@gmail.com, 863-978-3856

September 17, 2026

CarterKaye Engineering
c/o Kriss Kaye
137 5th Street NW
Winter Haven, FL 33801
Via Email: kriss@carterkaye.com

RE: Environmental Assessment for Pinnacle Sales Group (LR26005)
901 Roberts Road, Lake Hamilton
Parcels #272808-821701-000100 & 272808-821701-000090

Dear Kriss,

Pursuant to your request, a senior scientist with Land Resource Consultants, LLC (Land Resource) recently evaluated the above-referenced property for the existence of native ecological habitats and potential utilization by state and/or federally protected wildlife species. The site appears to provide only very limited, potentially suitable habitat for protected wildlife. No protected species or habitats were identified in database searches or observed on the property, and the property contains no agency-designated critical habitats for protected species. Please refer to the enclosed map series and agency reports.

The subject property is comprised of two legal parcels and a small portion of a third parcel, totaling more than 13 acres. A majority of the land is wetland. It lies 0.25 miles east of U.S. Highway 27 on the north side of Kokomo Road (S.R. 546 E) in Lake Hamilton, Florida. The proposed eastward expansion of the existing Pinnacle facility involves a few acres fronting on Kokomo Road. The property and vicinity has a long history of disturbance. Citrus cultivation predates 1941, which included destruction of all native upland habitats. In the late 1990's, clearing for development of the existing commercial / industrial park stretched from the subject property west to Highway 27. All on-site uplands were cleared to bare sand and the disturbance appears to have stretched down hill to, or possibly in, the adjacent wetlands.

The enclosed FLUCCS map (Map series, Sheet 5) depicts the uplands and wetlands in the proposed development area. Open Land (190) is a land use code commonly applied to upland disturbed areas. Upland vegetation on site reflects this designation, including a mix of vegetation dominated by nuisance / exotic species. Observed upland vegetation includes the following:

Chinaberry tree (*Melia azedarach*), Brazilian pepper (*Schinus terebinthifolia*), red maple (*Acer rubrum*), laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), persimmon (*Diospyros virginiana*), groundsel tree (*Baccharis halimfolia*), blackberry (*Rubus* sp.), cogon grass (*Imperata cylindrica*), guinea grass (*Megathyrsus maximus*), johnsongrass (*Sorghum halepense*), ragweed (*Ambrosia artemisiifolia*), and pokeweed (*Phytolacca americana*). Chest-high and dense, exotic cogon grass consumes an estimated 70% of the uplands. A more forested area at

the extreme east end of the site contains more live oak (*Quercus virginiana*) and cherry laurel (*Prunus caroliniana*).

Wetlands on site include a larger Freshwater Marsh (641), separated from the upland by a thin transition area characterized as Wet Prairie (643). The Wet Prairie is of poor quality and has clearly been disturbed historically. Wetland species include:

red maple (*Acer rubrum*), Carolina willow (*Salix caroliniana*), Brazilian pepper (*Schinus terebinthifolia*), primrose willow (*Ludwigia* sp.), Virginia chainfern (*Woodwardia virginica*), pickerelweed (*Pontederia cordata*), duck potato (*Sagittaria lancifolia*), and grapevine (*Vitus* sp.).

Certain wildlife species are protected under the authority of the Florida Fish and Wildlife Conservation Commission (FWC) and/or the U.S. Fish and Wildlife Service (FWS). Our scope of work included a review of any protected species or suitable species' habitats that exist on or near the subject property. The site appears to provide only limited, potentially suitable habitat for protected wildlife. With the exception of the gopher tortoise (*Gopherus polyphemus*), no protected species or habitats were identified in database searches or observed on the property. The property contains no agency-designated critical habitats for protected species and it is not adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves.

According to Florida Fish and Wildlife Conservation Commission (FWC) criteria, on-site uplands represent suitable gopher tortoise habitat. During our site review, we observed no gopher tortoises or their burrows. The dense cogon grass makes their presence very unlikely. Nonetheless, a survey for this state-listed species on 100% of the property must be conducted by an Authorized Gopher Tortoise Agent within 90 days prior to commencing development activities. FWC requires any burrows or tortoises to be properly removed before development can begin subsequent to agency oversight, i.e. permitting.

Aside from the potential gopher tortoise presence, our on-site review of the property did not reveal any other protected species or their habitats. Additional review of published mapping and FWC, U.S. Fish and Wildlife Service (FWS), and Florida Natural Areas Inventory (FNAI) databases did not reveal any species concerns. Related FNAI and IPAC reports are enclosed, providing an inventory of species known to occur in the region. FWC maps the nearest bald eagle nest 0.75 miles away, too far to impact the development. No nesting, loafing, roosting, burrowing, or denning was observed on site and it is not anticipated that any significant wildlife utilization occurs that would impede development of the site.

Based upon our preliminary review of the proposed development plan, it appears unlikely that upland disturbance will negatively effect wildlife as no native habitat has existed on site for decades. Regarding potential jurisdictional wetland impacts, the development must comply with SWFWMD and FWC environmental regulations. That includes a rigorous mitigation plan to compensate for any wetland loss. At the agency's discretion, such a plan could include wetland enhancement adjacent to remaining wetlands as part of flood impact compensation. Likewise,

aesthetic improvements could be made to elevate agency stormwater pond requirements. As plans progress, we anticipate multiple opportunities to improve wetland-adjacent areas.

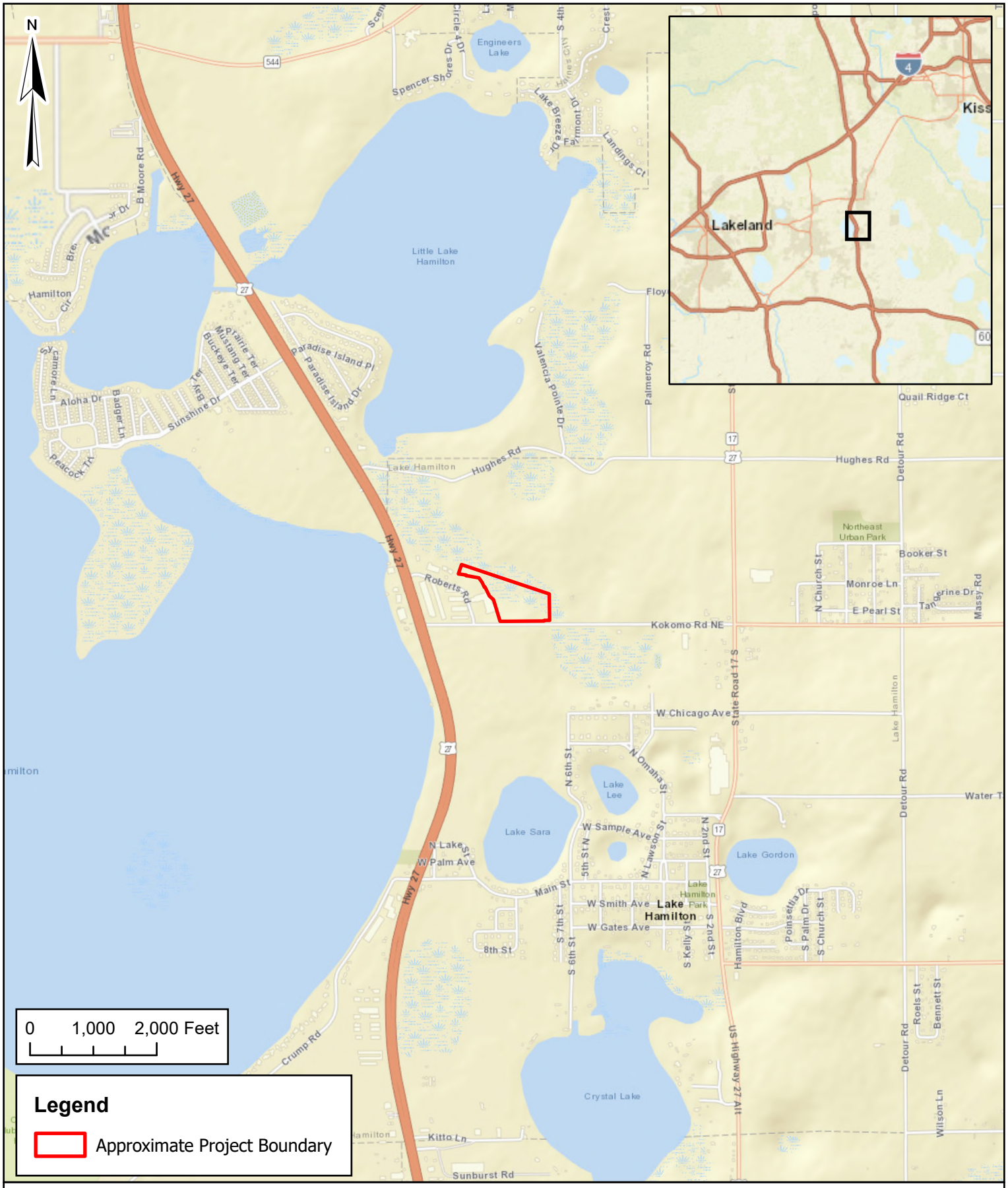
We hope this information is useful and sufficient to address any natural resource concerns. If we can provide additional clarification or information, please do not hesitate to contact me.

Sincerely,

J. Reid Hardman

J. Reid Hardman
Principal, Land Resource Consultants, LLC
Senior Environmental/Soil Scientist
Authorized Gopher Tortoise Agent

Enclosures:
Map Series – Location, Topographic, Soils, NWI, FLUCCS
FNAI Biodiversity Matrix Query Results
USFWS IPAC Resource List



Client:	Pinnacle Sales Group	TRS:	Sec: 8 Twp: 28S Rng: 27E
Project:	901 Roberts Road Warehouse Expansion	Scale:	1" = 2000'
Location:	Polk County, Florida	Date:	8/12/2026
Title:	Location Map	Drawn By:	CV
Sheet:	1	Source:	ESRI World Street Map

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Client:	Pinnacle Sales Group	TRS:	Sec: 8 Twp: 28S Rng: 27E
Project:	901 Roberts Road Warehouse Expansion	Scale:	1" = 2000'
Location:	Polk County, Florida	Date:	8/12/2026
Title:	USGS Quad Map	Drawn By:	CV
Sheet:	2	Source:	USGS Topo Maps

Y:\PAL\GIS\1 Lakewales\Pinnacle Sales Group\901 Roberts Road Warehouse Expansion\GIS\Pinnacle_901RobertsRdWarehouseExpansion.aprx



Legend

Approximate Project Boundary (Total Area = 13.61 acres)

Soil Descriptions

- 3: CANDLER SAND, 0 TO 5 PERCENT SLOPES (±3.11 ac)
- 13: SAMSULA MUCK, FREQUENTLY PONDED, 0 TO 1 PERCENT SLOPES (±0.15 ac)
- 17: SMYRNA AND MYAKKA FINE SANDS (±4.62 ac)
- 35: HONTOON MUCK, FREQUENTLY PONDED, 0 TO 1 PERCENT SLOPES (±5.73 ac)

Client: Pinnacle Sales Group
Project: 901 Roberts Road Warehouse Expansion
Location: Polk County, Florida
Title: NRCS Soils Map
Sheet: 3

TRS: Sec: 8 Twp: 28S Rng: 27E
Scale: 1" = 125'
Date: 8/13/2026
Drawn By: CV
Source: ESRI World Imagery

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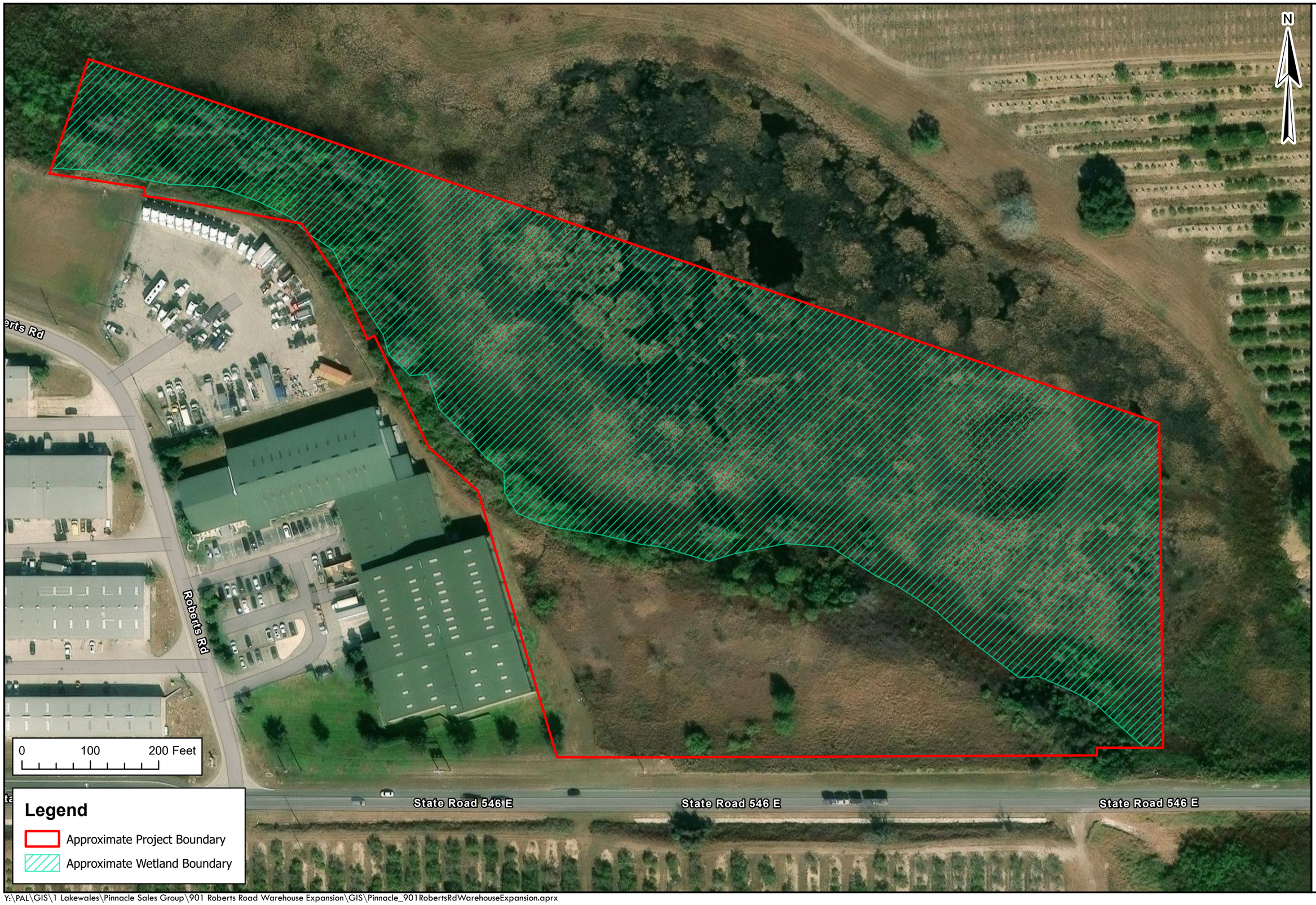

Client: Pinnacle Sales Group
Project: 901 Roberts Road Warehouse Expansion
Location: Polk County, Florida
Title: Wetland Map
Sheet: 4

TRS: Sec: 8 Twp: 28S Rng: 27E
Scale: 1" = 125'
Date: 8/12/2026
Drawn By: CV
Source: ESRI World Imagery

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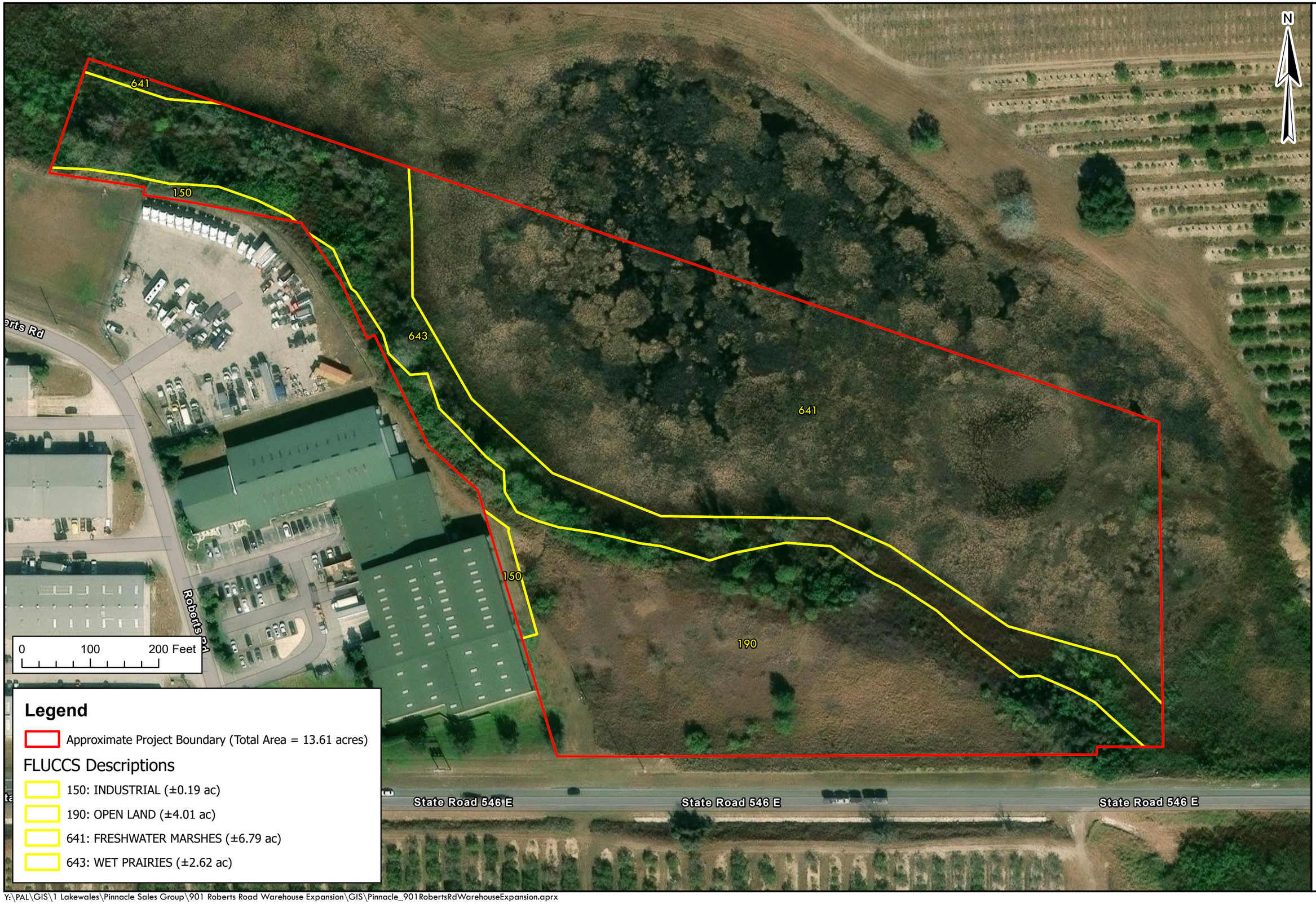

Client: Pinnacle Sales Group
Project: 901 Roberts Road Warehouse Expansion
Location: Polk County, Florida
Title: FLUCCS Habitat Map
Sheet: 5

TRS: Sec: 8 Twp: 28S Rng: 27E
Scale: 1" = 125'
Date: 8/13/2026
Drawn By: CV
Source: ESRI World Imagery

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1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
850-681-9364 fax
www.fnai.org

Florida Natural Areas Inventory

Biodiversity Matrix Query Results

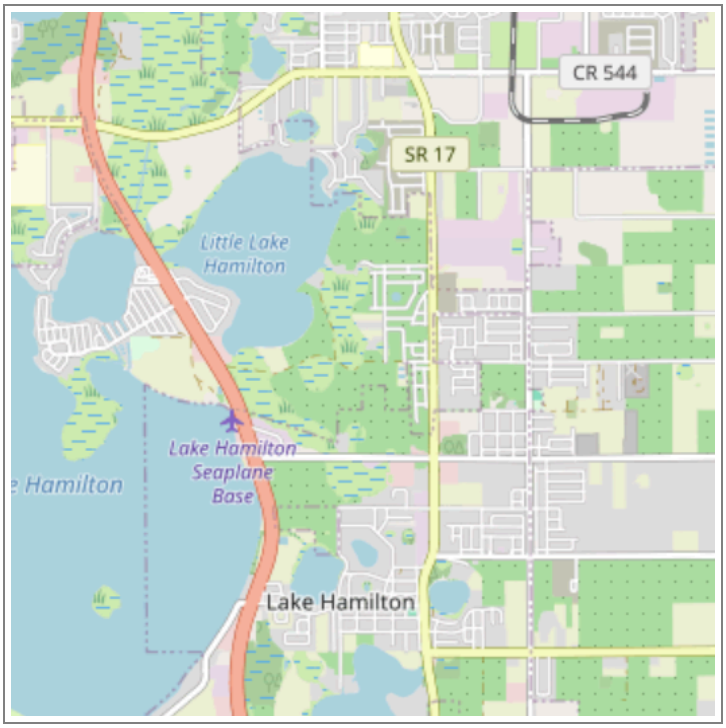
UNOFFICIAL REPORT

Created 7/28/2026

(Contact the FNAI Data Services Coordinator at 850.224.8207 or kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 41780



Descriptions

DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

LIKELY - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; *or*
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 41780

1 **Documented** Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Anomala exigua Pygmy Anomala Scarab Beetle	G1	S1	N	N

0 **Documented-Historic** Elements Found

2 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Mycteria americana Wood Stork	G4	S2	T	FT
Sandhill upland lake	G3	S2	N	N

Matrix Unit ID: 41780

50 **Potential** Elements for Matrix Unit 41780

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Antigone canadensis pratensis Florida Sandhill Crane	G5T2	S2	N	ST
Athene cunicularia floridana Florida Burrowing Owl	G4T3	S3	N	ST
Bonamia grandiflora Florida bonamia	G3	S3	T	E
Calamintha ashei Ashe's savory	G3	S3	N	T
Calopogon multiflorus many-flowered grass-pink	G2G3	S2S3	N	T
Carex chapmannii Chapman's sedge	G3	S3	N	T
Centrosema arenicola sand butterfly pea	G2Q	S2	N	E
Chionanthus pygmaeus pygmy fringe tree	G2G3	S2S3	E	E
Clemmys guttata Spotted Turtle	G5	S2S3	N	N
Clitoria fragrans scrub pigeon-wing	G2G3	S2	T	E
Coelorachis tuberculosa Piedmont jointgrass	G3	S3	N	T
Coleataenia abscissa cutthroatgrass	G3	S3	N	E
Conradina brevifolia short-leaved rosemary	G2Q	S2	E	E
Drymarchon couperi Eastern Indigo Snake	G3	S2?	T	FT
Dryobates borealis Red-cockaded Woodpecker	G3	S2	E, PT	FE
Eriogonum longifolium var. gnaphalifolium scrub buckwheat	G4T3	S3	T	E
Gopherus polyphemus Gopher Tortoise	G3	S3	C	ST
Gymnopogon chapmanianus Chapman's skeletongrass	G3	S3	N	N
Hartwrightia floridana hartwrightia	G2	S2	N	T
Heterodon simus Southern Hognose Snake	G2	S2S3	N	N
Hypericum edisonianum Edison's ascyrum	G2G3	S2	N	E
Illicium parviflorum star anise	G2	S2	N	E
Lechea cernua nodding pinweed	G3	S3	N	T
Liatris ohlingerae Florida blazing star	G2	S2	E	E
Lithobates capito Gopher Frog	G2G3	S3	N	N
Lupinus aridorum scrub lupine	G3T1	S1	E	E
Matelea floridana Florida spiny-pod	G2	S2	N	E
Mustela frenata peninsulae Florida Long-tailed Weasel	G5T3?	S3?	N	N
Nemastylis floridana celestial lily	G2	S2	N	E

Neofiber alleni Round-tailed Muskrat	G2	S2	N	N
Nolina atopocarpa Florida beargrass	G3	S3	N	T
Nolina brittoniana Britton's beargrass	G3	S3	E	E
Paronychia chartacea var. chartacea paper-like nailwort	G3T3	S3	T	E
Peltotrupes profundus Florida Deepdigger Scarab Beetle	G3	S3	N	N
Phyllophaga elongata Elongate June Beetle	G3	S3	N	N
Phyllophaga okeechobea Diurnal Scrub June Beetle	G2	S2	N	N
Plestiodon egregius lividus Blue-tailed Mole Skink	G5T2	S2	T	FT
Podomys floridanus Florida Mouse	G3	S3	N	N
Polygala lewtonii Lewton's polygala	G2	S2	E	E
Polygonella basiramia Florida jointweed	G3	S3	E	E
Polygonella myriophylla Small's jointweed	G3	S3	E	E
Prunus geniculata scrub plum	G3	S3	E	E
Pteroglossaspis ecristata giant orchid	G2G3	S2	N	T
Rostrhamus sociabilis Snail Kite	G4G5	S2	E	FE
Salix floridana Florida willow	G2G3	S2S3	N	E
Sceloporus woodi Florida Scrub Lizard	G2G3	S2S3	N	N
Sciurus niger niger Southeastern Fox Squirrel	G5T5	S3	N	N
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N
Warea amplexifolia clasping warea	G1	S1	E	E
Warea carteri Carter's warea	G1	S1	E	E

Disclaimer

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

Unofficial Report

These results are considered unofficial. FNAI offers a Standard Data Request option for those needing certifiable data.

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Polk County, Florida



Local office

Florida Ecological Services Field Office

(352) 448-9151
(772) 562-4288
fw4flesregs@fws.gov

777 37th St
Suite D-101
Vero Beach, FL 32960-3559

https://www.fws.gov/office/florida-ecological-services

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

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1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Florida bonneted bat Eumops floridanus Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/8630	Endangered
Florida panther Puma (=Felis) concolor coryi Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1763	Endangered
Puma (=mountain lion) Puma (=Felis) concolor (all subsp. except coryi) No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6049	SAT

Birds

NAME	STATUS
Crested caracara (Audubon's) [FL DPS] Caracara plancus audubonii No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8250	Threatened

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Eastern Black rail Laterallus jamaicensis jamaicensis — Threatened
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/10477

Everglade snail kite Rostrhamus sociabilis plumbeus — Endangered
Wherever found
There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
https://ecos.fws.gov/ecp/species/7713

Whooping crane Grus americana — EXPN
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/758

Reptiles

NAME	STATUS

American alligator Alligator mississippiensis — SAT
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/776

blue-tailed mole skink Eumeces egregius lividus — Threatened
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/2203

Eastern indigo snake Drymarchon couperi — Threatened
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/646

Sand skink Neoseps reynoldsi — Threatened
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/4094

Insects

NAME	STATUS

Monarch butterfly Danaus plexippus — Proposed Threatened
Wherever found
There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.
https://ecos.fws.gov/ecp/species/9743

Flowering Plants

NAME	STATUS

Avon Park harebells Crotalaria avonensis — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/7093

Carter's mustard Warea carteri — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/5583

Florida ziziphus Ziziphus celata — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/2950

Highlands scrub hypericum Hypericum cumulicola — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/2940

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Lewton's polygala Polygala lewtonii No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6688	Endangered
Papery whitlow-wort Paronychia chartacea No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1465	Threatened
Pigeon wings Clitoria fragrans No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/991	Threatened
Pygmy fringe-tree Chionanthus pygmaeus No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1084	Endangered
Sandlace Polygonella myriophylla No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5745	Endangered
Scrub blazingstar Liatris ohlingerae No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/864	Endangered
Scrub mint Dicerandra frutescens No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/799	Endangered
Short-leaved rosemary Conradina brevifolia No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2929	Endangered
Wireweed Polygonella basiramia No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1718	Endangered

Lichens

NAME	STATUS
Florida perforate cladonia Cladonia perforata No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7516	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their nests, should follow appropriate regulations and implement required avoidance and minimization measures, as described in the various links on this page.

The data in this location indicates that no eagles have been observed in this area. This does not mean eagles are not present in your project area, especially if the area is difficult to survey. Please review the 'Steps to Take When No Results Are Returned' section of the Supplemental Information on Migratory Birds and Eagles document to determine if your project is in a poorly surveyed area. If it is, you

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may need to rely on other resources to determine if eagles may be present (e.g. your local FWS field office, state surveys, your own surveys).

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

Bald and Golden Eagle information is not available at this time

Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle (Bald and Golden Eagle Protection Act requirements may apply).

Proper interpretation and use of your eagle report
On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:
The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()
Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

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Migratory birds

The Migratory Bird Treaty Act (MBTA) [1] prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (FWS).

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

Migratory bird information is not available at this time

Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Avoidance & Minimization Measures for Birds describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the Bald and Golden Eagle Protection Act and those species marked as “Vulnerable”. See the FAQ “What are the levels of concern for migratory birds?” for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle (Bald and Golden Eagle Protection Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the Rapid Avian Information Locator (RAIL) Tool.

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

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1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Bald and Golden Eagle Protection Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ “Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds”.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs
Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

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To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

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Survey Effort ()
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

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Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the NWI map to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

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8.D

Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH: Brittney Sandoval, Town Administrator

FROM: Jonah Katz, CD Director

AGENDA ITEM: **Public Hearing and Final Reading of ORDINANCE O-2026-XX:** AN APPLICANT-INITIATED REQUEST AMENDING THE ZONING CLASSIFICATION OF A 4 +/- ACRE PARCEL OF LAND (PARCEL ID #S 272808-821701-000100 AND PART OF 272808-821701-000011) GENERALLY LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE (AG) AND CONSERVATION (CON) TO INDUSTRIAL ZONING (M-1) INDUSTRIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Approved at First Reading on November 10, 2026.

DATE: December 1, 2026

SUMMARY & RECOMMENDATION: The applicant is requesting to rezone from Agriculture (AG) and Conservation (CON) to Industrial Zoning (M-1). The applicant has a companion FLU application requesting a change from Agricultural Lands and Conservation Lands to Industrial-Light. The attached staff report provides an analysis of the request. Planning Commission at their October 21, 2026 meeting recommended approval of this request based on its consistency with the Town Comprehensive Plan and compatibility with the surrounding area.

CONSENT AGENDA ☐ **OLD BUSINESS** ☒ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Ordinance O-2026-XX - Rezoning IND Pinnacle _ 1132026.pdf
Pinnacle Express Industrial Zoning Staff Report_TOWNCOUNCIL_1152026.pdf
Pinnacle Environmental Report rev 9-17-26.pdf

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, REZONING A 4 +/- ACRE PARCEL OF LAND LOCATED ON THE EAST SIDE OF ROBERTS ROAD 1245 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE AND CONSERVATION TO M-I INDUSTRIAL ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there has been a request for approval of a rezoning of the property described below; and

WHEREAS, the change will further the general health, safety, and welfare and be a benefit to the Town as a whole; and

WHEREAS, the zoning change requested by the applicant is consistent with the Future Land Use Element of the Lake Hamilton Comprehensive Plan.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

1. The parcel is located 1245 feet east of the intersection of Highway 27 and Kokomo Roads on the east side of Roberts Road as shown on Map "A", which is attached hereto, and consists of a total of approximately 4 +/- acres, and is described as follows:

   ROBERTS INDUSTRIAL PARK, LOTS 10 AND PART OF LOT 1, PLAT BOOK 117, PAGE 1

2. The parcel, as platted and described above, constitutes less than five percent (5%) of the municipally zoned area of the Town.

3. Said property is hereby rezoned from AG Agriculture and CON Conservation to M-1 Industrial Zoning District and the regulations of that District contained in the Land Development Code shall govern further public review and development of the property within this District with the following specific conditions:

   a. That any section, paragraph, or portion which may be deemed illegal or unconstitutional shall not affect any other section of this ordinance.

   b. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

   c. This ordinance shall take effect immediately upon adoption after second reading.

4. A certified copy of this Ordinance, as well as a copy of the Land Development Code shall be located in the Office of the Town Clerk of Lake Hamilton.

INTRODUCED and PASSED on first reading this 10th day of November, 2026.

PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____

PHYLLIS HALL, MAYOR

ATTEST:

_____

JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____

ANTHONY SABITINI, ESQ., TOWN ATTORNEY

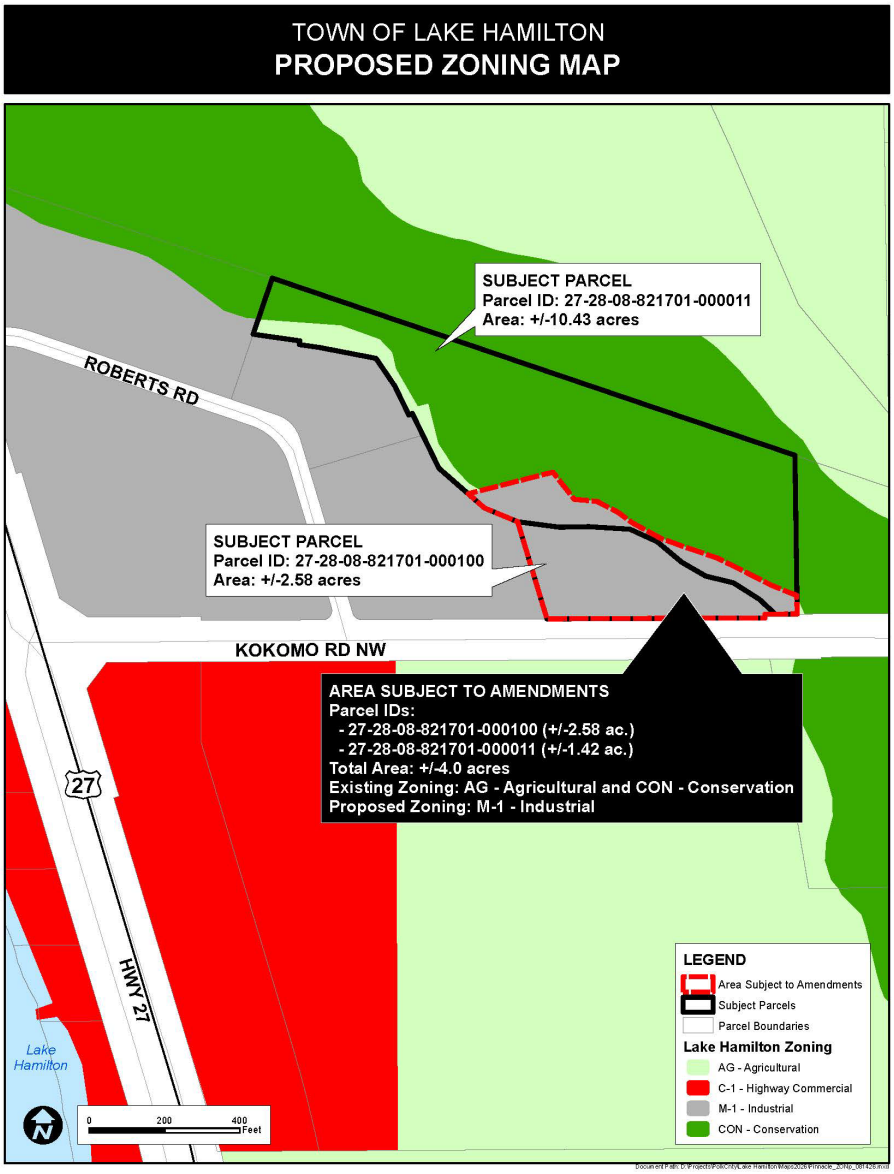
Record of Vote	**Yes**	**No**
Ortega		
Mathis		
Demanche		
Hall		
Collier		

MAP A

Legal Descriptions: Roberts Industrial Park Plat Book 117 Page 11, Lot 10 and Part of Lot 1

Parcel ID Numbers: 272808-821701-000100 and Part of 272808-821701-000011

Proposed Zoning Map:



Town of Lake Hamilton

ReZoning Staff Report

November 10, 2026

TO: LAKE HAMILTON TOWN COUNCIL

FROM: COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: **COMMERCIAL REZONING**

Ordinance 2026-xx: An applicant-initiated amendment to the Official Zoning Map of the Town of Lake Hamilton specifically changing the zoning for a parcel and a portion of a parcel of land that totals approximately 4+/- acres, generally located along the east side of Roberts Road, approximately 1245 ft. east of the intersection of US 27 and Kokomo Road (parcel 272808-821701-000100 and a portion of parcel 272801-821701-000011, from Agricultural (AG) – Conservation (CON) to Industrial (M-1).

AGENDA & HEARING DATES:

Planning Commission Meeting: Wednesday, October 21st, 2026; 5:30 PM
Anticipated Town Council Meeting (First Reading): November 10, 2026; 6:00 PM
Anticipated Town Council Meeting (Second Reading): December 1, 2026 6:00PM

Attachments

Aerial Photo | Existing Zoning Map | Proposed Zoning Map | Ordinance 2026-xx Zoning

Overview:

APPLICATIONS	
Owner	Winterset Partners, LLC and Pinnacle Express, Inc.
Agent	Carter and Kaye Engineering, LLC
Property Size	± 4 acres
Property Location	Generally located along the east side of Roberts Road, approximately 1245 ft. east of US 27 and Kokomo Rd intersection
Parcel ID	272808-821701-000100 and portion of parcel 272817-000000-000011
Zoning: Existing	Town Agricultural Lands (AG) and Town Conservation (CON)

Zoning: Proposed	Town Industrial Light (I-L)

BACKGROUND AND REASON FOR REQUEST:

The applicant is requesting to rezone from AG/CON to M-1 to facilitate the development of an expansion to an existing industrial facility. The applicant has a companion FLU application requesting Industrial Light (I-L) FLU designation. Descriptions for both the existing and proposed zoning districts are provided as follows:

Existing Agricultural (AG) Zoning District:

Sec. 16-104 Agricultural District

The AG zoning district summary was removed from the code in 2013. Per Sec. 16-103.1 (chart A-1) Design Standards, AG zoning requires a minimum 1 acre lot, minimum lot width of 200 ft., and a minimum floor area of 1,500 sq.ft, with a maximum density of 1 du / acre.

Existing Conservation (CON) District:

Sec. 16-103 – Establishment of zoning districts

The Lake Hamilton municipal code establishes Conservation (CON) as a type of zoning district but provides no further summary or guidance for land use regulation.

Staff refers to the Conservation Lands (CV) future land use designation in the Comprehensive Plan to provide guidance, which is described as follows:

a) **Purpose:**
Identification of areas which have natural resources of unique value and which may be considered as wetlands or environmentally sensitive lands.

Proposed Industrial (M-1) District:

Sec. 16-110. M-1 Industrial District.

(a) Scope, purpose and permitted uses. This section applies to the M-1 industrial district. The purpose of the M-1 Industrial district is to:

(1) Provide for industrial uses of land and buildings primarily for production, wholesaling, and storage enterprises.

(2) Establish certain criteria to promote traffic safety in such service; and

(3) Minimize any adverse effect of such industrial uses on adjoining agricultural and conservation districts.

Permitted principal uses are as provided in Table 16-103.1(A), table of land uses.

b) **Range of Potential Uses**:
Any use which has the primary purpose of protecting natural resources, including passive recreational use.

c) **Range of Potential Density/Intensity:**
Structures within the CV land use category shall be limited to docks and boardwalks, storage buildings or tools and equipment needed to maintain the area, and other accessory structures supportive of recreation activities. The maximum floor area ratio for shall not exceed 0.05.

COMPREHENSIVE PLAN COMPATIBILITY AND ZONING COMPATIBILITY:

Table 1 includes the density/intensity for the amendment to the Zoning Map designations for the property.

Table 1:
Analysis of Impacts from Proposed Rezoning

	Existing Zoning: Agricultural (AG) and Conservation Lands (CON) 4 +/ (acres)	**Proposed Zoning: Industrial District (M-1) (4 +/- acres)**
Density/Intensity	1 du/ac No Commercial	FAR 0.6
Density Potential	2 dwellings	67,553.72 sq.sf. of non-residential
Difference	No commercial	No residential

The proposed zoning change can be considered compatible with the surrounding area based on the Future Land Uses and zoning on nearby properties. More information is available in the Land Use Analysis located below

Zoning Analysis:

The subject property is surrounded by properties within the incorporated Town limits, which has been assigned Town Industrial (M-1) to the west. A FLU application to Industrial Light (I-L) has been submitted. Town Agricultural Lands (AG) across Kokomo Rd. and to the east is conservation (CON).

The property to the north is vacant conservation property, zoned CON. To the South is vacant agricultural property, zoned AG. To the West is an existing industrial facility zoned Industrial (M-1) and vacant property, zoned CON with a portion of the property incorporated in the FLU application.

The Land Use Matrix below outlines the existing and proposed Future Land Use and zoning of the subject portion of the property, the existing Future Land Use and zoning of adjacent properties, and the existing land use of the subject and adjacent properties. Proposed Future Land Use and Zoning Maps are also provided for reference.

Land Use Matrix

Northwest	North	Northeast
FLU: Town Conservation (CV) **ZONING**: Conservation **EXISTING USE:** vacant	**FLU: Town Conservation (CV)** **ZONING**: Conservation **EXISTING USE:** vacant	**FLU: Town Conservation (CV)** **ZONING**: Conservation **EXISTING USE:** vacant
West	**Subject Property**	**East**
FLU: Industrial Light **ZONING**: M-1 **EXISTING USE:** warehouses	**EXISTING FLU:** Agricultural **PROPOSED FLU:** Town I-L **EXISTING ZONING:** Town AG **PROPOSED ZONING:** Town M-1 (see companion application) **EXISTING USE:** Vacant	**FLU:** Conservation **ZONING**: Conservation **EXISTING USE:** Vacant
Southwest	**South**	**Southeast**
FLU: Agricultural **ZONING**: AG **EXISTING USE:** Vacant	**FLU:** Agricultural **ZONING**: AG **EXISTING USE:** Vacant	**FLU:** Conservation **ZONING**: CON **EXISTING USE:** Vacant

<u>Public Facilities and Services Analysis</u>:

The following is a summary analysis of the potential impacts on existing public facilities and services.

Potable Water

At this time, the Town can provide potable water for the development. An 8" water line

exists along the north side of Kokomo Rd. The owner/developer will be responsible for the cost of any improvements related to the development of the subject property.

Sanitary Sewer

At this time, the Town cannot provide sanitary sewer for the development. The owner/developer will be responsible for the cost of any improvements related to the development of the subject property.

Transportation/Traffic:

The subject property has access to Kokomo Rd. to the North, which is maintained by the Town maintained. At this time, a traffic study was not conducted. When specific uses are identified, during a construction plan review, a traffic study will be provided and reviewed.

Trip generation rates using ITE code 150, 11th edition, anticipated to generate 27.6 ADT's and 3 peak hr. trips. Please note that this property will be developed in conjunction with the adjacent property to the West and will require a major traffic study at the time of construction plans are submitted for review.

Schools

The proposed commercial will not impact Polk County schools.

Recreation/Open Space:

There are no requirements for industrial to provide recreation/open space.

Emergency Services:

Emergency services for both City and County-operated facilities are all in close proximity to the subject property. Police, fire, and EMS are located within a 3-mile radius (by car) and travel time without sirens is 6 minutes or less.

- Polk County Fire Rescue – 1.5 Miles ~ 4 minutes
- Lake Hamilton Police Department – 1.5 Miles ~ 4 minutes
- Winter Haven Hospital Emergency Room – 9.9 miles ~ 22 minutes
- Lakeland Regional Hospital Emergency Room – 35.6 miles ~ 50 minutes

Environmental:

The site does include wetland or floodplains. The applicant has provided an Environmental Assessment Report for review. No noteworthy observations were identified.

Recommendation:

The proposed rezoning if for Industrial (M-1), impacting one property currently designated for

Agricultural Zoning (AG) and a small portion of another property designated AG and Conservation (CON). Historical research into the Comprehensive Plan has found that the Conservation land and zoning areas were delineated in 2011 and was based on existing wetland maps at the time. Final exhibits from the applicant show that approximately .11 acres of lands designated CON zoning in the second parcel constituting the subject area is being proposed to be rezoned to M-1 Industrial.

The applicant has stated in their narrative that 3.0 acres of the subject area will be developed and the remaining portions of the subject area will consist of wetlands, stormwater facilities, required buffers, open and other undeveloped areas necessary to support their project while protecting environmentally sensitive resources. Specific environmental mitigation measures will be fully addressed through later stages of site plan review.

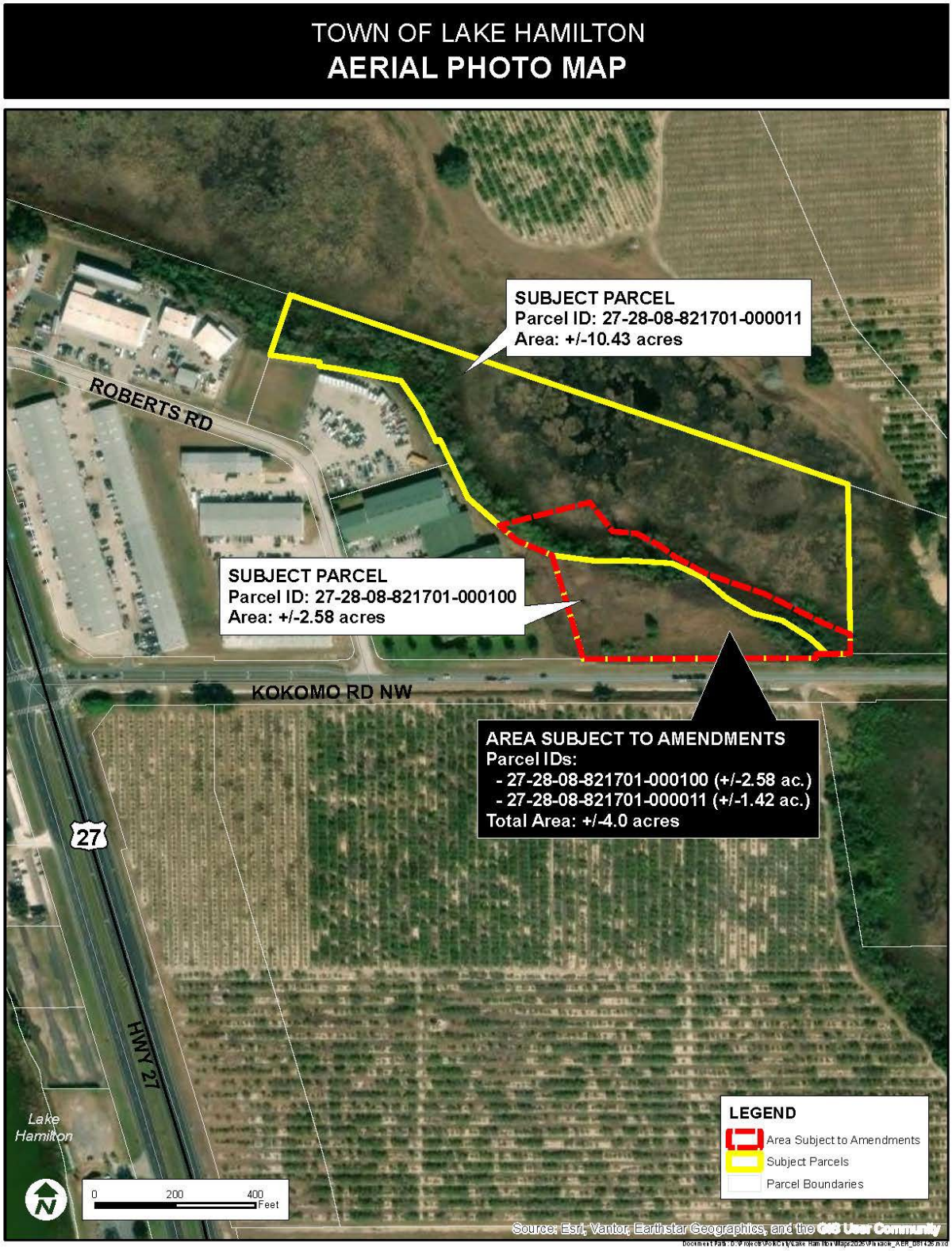
Staff notes that the subject area contains two parcels that are under different current ownership. Clarification will be needed on future plans of the subject area to be under complete single ownership, to allow for consistent land use, zoning, and site plan review through the construction of the project and the maintenance of the proposed environmental buffers.

Staff notes that an additional future land use and zoning request submitted by the applicant for the second subject parcel will convert .55 acres of land currently designated Agricultural Zoning to Conservation (CON) zoning. If approved along with this request, there will be more conservation lands created than what will be changed to industrial in the two subject parcels.

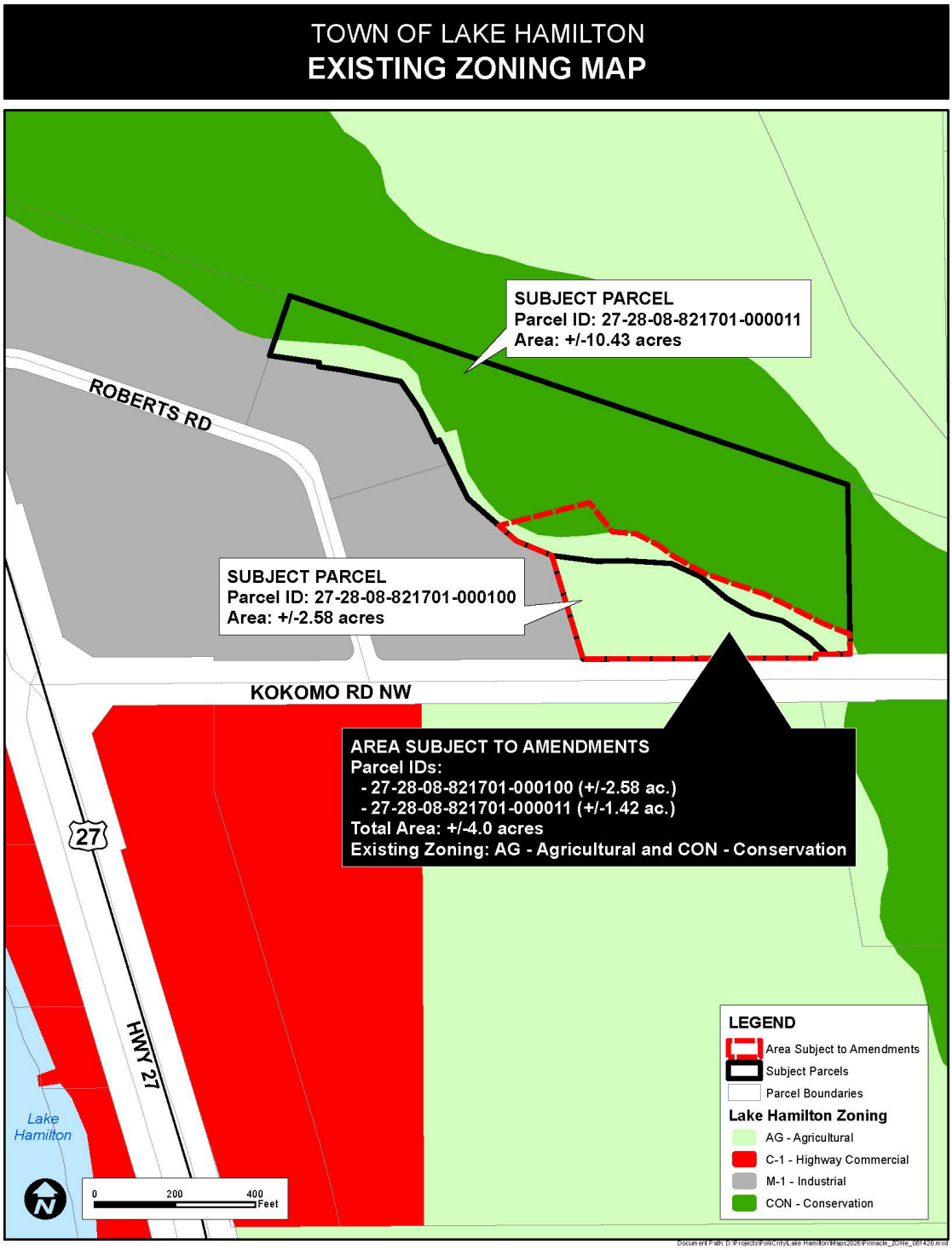
Council may consider the request if it determines whether it is consistent with the Comprehensive Plan and any approved amendments to the Future Land Use of the subject area, as well as its compatibility with the surrounding area.

At the October 21, 2026 Lake Hamilton Planning Commission meeting, it was recommended that Town Council approve this request.

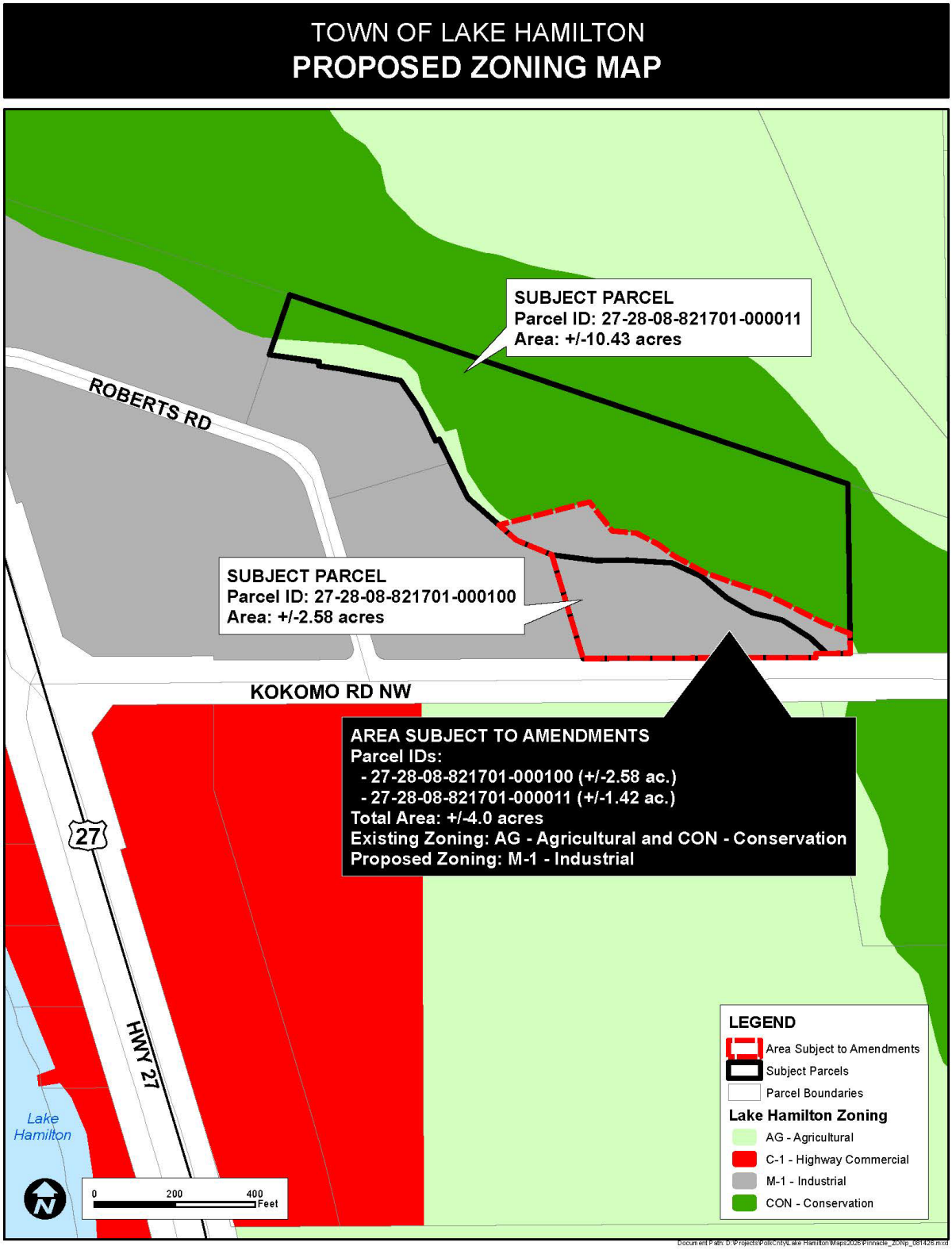
AERIAL MAP


TOWN OF LAKE HAMILTON
AERIAL PHOTO MAP
SUBJECT PARCEL
Parcel ID: 27-28-08-821701-000011
Area: +/-10.43 acres
ROBERTS RD
SUBJECT PARCEL
Parcel ID: 27-28-08-821701-000100
Area: +/-2.58 acres
KOKOMO RD NW
AREA SUBJECT TO AMENDMENTS
Parcel IDs:
- 27-28-08-821701-000100 (+/-2.58 ac.)
- 27-28-08-821701-000011 (+/-1.42 ac.)
Total Area: +/-4.0 acres
27
HWY 27
Lake Hamilton
0
200
400
Feet
LEGEND
Area Subject to Amendments
Subject Parcels
Parcel Boundaries
Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

Existing Zoning Map



Proposed Zoning Map



Land Resource Consultants, LLC

251 East Park Avenue, Lake Wales, Florida 33853
OrangeGroveKid@gmail.com, 863-978-3856

September 17, 2026

CarterKaye Engineering
c/o Kriss Kaye
137 5th Street NW
Winter Haven, FL 33801
Via Email: kriss@carterkaye.com

RE: Environmental Assessment for Pinnacle Sales Group (LR26005)
901 Roberts Road, Lake Hamilton
Parcels #272808-821701-000100 & 272808-821701-000090

Dear Kriss,

Pursuant to your request, a senior scientist with Land Resource Consultants, LLC (Land Resource) recently evaluated the above-referenced property for the existence of native ecological habitats and potential utilization by state and/or federally protected wildlife species. The site appears to provide only very limited, potentially suitable habitat for protected wildlife. No protected species or habitats were identified in database searches or observed on the property, and the property contains no agency-designated critical habitats for protected species. Please refer to the enclosed map series and agency reports.

The subject property is comprised of two legal parcels and a small portion of a third parcel, totaling more than 13 acres. A majority of the land is wetland. It lies 0.25 miles east of U.S. Highway 27 on the north side of Kokomo Road (S.R. 546 E) in Lake Hamilton, Florida. The proposed eastward expansion of the existing Pinnacle facility involves a few acres fronting on Kokomo Road. The property and vicinity has a long history of disturbance. Citrus cultivation predates 1941, which included destruction of all native upland habitats. In the late 1990's, clearing for development of the existing commercial / industrial park stretched from the subject property west to Highway 27. All on-site uplands were cleared to bare sand and the disturbance appears to have stretched down hill to, or possibly in, the adjacent wetlands.

The enclosed FLUCCS map (Map series, Sheet 5) depicts the uplands and wetlands in the proposed development area. Open Land (190) is a land use code commonly applied to upland disturbed areas. Upland vegetation on site reflects this designation, including a mix of vegetation dominated by nuisance / exotic species. Observed upland vegetation includes the following:

Chinaberry tree (*Melia azedarach*), Brazilian pepper (*Schinus terebinthifolia*), red maple (*Acer rubrum*), laurel oak (*Quercus laurifolia*), cabbage palm (*Sabal palmetto*), persimmon (*Diospyros virginiana*), groundsel tree (*Baccharis halimfolia*), blackberry (*Rubus* sp.), cogon grass (*Imperata cylindrica*), guinea grass (*Megathyrsus maximus*), johnsongrass (*Sorghum halepense*), ragweed (*Ambrosia artemisiifolia*), and pokeweed (*Phytolacca americana*). Chest-high and dense, exotic cogon grass consumes an estimated 70% of the uplands. A more forested area at

the extreme east end of the site contains more live oak (*Quercus virginiana*) and cherry laurel (*Prunus caroliniana*).

Wetlands on site include a larger Freshwater Marsh (641), separated from the upland by a thin transition area characterized as Wet Prairie (643). The Wet Prairie is of poor quality and has clearly been disturbed historically. Wetland species include:

red maple (*Acer rubrum*), Carolina willow (*Salix caroliniana*), Brazilian pepper (*Schinus terebinthifolia*), primrose willow (*Ludwigia* sp.), Virginia chainfern (*Woodwardia virginica*), pickerelweed (*Pontederia cordata*), duck potato (*Sagittaria lancifolia*), and grapevine (*Vitus* sp.).

Certain wildlife species are protected under the authority of the Florida Fish and Wildlife Conservation Commission (FWC) and/or the U.S. Fish and Wildlife Service (FWS). Our scope of work included a review of any protected species or suitable species' habitats that exist on or near the subject property. The site appears to provide only limited, potentially suitable habitat for protected wildlife. With the exception of the gopher tortoise (*Gopherus polyphemus*), no protected species or habitats were identified in database searches or observed on the property. The property contains no agency-designated critical habitats for protected species and it is not adjacent to any Federal, State, or County wildlife management areas, parks, preserves or reserves.

According to Florida Fish and Wildlife Conservation Commission (FWC) criteria, on-site uplands represent suitable gopher tortoise habitat. During our site review, we observed no gopher tortoises or their burrows. The dense cogon grass makes their presence very unlikely. Nonetheless, a survey for this state-listed species on 100% of the property must be conducted by an Authorized Gopher Tortoise Agent within 90 days prior to commencing development activities. FWC requires any burrows or tortoises to be properly removed before development can begin subsequent to agency oversight, i.e. permitting.

Aside from the potential gopher tortoise presence, our on-site review of the property did not reveal any other protected species or their habitats. Additional review of published mapping and FWC, U.S. Fish and Wildlife Service (FWS), and Florida Natural Areas Inventory (FNAI) databases did not reveal any species concerns. Related FNAI and IPAC reports are enclosed, providing an inventory of species known to occur in the region. FWC maps the nearest bald eagle nest 0.75 miles away, too far to impact the development. No nesting, loafing, roosting, burrowing, or denning was observed on site and it is not anticipated that any significant wildlife utilization occurs that would impede development of the site.

Based upon our preliminary review of the proposed development plan, it appears unlikely that upland disturbance will negatively effect wildlife as no native habitat has existed on site for decades. Regarding potential jurisdictional wetland impacts, the development must comply with SWFWMD and FWC environmental regulations. That includes a rigorous mitigation plan to compensate for any wetland loss. At the agency's discretion, such a plan could include wetland enhancement adjacent to remaining wetlands as part of flood impact compensation. Likewise,

aesthetic improvements could be made to elevate agency stormwater pond requirements. As plans progress, we anticipate multiple opportunities to improve wetland-adjacent areas.

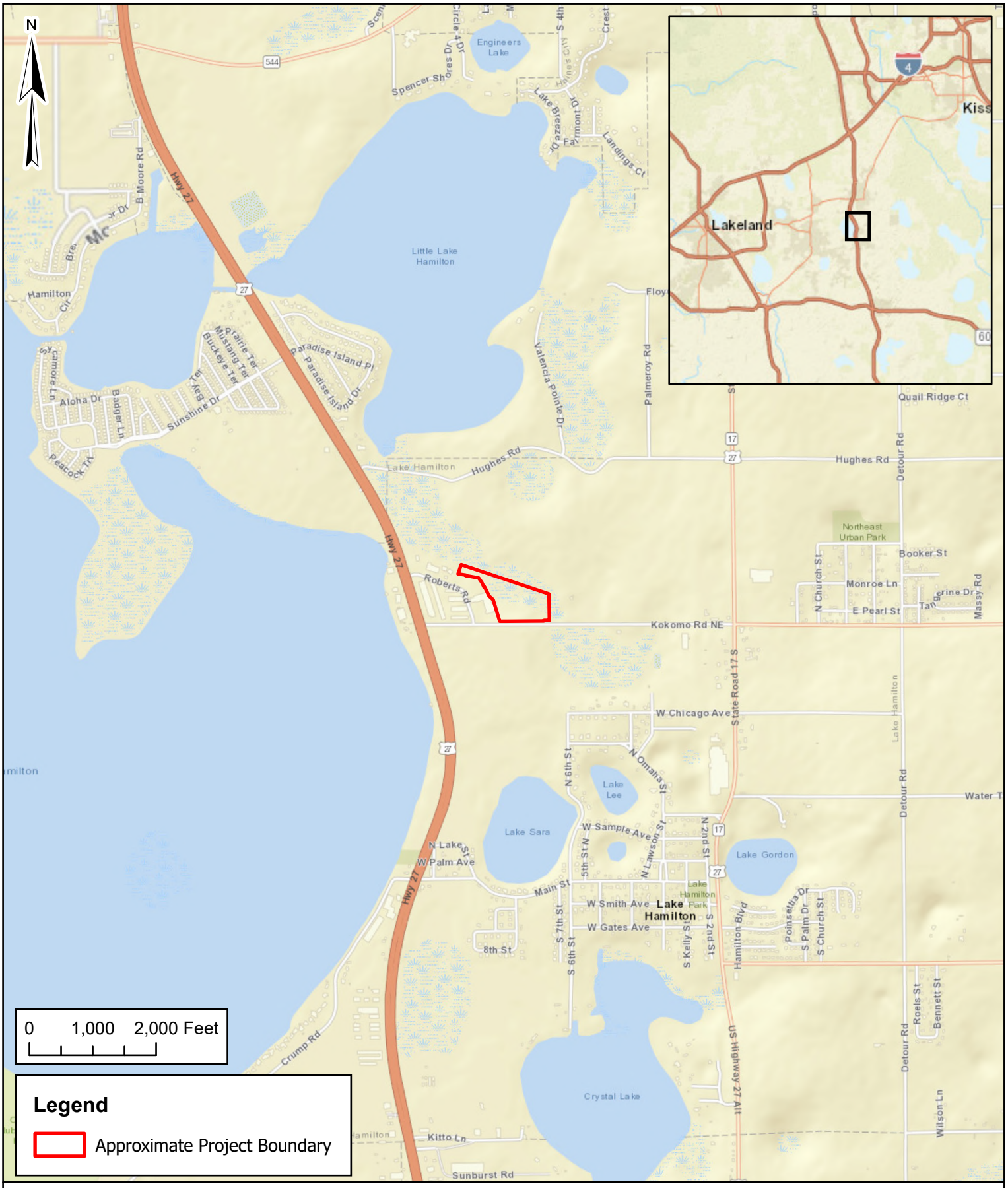
We hope this information is useful and sufficient to address any natural resource concerns. If we can provide additional clarification or information, please do not hesitate to contact me.

Sincerely,

J. Reid Hardman

J. Reid Hardman
Principal, Land Resource Consultants, LLC
Senior Environmental/Soil Scientist
Authorized Gopher Tortoise Agent

Enclosures:
Map Series – Location, Topographic, Soils, NWI, FLUCCS
FNAI Biodiversity Matrix Query Results
USFWS IPAC Resource List



Client:	Pinnacle Sales Group	TRS:	Sec: 8 Twp: 28S Rng: 27E
Project:	901 Roberts Road Warehouse Expansion	Scale:	1" = 2000'
Location:	Polk County, Florida	Date:	8/12/2026
Title:	Location Map	Drawn By:	CV
Sheet:	1	Source:	ESRI World Street Map

Y:\PAL\GIS\1 Lakewales\Pinnacle Sales Group\901 Roberts Road Warehouse Expansion\GIS\Pinnacle_901RobertsRdWarehouseExpansion.aprx



Client:	Pinnacle Sales Group	TRS:	Sec: 8 Twp: 28S Rng: 27E
Project:	901 Roberts Road Warehouse Expansion	Scale:	1" = 2000'
Location:	Polk County, Florida	Date:	8/12/2026
Title:	USGS Quad Map	Drawn By:	CV
Sheet:	2	Source:	USGS Topo Maps

Y:\PAL\GIS\1 Lakewales\Pinnacle Sales Group\901 Roberts Road Warehouse Expansion\GIS\Pinnacle_901RobertsRdWarehouseExpansion.aprx



Legend

Approximate Project Boundary (Total Area = 13.61 acres)

Soil Descriptions

- 3: CANDLER SAND, 0 TO 5 PERCENT SLOPES (±3.11 ac)
- 13: SAMSULA MUCK, FREQUENTLY PONDED, 0 TO 1 PERCENT SLOPES (±0.15 ac)
- 17: SMYRNA AND MYAKKA FINE SANDS (±4.62 ac)
- 35: HONTOON MUCK, FREQUENTLY PONDED, 0 TO 1 PERCENT SLOPES (±5.73 ac)

Client: Pinnacle Sales Group
Project: 901 Roberts Road Warehouse Expansion
Location: Polk County, Florida
Title: NRCS Soils Map
Sheet: 3

TRS: Sec: 8 Twp: 28S Rng: 27E
Scale: 1" = 125'
Date: 8/13/2026
Drawn By: CV
Source: ESRI World Imagery

Y:\PAL\GIS\1 Lakewales\Pinnacle Sales Group\901 Roberts Road Warehouse Expansion\GIS\Pinnacle_901RobertsRdWarehouseExpansion.aprx

N

erts Rd

Roberts Rd

0 100 200 Feet

State Road 546 E

State Road 546 E

State Road 546 E

Legend

- Approximate Project Boundary
- Approximate Wetland Boundary

Client: Pinnacle Sales Group
Project: 901 Roberts Road Warehouse Expansion
Location: Polk County, Florida
Title: Wetland Map
Sheet: 4

TRS: Sec: 8 Twp: 28S Rng: 27E
Scale: 1" = 125'
Date: 8/12/2026
Drawn By: CV
Source: ESRI World Imagery

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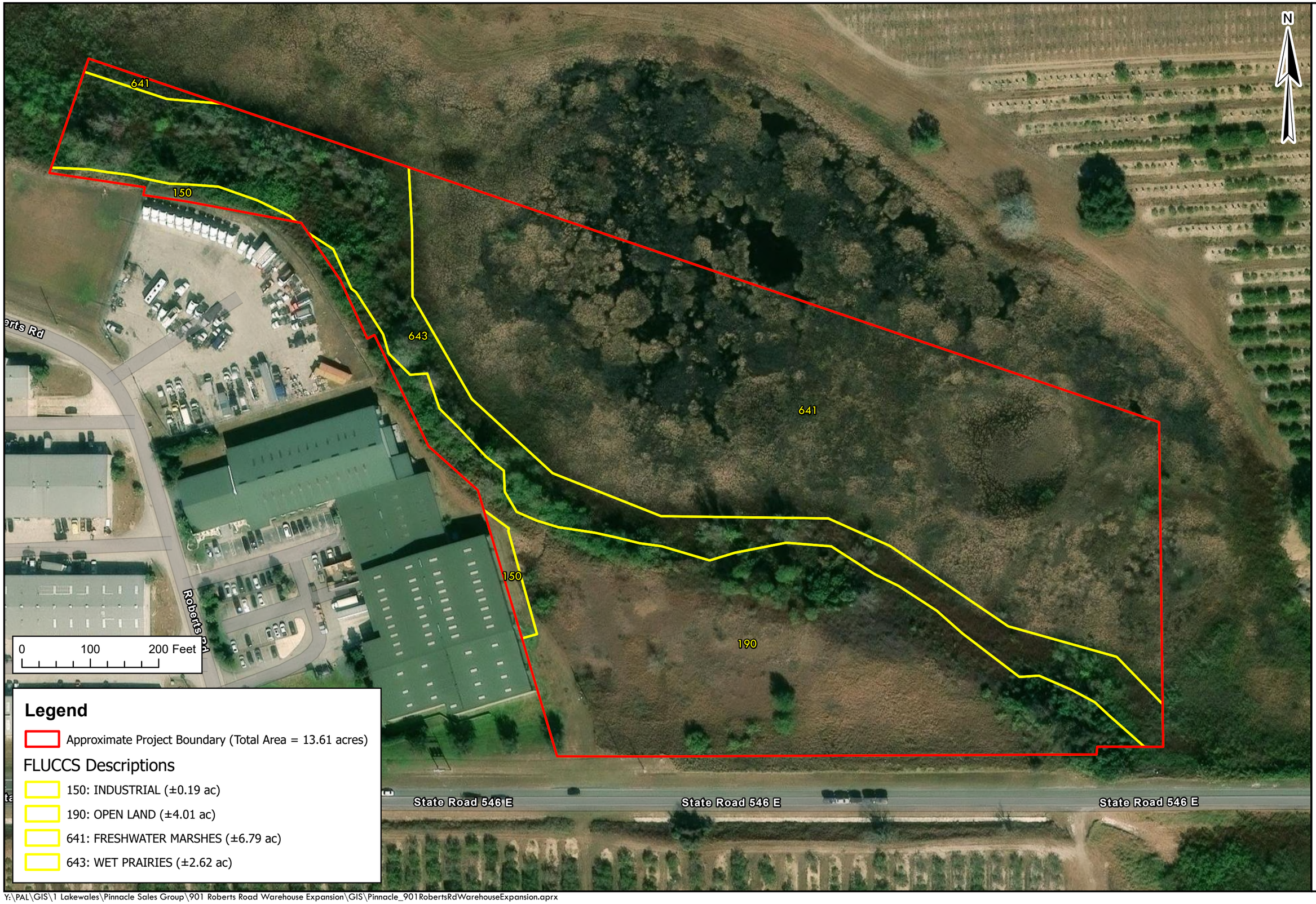


Legend

Approximate Project Boundary (Total Area = 13.61 acres)

FLUCCS Descriptions

- 150: INDUSTRIAL (±0.19 ac)
- 190: OPEN LAND (±4.01 ac)
- 641: FRESHWATER MARSHES (±6.79 ac)
- 643: WET PRAIRIES (±2.62 ac)

Client: Pinnacle Sales Group
Project: 901 Roberts Road Warehouse Expansion
Location: Polk County, Florida
Title: FLUCCS Habitat Map
Sheet: 5

TRS: Sec: 8 Twp: 28S Rng: 27E
Scale: 1" = 125'
Date: 8/13/2026
Drawn By: CV
Source: ESRI World Imagery

Y:\PAL\GIS\1 Lakewales\Pinnacle Sales Group\901 Roberts Road Warehouse Expansion\GIS\Pinnacle_901RobertsRdWarehouseExpansion.aprx

1018 Thomasville Road
Suite 200-C
Tallahassee, FL 32303
850-224-8207
850-681-9364 fax
www.fnai.org

Florida Natural Areas Inventory

Biodiversity Matrix Query Results

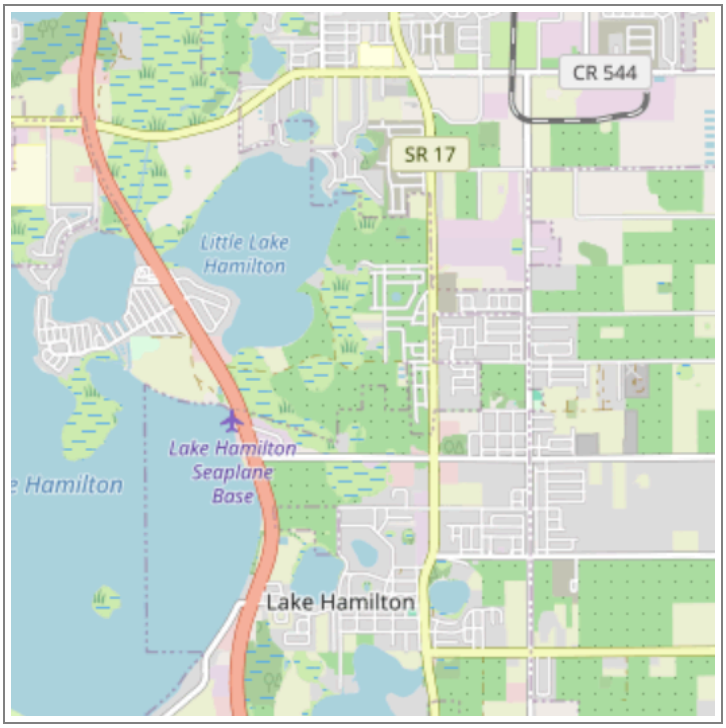
UNOFFICIAL REPORT

Created 7/28/2026

(Contact the FNAI Data Services Coordinator at 850.224.8207 or kbrinegar@fnai.fsu.edu for information on an official Standard Data Report)

NOTE: The Biodiversity Matrix includes only rare species and natural communities tracked by FNAI.

Report for 1 Matrix Unit: 41780



Descriptions

DOCUMENTED - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit.

DOCUMENTED-HISTORIC - There is a documented occurrence in the FNAI database of the species or community within this Matrix Unit; however the occurrence has not been observed/reported within the last twenty years.

LIKELY - The species or community is *known* to occur in this vicinity, and is considered likely within this Matrix Unit because:

1. documented occurrence overlaps this and adjacent Matrix Units, but the documentation isn't precise enough to indicate which of those Units the species or community is actually located in; *or*
2. there is a documented occurrence in the vicinity and there is suitable habitat for that species or community within this Matrix Unit.

POTENTIAL - This Matrix Unit lies within the known or predicted range of the species or community based on expert knowledge and environmental variables such as climate, soils, topography, and landcover.

Matrix Unit ID: 41780

1 **Documented** Element Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Anomala exigua Pygmy Anomala Scarab Beetle	G1	S1	N	N

0 **Documented-Historic** Elements Found

2 **Likely** Elements Found

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Mycteria americana Wood Stork	G4	S2	T	FT
Sandhill upland lake	G3	S2	N	N

Matrix Unit ID: 41780

50 **Potential** Elements for Matrix Unit 41780

Scientific and Common Names	Global Rank	State Rank	Federal Status	State Listing
Antigone canadensis pratensis Florida Sandhill Crane	G5T2	S2	N	ST
Athene cunicularia floridana Florida Burrowing Owl	G4T3	S3	N	ST
Bonamia grandiflora Florida bonamia	G3	S3	T	E
Calamintha ashei Ashe's savory	G3	S3	N	T
Calopogon multiflorus many-flowered grass-pink	G2G3	S2S3	N	T
Carex chapmannii Chapman's sedge	G3	S3	N	T
Centrosema arenicola sand butterfly pea	G2Q	S2	N	E
Chionanthus pygmaeus pygmy fringe tree	G2G3	S2S3	E	E
Clemmys guttata Spotted Turtle	G5	S2S3	N	N
Clitoria fragrans scrub pigeon-wing	G2G3	S2	T	E
Coelorachis tuberculosa Piedmont jointgrass	G3	S3	N	T
Coleataenia abscissa cutthroatgrass	G3	S3	N	E
Conradina brevifolia short-leaved rosemary	G2Q	S2	E	E
Drymarchon couperi Eastern Indigo Snake	G3	S2?	T	FT
Dryobates borealis Red-cockaded Woodpecker	G3	S2	E, PT	FE
Eriogonum longifolium var. gnaphalifolium scrub buckwheat	G4T3	S3	T	E
Gopherus polyphemus Gopher Tortoise	G3	S3	C	ST
Gymnopogon chapmanianus Chapman's skeletongrass	G3	S3	N	N
Hartwrightia floridana hartwrightia	G2	S2	N	T
Heterodon simus Southern Hognose Snake	G2	S2S3	N	N
Hypericum edisonianum Edison's ascyrum	G2G3	S2	N	E
Illicium parviflorum star anise	G2	S2	N	E
Lechea cernua nodding pinweed	G3	S3	N	T
Liatris ohlingerae Florida blazing star	G2	S2	E	E
Lithobates capito Gopher Frog	G2G3	S3	N	N
Lupinus aridorum scrub lupine	G3T1	S1	E	E
Matelea floridana Florida spiny-pod	G2	S2	N	E
Mustela frenata peninsulae Florida Long-tailed Weasel	G5T3?	S3?	N	N
Nemastylis floridana celestial lily	G2	S2	N	E

Neofiber alleni Round-tailed Muskrat	G2	S2	N	N
Nolina atopocarpa Florida beargrass	G3	S3	N	T
Nolina brittoniana Britton's beargrass	G3	S3	E	E
Paronychia chartacea var. chartacea paper-like nailwort	G3T3	S3	T	E
Peltotrupes profundus Florida Deepdigger Scarab Beetle	G3	S3	N	N
Phyllophaga elongata Elongate June Beetle	G3	S3	N	N
Phyllophaga okeechobea Diurnal Scrub June Beetle	G2	S2	N	N
Plestiodon egregius lividus Blue-tailed Mole Skink	G5T2	S2	T	FT
Podomys floridanus Florida Mouse	G3	S3	N	N
Polygala lewtonii Lewton's polygala	G2	S2	E	E
Polygonella basiramia Florida jointweed	G3	S3	E	E
Polygonella myriophylla Small's jointweed	G3	S3	E	E
Prunus geniculata scrub plum	G3	S3	E	E
Pteroglossaspis ecristata giant orchid	G2G3	S2	N	T
Rostrhamus sociabilis Snail Kite	G4G5	S2	E	FE
Salix floridana Florida willow	G2G3	S2S3	N	E
Sceloporus woodi Florida Scrub Lizard	G2G3	S2S3	N	N
Sciurus niger niger Southeastern Fox Squirrel	G5T5	S3	N	N
Ursus americanus floridanus Florida Black Bear	G5T4	S4	N	N
Warea amplexifolia clasping warea	G1	S1	E	E
Warea carteri Carter's warea	G1	S1	E	E

Disclaimer

The data maintained by the Florida Natural Areas Inventory represent the single most comprehensive source of information available on the locations of rare species and other significant ecological resources statewide. However, the data are not always based on comprehensive or site-specific field surveys. Therefore, this information should not be regarded as a final statement on the biological resources of the site being considered, nor should it be substituted for on-site surveys. FNAI shall not be held liable for the accuracy and completeness of these data, or opinions or conclusions drawn from these data. FNAI is not inviting reliance on these data. Inventory data are designed for the purposes of conservation planning and scientific research and are not intended for use as the primary criteria for regulatory decisions.

Unofficial Report

These results are considered unofficial. FNAI offers a Standard Data Request option for those needing certifiable data.

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Polk County, Florida



Local office

Florida Ecological Services Field Office

(352) 448-9151
(772) 562-4288
fw4flesregs@fws.gov

777 37th St
Suite D-101
Vero Beach, FL 32960-3559

https://www.fws.gov/office/florida-ecological-services

NOT FOR CONSULTATION

Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species[1] and their critical habitats are managed by the Ecological Services Program of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries[2]).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact NOAA Fisheries for species under their jurisdiction.

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1. Species listed under the Endangered Species Act are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the listing status page for more information. IPaC only shows species that are regulated by USFWS (see FAQ).
2. NOAA Fisheries, also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

Mammals

NAME	STATUS
Florida bonneted bat Eumops floridanus Wherever found There is **final** critical habitat for this species. Your location does not overlap the critical habitat. https://ecos.fws.gov/ecp/species/8630	Endangered
Florida panther Puma (=Felis) concolor coryi Wherever found No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1763	Endangered
Puma (=mountain lion) Puma (=Felis) concolor (all subsp. except coryi) No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6049	SAT

Birds

NAME	STATUS
Crested caracara (Audubon's) [FL DPS] Caracara plancus audubonii No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/8250	Threatened

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Eastern Black rail Laterallus jamaicensis jamaicensis — Threatened
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/10477

Everglade snail kite Rostrhamus sociabilis plumbeus — Endangered
Wherever found
There is **final** critical habitat for this species. Your location does not overlap the critical habitat.
https://ecos.fws.gov/ecp/species/7713

Whooping crane Grus americana — EXPN
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/758

Reptiles

NAME	STATUS

American alligator Alligator mississippiensis — SAT
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/776

blue-tailed mole skink Eumeces egregius lividus — Threatened
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/2203

Eastern indigo snake Drymarchon couperi — Threatened
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/646

Sand skink Neoseps reynoldsi — Threatened
Wherever found
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/4094

Insects

NAME	STATUS

Monarch butterfly Danaus plexippus — Proposed Threatened
Wherever found
There is **proposed** critical habitat for this species. Your location does not overlap the critical habitat.
https://ecos.fws.gov/ecp/species/9743

Flowering Plants

NAME	STATUS

Avon Park harebells Crotalaria avonensis — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/7093

Carter's mustard Warea carteri — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/5583

Florida ziziphus Ziziphus celata — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/2950

Highlands scrub hypericum Hypericum cumulicola — Endangered
No critical habitat has been designated for this species.
https://ecos.fws.gov/ecp/species/2940

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Lewton's polygala Polygala lewtonii No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/6688	Endangered
Papery whitlow-wort Paronychia chartacea No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1465	Threatened
Pigeon wings Clitoria fragrans No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/991	Threatened
Pygmy fringe-tree Chionanthus pygmaeus No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1084	Endangered
Sandlace Polygonella myriophylla No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/5745	Endangered
Scrub blazingstar Liatris ohlingerae No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/864	Endangered
Scrub mint Dicerandra frutescens No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/799	Endangered
Short-leaved rosemary Conradina brevifolia No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/2929	Endangered
Wireweed Polygonella basiramia No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/1718	Endangered

Lichens

NAME	STATUS
Florida perforate cladonia Cladonia perforata No critical habitat has been designated for this species. https://ecos.fws.gov/ecp/species/7516	Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

There are no critical habitats at this location.

You are still required to determine if your project(s) may have effects on all above listed species.

Bald & Golden Eagles

Bald and Golden Eagles are protected under the Bald and Golden Eagle Protection Act [2] and the Migratory Bird Treaty Act (MBTA) [1]. Any person or organization who plans or conducts activities that may result in impacts to Bald or Golden Eagles, or their nests, should follow appropriate regulations and implement required avoidance and minimization measures, as described in the various links on this page.

The data in this location indicates that no eagles have been observed in this area. This does not mean eagles are not present in your project area, especially if the area is difficult to survey. Please review the 'Steps to Take When No Results Are Returned' section of the Supplemental Information on Migratory Birds and Eagles document to determine if your project is in a poorly surveyed area. If it is, you

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may need to rely on other resources to determine if eagles may be present (e.g. your local FWS field office, state surveys, your own surveys).

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds https://www.fws.gov/sites/default/files/documents/nationwide-standard-conservation-measures.pdf
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

Bald and Golden Eagle information is not available at this time

Bald & Golden Eagles FAQs

What does IPaC use to generate the potential presence of bald and golden eagles in my specified location?

The potential for eagle presence is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are an eagle (Bald and Golden Eagle Protection Act requirements may apply).

Proper interpretation and use of your eagle report

On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort line or no data line (red horizontal) means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide you in knowing when to implement avoidance and minimization measures to eliminate or reduce potential impacts from your project activities or get the appropriate permits should presence be confirmed.

How do I know if eagles are breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If an eagle on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

Interpreting the Probability of Presence Graphs

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

How is the probability of presence score calculated? The calculation is done in three steps:

The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.

To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

Breeding Season ()

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort ()

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()

A week is marked as having no data if there were no survey events for that week.

Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

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Migratory birds

The Migratory Bird Treaty Act (MBTA) [1] prohibits the take (including killing, capturing, selling, trading, and transport) of protected migratory bird species without prior authorization by the Department of Interior U.S. Fish and Wildlife Service (FWS).

1. The Migratory Birds Treaty Act of 1918.
2. The Bald and Golden Eagle Protection Act of 1940.

Additional information can be found using the following links:

- Eagle Management https://www.fws.gov/program/eagle-management
- Measures for avoiding and minimizing impacts to birds https://www.fws.gov/library/collections/avoiding-and-minimizing-incidental-take-migratory-birds
- Nationwide avoidance and minimization measures for birds
- Supplemental Information for Migratory Birds and Eagles in IPaC https://www.fws.gov/media/supplemental-information-migratory-birds-and-bald-and-golden-eagles-may-occur-project-action

Migratory bird information is not available at this time

Migratory Bird FAQs

Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds.

Nationwide Avoidance & Minimization Measures for Birds describes measures that can help avoid and minimize impacts to all birds at any location year-round. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is one of the most effective ways to minimize impacts. To see when birds are most likely to occur and breed in your project area, view the Probability of Presence Summary. Additional measures or permits may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the list of migratory birds that potentially occur in my specified location?

The Migratory Bird Resource List is comprised of Birds of Conservation Concern (BCC) and other species that may warrant special attention in your project location, such as those listed under the Endangered Species Act or the Bald and Golden Eagle Protection Act and those species marked as “Vulnerable”. See the FAQ “What are the levels of concern for migratory birds?” for more information on the levels of concern covered in the IPaC migratory bird species list.

The migratory bird list generated for your project is derived from data provided by the Avian Knowledge Network (AKN). The AKN data is based on a growing collection of survey, banding, and citizen science datasets and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) with which your project intersects. These species have been identified as warranting special attention because they are BCC species in that area, an eagle (Bald and Golden Eagle Protection Act requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, and to verify survey effort when no results present, please visit the Rapid Avian Information Locator (RAIL) Tool.

Why are subspecies showing up on my list?

Subspecies profiles are included on the list of species present in your project area because observations in the AKN for **the species** are being detected. If the species are present, that means that the subspecies may also be present. If a subspecies shows up on your list, you may need to rely on other resources to determine if that subspecies may be present (e.g. your local FWS field office, state surveys, your own surveys).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the Avian Knowledge Network (AKN). This data is derived from a growing collection of survey, banding, and citizen science datasets.

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, or migrating in my area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating, or resident), you may query your location using the RAIL Tool and view the range maps provided for birds in your area at the bottom of the profiles provided for each bird in your results. If a bird on your IPaC migratory bird species list has a breeding season associated with it (indicated by yellow vertical bars on the phenology graph in your “IPaC PROBABILITY OF PRESENCE SUMMARY” at the top of your results list), there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

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1. "BCC Rangewide" birds are Birds of Conservation Concern (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the Bald and Golden Eagle Protection Act requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially BCC species. For more information on avoidance and minimization measures you can implement to help avoid and minimize migratory bird impacts, please see the FAQ “Tell me more about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds”.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the Northeast Ocean Data Portal. The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf project webpage.

Proper interpretation and use of your migratory bird report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please look carefully at the survey effort (indicated by the black vertical line) and for the existence of the "no data" indicator (a red horizontal line). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list does not represent all birds present in your project area. It is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list and associated information help you know what to look for to confirm presence and helps guide implementation of avoidance and minimization measures to eliminate or reduce potential impacts from your project activities, should presence be confirmed. To learn more about avoidance and minimization measures, visit the FAQ "Tell me about avoidance and minimization measures I can implement to avoid or minimize impacts to migratory birds".

Interpreting the Probability of Presence Graphs
Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. A taller bar indicates a higher probability of species presence. The survey effort can be used to establish a level of confidence in the presence score.

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To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is 0.25/0.25 = 1; at week 20 it is 0.05/0.25 = 0.2.

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Survey Effort ()
Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps.

No Data ()
A week is marked as having no data if there were no survey events for that week.

Survey Timeframe
Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the National Wildlife Refuge system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

There are no refuge lands at this location.

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Fish hatcheries

There are no fish hatcheries at this location.

Wetlands in the National Wetlands Inventory (NWI)

Impacts to NWI wetlands and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local U.S. Army Corps of Engineers District.

Wetland information is not available at this time

This can happen when the National Wetlands Inventory (NWI) map service is unavailable, or for very large projects that intersect many wetland areas. Try again, or visit the NWI map to view wetlands at this location.

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tuberficid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate Federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

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8.E

Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH: Brittney Sandoval, Town Administrator

FROM: Jonah Katz, Community Development Director

AGENDA ITEM:

Public Hearing and Final Reading of ORDINANCE O-2026-XX: AN APPLICANT INITIATED REQUEST, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM AGRICULTURE – AG TO CONSERVATION (CON) FOR A .55 ACRE PORTION OF A PARCEL OF LAND LOCATED NORTHEAST OF 901 ROBERTS ROAD 1890 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD (Parcel ID 27-28-08-821701-000011); AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIBENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE. Approved at First Reading on November 10, 2026.

DATE: December 1, 2026

SUMMARY & RECOMMENDATION:

The applicant is requesting a comprehensive plan amendment to change the future land use map classification from Agricultural Lands (AG) to Conservation Lands (CON). The applicant has a companion rezoning request for the same area, requesting a change from Agricultural (AG) to Conservation (CON) Zoning District. The attached staff report provides an analysis of the request. Planning Commission, at their October 21, 2026 recommended that Town Council approve this amendment based its consistency with the Town Comprehensive Plan and compatibility with the surrounding areas.

CONSENT AGENDA ☐ **OLD BUSINESS** ☒ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Ordinance O-2026-XX - Land Use CON Pinnacle 2nd_1132026.pdf
Pinnacle 2nd CON FLU Staff Report_TOWNCOUNCIL.pdf

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE COMPREHENSIVE PLAN OF THE TOWN OF LAKE HAMILTON, FLORIDA, AMENDING THE FUTURE LAND USE MAP CLASSIFICATION FROM AGRICULTURE – AG TO CONSERVATION (CON) FOR A .55 ACRE PARCEL OF LAND LOCATED NORTHEAST OF 901 ROBERTS ROAD 1890 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD; AND TRANSMITTING SAID AMENDMENT TO THE FLORIDA COMMERCE FOR NOTIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR REPEALS; PROVIDING FOR CODIFICATION; PROVIDING FOR ADMINISTRATIVE CORRECTION OF SCRIBENER'S ERRORS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 163.3161 through 163.3215, Florida Statutes, empowers local governments to adopt and amend comprehensive plans, or elements or portions thereof, to guide their future development and growth; and

WHEREAS, in exercise of its authority the Town Council has determined it necessary to adopt amendments to the Town's Comprehensive Plan, which are attached hereto as **Exhibit "A"** and by this reference made a part hereof, to ensure that the Comprehensive Plan is in full compliance with the laws of the State of Florida; and

WHEREAS, pursuant to Section 163.3184, Florida Statutes, the Town Council has held meetings and hearings on **Ordinance O-2026-XX**, the amendment to the Comprehensive Plan and made a part hereof; and the meetings were advertised and held with due public notice to obtain public comment; and having considered written and oral comments received during public hearings, find the amendment complete and appropriate to the needs of the Town.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

SECTION 1. RECITALS. The provisions set forth in the recitals of this Ordinance (whereas clauses) are hereby adopted by the Town Council as legislative findings and intent of the Ordinance.

SECTION 2. AMENDMENT TO THE COMPREHENSIVE PLAN. The Town of Lake Hamilton Comprehensive Plan, Future Land Use Map is hereby amended as set forth in Exhibit "A".

SECTION 3. 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 4. COPY OF ORDINANCE ON FILE. A copy of this Ordinance shall be kept on file in the office of the Lake Hamilton Town Clerk.

SECTION 5. CONFLICTS WITH OTHER ORDINANCES. That portion of any Ordinance which may be in conflict with this Ordinance is hereby repealed with the adoption of this Ordinance.

SECTION 6. EFFECTIVE DATE. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency, or the Administration Council enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Council, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

SECTION 7. INCORPORATION INTO COMPREHENSIVE PLAN. It is the intention of the Town Council that the provisions of this Ordinance shall become and be made a part of the Comprehensive Plan of the Town; and that sections of this Ordinance may be renumbered or relettered and the word "ordinance" may be changed to "chapter", "section", "article", or such other appropriate word or phrase in order to accomplish such intentions; and regardless of whether such inclusion in the Comprehensive Plan is accomplished, sections of this Ordinance may be renumbered or relettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or her designee, without need of public hearing, by filing a corrected or recodified copy of same with the Town Clerk.

INTRODUCED and PASSED on first reading this 10th day of November, 2026.
PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____

PHYLLIS HALL, MAYOR

ATTEST:

_____

JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____

ANTHONY SABITINI, ESQ., TOWN ATTORNEY

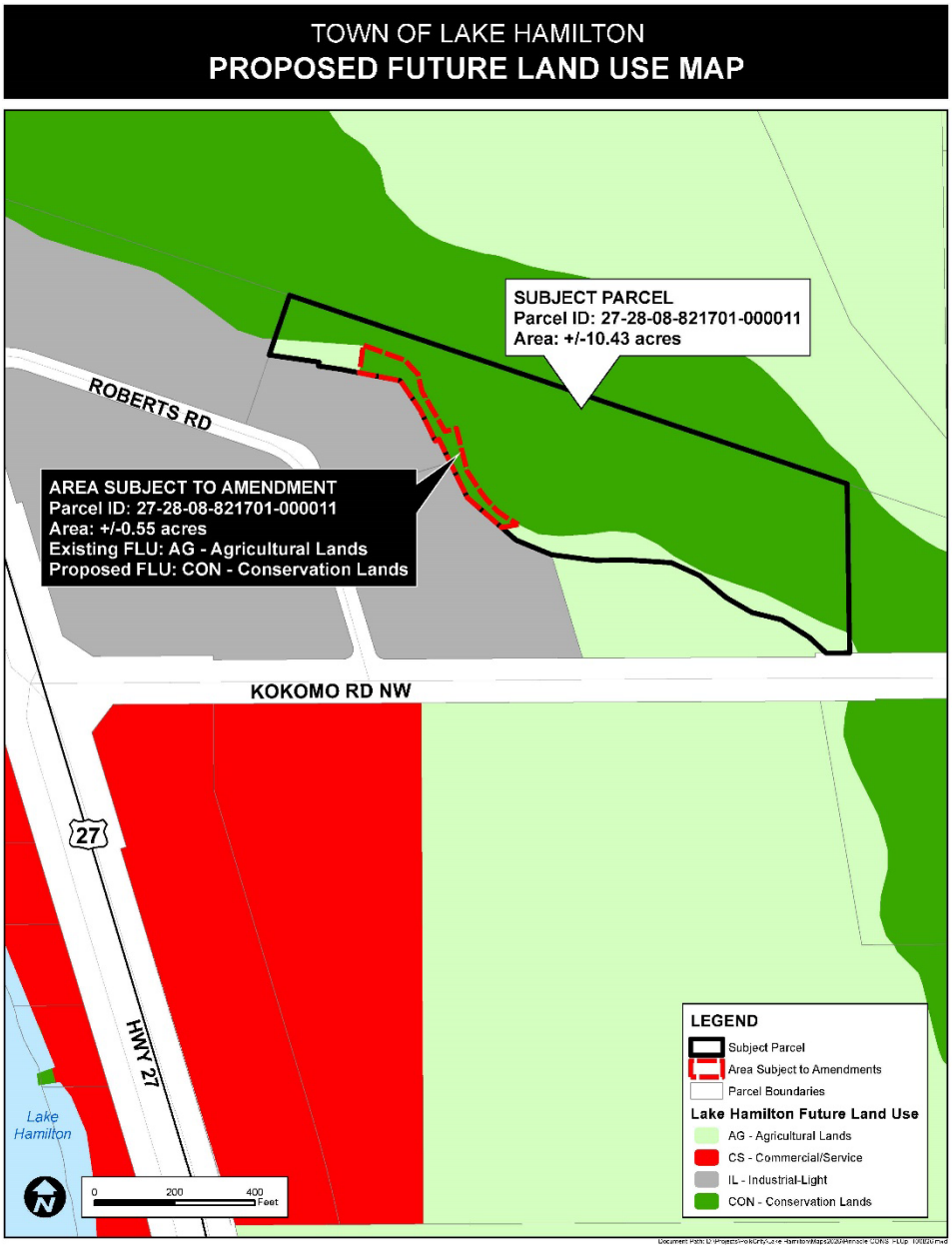
Record of Vote	Yes	No
Ortega		
Mathis		
Demanche		
Hall		
Collier		

Map A

Legal Descriptions: Roberts Industrial Park Plat Book 117 Page 11, Replat Portion Lot 3, 40, and 41

Parcel ID Numbers: Part of 272808-821701-000011

Future Land Use Map Amendment:



Town of Lake Hamilton

FLU Staff Report

November 10, 2026

TO: LAKE HAMILTON TOWN COUNCIL

FROM: **Community Development**

SUBJECT: **FUTURE LAND USE MAP AMENDMENT**

Ordinance 2026-xx: An applicant-initiated amendment to the Future Land Use Map of the Town of Lake Hamilton specifically changing the Future Land Use Map designation for a parcel and a portion of a parcel that totals approximately .55 +/- acres, generally located Northeast of 901 Roberts Road, approximately 1245 ft. east of the intersection of US 27 and Kokomo Road (272808-821701-000011), from Agricultural Lands (AG) to Conservation Lands (CV)

AGENDA & HEARING DATES:

Planning Commission Meeting: Wednesday, Oct. 21, 2026; 5:30 PM
Anticipated Town Council Meeting (First Reading): Nov. 10, 2026; 6:00 PM
Anticipated Town Council Meeting (Second Reading): Dec. 1, 2026; 6:00PM

Attachments

Location Map Aerial Photo | Existing Future Land Use Map | Proposed Future Land Use Map | Ordinance 2026-xx Pinnacle Expansion Future Land Use

Overview:

APPLICATIONS	
Owner	Donald D. and Jo Ann Roberts
Agent	Carter and Kaye Engineering, LLC
Property Size	± .55 acres
Property Location	Generally located Northeast of 901 Roberts Road
Parcel ID	Portion of parcel 272817-000000-000011
Future Land Use: Existing	Town Agricultural Lands (AG)
Future Land Use: Proposed	Town Conservation (CON)

BACKGROUND AND REASON FOR REQUEST:

The applicant is requesting a Future Land Use change from Town Agricultural Lands (AG) to Town Conservation Lands (CV). The applicant has a companion rezoning application requesting Conservation (CON) zoning. Descriptions for both the existing and proposed Future Land Use are provided as follows:

Town of Lake Hamilton Comprehensive Plan, Future Land Use Element, Policy

Existing Future Land Use:

Policy 1.3.2: Agriculture Lands (AG)

a) **Purpose:**
The primary functions of Agricultural Lands, as designated on the Future Land Use Map, shall be to protect and encourage areas which have a long-term agricultural character, while providing for low density residential use, and to protect unique native habitats and maintain open space.

b) **Range of Potential Uses:**
Citrus groves, farms, ranches, agro-industrial uses, agricultural service establishments, agriculturally compatible residential uses, rural residential uses, mining, transmission towers, wells and storage tanks.

c) **Range of Potential Density/Intensity:**
The maximum gross residential density is 0.2 dwelling units per acre and the maximum floor area ratio for non-residential development

Policy 1.2.12: Conservation Lands (CV)

a) **Purpose:**
Identification of areas which have natural resources of unique value and which may be considered as wetlands or environmentally sensitive lands.

b) **Range of Potential Uses**:
Any use which has the primary purpose of protecting natural resources, including passive recreational use.

c) **Range of Potential Density/Intensity:**
Structures within the CV land use category shall be limited to docks and boardwalks, storage buildings or tools and equipment needed to maintain the area, and other accessory structures supportive of recreation activities. The maximum floor area ratio for shall not exceed 0.05.

COMPREHENSIVE PLAN COMPATIBILITY:

OBJECTIVE 2 (Conservation Element): THE TOWN SHALL INCLUDE IN ITS LAND DEVELOPMENT REGULATIONS, DEVELOPMENT STANDARDS AND MITIGATION PROCEDURES TO CONSERVE, APPROPRIATELY USE, AND PROTECT THE NATURAL FUNCTION OF FLOODPLAINS AND WETLANDS AND TO PROTECT CONSERVATION WETLANDS AND ENVIRONMENTALLY-SENSITIVE AREAS WITHIN THE TOWN.

This request can be considered to meet Objective 2 (Conservation Element).

Table 1 includes the density/intensity for the amendment to the Future Land Use Map request for the property.

Table 1:
Analysis of Impacts from Proposed Future Land Use Map Amendment

	Existing FLU: Agricultural Lands (.55 +/-acres)	**Proposed FLU: Conservation (.55 +/- acres)**
Density/Intensity	.2 du/ac No Commercial Non-residential FAR of .2	FAR 0.05
Density Potential	Less than 1 dwelling unit	No residential
Difference	No commercial	No residential

The proposed Future Land Use can be considered compatible with the Comprehensive Plan conditions and can be considered compatible with the surrounding area based on the Future Land Uses assigned to nearby properties within the Town limits. More information is available in the Land Use Analysis located below:

Land Use Analysis:

The subject property is surrounded by properties within the incorporated Town limits, Land designated Industrial-Light (I-L) is to the west of subject property. To the South is a property currently designated Town Agricultural lands which is undergoing a review for a FLU change to Industrial-Light (I-L)

The property to the north and east is vacant conservation property, zoned CON.

The Land Use Matrix below outlines the existing and proposed Future Land Use and zoning of the subject property and the adjacent properties. The proposed Future Land Use and Zoning Maps are also provided for reference

Land Use Matrix

Northwest	North	Northeast
FLU: Agricultural and Town Conservation **ZONING**: Conservation **EXISTING USE:** vacant	**FLU: Town Conservation** **ZONING**: Conservation **EXISTING USE:** vacant	**FLU: Town Conservation (CV)** **ZONING**: Conservation **EXISTING USE:** vacant
West	**Subject Property**	**East**
FLU: Industrial Light **ZONING**: M-1 **EXISTING USE:** warehouses	**EXISTING FLU:** Agricultural **PROPOSED FLU:** Conservation **EXISTING ZONING:** Agricultural **PROPOSED ZONING:** Conservation **EXISTING USE:** Vacant	**FLU:** Conservation **ZONING**: CON **EXISTING USE:** Vacant
Southwest	**South**	**Southeast**
FLU: Industrial Light **ZONING**: M-1 **EXISTING USE:** industrial	**FLU:** Agricultural **ZONING**: AG **EXISTING USE:** Vacant	**FLU:** Conservation **ZONING**: CON **EXISTING USE:** Vacant

<u>Public Facilities and Services Analysis</u>:

The proposed amendment does not authorize or introduce additional development intensity and does not create additional demands on transportation, utilities, public facilities, stormwater infrastructure, or other public services.

Emergency Services:

Emergency services for both City and County-operated facilities are all in close proximity to the subject property. Police, fire, and EMS are located within a 3-mile radius (by car) and travel time without sirens is 6 minutes or less.

- Polk County Fire Rescue – 1.5 Miles ~ 4 minutes
- Lake Hamilton Police Department – 1.5 Miles ~ 4 minutes
- Winter Haven Hospital Emergency Room – 9.9 miles ~ 22 minutes
- Lakeland Regional Hospital Emergency Room – 35.6 miles ~ 50 minutes

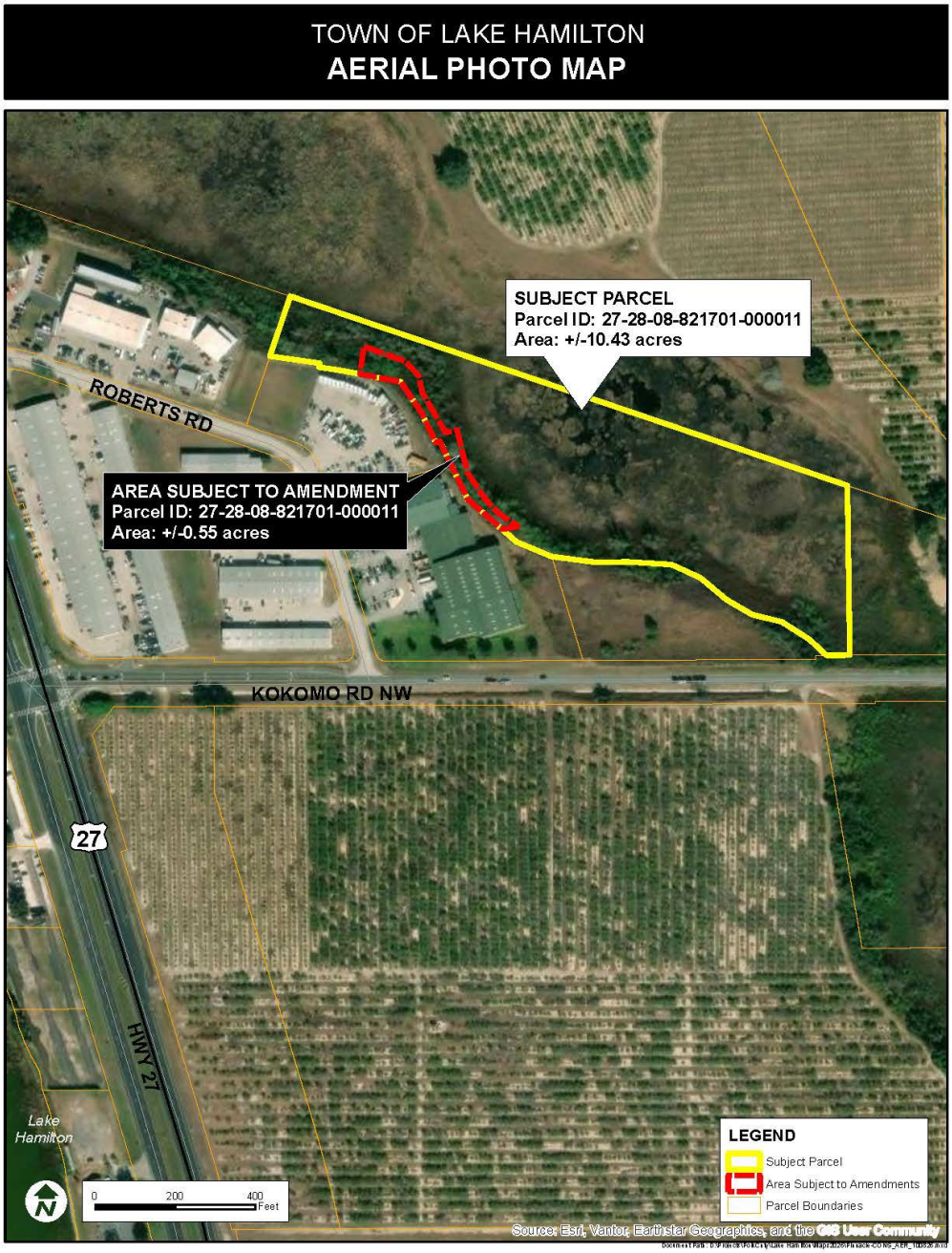
Recommendation:

The applicant has stated that the proposed land use amendment places the subject area into a more protective land use and zoning classification and complements the environmental protections objectives associated with the adjacent designated Conservation Lands. The proposed Agricultural-to-Conservation amendments do not create additional development impacts and do not alter the impact conclusions of the previously submitted Impact Assessment Statements supplementing a related Future Land Use and Rezoning Request that was previously considered for a portion of this same parcel and an adjacent parcel. That proposal is planned to be heard at the 10/21/2026 Planning Commission and requests the conversion of approximately 4 acres of Agricultural Lands and a small portion of Conservation Land to Industrial-Light. This proposal creates a .55 acreage of additional Conservation Lands on the same parcel where .11 acres of Conservation are proposed to be taken away.

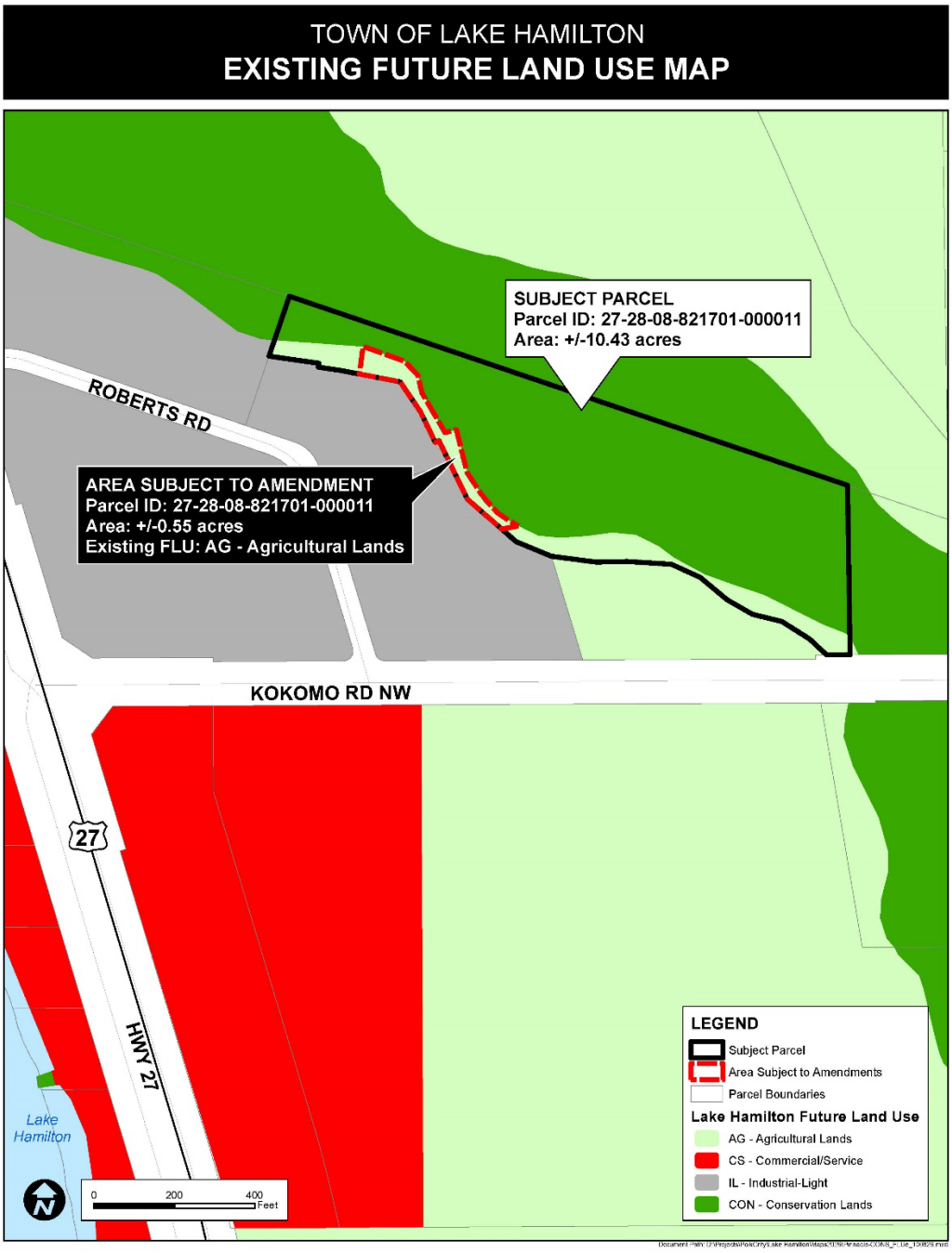
The Town Council may consider the request and make a motion to approve or deny based on the request's consistency with the Comprehensive Plan and compatibility with the surrounding area.

At the meeting of the Town Planning Commission held on October 21st, 2026, the Commission recommended approval of the request.

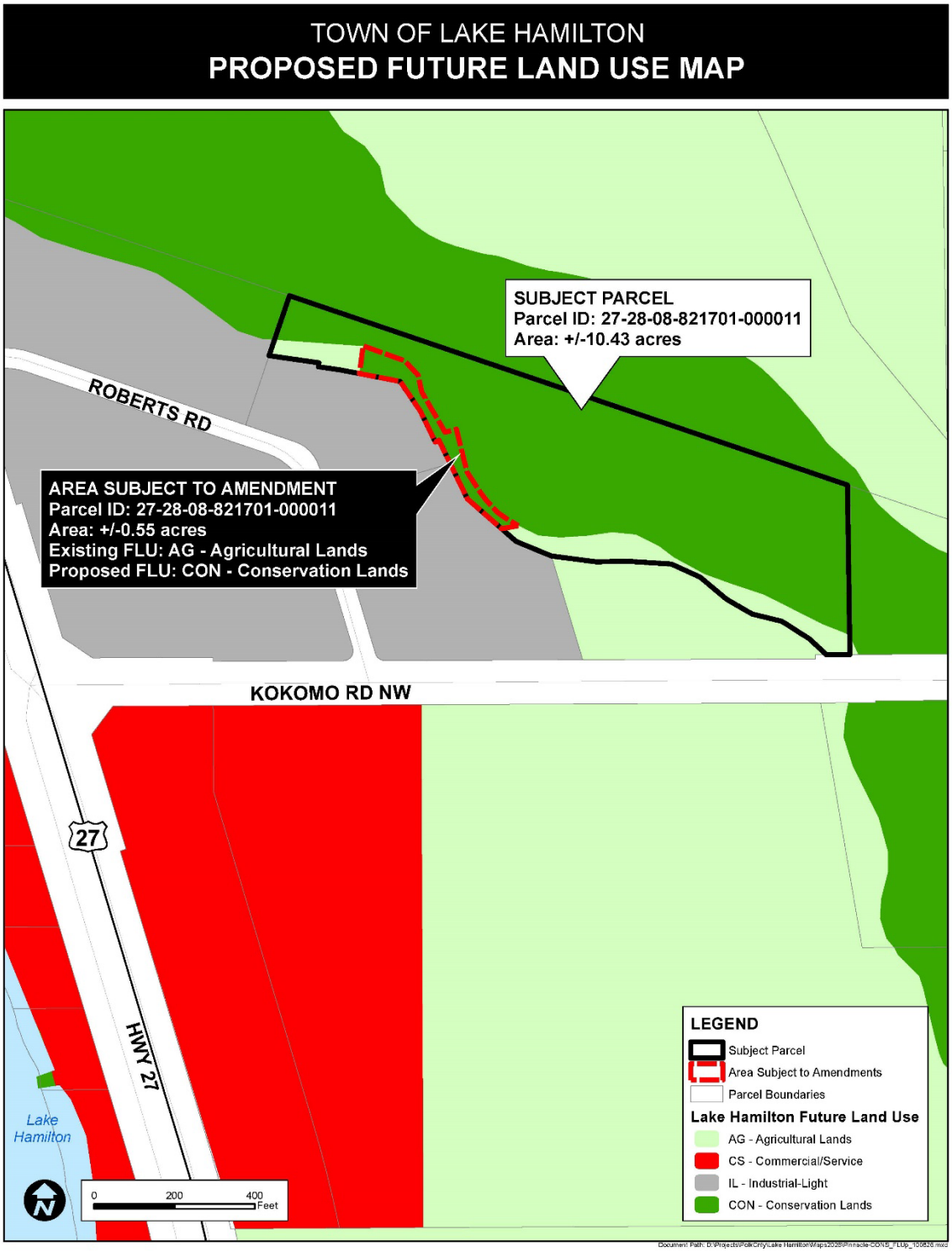
AERIAL MAP
FLU Amendment Subject Area



EXISTING FLU
FLU Amendment Subject Area



PROPOSED FLU
FLU Amendment Subject Area



Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH: Brittney Sandoval, Town Administrator

FROM: Jonah Katz, Community Development Direcctor

AGENDA ITEM: **Public Hearing and Final Reading of Ordinance O-2026-XX**: AN APPLICANT-INTIATED REQUEST REZONING A .55 ACRE PORTION OF A PARCEL OF LAND LOCATED ON THE NORTHEAST OF 901 ROBERTS ROAD 1890 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE TO CONSERVATION (CON) ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Approved at First Reading on November 10, 2026.

DATE: December 1, 2026

SUMMARY & RECOMMENDATION:

The applicant is requesting to rezone from Agriculture (AG) to Conservation (CON). The applicant has a companion FLU application requesting a change from Agricultural Lands to Conservation Lands. The attached staff report provides an analysis of the request. At their October 21, 2026 the Planning Commission recommended that Council approve this rezoning based on its consistency with the Town Comprehensive Plan and its compatibility with the surrounding areas.

CONSENT AGENDA ☐ **OLD BUSINESS** ☒ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Ordinance O-2026-XX - Rezoning CON Pinnacle Express Expansion_1132026.pdf
Pinnacle 2nd CON Zoning Staff Report_TOWNCOUNCIL.pdf

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN OF LAKE HAMILTON, FLORIDA, REZONING A .55 ACRE PARCEL OF LAND LOCATED ON THE NORTHEAST OF 901 ROBERTS ROAD 1890 FEET EAST OF THE INTERSECTION OF HIGHWAY 27 AND KOKOMO ROAD FROM AGRICULTURE TO CONSERVATION (CON) ZONING DISTRICT; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, there has been a request for approval of a rezoning of the property described below; and

WHEREAS, the change will further the general health, safety, and welfare and be a benefit to the Town as a whole; and

WHEREAS, the zoning change requested by the applicant is consistent with the Future Land Use Element of the Lake Hamilton Comprehensive Plan.

NOW THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

1. The parcel is located 1890 feet east of the intersection of Highway 27 and Kokomo Roads on the northeast of 901 Roberts Road as shown on Map "A", which is attached hereto, and consists of a total of approximately .55 acres, and is described as follows:

   ROBERTS INDUSTRIAL PARK, LOTS 3 AND REPLAT PORTION OF LOT 40 & 41, PLAT BOOK 117, PAGE 11

2. The parcel, as platted and described above, constitutes less than five percent (5%) of the municipally zoned area of the Town.

3. Said property is hereby rezoned from AG Agriculture to CON Conservation Zoning District and the regulations of that District contained in the Land Development Code shall govern further public review and development of the property within this District with the following specific conditions:

   a. That any section, paragraph, or portion which may be deemed illegal or unconstitutional shall not affect any other section of this ordinance.

   b. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

   c. This ordinance shall take effect immediately upon adoption after second reading.

4. A certified copy of this Ordinance, as well as a copy of the Land Development Code shall be located in the Office of the Town Clerk of Lake Hamilton.

INTRODUCED and PASSED on first reading this 10th day of November, 2026.

PASSED and ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____

PHYLLIS HALL, MAYOR

ATTEST:

_____

JAQUELINE BORJA, TOWN CLERK

Approved as to form:

_____

ANTHONY SABITINI, ESQ., TOWN ATTORNEY

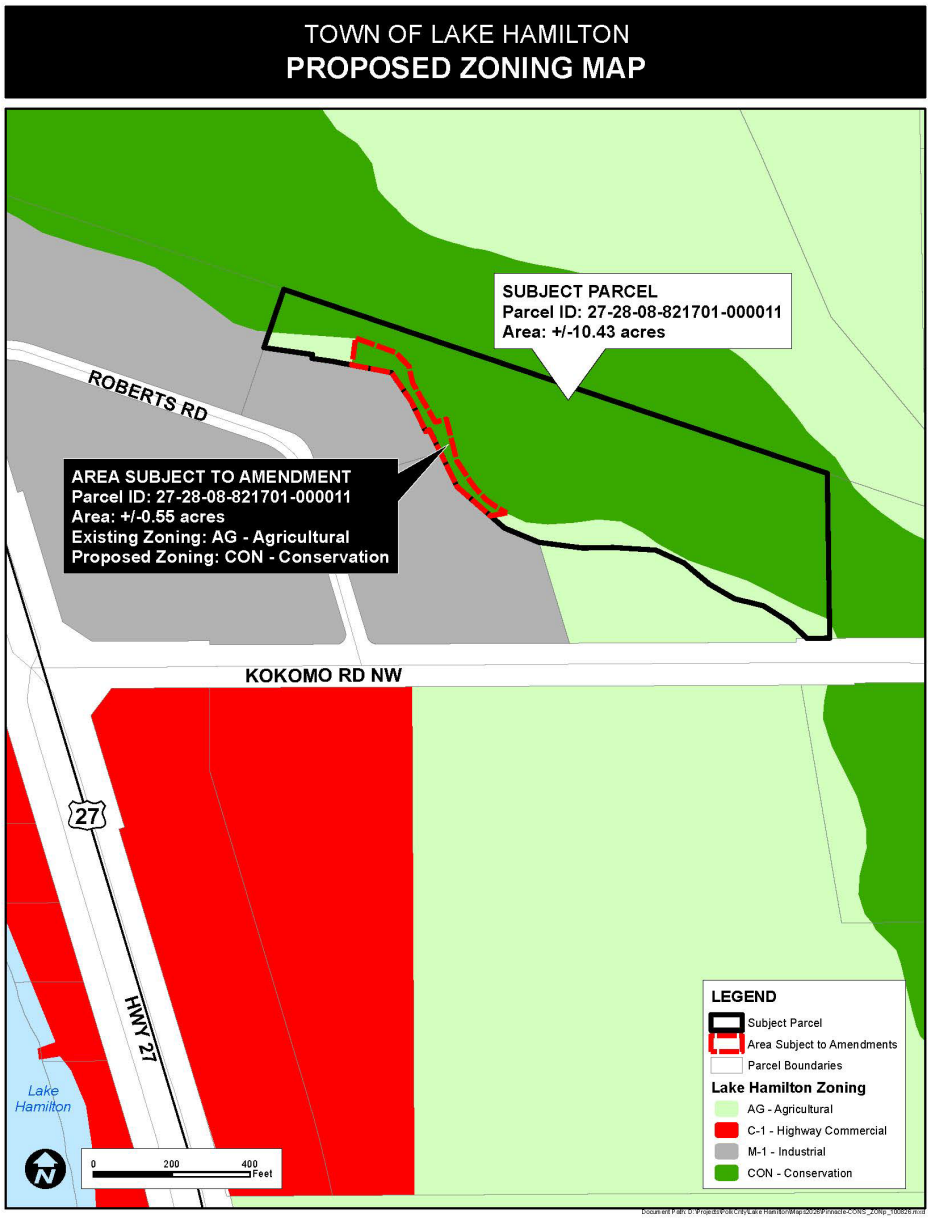
Record of Vote	Yes	No
Ortega		
Mathis		
Demanche		
Hall		
Collier		

MAP A

Legal Descriptions: Roberts Industrial Park Plat Book 117 Page 11, Lot 3 and Replat Portion Lot 40 and 41

Parcel ID Numbers: Part of 272808-821701-000011

Rezoning Map Amendment:



Town of Lake Hamilton

Zoning Staff Report

November 10, 2026

TO: LAKE HAMILTON TOWN COUNCIL

FROM: COMMUNITY DEVELOPMENT DIRECTOR

SUBJECT: **COMMERCIAL REZONING**
Ordinance 2026-XX: An applicant-initiated amendment to the Official Zoning Map of the Town of Lake Hamilton specifically changing the zoning for a portion of a parcel of land that totals approximately .55 +/- acres, generally located Northeast of 901 Roberts Road, approximately 1245 ft. east of the intersection of US 27 and Kokomo Road (272801-821701-000011), from Agricultural (AG) to Conservation (CON).

AGENDA & HEARING DATES:
Planning Commission Meeting: Wednesday, October 21st, 2026; 5:30 PM
Anticipated Town Council Meeting (First Reading): November 10, 2026; 6:00 PM
Anticipated Town Council Meeting (Second Reading): December 1, 2026 6:00PM

Attachments
Aerial Photo | Existing Zoning Map | Proposed Zoning Map | Ordinance 2026-xx Zoning

Overview:

APPLICATIONS	
Owner	Donald D. and Jo Ann Roberts
Agent	Carter and Kaye Engineering, LLC
Property Size	± .55 acres
Property Location	Generally located Northeast of 901 Roberts Road
Parcel ID	Portion of parcel 272817-000000-000011
Zoning: Existing	Agricultural (AG)
Zoning: Proposed	Conservation (CON)

BACKGROUND AND REASON FOR REQUEST:

The applicant is requesting to rezone from AG to CON to place the subject area into a more protective land use and zoning classification that will complement the environmental protections associates with the adjacent designation conservation zoning.. The applicant has a companion FLU application requesting Agricultural Lands to Conservation Lands designation. Descriptions for both the existing and proposed zoning districts are provided as follows:

Existing Agricultural (AG) Zoning District:

Sec. 16-104 Agricultural District

The AG zoning district summary was removed from the code in 2013. Per Sec. 16-103.1 (chart A-1) Design Standards, AG zoning requires a minimum 1 acre lot, minimum lot width of 200 ft., and a minimum floor area of 1,500 sq.ft, with a maximum density of 1 du / acre.

Proposed Consevation (CON) District:

Sec. 16-103 – Establishment of zoning districts

The Lake Hamilton municipal code establishes Conservation (CON) as a type of zoning district but provides no further summary or guidance for land use regulation.

Staff refers to the Conservation Lands (CV) future land use designation in the Comprehensive Plan to provide guidance, which is described as follows:

a) **Purpose:**
Identification of areas which have natural resources of unique value and which may be considered as wetlands or environmentally sensitive lands.

b) **Range of Potential Uses**:
Any use which has the primary purpose of protecting natural resources, including passive recreational use.

c) **Range of Potential Density/Intensity:**
Structures within the CV land use category shall be limited to docks and boardwalks, storage buildings or tools and equipment needed to maintain the area, and other accessory structures supportive of recreation activities. The maximum floor area ratio for shall not exceed 0.05.

COMPREHENSIVE PLAN COMPATIBILITY AND ZONING COMPATIBILITY:

Table 1 includes the density/intensity for the amendment to the Zoning Map designations for the property.

Table 1:
Analysis of Impacts from Proposed Rezoning

	Existing Zoning: Agricultural (AG) (.55 +/-acres)	**Proposed Zoning: Conservation (CON) (.55 +/- acres)**
Density/Intensity	1 du / acre	N/A
Density Potential	Less than one dwelling unit	N/A
Difference	Commercial / Residential allowed	Conservation Uses only

The proposed zoning change can be considered compatible with the surrounding area based on the Future Land Uses and zoning on nearby properties. More information is available in the Land Use Analysis located below

Zoning Analysis:

The subject property is surrounded by properties within the incorporated Town limits, A FLU application to Conservation Lands has been submitted concurrently with this request. To the South is a property currently zoned Agricultural that is undergoing review for a rezoning to Industrial (M-1).

The property to the north is vacant conservation property, zoned CON. To the South is vacant agricultural property, zoned AG. To the West is an existing industrial facility zoned Industrial (M-1) and vacant property, currently zoned Agricultural (AG).

The Land Use Matrix below outlines the existing and proposed Future Land Use and zoning of the subject portion of the property, the existing Future Land Use and zoning of adjacent properties, and the existing land use of the subject and adjacent properties. Proposed Future Land Use and Zoning Maps are also provided for reference.

Land Use Matrix

Northwest	North	Northeast
FLU: Town Conservation (CV) **ZONING**: Conservation **EXISTING USE:** vacant	**FLU: Town Conservation (CV)** **ZONING**: Conservation **EXISTING USE:** vacant	**FLU: Town Conservation (CV)** **ZONING**: Conservation **EXISTING USE:** vacant
West	**Subject Property**	**East**
FLU: Industrial Light **ZONING**: M-1 **EXISTING USE:** warehouses	**EXISTING FLU:** Agricultural **PROPOSED FLU:** CV **EXISTING ZONING:** Town AG **PROPOSED ZONING:** Town CON **EXISTING USE:** Vacant	**FLU:** Conservation **ZONING**: Conservation **EXISTING USE:** Vacant
Southwest	**South**	**Southeast**
FLU: Industrial Light **ZONING**: M-1 **EXISTING USE:** Industrial	**FLU:** Agricultural **ZONING**: AG **EXISTING USE:** Vacant	**FLU:** Conservation **ZONING**: CON **EXISTING USE:** Vacant

Public Facilities and Services Analysis:

The proposed amendment does not authorize or introduce additional development intensity and does not create additional demands on transportation, utilities, public facilities, stormwater infrastructure, or other public services.

Emergency Services:

Emergency services for both City and County-operated facilities are all in close proximity to the subject property. Police, fire, and EMS are located within a 3-mile radius (by car) and travel time without sirens is 6 minutes or less.

- Polk County Fire Rescue – 1.5 Miles ~ 4 minutes
- Lake Hamilton Police Department – 1.5 Miles ~ 4 minutes
- Winter Haven Hospital Emergency Room – 9.9 miles ~ 22 minutes
- Lakeland Regional Hospital Emergency Room – 35.6 miles ~ 50 minutes

Recommendation:

The applicant has stated that the proposed land use amendment places the subject area into a more protective land use and zoning classification and complements the environmental protections objectives associated with the adjacent designated Conservation Lands. The proposed Agricultural-to-Conservation amendments do not create additional development impacts and do not alter the impact conclusions of the previously submitted Impact Assessment Statements supplementing a related Future Land Use and Rezoning Request that was previously considered for a portion of this same parcel and an adjacent parcel. That proposal is planned to be heard at the 10/21/2026 Planning Commission and requests the conversion of approximately 4 acres of Agricultural Lands and a small portion of Conservation Land to Industrial-Light. This proposal creates a .55 acreage of additional Conservation Lands on the same parcel where .11 acres of Conservation are proposed to be taken away.

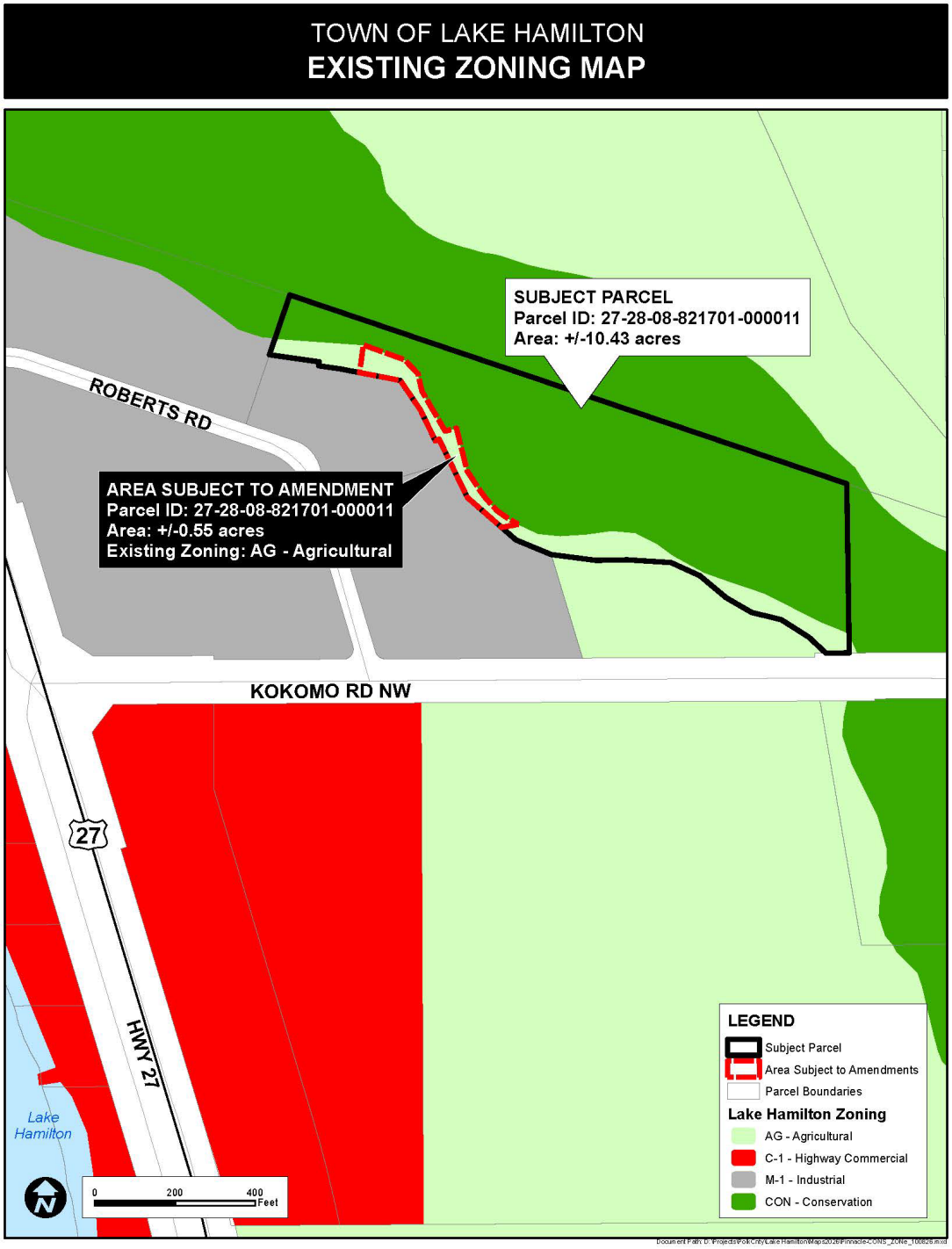
The Town Council may consider the request and make a motion to approve or deny based on the request's consistency with the Comprehensive Plan and compatibility with the surrounding area.

At the meeting of the Town Planning Commission held on October 21st, 2026, the Commission recommended approval of the request.

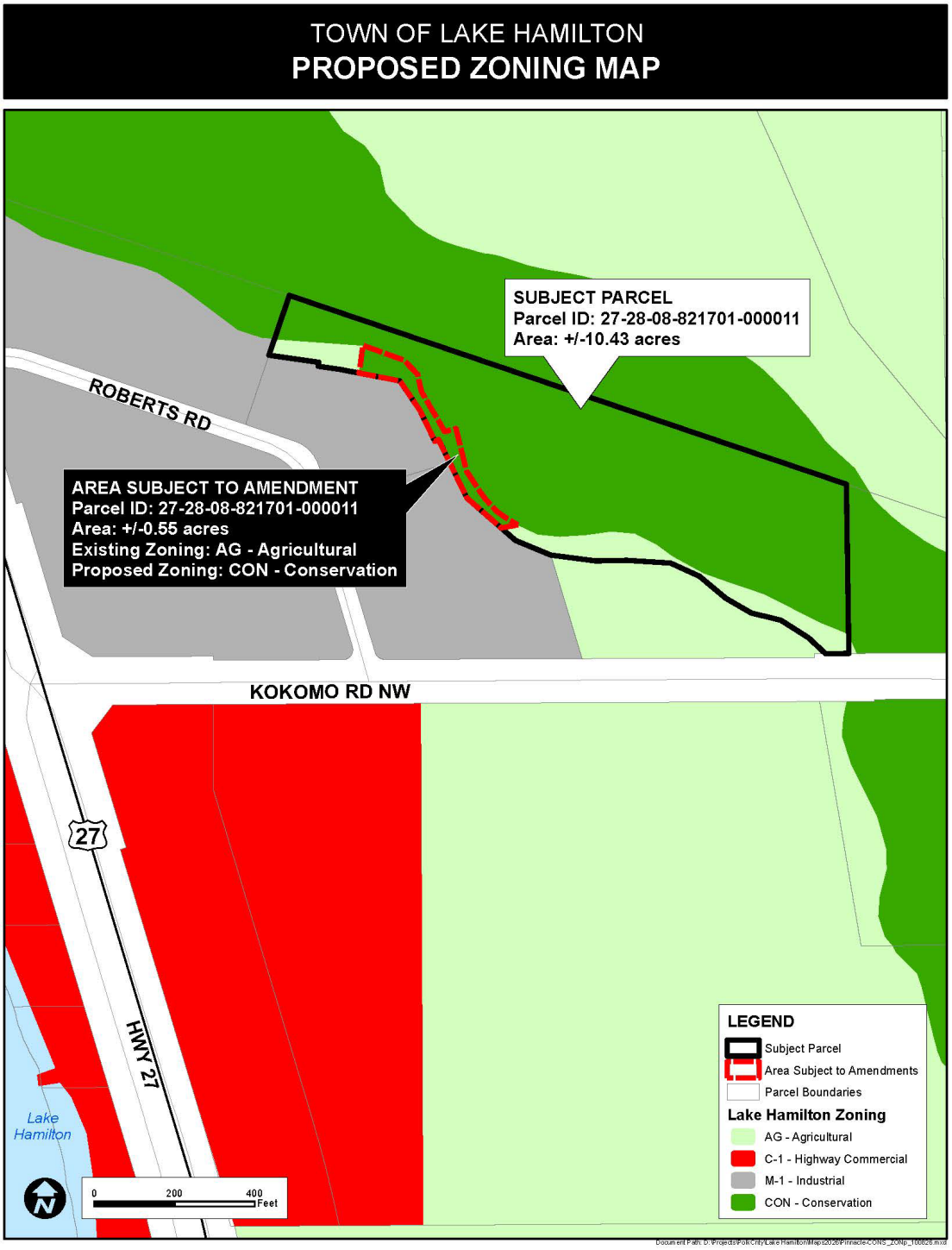
AERIAL MAP


TOWN OF LAKE HAMILTON
AERIAL PHOTO MAP
SUBJECT PARCEL
Parcel ID: 27-28-08-821701-000011
Area: +/-10.43 acres
ROBERTS RD
AREA SUBJECT TO AMENDMENT
Parcel ID: 27-28-08-821701-000011
Area: +/-0.55 acres
KOKOMO RD NW
27
HWY 27
Lake Hamilton
0
200
400
Feet
LEGEND
Subject Parcel
Area Subject to Amendments
Parcel Boundaries
Source: Esri, Vantor, Earthstar Geographics, and the GIS User Community

Existing Zoning Map



Proposed Zoning Map



Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH: Brittney Sandoval, Town Administrator

FROM: Jonah Katz, Community Development Director

AGENDA ITEM: **Final Reading of Ordinance** O-2026-6: AN ORDINANCE OF THE TOWN COUNCIL OF LAKE HAMILTON AMENDING THE CODE OF ORDINANCES, CHAPTER 16 LAND DEVELOPMENT CODE, ARTICLE VII DEVELOPMENT IN FLOOD-PRONE AREAS, TO CORRECT CROSS-REFERENCES, AMEND THE DESIGNATED POSITION OF THE FLOODPLAIN ADMINISTRATOR, AND AMEND THE DEFINITION OF MARKET VALUE FOR THE PURPOSE OF FLOODPLAIN MANAGEMENT; PROVIDING FOR CLARITY; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. Approved at First Reading on November 10, 2026.

DATE: December 1, 2026

SUMMARY & RECOMMENDATION: This request initiated by the Town of Lake Hamilton is in response to recommended changes to our Land Development Code from the Florida Department of Emergency Management (FDEM). FDEM's Office of Floodplain Management assists communities in amending their floodplain management regulations to maintain compliance with the National Flood Insurance Program. Amending this part of the LDC assists the Town in bringing our ordinance to compliance with national insurance program standards and allows for more efficient access to flood relief and assistance from FEMA and other agencies. Planning Commission made a recommendation of approval for these amendments at their September hearing. Staff recommends approval of amendments and to forward them on for second hearing and adoption.

CONSENT AGENDA ☐ **OLD BUSINESS** ☒ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
ORD 2026-xx Floodplain Management LDC amendment 1192026_TOWNCOUNNCIL.pdf
26_11_3 Floodplain language Staff Report_Council.pdf

ORDINANCE NO. 2026-X

AN ORDINANCE OF THE TOWN COUNCIL OF LAKE HAMILTON AMENDING THE CODE OF ORDINANCES, CHAPTER 16 LAND DEVELOPMENT CODE, ARTICLE VII DEVELOPMENT IN FLOOD-PRONE AREAS, TO CORRECT CROSS-REFERENCES, AMEND THE DESIGNATED POSITION OF THE FLOODPLAIN ADMINISTRATOR, AND AMEND THE DEFINITION OF MARKET VALUE FOR THE PURPOSE OF FLOODPLAIN MANAGEMENT; PROVIDING FOR CLARITY; PROVIDING FOR APPLICABILITY AND SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166 – Municipalities, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the Florida Division of Emergency Management reviewed the Town's floodplain management regulations in the Town of Lake Hamilton Code of Ordinances, Chapter 16, Article VII Development in Flood-Prone Areas, and identified required and recommended modifications; and

WHEREAS, the Town of Lake Hamilton participates in the National Flood Insurance Program and the Town Council desires to continue to meet the requirements of Title 44 Code of Federal Regulations, Parts 59 and 60, necessary for such participation.

WHEREAS, in exercise of its authority, the Town Council has determined it necessary to adopt the amendments to the Land Development Code Article VII Development in Floodplain Areas bring the Town's ordinance into compliance with the current national insurance program standards and ensure the Town's continued participation in the National Flood Insurance Program.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA:

Section 1. Ordinance Provisions. The provisions set forth in the recitals of this Ordinance, (whereas clauses) are hereby adopted by the Town Council as legislative findings and the intent of this Ordinance.

Section 2.. Amendment to the Code of Ordinances, Land Development Code. The Town Council of the Town of Lake Hamilton amends the Code of Ordinances, Chapter 16 Land Development Regulations, Article VII Development in Flood-Prone Areas as set forth in the following amendments, as shown in strikethrough and underline format in "Exhibit A".

Section 3. Applicability. For the purposes of jurisdictional applicability, this ordinance shall apply in the Town of Lake Hamilton. This ordinance shall apply to all applications for development in flood hazard areas submitted on or after the effective date of this ordinance.

Section 4. Inclusion into the Code of Ordinances. It is the intent of the Town Council that the provisions of this ordinance shall become and be made a part of the Town of Lake Hamilton Code of Ordinances, and that the sections of this ordinance may be renumbered or re-lettered. The word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

Section 5. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town of Lake Hamilton, Florida, by and through its Town Council, hereby declares that it would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. Conflict. All ordinances and/or resolutions or parts of ordinances and/or resolutions which are in conflict with this ordinance are hereby repealed but only to the extent necessary to alleviate the conflict but shall continue in effect insofar as they are not in conflict herewith.

.

Section 7. Repealing. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 8. Copy of Ordinance on File. An official, true, and correct copy of this Ordinance and the Town's Code of Ordinances, as adopted and amended from time to time, shall be maintained by the Town Clerk. The Town Clerk shall make copies available to the public for a reasonable publication charge.

Section 9. Administrative Correction of Scrivener's Errors. Sections of this Ordinance may be renumbered or re-lettered and the correction of typographical and/or scrivener's errors which do not affect the intent may be authorized by the Town Administrator or his/her designee, without need of public hearing, by filing a corrected or re-codified copy of same with the Town Clerk.

Section 10. Effective Date. This ordinance shall take effect immediately upon adoption.

INTRODUCED AND PASSED on first reading by the Town Council of the Town of Lake Hamilton, Florida, meeting in regular session this _____ day of _____, 2026.

INTRODUCED AND PASSED on second reading by the Town Council of the Town of Lake Hamilton, Florida, meeting in regular session this _____ day of ____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____
PHYLISS HALL, MAYOR

ATTEST:

_____
JACQUELINE BORJA, TOWN CLERK

APPROVED AS TO FORM:

_____
ANTHONY SABATINI, TOWN ATTORNEY

Record of Vote	Yes	No
Ortega		
Mathis		
Demanche		
Hall		
Collier		

Ordinance No. 2026-x
Exhibit "A"

Text that is underlined is text to be added and text that is shown as ~~strikeout~~ is to be removed.

PART II. CODE OF ORDINANCES

CHAPTER 16: LAND DEVELOPMENT CODE

ARTICLE VII. DEVELOPMENT IN FLOOD-PRONE AREAS

DIVISION 1. ADMINISTRATION

Sec. 16-399. General.

(a) *Title.* These regulations shall be known as the Floodplain Management Ordinance of the Town of Lake Hamilton, hereinafter referred to as "this ~~ordinance~~ article."

(b) *Scope.* The provisions of this article shall apply to all development that is wholly within or partially within any flood hazard area, including but not limited to the subdivision of land; filling, grading, and other site improvements and utility installations; construction, alteration, remodeling, enlargement, improvement, replacement, repair, relocation or demolition of buildings, structures, and facilities that are exempt from the Florida Building Code; placement, installation, or replacement of manufactured homes and manufactured buildings; installation or replacement of tanks; placement of recreational vehicles; installation of swimming pools; and any other development.

(c) *Intent.* The purposes of this ~~ordinance~~ article and the flood load and flood resistant construction requirements of the Florida Building Code are to establish minimum requirements to safeguard the public health, safety, and general welfare and to minimize public and private losses due to flooding through regulation of development in flood hazard areas to:

(1) Minimize unnecessary disruption of commerce, access and public service during times of flooding;

(2) Require the use of appropriate construction practices in order to prevent or minimize future flood damage;

(3) Manage filling, grading, dredging, mining, paving, excavation, drilling operations, storage of equipment or materials, and other development which may increase flood damage or erosion potential;

(4) Manage the alteration of flood hazard areas, watercourses, and shorelines to minimize the impact of development on the natural and beneficial functions of the floodplain;

(5) Minimize damage to public and private facilities and utilities;

(6) Help maintain a stable tax base by providing for the sound use and development of flood hazard areas;

(7) Minimize the need for future expenditure of public funds for flood control projects and response to and recovery from flood events; and

(8) Meet the requirements of the National Flood Insurance Program for community participation as set forth in the Title 44 Code of Federal Regulations, Section 59.22.

(d) *Coordination with the Florida Building Code.* This ~~ordinance~~ article is intended to be administered and enforced in conjunction with the Florida Building Code. Where cited, ASCE 24 refers to the edition of the standard that is referenced by the Florida Building Code.

(e) *Warning.* The degree of flood protection required by this ~~ordinance~~ article and the Florida Building Code, as amended by this community, is considered the minimum reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur. Flood heights may be increased by man-made or natural causes. This ~~ordinance~~ article does not imply that land outside of mapped special flood hazard areas, or that uses permitted within such flood hazard areas, will be free from flooding or flood damage. The flood hazard areas and base flood elevations contained in the flood insurance study and shown on flood insurance rate maps and the requirements of Title 44 Code of Federal Regulations, sections 59 and 60 may be revised by the Federal Emergency Management Agency, requiring this community to revise these regulations to remain eligible for participation in the National Flood Insurance Program. No guaranty of vested use, existing use, or future use is implied or expressed by compliance with this ~~ordinance~~ article.

(f) *Disclaimer of liability.* This ~~ordinance~~ article shall not create liability on the part of the Town Council of Lake Hamilton or by any officer or employee thereof for any flood damage that results from reliance on this article or any administrative decision lawfully made thereunder.

Sec. 16-400. Applicability.

(a) *General.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(b) *Areas to which this ~~ordinance~~ article applies.* This ~~ordinance~~ article shall apply to all flood hazard areas within the Town of Lake Hamilton, as established in section 16-400(c) of this article.

(c) *Basis for establishing flood hazard areas.* The flood insurance study for Polk County, Florida and Incorporated Areas dated December 22, 2016, and all subsequent amendments and revisions, and the accompanying flood insurance rate maps (FIRM), and all subsequent amendments and revisions to such maps, are adopted by reference as a part of this ~~ordinance~~ article and shall serve as the minimum basis for establishing flood hazard areas. Studies and maps that establish flood hazard areas are on file at the Town Hall, 100 Smith Avenue, Lake Hamilton.

(d) *Submission of additional data to establish flood hazard areas.* To establish flood hazard areas and base flood elevations, pursuant to section 16-403 of this article the floodplain administrator may require submission of additional data. Where field surveyed topography prepared by a Florida licensed professional surveyor or digital topography accepted by the community indicates that ground elevations:

(1) Are below the closest applicable base flood elevation, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as flood hazard area and subject to the requirements of this ~~ordinance~~ article and, as applicable, the requirements of the Florida Building Code.

(2) Are above the closest applicable base flood elevation, the area shall be regulated as special flood hazard area unless the applicant obtains a letter of map change that removes the area from the special flood hazard area.

(e) *Other laws.* The provisions of this ~~ordinance~~ article shall not be deemed to nullify any provisions of local, state or federal law.

(f) *Abrogation and greater restrictions.* This article supersedes any ~~ordinance~~ article in effect for management of development in flood hazard areas. However, it is not intended to repeal or abrogate any existing ordinances including but not limited to land development regulations, zoning ordinances, stormwater management regulations, or the Florida Building Code. In the event of a conflict between this ~~ordinance~~ article and any other ordinance, the more restrictive shall govern. This article shall not impair any deed restriction, covenant or easement, but any land that is subject to such interests shall also be governed by this ~~ordinance~~ article.

(g) *Interpretation.* In the interpretation and application of this ~~ordinance~~ article, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of the governing body; and

(3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 16-401. Duties and powers of the floodplain administrator.

(a) *Designation.* The Community Development Director ~~development director~~ is designated as the floodplain administrator. The floodplain administrator may delegate performance of certain duties to other employees.

(b) *General.* The floodplain administrator is authorized and directed to administer and enforce the provisions of this ~~ordinance~~ article. The floodplain administrator shall have the authority to render interpretations of this ~~ordinance~~ article consistent with the intent and purpose of this ~~ordinance~~ article and may establish policies and procedures in order to clarify the application of its provisions. Such interpretations, policies, and procedures shall not have the effect of waiving requirements specifically provided in this ~~ordinance~~ article without the granting of a variance pursuant to section 16-405 of this ~~ordinance~~ article.

(c) *Applications and permits.* The floodplain administrator, in coordination with other pertinent offices of the community, shall:

(1) Review applications and plans to determine whether proposed new development will be located in flood hazard areas;

(2) Review applications for modification of any existing development in flood hazard areas for compliance with the requirements of this article;

(3) Interpret flood hazard area boundaries where such interpretation is necessary to determine the exact location of boundaries; a person contesting the determination shall have the opportunity to appeal the interpretation;

(4) Provide available flood elevation and flood hazard information;

(5) Determine whether additional flood hazard data shall be obtained from other sources or shall be developed by an applicant;

(6) Review applications to determine whether proposed development will be reasonably safe from flooding;

(7) Issue floodplain development permits or approvals for development other than buildings and structures that are subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code, when compliance with this ~~ordinance~~ article is demonstrated, or disapprove the same in the event of noncompliance; and

(8) Coordinate with and provide comments to the building official to assure that applications, plan reviews, and inspections for buildings and structures in flood hazard areas comply with the applicable provisions of this ~~ordinance~~ article.

(d) *Substantial improvement and substantial damage determinations.* For applications for building permits to improve buildings and structures, including alterations, movement, enlargement, replacement, repair, change of occupancy, additions, rehabilitations, renovations, substantial improvements, repairs of substantial damage, and any other improvement of or work on such buildings and structures, the floodplain administrator, in coordination with the building official, shall:

(1) Estimate the market value, or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the building or structure before the start of construction of the proposed work; in the case of repair, the market value of the building or structure shall be the market value before the damage occurred and before any repairs are made;

(2) Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building or structure;

(3) Determine and document whether the proposed work constitutes substantial improvement or repair of substantial damage; and

(4) Notify the applicant if it is determined that the work constitutes substantial improvement or repair of substantial damage and that compliance with the flood resistant construction requirements of the Florida Building Code and this ~~ordinance~~ article is required.

(e) *Modifications of the strict application of the requirements of the Florida Building Code.* The floodplain administrator shall review requests submitted to the building official that seek approval to modify the strict application of the flood load and flood resistant construction requirements of the Florida Building Code to determine whether such requests require the granting of a variance pursuant to section 16-405 of this article.

(f) *Notices and orders.* The floodplain administrator shall coordinate with appropriate local agencies for the issuance of all necessary notices or orders to ensure compliance with this article.

(g) *Inspections.* The floodplain administrator shall make the required inspections as specified in section 16-404 of this article for development that is not subject to the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. The floodplain administrator shall inspect flood hazard areas to determine if development is undertaken without issuance of a permit.

(h) *Other duties of the floodplain administrator.* The floodplain administrator shall have other duties, including but not limited to:

(1) Establish, in coordination with the building official, procedures for administering and documenting determinations of substantial improvement and substantial damage made pursuant to subsection (d) of this section;

(2) Require that applicants proposing alteration of a watercourse notify adjacent communities and the Florida Division of Emergency Management, State Floodplain Management Office, and submit copies of such notifications to the Federal Emergency Management Agency (FEMA);

(3) Require applicants who submit hydrologic and hydraulic engineering analyses to support permit applications to submit to FEMA the data and information necessary to maintain the flood insurance rate maps if the analyses propose to change base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available;

(4) Review required design certifications and documentation of elevations specified by this ~~ordinance~~ article and the Florida Building Code to determine that such certifications and documentations are complete; and

(5) Notify the Federal Emergency Management Agency when the corporate boundaries of the Town of Lake Hamilton are modified.

(i) *Floodplain management records.* Regardless of any limitation on the period required for retention of public records, the floodplain administrator shall maintain and permanently keep and make available for public inspection all records that are necessary for the administration of this ~~ordinance~~ article and the flood resistant construction requirements of the Florida Building Code, including flood insurance rate maps; letters of map change; records of issuance of permits and denial of permits; determinations of whether proposed work constitutes substantial improvement or repair of substantial damage; required design certifications and documentation of elevations specified by the Florida Building Code and this ~~ordinance~~ article; notifications to adjacent communities, FEMA, and the state related to alterations of watercourses; assurances that the flood carrying capacity of altered watercourses will be maintained; documentation related to appeals and variances, including justification for issuance or denial; and records of enforcement actions taken pursuant to this ~~ordinance~~ article and the flood resistant construction requirements of the Florida Building Code. These records shall be available for public inspection at Town Hall, 100 Smith Avenue, Lake Hamilton.

Sec. 16-402. Permits.

(a) *Permits required.* Any owner or owner's authorized agent (hereinafter "applicant") who intends to undertake any development activity within the scope of this ~~ordinance~~ article, including buildings, structures and facilities exempt from the Florida Building Code, which is wholly within or partially within any flood hazard area shall first make application to the floodplain administrator, and the building official if applicable, and shall obtain the required permit(s) and approval(s). No such permit or approval shall be issued until compliance with the requirements of this ~~ordinance~~ article and all other applicable codes and regulations has been satisfied.

(b) *Floodplain development permits or approvals.* Floodplain development permits or approvals shall be issued pursuant to this ~~ordinance~~ article for any development activities not subject to the requirements of the Florida Building Code, including buildings, structures and facilities exempt from the Florida Building Code. Depending on the nature and extent

of proposed development that includes a building or structure, the floodplain administrator may determine that a floodplain development permit or approval is required in addition to a building permit.

(c) *Buildings, structures and facilities exempt from the Florida Building Code.* Pursuant to the requirements of federal regulation for participation in the National Flood Insurance Program (44 C.F.R. Sections 59 and 60), floodplain development permits or approvals shall be required for the following buildings, structures and facilities that are exempt from the Florida Building Code and any further exemptions provided by law, which are subject to the requirements of this ~~ordinance~~ article:

(1) Railroads and ancillary facilities associated with the railroad.

(2) Nonresidential farm buildings on farms, as provided in F.S. § 604.50.

(3) Temporary buildings or sheds used exclusively for construction purposes.

(4) Mobile or modular structures used as temporary offices.

(5) Those structures or facilities of electric utilities, as defined in F.S. § 366.02, which are directly involved in the generation, transmission, or distribution of electricity.

(6) Chickees constructed by the Miccosukee Tribe of Indians of Florida or the Seminole Tribe of Florida. As used in this paragraph, the term "chickee" means an open-sided wooden hut that has a thatched roof of palm or palmetto or other traditional materials, and that does not incorporate any electrical, plumbing, or other non-wood features.

(7) Family mausoleums not exceeding 250 square feet in area which are prefabricated and assembled on site or preassembled and delivered on site and have walls, roofs, and a floor constructed of granite, marble, or reinforced concrete.

(8) Temporary housing provided by the department of corrections to any prisoner in the state correctional system.

(9) Structures identified in F.S. § 553.73(10)(k), are not exempt from the Florida Building Code if such structures are located in flood hazard areas established on flood insurance rate maps.

(d) *Application for a permit or approval.* To obtain a floodplain development permit or approval the applicant shall first file an application in writing on a form furnished by the community. The information provided shall:

(1) Identify and describe the development to be covered by the permit or approval.

(2) Describe the land on which the proposed development is to be conducted by legal description, street address or similar description that will readily identify and definitively locate the site.

(3) Indicate the use and occupancy for which the proposed development is intended.

(4) Be accompanied by a site plan or construction documents as specified in section 16-403 of this article.

(5) State the valuation of the proposed work.

(6) Be signed by the applicant or the applicant's authorized agent.

(7) Give such other data and information as required by the floodplain administrator.

(e) *Validity of permit or approval.* The issuance of a floodplain development permit or approval pursuant to this ~~ordinance~~ article shall not be construed to be a permit for, or approval of,

any violation of this ~~ordinance~~ article, the Florida Building Codes, or any other ordinance of this community. The issuance of permits based on submitted applications, construction documents, and information shall not prevent the floodplain administrator from requiring the correction of errors and omissions.

(f) *Expiration.* A floodplain development permit or approval shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a period of 180 days after the work commences. Extensions for periods of not more than 180 days each shall be requested in writing and justifiable cause shall be demonstrated.

(g) *Suspension or revocation.* The floodplain administrator is authorized to suspend or revoke a floodplain development permit or approval if the permit was issued in error, on the basis of incorrect, inaccurate or incomplete information, or in violation of this ~~ordinance~~ article or any other ordinance, regulation or requirement of this community.

(h) *Other permits required.* Floodplain development permits and building permits shall include a condition that all other applicable state or federal permits be obtained before commencement of the permitted development, including but not limited to the following:

(1) The Southwest Florida Water Management District; F.S. § 373.036.

(2) Florida Department of Health for on-site sewage treatment and disposal systems; F.S. § 381.0065 and F.A.C. Ch. 64E-6.

(3) Florida Department of Environmental Protection for activities subject to the Joint Coastal Permit; section 161.055, F.S.

(4) Florida Department of Environmental Protection for activities that affect wetlands and alter surface water flows, in conjunction with the U.S. Army Corps of Engineers; Section 404 of the Clean Water Act.

(5) Federal permits and approvals.

Sec. 16-403. Site plans and construction documents.

(a) *Information for development in flood hazard areas.* The site plan or construction documents for any development subject to the requirements of this ~~ordinance~~ article shall be drawn to scale and shall include, as applicable to the proposed development:

(1) Delineation of flood hazard areas, floodway boundaries and flood zone(s), base flood elevation(s), and ground elevations if necessary for review of the proposed development.

(2) Where base flood elevations or floodway data are not included on the FIRM or in the flood insurance study, they shall be established in accordance with subsections (b)(2) or (3) of this section.

(3) Where the parcel on which the proposed development will take place will have more than 50 lots or is larger than five acres and the base flood elevations are not included on the FIRM or in the flood insurance study, such elevations shall be established in accordance with subsection (b)(1) of this section.

(4) Location of the proposed activity and proposed structures, and locations of existing buildings and structures.

(5) Location, extent, amount, and proposed final grades of any filling, grading, or excavation.

(6) Where the placement of fill is proposed, the amount, type, and source of fill material; compaction specifications; a description of the intended purpose of the fill areas; and evidence that the proposed fill areas are the minimum necessary to achieve the intended purpose.

(7) Existing and proposed alignment of any proposed alteration of a watercourse.

The floodplain administrator is authorized to waive the submission of site plans, construction documents, and other data that are required by this ~~ordinance~~ article but that are not required to be prepared by a registered design professional if it is found that the nature of the proposed development is such that the review of such submissions is not necessary to ascertain compliance with this ~~ordinance~~ article.

(b) *Information in flood hazard areas without base flood elevations (approximate Zone A).* Where flood hazard areas are delineated on the FIRM and base flood elevation data have not been provided, the floodplain administrator shall:

(1) Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices.

(2) Obtain, review, and provide to applicants base flood elevation and floodway data available from a federal or state agency or other source or require the applicant to obtain and use base flood elevation and floodway data available from a federal or state agency or other source.

(3) Where base flood elevation and floodway data are not available from another source, where the available data are deemed by the floodplain administrator to not reasonably reflect flooding conditions, or where the available data are known to be scientifically or technically incorrect or otherwise inadequate:

a. Require the applicant to include base flood elevation data prepared in accordance with currently accepted engineering practices; or

b. Specify that the base flood elevation is two feet above the highest adjacent grade at the location of the development, provided there is no evidence indicating flood depths have been or may be greater than two feet.

(4) Where the base flood elevation data are to be used to support a letter of map change from FEMA, advise the applicant that the analyses shall be prepared by a Florida licensed engineer in a format required by FEMA, and that it shall be the responsibility of the applicant to satisfy the submittal requirements and pay the processing fees.

(c) *Additional analyses and certifications.* As applicable to the location and nature of the proposed development activity, and in addition to the requirements of this section, the applicant shall have the following analyses signed and sealed by a Florida licensed engineer for submission with the site plan and construction documents:

(1) For development activities proposed to be located in a regulatory floodway, a floodway encroachment analysis that demonstrates that the encroachment of the proposed development will not cause any increase in base flood elevations; where the applicant proposes to undertake development activities that do increase base flood elevations, the applicant shall submit such analysis to FEMA as specified in subsection (d) of this section and shall submit the conditional letter of map revision, if issued by FEMA, with the site plan and construction documents.

(2) For development activities proposed to be located in a riverine flood hazard area for which base flood elevations are included in the flood insurance study or on the FIRM and floodways have not been designated, hydrologic and hydraulic analyses that demonstrate that the cumulative effect of the proposed development, when combined with all other existing and anticipated flood hazard area encroachments, will not increase the base flood elevation more than one foot at any point within the community. This requirement does not apply in isolated flood hazard areas not connected to a riverine flood hazard area or in flood hazard areas identified as Zone AO or Zone AH.

(3) For alteration of a watercourse, an engineering analysis prepared in accordance with standard engineering practices which demonstrates that the flood-carrying capacity of the altered or relocated portion of the watercourse will not be decreased, and certification that the altered watercourse shall be maintained in a manner which preserves the channel's flood-carrying capacity; the applicant shall submit the analysis to FEMA as specified in subection (d) of this section.

(d) *Submission of additional data.* When additional hydrologic, hydraulic or other engineering data, studies, and additional analyses are submitted to support an application, the applicant has the right to seek a letter of map change from FEMA to change the base flood elevations, change floodway boundaries, or change boundaries of flood hazard areas shown on FIRMs, and to submit such data to FEMA for such purposes. The analyses shall be prepared by a Florida licensed engineer in a format required by FEMA. Submittal requirements and processing fees shall be the responsibility of the applicant.

Sec. 16-404. Inspections.

(a) *General.* Development for which a floodplain development permit or approval is required shall be subject to inspection.

(b) *Development other than buildings and structures.* The floodplain administrator shall inspect all development to determine compliance with the requirements of this ~~ordinance~~ article and the conditions of issued floodplain development permits or approvals.

(c) *Buildings, structures and facilities exempt from the Florida Building Code.* The floodplain administrator shall inspect buildings, structures and facilities exempt from the Florida Building Code to determine compliance with the requirements of this ~~ordinance~~ article and the conditions of issued floodplain development permits or approvals.

(d) *Buildings, structures and facilities exempt from the Florida Building Code, lowest floor inspection.* Upon placement of the lowest floor, including basement, and prior to further vertical construction, the owner of a building, structure or facility exempt from the Florida Building Code, or the owner's authorized agent, shall submit to the floodplain administrator:

(1) If a design flood elevation was used to determine the required elevation of the lowest floor, the certification of elevation of the lowest floor prepared and sealed by a Florida licensed professional surveyor; or

(2) If the elevation used to determine the required elevation of the lowest floor was determined in accordance with section 16-403(b)(3)b of this ~~ordinance~~ article, the documentation of height of the lowest floor above highest adjacent grade, prepared by the owner or the owner's authorized agent.

(e) *Buildings, structures and facilities exempt from the Florida Building Code, final inspection.* As part of the final inspection, the owner or owner's authorized agent shall submit to the floodplain administrator a final certification of elevation of the lowest floor or final documentation of the height of the lowest floor above the highest adjacent grade; such certifications and documentations shall be prepared as specified in subsection (d) of this section.

(f) *Manufactured homes.* The floodplain administrator shall inspect manufactured homes that are installed or replaced in flood hazard areas to determine compliance with the requirements of this ~~ordinance~~ article and the conditions of the issued permit. Upon placement of a manufactured home, certification of the elevation of the lowest floor shall be submitted to the floodplain administrator.

Sec. 16-405. Variances and appeals.

(a) *General.* The board of zoning adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of this ~~ordinance~~ article. Pursuant to F.S. § 553.73(5), the board of zoning adjustment shall hear and decide on requests for appeals and requests for variances from the strict application of the flood resistant construction requirements of the Florida Building Code.

(b) *Appeals.* The board of zoning adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the administration and enforcement of this ~~ordinance~~ article. Any person aggrieved by the decision may appeal such decision to the circuit court, as provided by Florida Statutes.

(c) *Limitations on authority to grant variances.* The board of zoning adjustment shall base its decisions on variances on technical justifications submitted by applicants, the considerations for issuance in subsection (g) of this section, the conditions of issuance set forth in subsection (h) of this section, and the comments and recommendations of the floodplain administrator and the building official. The board of zoning adjustment has the right to attach such conditions as it deems necessary to further the purposes and objectives of this ~~ordinance~~ article.

(d) *Restrictions in floodways.* A variance shall not be issued for any proposed development in a floodway if any increase in base flood elevations would result, as evidenced by the applicable analyses and certifications required in ~~subsection (c)~~ section 16-403(c) of this article.

(e) *Historic buildings.* A variance is authorized to be issued for the repair, improvement, or rehabilitation of a historic building that is determined eligible for the exception to the flood resistant construction requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings, upon a determination that the proposed repair, improvement, or rehabilitation will not preclude the building's continued designation as a historic building and the variance is the minimum necessary to preserve the historic character and design of the building. If the proposed work precludes the building's continued designation as a historic building, a variance shall not be granted and the building and any repair, improvement, and rehabilitation shall be subject to the requirements of the Florida Building Code.

(f) *Functionally dependent uses.* A variance is authorized to be issued for the construction or substantial improvement necessary for the conduct of a functionally dependent use, as

defined in this ~~ordinance~~ article, provided the variance meets the requirements of subsection (d), is the minimum necessary considering the flood hazard, and all due consideration has been given to use of methods and materials that minimize flood damage during occurrence of the base flood.

(g) *Considerations for issuance of variances.* In reviewing requests for variances, the board of zoning adjustment shall consider all technical evaluations, all relevant factors, all other applicable provisions of the Florida Building Code, this ~~ordinance~~ article, and the following:

(1) The danger that materials and debris may be swept onto other lands resulting in further injury or damage;

(2) The danger to life and property due to flooding or erosion damage;

(3) The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners;

(4) The importance of the services provided by the proposed development to the community;

(5) The availability of alternate locations for the proposed development that are subject to lower risk of flooding or erosion;

(6) The compatibility of the proposed development with existing and anticipated development;

(7) The relationship of the proposed development to the comprehensive plan and floodplain management program for the area;

(8) The safety of access to the property in times of flooding for ordinary and emergency vehicles;

(9) The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and

(10) The costs of providing governmental services during and after flood conditions including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets and bridges.

(h) *Conditions for issuance of variances.* Variances shall be issued only upon:

(1) Submission by the applicant, of a showing of good and sufficient cause that the unique characteristics of the size, configuration, or topography of the site limit compliance with any provision of this ~~ordinance~~ article or the required elevation standards;

(2) Determination by the board of zoning adjustment that:

a. Failure to grant the variance would result in exceptional hardship due to the physical characteristics of the land that render the lot undevelopable; increased costs to satisfy the requirements or inconvenience do not constitute hardship;

b. The granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nor create nuisances, cause fraud on or victimization of the public or conflict with existing local laws and ordinances; and

c. The variance is the minimum necessary, considering the flood hazard, to afford relief;

(3) Receipt of a signed statement by the applicant that the variance, if granted, shall be recorded in the office of the clerk of the court in such a manner that it appears in the chain of title of the affected parcel of land; and

(4) If the request is for a variance to allow construction of the lowest floor of a new building, or substantial improvement of a building, below the required elevation, a copy in the record of a written notice from the floodplain administrator to the applicant for the variance, specifying the difference between the base flood elevation and the proposed elevation of the lowest floor, stating that the cost of federal flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation (up to amounts as high as $25.00 for $100.00 of insurance coverage), and stating that construction below the base flood elevation increases risks to life and property.

Sec. 16-406. Violations.

(a) *Violations.* Any development that is not within the scope of the Florida Building Code but that is regulated by this ~~ordinance~~ article that is performed without an issued permit, that is in conflict with an issued permit, or that does not fully comply with this ~~ordinance~~ article, shall be deemed a violation of this ~~ordinance~~ article. A building or structure without the documentation of elevation of the lowest floor, other required design certifications, or other evidence of compliance required by this ~~ordinance~~ article or the Florida Building Code is presumed to be a violation until such time as that documentation is provided.

(b) *Authority.* For development that is not within the scope of the Florida Building Code but that is regulated by this ~~ordinance~~ article and that is determined to be a violation, the floodplain administrator is authorized to serve notices of violation or stop work orders to owners of the property involved, to the owner's agent, or to the person or persons performing the work.

(c) *Unlawful continuance.* Any person who shall continue any work after having been served with a notice of violation or a stop work order, except such work as that person is directed to perform to remove or remedy a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Secs. 16-407—16-434. Reserved.

DIVISION 2. DEFINITIONS

Sec. 16-435. General.

(a) *Scope.* Unless otherwise expressly stated, the following words and terms shall, for the purposes of this ~~ordinance~~ article, have the meanings shown in this section.

(b) *Terms defined in the Florida Building Code.* Where terms are not defined in this ~~ordinance~~ article and are defined in the Florida Building Code, such terms shall have the meanings ascribed to them in that code.

(c) *Terms not defined.* Where terms are not defined in this ~~ordinance~~ article or the Florida Building Code, such terms shall have ordinarily accepted meanings such as the context implies.

Sec. 16-436. Definitions.

Alteration of a watercourse. A dam, impoundment, channel relocation, change in channel alignment, channelization, or change in cross-sectional area of the channel or the channel capacity, or any other form of modification which may alter, impede, retard or change the direction and/or velocity of the riverine flow of water during conditions of the base flood.

Appeal. A request for a review of the floodplain administrator's interpretation of any provision of this article.

ASCE 24. A standard titled Flood Resistant Design and Construction that is referenced by the Florida Building Code. ASCE 24 is developed and published by the American Society of Civil Engineers, Reston, VA.

Base flood. A flood having a 1-percent chance of being equaled or exceeded in any given year. [Also defined in FBC, B, Section 202.] The base flood is commonly referred to as the "100-year flood" or the "1-percent-annual chance flood."

Base flood elevation. The elevation of the base flood, including wave height, relative to the National Geodetic Vertical Datum (NGVD), North American Vertical Datum (NAVD) or other datum specified on the flood insurance rate map (FIRM). [Also defined in FBC, B, Section 202.]

Basement. The portion of a building having its floor subgrade (below ground level) on all sides. [Also defined in FBC, B, Section 202; see "Basement (for flood loads)".]

Design flood. The flood associated with the greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) Area with a floodplain subject to a 1-percent or greater chance of flooding in any year; or

(2) Area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Design flood elevation. The elevation of the "design flood," including wave height, relative to the datum specified on the community's legally designated flood hazard map. In areas designated as Zone AO, the design flood elevation shall be the elevation of the highest existing grade of the building's perimeter plus the depth number (in feet) specified on the flood hazard map. In areas designated as Zone AO where the depth number is not specified on the map, the depth number shall be taken as being equal to 2 feet. [Also defined in FBC, B, Section 202.]

Development. Any man-made change to improved or unimproved real estate, including but not limited to, buildings or other structures, tanks, temporary structures, temporary or permanent storage of equipment or materials, mining, dredging, filling, grading, paving, excavations, drilling operations or any other land disturbing activities.

Encroachment. The placement of fill, excavation, buildings, permanent structures or other development into a flood hazard area which may impede or alter the flow capacity of riverine flood hazard areas.

Existing building and existing structure. Any buildings and structures for which the "start of construction" commenced before November 5, 1980. [Also defined in FBC, B, Section 202.]

Existing manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) was completed before November 5, 1980.

Expansion to an existing manufactured home park or subdivision. The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

Federal Emergency Management Agency (FEMA). The federal agency that, in addition to carrying out other functions, administers the National Flood Insurance Program.

Flood or flooding. A general and temporary condition of partial or complete inundation of normally dry land from: [Also defined in FBC, B, Section 202.]

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials. Any construction material capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Also defined in FBC, B, Section 202.]

Flood hazard area. The greater of the following two areas: [Also defined in FBC, B, Section 202.]

(1) The area within a floodplain subject to a 1-percent or greater chance of flooding in any year.

(2) The area designated as a flood hazard area on the community's flood hazard map, or otherwise legally designated.

Flood insurance rate map (FIRM). The official map of the community on which the Federal Emergency Management Agency has delineated both special flood hazard areas and the risk premium zones applicable to the community. [Also defined in FBC, B, Section 202.]

Flood insurance study (FIS). The official report provided by the Federal Emergency Management Agency that contains the flood insurance rate map, the flood boundary and floodway map (if applicable), the water surface elevations of the base flood, and supporting technical data. [Also defined in FBC, B, Section 202.]

Floodplain administrator. The office or position designated and charged with the administration and enforcement of this ordinance (may be referred to as the floodplain manager).

Floodplain development permit or approval. An official document or certificate issued by the community, or other evidence of approval or concurrence, which authorizes performance of specific development activities that are located in flood hazard areas and that are determined to be compliant with this ordinance.

Floodway. The channel of a river or other riverine watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot. [Also defined in FBC, B, Section 202.]

Floodway encroachment analysis. An engineering analysis of the impact that a proposed encroachment into a floodway is expected to have on the floodway boundaries and base flood elevations; the evaluation shall be prepared by a qualified Florida licensed engineer using standard engineering methods and models.

Florida Building Code. The family of codes adopted by the Florida Building Commission, including: Florida Building Code, Building; Florida Building Code, Residential; Florida Building Code, Existing Building; Florida Building Code, Mechanical; Florida Building Code, Plumbing; Florida Building Code, Fuel Gas.

Functionally dependent use. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, including only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities; the term does not include long-term storage or related manufacturing facilities.

Highest adjacent grade. The highest natural elevation of the ground surface prior to construction next to the proposed walls or foundation of a structure.

Historic structure. Any structure that is determined eligible for the exception to the flood hazard area requirements of the Florida Building Code, Existing Building, Chapter 12 Historic Buildings.

Letter of map change (LOMC). An official determination issued by FEMA that amends or revises an effective flood insurance rate map or flood insurance study. Letters of map change include:

(1) *Letter of map amendment (LOMA):* An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective flood insurance rate map and establishes that a specific property, portion of a property, or structure is not located in a special flood hazard area.

(2) *Letter of map revision (LOMR):* A revision based on technical data that may show changes to flood zones, flood elevations, special flood hazard area boundaries and floodway delineations, and other planimetric features.

(3) *Letter of map revision based on fill (LOMR-F):* A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer located within the special flood hazard area. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.

(4) *Conditional letter of map revision (CLOMR):* A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study; upon submission and approval of certified as-built documentation, a letter of map revision may be issued by FEMA to revise the effective FIRM.

Light-duty truck. As defined in 40 C.F.R. 86.082-2, any motor vehicle rated at 8,500 pounds Gross Vehicular Weight Rating or less which has a vehicular curb weight of 6,000 pounds or less and which has a basic vehicle frontal area of 45 square feet or less, which is:

(1) Designed primarily for purposes of transportation of property or is a derivation of such a vehicle, or

(2) Designed primarily for transportation of persons and has a capacity of more than 12 persons; or

(3) Available with special features enabling off-street or off-highway operation and use.

Lowest floor. The lowest floor of the lowest enclosed area of a building or structure, including basement, but excluding any unfinished or flood-resistant enclosure, other than a basement, usable solely for vehicle parking, building access or limited storage provided that such enclosure is not built so as to render the structure in violation of the non-elevation requirements of the Florida Building Code or ASCE 24. [Also defined in FBC, B, Section 202.]

Manufactured home. A structure, transportable in one or more sections, which is eight feet or more in width and greater than 400 square feet, and which is built on a permanent, integral chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle" or "park trailer." [Also defined in 15C-1.0101, F.A.C.]

Manufactured home park or subdivision. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Market value. ~~The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. As used in this ordinance, the term refers to the~~ The market value of buildings and structures, excluding the land and other improvements on the parcel. Market value ~~may be established by a qualified independent appraiser,~~ is the actual cash value (in-kind replacement cost depreciated for age, wear and tear, neglect, and quality of construction) determined by a qualified independent appraiser, or tax assessment value adjusted to approximate market value by a factor provided by the county property appraiser.

New construction. For the purposes of administration of this ordinance and the flood resistant construction requirements of the Florida Building Code, structures for which the "start of construction" commenced on or after November 5, 1980 and includes any subsequent improvements to such structures.

New manufactured home park or subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after November 5, 1980.

Park trailer. A transportable unit which has a body width not exceeding 14 feet and which is built on a single chassis and is designed to provide seasonal or temporary living quarters when connected to utilities necessary for operation of installed fixtures and appliances. [Defined in F.S. § 320.01]

Recreational vehicle. A vehicle, including a park trailer, which is: (see in F.S. § 320.01)

(1) Built on a single chassis;

(2) 400 square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light-duty truck; and

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area. An area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. Special flood hazard areas are shown on FIRMs as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. [Also defined in FBC, B Section 202.]

Start of construction. The date of issuance of permits for new construction and substantial improvements, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement is within 180 days of the date of the issuance. The actual start of construction means either the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns.

Permanent construction does not include land preparation (such as clearing, grading, or filling), the installation of streets or walkways, excavation for a basement, footings, piers, or

foundations, the erection of temporary forms or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main buildings. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimensions of the building. [Also defined in FBC, B Section 202.]

Substantial damage. Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred. [Also defined in FBC, B Section 202.]

Substantial improvement. Any repair, reconstruction, rehabilitation, addition, or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure before the improvement or repair is started. If the structure has incurred "substantial damage," any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not, however, include either: [Also defined in FBC, B, Section 202.]

(1) Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the building official and that are the minimum necessary to assure safe living conditions.

(2) Any alteration of a historic structure provided the alteration will not preclude the structure's continued designation as a historic structure. [See Instructions and Notes]

Variance. A grant of relief from the requirements of this ordinance, or the flood resistant construction requirements of the Florida Building Code, which permits construction in a manner that would not otherwise be permitted by this ordinance or the Florida Building Code.

Watercourse. A river, creek, stream, channel or other topographic feature in, on, through, or over which water flows at least periodically.

Secs. 16-437—16-457. Reserved.

DIVISION 3. FLOOD RESISTANT DEVELOPMENT

Sec. 16-458. Buildings and structures.

Design and construction of buildings, structures and facilities exempt from the Florida Building Code. Pursuant to section 16-402(c) of this article, buildings, structures, and facilities that are exempt from the Florida Building Code, including substantial improvement or repair of substantial damage of such buildings, structures and facilities, shall be designed and constructed in accordance with the flood load and flood resistant construction requirements of ASCE 24. Structures exempt from the Florida Building Code that are not walled and roofed buildings shall comply with the requirements of section 16-464 of this article.

Sec. 16-459. Subdivisions.

(a) *Minimum requirements.* Subdivision proposals, including proposals for manufactured home parks and subdivisions, shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(b) *Subdivision plats.* Where any portion of proposed subdivisions, including manufactured home parks and subdivisions, lies within a flood hazard area, the following shall be required:

(1) Delineation of flood hazard areas, floodway boundaries and flood zones, and design flood elevations, as appropriate, shall be shown on preliminary plats;

(2) Where the subdivision has more than 50 lots or is larger than five acres and base flood elevations are not included on the FIRM, the base flood elevations determined in accordance with section 16-403(b)(1) of this ~~ordinance~~ article; and

(3) Compliance with the site improvement and utilities requirements of section 16-460 of this article.

Sec. 16-460. Site improvements, utilities and limitations.

(a) *Minimum requirements.* All proposed new development shall be reviewed to determine that:

(1) Such proposals are consistent with the need to minimize flood damage and will be reasonably safe from flooding;

(2) All public utilities and facilities such as sewer, gas, electric, communications, and water systems are located and constructed to minimize or eliminate flood damage; and

(3) Adequate drainage is provided to reduce exposure to flood hazards; in Zones AH and AO, adequate drainage paths shall be provided to guide floodwaters around and away from proposed structures.

(b) *Sanitary sewage facilities.* All new and replacement sanitary sewage facilities, private sewage treatment plants (including all pumping stations and collector systems), and on-site waste disposal systems shall be designed in accordance with the standards for onsite sewage treatment and disposal systems in F.A.C. Ch. 64E-6 and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the facilities and discharge from the facilities into flood waters, and impairment of the facilities and systems.

(c) *Water supply facilities.* All new and replacement water supply facilities shall be designed in accordance with the water well construction standards in F.A.C. Ch. 62-532.500 and ASCE 24 Chapter 7 to minimize or eliminate infiltration of floodwaters into the systems.

(d) *Limitations on sites in regulatory floodways.* No development, including but not limited to site improvements, and land disturbing activity involving fill or regrading, shall be authorized in the regulatory floodway unless the floodway encroachment analysis required in section 16-403(c)(1) of this ~~ordinance~~ article demonstrates that the proposed development or land disturbing activity will not result in any increase in the base flood elevation.

(e) *Limitations on placement of fill.* Subject to the limitations of this ~~ordinance~~ article, fill shall be designed to be stable under conditions of flooding including rapid rise and rapid drawdown of floodwaters, prolonged inundation, and protection against flood-related erosion and scour. In addition to these requirements, if intended to support buildings and structures (Zone A only), fill shall comply with the requirements of the Florida Building Code.

Sec. 16-461. Manufactured homes.

(a) *General.* All manufactured homes installed in flood hazard areas shall be installed by an installer that is licensed pursuant to F.S. § 320.8249 and shall comply with the requirements of F.A.C. Ch. 15C-1 and the requirements of this article.

(b) *Foundations.* All new manufactured homes and replacement manufactured homes installed in flood hazard areas shall be installed on permanent, reinforced foundations that are designed in accordance with the foundation requirements of the Florida Building Code Residential Section R322.2 and this ~~ordinance~~ article. Foundations for manufactured homes subject to subsection (f) of this section are permitted to be reinforced piers or other foundation elements of at least equivalent strength.

(c) *Anchoring.* All new manufactured homes and replacement manufactured homes shall be installed using methods and practices which minimize flood damage and shall be securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Methods of anchoring include, but are not limited to, use of over-the-top or frame ties to ground anchors. This anchoring requirement is in addition to applicable state and local anchoring requirements for wind resistance.

(d) *Elevation.* Manufactured homes that are placed, replaced, or substantially improved shall comply with subsections (e) or (f) of this section, as applicable.

(e) *General elevation requirement.* Unless subject to the requirements of subsection (f) of this section, all manufactured homes that are placed, replaced, or substantially improved on sites located: (a) outside of a manufactured home park or subdivision; (b) in a new manufactured home park or subdivision; (c) in an expansion to an existing manufactured home park or subdivision; or (d) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a flood, shall be elevated such that the bottom of the frame is at or above the elevation required, as applicable to the flood hazard area, in the Florida Building Code, Residential Section R322.2 (Zone A).

(f) *Elevation requirement for certain existing manufactured home parks and subdivisions.* Manufactured homes that are not subject to subsection (e) of this article, including manufactured homes that are placed, replaced, or substantially improved on sites located in an existing manufactured home park or subdivision, unless on a site where substantial damage as result of flooding has occurred, shall be elevated such that either the:

(1) Bottom of the frame of the manufactured home is at or above the elevation required in the Florida Building Code, Residential Section R322.2 (Zone A); or

(2) Bottom of the frame is supported by reinforced piers or other foundation elements of at least equivalent strength that are not less than 48 inches in height above grade.

(g) *Enclosures.* Enclosed areas below elevated manufactured homes shall comply with the requirements of the Florida Building Code, Residential Section R322.2 for such enclosed areas.

(h) *Utility equipment.* Utility equipment that serves manufactured homes, including electric, heating, ventilation, plumbing, and air conditioning equipment and other service facilities, shall comply with the requirements of the Florida Building Code, Residential Section R322.

Sec. 16-462. Recreational vehicles and park trailers.

(a) *Temporary placement.* Recreational vehicles and park trailers placed temporarily in flood hazard areas shall:

(1) Be on the site for fewer than 180 consecutive days; or

(2) Be fully licensed and ready for highway use, which means the recreational vehicle or park model is on wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices, and has no permanent attachments such as additions, rooms, stairs, decks and porches.

(b) *Permanent placement.* Recreational vehicles and park trailers that do not meet the limitations in subsection (a) of this section for temporary placement shall meet the requirements of section 16-461 of this article for manufactured homes.

Sec. 16-463. Tanks.

(a) *Underground tanks.* Underground tanks in flood hazard areas shall be anchored to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty.

(b) *Above-ground tanks, not elevated.* Above-ground tanks that do not meet the elevation requirements of subsection (c) of this section shall be permitted in flood hazard areas provided the tanks are anchored or otherwise designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic and hydrostatic loads during conditions of the design flood, including the effects of buoyancy assuming the tank is empty and the effects of flood-borne debris.

(c) *Above-ground tanks, elevated.* Above-ground tanks in flood hazard areas shall be elevated to or above the design flood elevation and attached to a supporting structure that is designed to prevent flotation, collapse or lateral movement during conditions of the design flood. Tank-supporting structures shall meet the foundation requirements of the applicable flood hazard area.

(d) *Tank inlets and vents.* Tank inlets, fill openings, outlets and vents shall be:

(1) At or above the design flood elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the design flood; and

(2) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the design flood.

Sec. 16-464. Other development.

(a) *General requirements for other development.* All development, including man-made changes to improved or unimproved real estate for which specific provisions are not specified in this ~~ordinance~~ article or the Florida Building Code, shall:

(1) Be located and constructed to minimize flood damage;

(2) Meet the limitations of section 16-460(d) of this article if located in a regulated floodway;

(3) Be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the design flood;

(4) Be constructed of flood damage-resistant materials; and

(5) Have mechanical, plumbing, and electrical systems above the design flood elevation or meet the requirements of ASCE 24, except that minimum electric service required to address life safety and electric code requirements is permitted below the design flood elevation provided it conforms to the provisions of the electrical part of building code for wet locations.

(b) *Fences in regulated floodways.* Fences in regulated floodways that have the potential to block the passage of floodwaters, such as stockade fences and wire mesh fences, shall meet the limitations of section 16-460(d) of this article.

(c) *Retaining walls, sidewalks and driveways in regulated floodways.* Retaining walls and sidewalks and driveways that involve the placement of fill in regulated floodways shall meet the limitations of section 16-460(d) of this article.

(d) *Roads and watercourse crossings in regulated floodways.* Roads and watercourse crossings, including roads, bridges, culverts, low-water crossings and similar means for vehicles or pedestrians to travel from one side of a watercourse to the other side, that encroach into regulated floodways shall meet the limitations of section 16-460(d) of this article. Alteration of a watercourse that is part of a road or watercourse crossing shall meet the requirements of section 16-403(c)(3) of this article.

Secs. 16-4645—16-488. Reserved.

Town of Lake Hamilton

Town Council

Agenda Staff Report

November 10, 2026

TO: Lake Hamilton Planning Commission

FROM: Jonah Katz, Community Development Director

SUBJECT: Request for approval of the Town Council of proposed amendments to Code of Ordinances, Chapter 16 Land Development Code related to Development in Flood-Prone Areas

AGENDA & HEARING DATES:

Planning Commission Meeting: September 9, 2026; 5:30 PM
Town Council Meeting – First Reading: November 10, 2026: 6:00 PM
Town Council Meeting – Second Reading: December 1, 2026: 6:00 PM

Attachments
Ordinance 2026-xx

TOWN COUNCIL MOTION OPTIONS:

1. I move for **approval** of the proposed amendments with final vote and adoption to occur upon second reading.

2. I move for **approval with changes** to the proposed amendments with final vote and adoption to occur upon second reading**.**

3. I move **continuation to a date and time certain**.

BACKGROUND AND REASON FOR REQUEST:

The Florida Department of Emergency Management (FDEM) Office of Floodplain Management reviews floodplain management ordinances of jurisdictions to ensure they are compliant with the current Federal Emergency Management Agency (FEMA) regulations and the National Flood Insurance Program. FDEM identified changes required to make Lake Hamilton's Floodplain Management Ordinance consistent with FEMA requirements.

The Town of Lake Hamilton is initiating a request to amend the Town's Land Development Code to update the Floodplain Management Section to address the recommended changes from FDEM. Amending this part of the LDC will bring the Town's ordinance into compliance with the current national insurance program standards and allows for more efficient access

to flood relief and assistance from FEMA and other agencies. FEMA can suspend a community's National Flood Insurance Program (NFIP) participation if its local floodplain management ordinance is outdated or no longer meets NFIP requirements. Suspension has serious consequences in that new and renewal NFIP flood insurance policies cannot be written and some forms of federal assistance cannot be provided (including some disaster assistance).

At the Planning Commission Meeting on September 9, 2026 a motion was approved to forward the proposed text amendments to the Town Council with a recommendation of **approval.**

Note: FDEM recommended a an additional minor revision to the proposed ordinance as some numbering of items was not shown to the Planning Commission as part of the Code Change. The minor revision, which does not impact the contact of the revisions, is found on page 18 of the ordinance.

PROPOSED CHANGES:

The proposed amendments in the attached Ordinance were prepared using input from FDEM. They include the following changes:

- Changing "ordinance" to "article"
- Changing "development director" to "Community Development Director"
- Updating cross references
- Removing the italicized format from the numbering under the definition for "Letter of Map Change (LOMC)"
- Updating definition for "Market Value"

Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH: Brittney Sandoval, Town Administrator

FROM: Jonah Katz, Community Development Director

AGENDA ITEM: Final Reading of Ordinance O-2026-XX AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, POLK COUNTY, FLORIDA, AMENDING CHAPTER 20, NUISANCES, OF THE TOWN CODE OF ORDINANCES; ESTABLISHING SUPPLEMENTAL DIRECT-ABATEMENT PROCEDURES FOR VACANT LOTS; REVISING COST-RECOVERY AND LIEN-PRIORITY PROVISIONS IN SECTIONS 20-1 AND 20-49 TO CONFORM TO APPLICABLE FLORIDA LAW; Approved at First Reading on November 10, 2026.

DATE: December 1, 2026

SUMMARY & RECOMMENDATION:

Town Council and Administration directed staff to explore options to empower the Town and its Code officials to abate nuisances on properties through Demand for Removal (DFR) ordinances. Staff presented, at Council's September meeting, some policies and procedures from neighboring communities to consider adapting to Town of Lake Hamilton's Code Enforcement procedures based on the priorities of Town leadership. In addition, it was discovered there are existing provisions in the adopted Town Code of Ordinances that did allow for more aggressive abatement procedures, allowing for tax assessments and liens to be placed on a property to pay for costs related to directly abated property nuisances. Direction from Council was to revise and development a code abatement policy that would apply to vacant lots only, clarifying unclear provisions in the current code while also limiting more aggressive abatement procedures to primarily apply to vacant lots.. Informed by other best practices and existing code provisions, staff has proposed a draft ordinance for Code Abatement.

CONSENT AGENDA ☐ **OLD BUSINESS** ☒ **NEW BUSINESS** ☐

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Staff Recommendation - Code Abatement Draft Ordinance - November.pdf
REVISED Lake Hamilton Abatement Ordinance_1162026.pdf

Recommendation

To: Town Council

From: Jonah Katz, Director - Community Development Department

Date: November 10, 2026

Subject: Code Abatement Ordinance – First Reading

RECOMMENDATION: Review updated Code Abatement Ordinance

BACKGROUND AND PURPOSE:

Town Council and Administration directed staff to explore options to empower the Town and its Code officials to abate nuisances on properties through Demand for Removal (DFR) ordinances. Staff presented, at Council's September meeting, some policies and procedures from neighboring communities to consider adapting to Town of Lake Hamilton's Code Enforcement procedures based on the priorities of Town leadership. In addition, it was discovered there are existing provisions in the adopted Town Code of Ordinances that did allow for more aggressive abatement procedures, allowing for tax assessments and liens to be placed on a property to pay for costs related to directly abated property nuisances. Direction from Council was to revise and development a code abatement policy that would apply to vacant lots only, clarifying unclear provisions in the current code while also limiting more aggressive abatement procedures to primarily apply to vacant lots.. Informed by other best practices and existing code provisions, staff has proposed a draft ordinance for Code Abatement.

SUMMARY OF ORDINANCE:

1) Rather than limiting the Town's existing abatement authority, a separate section was added establishing additional procedures specifically for vacant lots, consistent with Council's direction. This preserves the Town's existing authority to abate nuisances on occupied properties while emphasizing the abatement authority over vacant lots.
2) Revision of the existing lien provisions to remove language granting abatement liens equal priority with ad valorem tax liens, as that language conflicts with Florida case law (*City of Palm Bay v. Wells Fargo Bank).* The revisions preserve the Town's ability to recover abatement costs through legally authorized collection methods.

Staff would recommend review of proposed draft ordinance for consideration and adoption. Upon Town Council direction staff will schedule required public hearings before Town Council, and publish public notices as required by state statute.

FISCAL AND STRATEGIC IMPLICATIONS:

Efficient Enforcement: Allows for an equitable, expeditious, and effective method of enforcing the Town's code by directly removing nuisance conditions that impact residents and businesses.

Fiscal Impact: Additional fiscal responsibilities from the Town include financing vendor costs for abatement removal and pursuing reimbursement from the property owner in violation, including the

imposition of liens against the property. Additional administrative responsibilities in managing vendor contracts and

ORDINANCE O-2026-XX

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, POLK COUNTY, FLORIDA, AMENDING CHAPTER 20, NUISANCES, OF THE TOWN CODE OF ORDINANCES; ESTABLISHING SUPPLEMENTAL DIRECT-ABATEMENT PROCEDURES FOR VACANT LOTS; REVISING COST-RECOVERY AND LIEN-PRIORITY PROVISIONS IN SECTIONS 20-1 AND 20-49 TO CONFORM TO APPLICABLE FLORIDA LAW; PRESERVING EXISTING ABATEMENT AUTHORITY ON OTHER PROPERTIES; PROVIDING FOR SEVERABILITY, CODIFICATION, CONFLICTS, AND AN EFFECTIVE DATE.

WHEREAS, the Town has adopted Chapter 20, Nuisances, including Article I (In General), Article II (Derelict, Wrecked, Inoperative and Abandoned Property), and Article III (Property Maintenance); and

WHEREAS, Sections 20-1, 20-28, and 20-49 of the Town Code presently provide nuisance enforcement and abatement remedies applicable to property within the Town; and

WHEREAS, the Town Council desires to establish supplemental direct-abatement procedures for vacant lots without diminishing existing abatement authority on occupied or other properties; and

WHEREAS, the Town Council further desires to clarify that costs of nuisance abatement may be recovered through legally authorized remedies, but that lien priority and tax-roll collection may arise only pursuant to applicable Florida law and completion of all required statutory procedures; and

WHEREAS, the Town Council has complied with the applicable notice and hearing requirements of section 166.041, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA:

SECTION 1. AMENDMENT TO CHAPTER 20, ARTICLE III.

Chapter 20, Article III, Property Maintenance, of the Town of Lake Hamilton Code of Ordinances is amended by adding a new Section 20-51, to read as follows. Except as expressly amended in Sections 2 and 3 below, existing Chapter 20 provisions remain unchanged.

(Underlined text indicates additions to the existing Code; stricken text indicates deletions from the existing Code.)

Sec. 20-51. Supplemental direct abatement procedures for vacant lots.

(a) Purpose and cumulative authority. This section establishes supplemental procedures for the Town to arrange and perform limited direct abatement of nuisance conditions on vacant lots. It supplements, and does not replace or restrict, Sections 20-1, 20-22 through 20-28, 20-41 through 20-50, or any other lawful enforcement, abatement, emergency, judicial, or cost-recovery remedy available to the Town. No existing authority to abate nuisances on occupied or improved properties is repealed or diminished.

(b) Vacant lot. For purposes of this section only, “vacant lot” means a parcel that is not presently occupied for residential or commercial purposes and on which no lawful residential or commercial activity is being conducted. A parcel containing an unoccupied building may qualify only for exterior, nonstructural nuisance abatement under this section. The existence of a vacant lot does not authorize entry into any building, demolition, or removal of fixtures or personal property not specifically subject to an applicable lawful removal procedure.

(c) Eligible violations and limited scope. This section applies only to conditions constituting a nuisance or property-maintenance violation under an existing provision of Chapter 20, including excessive vegetation, rubbish, debris, trash, or other exterior conditions identified in a written notice. Work shall be limited to measures reasonably necessary to correct the cited condition. The Town shall not use this section to demolish a structure, conduct interior remediation, or seize or dispose of a vehicle or other property where separate procedures under applicable law are required.

(d) Notice, opportunity to cure, and appeal. Before proceeding under this section, the Town shall comply with the applicable notice, opportunity-to-cure, extension, and appeal provisions of the underlying Code section being enforced, including Sections 20-49 and 20-50 when enforcing Article III. A timely appeal shall stay nonemergency abatement until the appeal is resolved and any applicable additional compliance period expires. The Town shall not shorten an existing notice or appeal period by relying on this supplemental section.

(e) Verification and authorization. After the applicable compliance and appeal periods expire, the Code Enforcement Division shall reinspect the property and document the continuing violation, including photographs or comparable evidence. The Division shall prepare a description of the proposed corrective work and a reasonable estimate of anticipated costs. The Town Administrator or designee may authorize the work, subject to applicable budgetary and procurement requirements. The Town may use its employees or qualified contractors selected in accordance with Town procurement requirements.

(f) Entry and performance of work. Following compliance with the notice and appeal procedures required by this section, the Town and its authorized contractors may enter upon a vacant lot and perform work reasonably necessary to abate the identified nuisance, to the extent authorized by law. The Town may proceed without the owner's consent where entry is otherwise lawful. Where judicial authorization is required, or where the owner obstructs or prevents entry, the Town is authorized to seek injunctive or other appropriate relief from a court of competent jurisdiction authorizing entry and abatement. Nothing herein shall limit the Town's authority to address emergency conditions or serious threats to public health, safety, or welfare as otherwise authorized by law.

(g) Record of work and costs. The Division shall maintain a record identifying the parcel, applicable Code violation, notices, appeal disposition, authorization, dates and nature of work, photographs where practicable, vendor invoices, and reasonable documented labor, equipment, administrative, and disposal expenses. Only costs recoverable under applicable law and the underlying enforcement provisions may be charged to the responsible owner or property.

(h) Recovery of expenses. The Town may pursue recovery of reasonable, documented abatement expenses through the remedies authorized by Chapter 20 and applicable Florida law, as amended by this Ordinance. A non-ad valorem assessment may be levied or collected under section 197.3632, Florida Statutes, only if legally authorized and only upon compliance with the applicable statutory procedures. Nothing in this section independently creates a tax lien, establishes priority over previously recorded interests, or authorizes collection on the ad valorem tax bill.

(i) Other properties; emergencies; savings. The supplemental process in this section is limited to vacant lots. All provisions of Chapter 20 authorizing enforcement or abatement on occupied, improved, or other property remain in full force and effect. Nothing herein limits lawful emergency measures or remedies authorized under state law or other Town ordinances, subject to applicable constitutional and procedural requirements.

SECTION 2. AMENDMENT TO SECTION 20-1(e) AND (f).

Section 20-1(e) and (f) of the Town Code are amended to read as follows:

(e) Abatement by town; assessment of costs; collection of charges. In the event the owner of such premises fails to comply with the town clerk's directions, and has either failed to timely appeal such directive, or has been unsuccessful in his appeal before the town council, then the town may proceed to clean up such premises by doing whatever work is necessary to render such property clean in order to comply with this section. All reasonable costs incurred by the town in the performance of such service shall be charged against the property, and such cost shall bear interest at the highest legal rate, per annum, beginning the first day of the month next succeeding the month in which the work was done. ~~At the time the next succeeding annual town ad valorem tax payment is due on said property, the charge on said property imposed pursuant to this section shall be a lien on the property, equal in dignity with the municipal ad valorem taxes, and enforceable in the same manner as is provided for the collection of delinquent ad valorem taxes.~~The town may recover such charges through any lien, assessment, civil action, or other remedy authorized by Florida law, subject to all applicable statutory requirements. No lien shall have priority equal to an ad valorem tax lien except as expressly authorized by state law.

(f) Notice of claim of lien. The town clerk, or his duly authorized representative, is hereby authorized to prepare and file a notice of claim of lien in the office of the circuit court of the county, claiming a lien against such property for each and every charge imposed pursuant to this section by the town, together with accrued interest, to enforce compliance with this section. The filing fee for filing such notice of claim of lien shall also be taxed against the subject property. Any lien under this subsection shall be created and recorded only to the extent authorized by Florida law and shall have only the priority provided by such law.

SECTION 3. AMENDMENT TO SECTION 20-49(d), (e), AND (h).

Section 20-49(d), (e), and (h) of the Town Code are amended to read as follows; all other subsections remain unchanged:

(d) If abatement is effected by the division as provided in subsection (c), the cost to the town of abating the nuisance on each lot, including all administrative and operating fees shall be calculated and assessed against the lot as an assessment pursuant to state law and may be collected pursuant to F.S. § 197.3632, if the assessment and method of collection are authorized by law and all applicable statutory procedures have been satisfied.

(e) The division shall mail a notice of the assessment to the owner at the address on record with the county property appraiser's office specifying the violation that was abated, the address or parcel identification number of the lot in which the abatement occurred, the cost of abatement with a statement that if not paid in full within 90 days, the cost shall be recorded against the owner as an assessment and will create ~~a first lien, equal to a lien for nonpayment of property taxes~~a lien only to the extent authorized by Florida law, with the priority provided by such law. Such notice shall specify the date certain in which the cost of abatement must be paid.

(h) After 90 days of the notice sent pursuant to subsection (e), the division is hereby authorized and shall record in the official records of the county a claim of lien for assessment in the name of the town, indicating the code enforcement case number and caption, the property owners, the lot subject to the assessment with the legal description and parcel identification number, and the amount of the assessment. Such claim of lien for assessment shall be signed by the division director. ~~The lien created hereby shall be~~

~~a first lien, equal to a lien for nonpayment of property taxes.~~Any such lien shall be created, recorded, and enforced only as authorized by Florida law and shall have only the priority provided by such law.

SECTION 4. SEVERABILITY.

If any provision of this Ordinance or its application is held invalid, the remaining provisions and applications shall remain in effect to the extent they can be given effect without the invalid provision or application.

SECTION 5. CODIFICATION AND SCRIVENER'S ERRORS.

It is the intention of the Town Council that Section 1 be codified in Chapter 20 of the Town Code. The codifier may renumber, reletter, and correct non-substantive typographical or formatting errors consistent with the intent of this Ordinance.

SECTION 6. CONFLICTS.

Ordinances or parts of ordinances in conflict with this Ordinance are repealed only to the extent of the conflict. This Ordinance shall not be construed to repeal or restrict any existing nuisance abatement authority except where expressly stated.

SECTION 7. EFFECTIVE DATE.

This Ordinance shall take effect immediately upon adoption.

INTRODUCED AND PASSED on first reading this ____ day of _____, 2026.

PASSED AND ADOPTED on second reading this ____ day of _____, 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____
PHYLLIS HALL, MAYOR

ATTEST WITH SEAL:

_____
JACQUELINE BORJA, TOWN CLERK

Approved as to form:

_____
ANTHONY SABATINI, TOWN ATTORNEY

Record of Vote	**Yes**	**No**
Ortega		
Mathis		
Demanche		
Hall		
Collier		

Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH: Brittney Sandoval, Town Administrator

FROM: Melody Sauerhafer, Finance Director

AGENDA ITEM:
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA; ADOPTING A CAFETERIA PLAN FOR CALENDAR YEAR 2027 BEGINNING AT 12:01 AM ON JANUARY 1, 2027, AND ENDING DECEMBER 31, 2027; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

DATE: December 1, 2026

SUMMARY & RECOMMENDATION: A Cafeteria Plan is an employee benefits program that allows eligible municipal employees to pay for certain qualified benefits, such as health, dental, vision, and certain voluntary benefits insurance premiums, using pre-tax dollars. this means employees can have their eligible insurance premiums deducted from their paychecks before federal income and Social Security taxes are calculated.

The Town Council's approval of this plan and accompanying Resolution formally renews the Town's authorization to offer this benefit. Annual Approval helps ensure the plan remains properly documented, compliance with applicable IRS requirements, and available to eligible employees.

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☒

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☐ NO: ☒

If Yes, Please Explain: N/A

RECOMMENDATION:

ATTACHMENT(S):
Resolution R-2026-XX Cafeteria Plan.doc
PlanDocument.pdf
Summary Plan Description.pdf

RESOLUTION R-2026-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA; ADOPTING A CAFETERIA PLAN FOR CALENDAR YEAR 2027 BEGINNING AT 12:01 AM ON JANUARY 1, 2027, AND ENDING DECEMBER 31, 2027; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on this date, the Town of Lake Hamilton Twon Council did meet to discuss the implementation of Town of Lake Hamilton Flexible Benefits Plan to be effective, 1/1/2027. Let it be known that the following resolution were duly adopted by the Town of Lake Hamilton Town Council and that such resolution has not been modified or rescinded as of the date hereof.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA:

SECTION 1.

1. That the form of Cafeteria Plan, as authorized under Section 125 of the Internal Revenue Coe of 1986, presented to this meeting is hereby adopted and approved and the proper officers of the Employer are hereby authorized and directed to execute and deliver to the Plan Administrator one or more copies of the Plan.

2. That the Plan Year shall be for a period beginning on 1/1/2027 and ending 12/31/2027.

3. That the Employer shall contribute to the Plan amounts sufficient to meet its obligation under the Cafeteria Plan, in accordance with the terms of the Plan Document and shall notify the Plan Administrator to which periods said contributions shall be applied.

4. That the proper officers of the employer shall act as soon as possible to notify employees of the adoption of the Cafeteria Plan by delivering to each Employee a copy of the Summary Plan Description presented to this meeting, which form is here by approved.

5. That the undersigned certifies that attached hereto as Exhibits A and B respectively are true copies of the Plan Document, and Summary Plan Description for the Town of Lake Hamilton's Flexible Benefits Plan approved and adopted in the foregoing resolution.

SECTION 2. CONFLICTS.

1. That all resolutions or parts thereof in conflict herewith, be and the same are hereby repealed.

SECTION 3. SEVERABILITY.

1. That if any section, paragraph, clause, sentence, item, word, or provision of this Resolution be declared invalid by a court of competent jurisdiction, such decision shall

not affect the validity of the Resolution as a whole or any part thereof, not so declared to be invalid.

SECTION 4. EFFECTIVE DATE.

1. This Resolution shall take effect immediately upon its adoption.

INTRODUCED AND PASSED at the Town Council Meeting of the Town Council of Lake Hamilton, Florida, held this 1st day of December 2026.

TOWN OF LAKE HAMILTON, FLORIDA

ATTEST WITH SEAL:

_____
Jacqueline Borja, Town Clerk

APPROVED:

_____
Phyllis Hall, Mayor

Record of Vote	**Yes**	**No**
Collier		
Mathis		
Ortega		
Demanche		
Hall		

THE TOWN OF LAKE HAMILTON
CAFETERIA PLAN

ARTICLE I. Introductory Provisions

Town of Lake Hamilton ("the Employer") hereby establishes the Town of Lake Hamilton Cafeteria Plan ("the Plan") effective 1/1/2027 ("the Effective Date"). Capitalized terms used in this Plan that are not otherwise defined shall have the meanings set forth in Article II.

This Plan is designed to allow an Eligible Employee to pay for his or her share of Contributions under one or more Insurance Plans on a pre-tax Salary Reduction basis.

This Plan is intended to qualify as a "cafeteria plan" under Code § 125 and the regulations issued thereunder. The terms of this document shall be interpreted to accomplish that objective.

Although reprinted within this document, the different components of this Plan shall be deemed separate plans for purposes of administration and all reporting and nondiscrimination requirements imposed on such components by the Code.

ARTICLE II. Definitions

"Accident Insurance Benefits (Also includes Accidental Death & Dismemberment (AD&D))" means the Employee's Accident/Accidental Death & Dismemberment Insurance Plan coverage for purposes of this Plan.

"Accident Plan(s) (Also includes Accidental Death & Dismemberment (AD&D)Plans)" means the plan(s) that the Employer maintains for its Employees providing benefits through a group insurance policy or policies in the event of injury or accidental death and/or dismemberment. The Employer may substitute, add, subtract, or revise at any time the menu of such plans and/or the benefits, terms, and conditions of any such plans. Any such substitution, addition, subtraction, or revision will be communicated to Participants and will automatically be incorporated by reference under this Plan.

"Benefits" means the Premium Payment Benefits.

"Benefit Package Option" means a qualified benefit under Code § 125(f) that is offered under a cafeteria plan, or an option for coverage under an underlying accident or health plan (such as an indemnity option, an HMO option, or a PPO option under an accident or health plan).

"Change in Status" has the meaning described in Section 4.6.

"COBRA" means the Consolidated Omnibus Budget Reconciliation Act of 1985, as amended.

"Code" means the Internal Revenue Code of 1986, as amended.

"Contributions" means the amount contributed to pay for the cost of Benefits (including self-funded Benefits as well as those that are insured), as calculated under Section 6.2 for Premium Payment Benefits.

"Committee" means the Benefits Committee (or the equivalent thereof) of Town of Lake Hamilton

"Compensation" means the wages or salary paid to an Employee by the Employer, determined prior to (a) any Salary Reduction election under this Plan; (b) any salary reduction election under any other cafeteria plan; and (c) any compensation reduction under any Code § 132(f)(4) plan; but determined after (d) any salary deferral elections under any Code § 401(k), 403(b), 408(k), or 457(b) plan or arrangement. Thus, "Compensation" generally means wages or salary paid to an Employee by the Employer, as reported in Box 1 of Form W-2, but adding back any wages or salary forgone by virtue of any election described in (a), (b), or (c) of the preceding sentence.

"Dental Insurance Benefits" means the Employee's Dental Insurance Plan coverage for purposes of this Plan.

"Dental Insurance Plan(s)" means the plan(s) that the Employer maintains for its Employees (and for their Spouses and Dependents that may be eligible under the terms of such plan(s)) providing dental benefits through a group insurance policy or policies. The Employer may substitute, add, subtract, or revise at any time the menu of such plans and/or the benefits, terms, and conditions of any such plans. Any such substitution, addition, subtraction, or revision will be communicated to Participants and will automatically be incorporated by reference under this Plan.

"Dependent" means any individual who is a tax dependent of the Participant as defined in Code § 152, with the following exceptions: (a) for purposes of accident or health coverage (to the extent funded under the Premium Payment Component, and for purposes of the Health FSA Component), (1) a dependent is defined as in Code § 152, determined without regard to subsections (b)(1), (b)(2), and (d)(1)(B) thereof; and (2) any child to whom IRS Rev. Proc. 2008-48 applies. Furthermore, notwithstanding anything in the foregoing that may be to the contrary, a "Dependent" shall also include for purposes of any accident or health coverage provided under this plan a child of a Participant who has not attained age 27 by the end of any given taxable year.

"Disability Insurance Benefits" means the Employee's Disability Insurance Plan coverage for purposes of this Plan.

"Disability Insurance Plan(s)" means the plan(s) that the Employer maintains for its Employees providing benefits through either or both a short-term or long-term disability insurance policy or policies in the event the disability of a covered Participant. The Employer may substitute, add, subtract, or revise at any time the menu of such plans and/or the benefits, terms, and conditions of any such plans. Any such substitution, addition, subtraction, or revision will be communicated to Participants and will automatically be incorporated by reference under this Plan.

"Earned Income" means all income derived from wages, salaries, tips, self-employment, and other Compensation (such as disability or wage continuation benefits), but only if such amounts are includible in gross income for the taxable year. Earned income does not include any other amounts excluded from earned income under Code § 32(c)(2), such as amounts received under a pension or annuity or pursuant to workers' compensation.

"Effective Date" of this Plan has the meaning described in Article 1.

"Election Form/Salary Reduction Agreement" means the form provided by the Administrator for the purpose of allowing an Eligible Employee to participate in this Plan by electing Salary Reductions to pay for Premium Payment Benefits. This form may be in either paper or electronic form at the Employer's discretion in accordance with the procedures detailed in Article IV.

"Eligible Employee" means an Employee eligible to participate in this Plan, as provided in Section 3.1.

"Employee" means an individual that the Employer classifies as a common-law employee and who is on the Employer's W-2 payroll, but does not include the following: (a) any leased employee (including but not limited to those individuals defined as leased employees in Code § 414(n)) or an individual classified by the Employer as a contract worker, independent contractor, temporary employee, or casual employee for the period during which such individual is so classified, whether or not any such individual is on the Employer's W-2 payroll or is determined by the IRS or others to be a common-law employee of the Employer; (b) any individual who performs services for the Employer but who is paid by a temporary or other employment or staffing agency for the period during which such individual is paid by such agency, whether or not such individual is determined by the IRS or others to be a common-law employee of the Employer; (c) any employee covered under a collective bargaining agreement; (d) any self-employed individual; (e) any partner in a partnership; (f) any more-than-2% shareholder in a Subchapter S corporation. The term "Employee" does include "former Employees" for the limited purpose of allowing continued eligibility for benefits under the Plan for the remainder of the Plan Year in which an Employee ceases to be employed by the Employer, but only to the extent specifically provided elsewhere under this Plan.

"Employer" means Town of Lake Hamilton, and any Related Employer that adopts this Plan with the approval of Town of Lake Hamilton. Related Employers that have adopted this Plan, if any, are listed in Appendix A of this Plan. However, for purposes of Articles XI and XIV and Section 15.3, "Employer" means only Town of Lake Hamilton.

"Employment Commencement Date" means the first regularly scheduled working day on which the Employee first performs an hour of service for the Employer for Compensation.

"ERISA" means the Employee Retirement Income Security Act of 1974, as amended. Town of Lake Hamilton is not subject to ERISA nor does Town of Lake Hamilton adopt ERISA. Any references to ERISA herein are for reference purposes only

"FMLA" means the Family and Medical Leave Act of 1993, as amended.

"Health Insurance Benefits" means any insurance benefits providing medical or other health insurance coverage through a group insurance policy or policies.

"HIPAA" means the Health Insurance Portability and Accountability Act of 1996, as amended.

"HMO" means the health maintenance organization Benefit Package Option under the Medical Insurance Plan.

"Hospital Indemnity Benefits" means the Employee's Hospital Indemnity Plan coverage for purposes of this Plan.

"Hospital Indemnity Plan(s)" means the plan(s) that the Employer maintains for its Employees (and for their Spouses and Dependents that may be eligible under the terms of such plan(s)) providing certain indemnity benefits in the event of hospitalization or other similar medical event through a group insurance policy or policies. The Employer may substitute, add, subtract, or revise at any time the menu of such plans and/or the benefits, terms, and conditions of any such plans. Any such substitution, addition, subtraction, or revision will be communicated to Participants and will automatically be incorporated by reference under this Plan.

"HRA" means a health reimbursement arrangement as defined in IRS Notice 2002-45.

"Insurance Benefits" means benefits offered through the Insurance Plans.

"Insurance Plan(s)" means a plan or plans offering benefits through a group insurance policy or policies.

"Life Insurance Benefits" means the Employee's Life Insurance Plan coverage for purposes of this Plan.

"Life Insurance Plan(s)" means the plan(s) that the Employer maintains for its Employees providing benefits through a group term life insurance policy or policies in the event of the death of a covered Participant. The Employer may substitute, add, subtract, or revise at any time the menu of such plans and/or the benefits, terms, and conditions of any such plans. Any such substitution, addition, subtraction, or revision will be communicated to Participants and will automatically be incorporated by reference under this Plan.

"Medical Insurance Benefits" means the Employee's Medical Insurance Plan coverage for purposes of this Plan.

"Medical Insurance Plan(s)" means the plan(s) that the Employer maintains for its Employees (and for their Spouses and Dependents that may be eligible under the terms of such plan), providing major medical type benefits through a group insurance policy or policies (with HMO and PPO options). The Employer may substitute, add, subtract, or revise at any time the menu of such plans and/or the benefits, terms, and conditions of any such plans. Any such substitution, addition, subtraction, or revision will be communicated to Participants and will automatically be incorporated by reference under this Plan.

"Open Enrollment Period" with respect to a Plan Year means any period before the beginning of the Plan Year that may be prescribed by the Administrator as the period of time in which Employees who will be Eligible Employees at the beginning of the Plan Year may elect benefits.

"Participant" means a person who is an Eligible Employee and who is participating in this Plan in accordance with the provisions of Article III. Participants include (a) those who elect one or more of the Medical Insurance Benefits and (b) those who elect instead to receive their full salary in cash and to pay for their share of their Contributions under the Medical Insurance Plan.

"Period of Coverage" means the Plan Year, with the following exceptions: (a) for Employees who first become eligible to participate, it shall mean the portion of the Plan Year following the date on which participation commences, as described in Section 3.1; and (b) for Employees who terminate participation, it shall mean the portion of the Plan Year prior to the date on which participation terminates, as described in Section 3.2.

"Plan" means the Town of Lake Hamilton Cafeteria Plan as set forth herein and as amended from time to time.

"Plan Administrator" means the Town of Lake Hamilton Human Resources Manager or the equivalent thereof for Town of Lake Hamilton, who has the full authority to act on behalf of the Plan Administrator, except with respect to appeals, for which the Committee has the full authority to act on behalf of the Plan Administrator, as described in Section 13.1.

"Plan Year" means the 12-month period commencing 1/1/2027 and ending on 12/31/2027, except in the case of a short plan year representing the initial Plan Year or where the Plan Year is being changed, in which case the Plan Year shall be the entire short plan year.

"PPO" means the preferred provider organization Benefit Package Option under the Medical Insurance Plan.

"Premium Payment Benefits" means the Premium Payment Benefits that are paid for on a pre-tax Salary Reduction basis as described in Section 6.1.

"Premium Payment Component" means the Component of this Plan described in Article VI.

"QMCSO" means a qualified medical child support order, as defined in ERISA § 609(a).

"Related Employer" means any employer affiliated with Town of Lake Hamilton that, under Code § 414(b), § 414(c), or § 414(m), is treated as a single employer with Town of Lake Hamilton for purposes of Code § 125(g)(4).

"Salary Reduction" means the amount by which the Participant's Compensation is reduced and applied by the Employer under this Plan to pay for one or more of the Benefits, as permitted for the applicable Component, before any applicable state and/or federal taxes have been deducted from the Participant's Compensation (i.e., on a pre-tax basis).

"Specified Disease or Illness Insurance Benefits" means the Employee's Specified Disease or Illness Insurance Plan coverage for purposes of this Plan.

"Specified Disease or Illness Insurance Plan(s)" means the plan(s) that the Employer maintains for its Employees (and for their Spouses and Dependents that may be eligible under the terms of such plan(s)) providing certain benefits with regard to a particular critical illness or illnesses (e.g., a "cancer policy" or the like) through a group insurance policy or policies. The Employer may substitute, add, subtract, or revise at any time the menu of such plans and/or the benefits, terms, and conditions of any such plans. Any such substitution, addition, subtraction, or revision will be communicated to Participants and will automatically be incorporated by reference under this Plan.

"Spouse" means an individual who is legally married to a Participant as determined under applicable state law (and who is treated as a spouse under the Code).

"Vision Insurance Benefits" means the Employee's Vision Insurance Plan coverage for purposes of this Plan.

"Vision Insurance Plan(s)" means the plan(s) that the Employer maintains for its Employees (and for their Spouses and Dependents that may be eligible under the terms of such plan(s)) providing vision benefits through a group insurance policy or policies. The Employer may substitute, add, subtract, or revise at any time the menu of such plans and/or the benefits, terms, and conditions of any such plans. Any such substitution, addition, subtraction, or revision will be communicated to Participants and will automatically be incorporated by reference under this Plan.

ARTICLE III. Eligibility and Participation

3.1 Eligibility to Participate

An individual is eligible to participate in this Plan if the individual: (a) is an Employee; (b) is working 40 hours or more per week; and (c) has been employed by the Employer for a consecutive period of 30 days, counting his or her Employment Commencement Date as the first such day. Eligibility for Premium Payment Benefits may also be subject to the additional requirements, if any, specified in the Medical Insurance Plan. Once an Employee has met the Plan's eligibility requirements, the Employee may elect coverage effective the first day of the next calendar month, in accordance with the procedures described in Article IV.

3.2 Termination of Participation

A Participant will cease to be a Participant in this Plan upon the earlier of:

- the termination of this Plan; or
- the date on which the Employee ceases (because of retirement, termination of employment, layoff, reduction of hours, or any other reason) to be an Eligible Employee. Notwithstanding the foregoing, for purposes of pre-taxing COBRA coverage certain Employees may continue eligibility for certain periods on the terms and subject to the restrictions described in Section 6.4 for Insurance Benefits.

Termination of participation in this Plan will automatically revoke the Participant's elections. The Medical Insurance Benefits will terminate as of the date specified in the Medical Insurance Plan.

3.3 Participation Following Termination of Employment or Loss of Eligibility

If a Participant terminates his or her employment for any reason, including (but not limited to) disability, retirement, layoff, or voluntary resignation, and then is rehired within 30 days or less after the date of a termination of employment, then the Employee will be reinstated with the same elections that such individual had before termination. If a former Participant is rehired more than 30 days following termination of employment and is otherwise eligible to participate in the Plan, then the individual may make new elections as a new hire as described in Section 3.1. Notwithstanding the above, an election to participate in the Premium Payment Component will be reinstated only to the extent that coverage under the Medical Insurance Plan (here, major medical insurance) is reinstated. If an Employee (whether or not a Participant) ceases to be an Eligible Employee for any reason (other than for termination of employment), including (but not limited to) a reduction of hours, and then becomes an Eligible Employee again, the Employee must complete the waiting period described in Section 3.1 before again becoming eligible to participate in the Plan.

3.4 FMLA Leaves of Absence

(a) Health Benefits. Notwithstanding any provision to the contrary in this Plan, if a Participant goes on a qualifying leave under the FMLA, then to the extent required by the FMLA, the Employer will continue to maintain the Participant's Health Insurance Benefits on the same terms and conditions as if the Participant were still an active Employee. That is, if the Participant elects to continue his or her coverage while on leave, the Employer will continue to pay its share of the Contributions.

An Employer may require participants to continue all Health Insurance Benefits coverage for Participants while they are on paid leave (provided that Participants on non-FMLA paid leave are required to continue coverage). If so, the Participant's share of the Contributions shall be paid by the method normally used during any paid leave (for instance, on a pre-tax Salary Reduction basis).

In the event of unpaid FMLA leave (or paid FMLA leave where coverage is not required to be continued), a Participant may elect to continue his or her Health Insurance Benefits during the leave. If the Participant elects to continue coverage while on FMLA leave, then the Participant may pay his or her share of the Contributions in one of the following ways:

- with after-tax dollars, by sending monthly payments to the Employer by the due date established by the Employer;
- with pre-tax dollars, by having such amounts withheld from the Participant's ongoing Compensation (if any), including unused sick days and vacation days, or pre-paying all or a portion of the Contributions for the expected duration of the leave on a pre-tax Salary Reduction basis out of pre-leave Compensation. To pre-pay the Contributions, the Participant must make a special election to that effect prior to the date that such Compensation would normally be made available (pre-tax dollars may not be used to fund coverage during the next Plan Year); or
- under another arrangement agreed upon between the Participant and the Plan Administrator (e.g., the Plan Administrator

may fund coverage during the leave and withhold "catch-up" amounts from the Participant's Compensation on a pre-tax or after-tax basis) upon the Participant's return.

If the Employer requires all Participants to continue Health Insurance Benefits during an unpaid FMLA leave, then the Participant may elect to discontinue payment of the Participant's required Contributions until the Participant returns from leave. Upon returning from leave, the Participant will be required to repay the Contributions not paid by the Participant during the leave. Payment shall be withheld from the Participant's Compensation either on a pre-tax or after-tax basis, as agreed to by the Plan Administrator and the Participant.

If a Participant's Health Insurance Benefits coverage ceases while on FMLA leave (e.g., for non-payment of required contributions), then the Participant is permitted to re-enter the Medical Insurance Benefits upon return from such leave on the same basis as when the Participant was participating in the Plan prior to the leave, or as otherwise required by the FMLA. In addition, the Plan may require Participants whose Health Insurance Benefits coverage terminated during the leave to be reinstated in such coverage upon return from a period of unpaid leave, provided that Participants who return from a period of unpaid, non-FMLA leave are required to be reinstated in such coverage.

(b) Non-Health Benefits. If a Participant goes on a qualifying leave under the FMLA, then entitlement to non-health benefits is to be determined by the Employer's policy for providing such Benefits when the Participant is on non-FMLA leave, as described in Section 3.5. If such policy permits a Participant to discontinue contributions while on leave, then the Participant will, upon returning from leave, be required to repay the Contributions not paid by the Participant during the leave. Payment shall be withheld from the Participant's Compensation either on a pre-tax or after-tax basis, as may be agreed upon by the Plan Administrator and the Participant or as the Plan Administrator otherwise deems appropriate.

3.5 Non-FMLA Leaves of Absence If a Participant goes on an unpaid leave of absence that does not affect eligibility, then the Participant will continue to participate and the Contributions due for the Participant will be paid by pre-payment before going on leave, by after-tax contributions while on leave, or with catch-up contributions after the leave ends, as may be determined by the Plan Administrator. If a Participant goes on an unpaid leave that affects eligibility, then the election change rules detailed in Article IV will apply.

ARTICLE IV. Method and Timing of Elections; Irrevocability of Elections

4.1 Elections When First Eligible

Unless an Employee who becomes an Eligible Employee mid-Plan Year informs the Employer in writing (or in an electronic form accepted by Employer) that he or she does not want to be enrolled in any benefits under the Plan, such Employee will be automatically enrolled in the benefits on the first day of the month after the eligibility requirements have been satisfied.

Benefits shall be subject to the additional requirements, if any, specified in the Medical Insurance Plan. The provisions of this Plan are not intended to override any exclusions, eligibility requirements, or waiting periods specified in any Insurance Plans.

4.2 Elections During Open Enrollment Periods

During each Open Enrollment Period with respect to a Plan Year, the Plan Administrator shall provide an Election Form/Salary Reduction Agreement to each Employee who is eligible to participate in this Plan. The Election Form/Salary Reduction Agreement shall enable the Employee to elect to participate in the various Components of this Plan for the next Plan Year and to authorize the necessary Salary Reductions to pay for the Benefits elected. The Election Form/Salary Reduction Agreement must be returned to the Plan Administrator on or before the last day of the Open Enrollment Period, and it shall become effective on the first day of the next Plan Year. If an Eligible Employee fails to return the Election Form/Salary Reduction Agreement during the Open Enrollment Period, then the Employee may not elect any Benefits under this Plan until the next Open Enrollment Period, unless an event occurs that would justify a mid-year election change, as described in Article IV.

The Employer reserves the right, within its discretion, to allow or require any or all of the election procedures detailed in this Article 4.2 to be performed electronically.

4.3 Failure of Eligible Employee to File an Election Form/Salary Reduction Agreement

If an Eligible Employee fails to file an Election Form/Salary Reduction Agreement within the time period described in Section 4.2, then the Employee may not elect any Benefits under the Plan (a) until the next Open Enrollment Period; or (b) until an event occurs that would justify a mid-year election change, as described in Article IV. If an Employee who fails to file an Election Form/Salary Reduction Agreement is eligible for Medical Insurance Benefits and has made an effective election for such Benefits, then the Employee's share of the Contributions for such Benefits will be paid with after-tax dollars outside of this Plan until such time as the Employee files, during a subsequent Open Enrollment Period (or after an event occurs that would justify a mid-year election change as described in Article IV), a timely Election Form/Salary Reduction Agreement to elect Premium Payment Benefits. Until the Employee files such an election, the Employer's portion of the Contribution will also be paid outside of this Plan.

4.4 Irrevocability of Elections

Unless an exception applies (as described in this Article IV), a Participant's election under the Plan is irrevocable for the duration of the Period of Coverage to which it relates.

Unless otherwise noted in this section, a Participant's election under the Plan is irrevocable for the duration of the Period of Coverage to which it relates. In other words, unless an exception applies, the Participant may not change any elections for the duration of the Period of Coverage regarding:

- Participation in this Plan;
- Salary Reduction amounts; or
- election of particular Benefit Package Options.

4.5 Procedure for Making New Election If Exception to Irrevocability Applies

(a) Timeframe for Making New Election. A Participant (or an Eligible Employee who, when first eligible under Section 3.1 or during the Open Enrollment Period, declined to be a Participant) may make a new election within 30 days of the occurrence of an event described in Section 4.6 or 4.7, as applicable, but only if the election under the new Election Form/Salary Reduction Agreement is made on account of and is consistent with the event and if the election is made within any specified time period (e.g., for Sections 4.7(d) through 4.7(j), within 30 days after the events described in such Sections unless otherwise required by law). Notwithstanding the foregoing, a Change in Status (e.g., a divorce or a dependent's losing dependent status) that results in a beneficiary becoming ineligible for coverage under the Medical Insurance Plan shall automatically result in a corresponding election change, whether or not requested by the Participant within the normal 30-day period.

(b) Effective Date of New Election. Elections made pursuant to this Section 4.5 shall be effective for the balance of the Period of Coverage following the change of election unless a subsequent event allows for a further election change. Except as provided in Section 4.7(e) for HIPAA special enrollment rights in the event of birth, adoption, or placement for adoption, all election changes shall be effective on a prospective basis only (i.e., election changes will become effective no earlier than the first day of the next calendar month following the date that the election change was filed, but, as determined by the Plan Administrator, election changes may become effective later to the extent that the coverage in the applicable Benefit Package Option commences later).

4.6 Change in Status Defined

Participant may make a new election upon the occurrence of certain events as described in Section 4.7, including a Change in Status, for the applicable Component. "Change in Status" means any of the events described below, as well as any other events included under subsequent changes to Code § 125 or regulations issued thereunder, which the Plan Administrator, in its sole discretion and on a uniform and consistent basis, determines are permitted under IRS regulations and under this Plan:

(a) Legal Marital Status. A change in a Participant's legal marital status, including marriage, death of a Spouse, divorce, legal separation, or annulment;

(b) Number of Dependents. Events that change a Participant's number of Dependents, including birth, death, adoption, and placement for adoption;

(c) Employment Status. Any of the following events that change the employment status of the Participant or his or her Spouse or Dependents: (1) a termination or commencement of employment; (2) a strike or lockout; (3) a commencement of or return from an unpaid leave of absence; (4) a change in worksite; and (5) if the eligibility conditions of this Plan or other employee benefits plan of the Participant or his or her Spouse or Dependents depend on the employment status of that individual and there is a change in that individual's status with the consequence that the individual becomes (or ceases to be) eligible under this Plan or other employee benefits plan, such as if a plan only applies to salaried employees and an employee switches from salaried to hourly-paid, union to non-union, or full-time to part-time (or vice versa), with the consequence that the employee ceases to be eligible for the Plan;

(d) Dependent Eligibility Requirements. An event that causes a Dependent to satisfy or cease to satisfy the Dependent eligibility requirements for a particular benefit, such as attaining a specified age, or any similar circumstance; and

(e) Change in Residence. A change in the place of residence of the Participant or his or her Spouse or Dependents.

4.7 Events Permitting Exception to Irrevocability Rule

A Participant may change an election as described below upon the occurrence of the stated events for the applicable Component of this Plan:

(a) Open Enrollment Period. A Participant may change an election during the Open Enrollment Period.

(b) Termination of Employment. A Participant's election will terminate under the Plan upon termination of employment in accordance with Sections 3.2 and 3.3, as applicable.

(c) Leaves of Absence. A Participant may change an election under the Plan upon FMLA leave in accordance with Section 3.4 and upon non-FMLA leave in accordance with Section 3.5.

(d) Change in Status. A Participant may change his or her actual or deemed election under the Plan upon the occurrence of a Change in Status (as defined in Section 4.6), but only if such election change is made on account of and corresponds with a Change in Status that affects eligibility for coverage under a plan of the Employer or a plan of the Spouse's or Dependent's employer (referred to as the general consistency requirement). A Change in Status that affects eligibility for coverage under a plan of the Employer or a plan of the Spouse's or Dependent's employer includes a Change in Status that results in an increase or decrease in the number of an Employee's family members (i.e., a Spouse and/or Dependents) who may benefit from the coverage.

(1) Loss of Spouse or Dependent Eligibility; Special COBRA Rules. For a Change in Status involving a Participant's divorce, annulment or legal separation from a Spouse, the death of a Spouse or a Dependent, or a Dependent's ceasing to satisfy the eligibility requirements for coverage, a Participant may only elect to cancel accident or health insurance coverage for (a) the Spouse involved in the divorce, annulment, or legal separation; (b) the deceased Spouse or Dependent; or (c) the Dependent that ceased to satisfy the eligibility requirements. Canceling coverage for any other individual under these circumstances would fail to correspond with that Change in Status. Notwithstanding the foregoing, if the Participant or his or her Spouse or Dependent becomes eligible for COBRA (or similar health plan continuation coverage under state law) under the Employer's plan (and the Participant remains a Participant under this Plan in accordance with Section 3.2), then the Participant may increase his or her election to pay for such coverage (this rule does not apply to a Participant's Spouse who becomes eligible for COBRA or similar coverage as a result of divorce, annulment, or legal separation).

(2) Gain of Coverage Eligibility Under Another Employer's Plan. For a Change in Status in which a Participant or his or her Spouse or Dependent gains eligibility for coverage under a cafeteria plan or qualified benefit plan of the employer of the Participant's Spouse or Dependent as a result of a change in marital status or a change in employment status, a Participant may elect to cease or decrease coverage for that individual only if coverage for that individual becomes effective or is increased under the Spouse's or Dependent's employer's plan. The Plan Administrator may rely on a Participant's certification that the Participant has obtained or will obtain coverage under the Spouse's or Dependent's employer's plan, unless the Plan Administrator has reason to believe that the Participant's certification is incorrect.

(e) HIPAA Special Enrollment Rights. If a Participant or his or her Spouse or Dependent is entitled to special enrollment rights under a group health plan (other than an excepted benefit), as required by HIPAA under Code § 9801(f), then a Participant may revoke a prior election for group health plan coverage and make a new election (including, when required by HIPAA, an election to enroll in another benefit package under a group health plan), provided that the election change corresponds with such HIPAA special enrollment right. As required by HIPAA, a special enrollment right will arise in the following circumstances:

- a Participant or his or her Spouse or Dependent declined to enroll in group health plan coverage because he or she had coverage, and eligibility for such coverage is subsequently lost because: (1) the coverage was provided under COBRA and the COBRA coverage was exhausted; or (2) the coverage was non-COBRA coverage and the coverage terminated due to loss of eligibility for coverage or the employer contributions for the coverage were terminated; or

- a new Dependent is acquired as a result of marriage, birth, adoption, or placement for adoption.

An election to add previously eligible Dependents as a result of the acquisition of a new Spouse or Dependent child shall be considered to be consistent with the special enrollment right. An election change on account of a HIPAA special enrollment attributable to the birth, adoption, or placement for adoption of a new Dependent child may, subject to the provisions of the underlying group health plan, be effective retroactively (up to 30 days).

For purposes of this Section 4.7(e), the term "loss of eligibility" includes (but is not limited to) loss of eligibility due to legal separation, divorce, cessation of dependent status, death of an employee, termination of employment, reduction of hours, or any loss of eligibility for coverage that is measured with reference to any of the foregoing; loss of coverage offered through an HMO that does not provide benefits to individuals who do not reside, live, or work in the service area because an individual no longer resides, lives, or works in the service area (whether or not within the choice of the individual), and in the case of HMO coverage in the group market, no other benefit package is available to the individual; a situation in which an individual incurs a claim that would meet or exceed a lifetime limit on all benefits; and a situation in which a plan no longer offers any benefits to the class of similarly situated individuals that includes the individual.

(f) Certain Judgments, Decrees and Orders. If a judgment, decree, or order (collectively, an "Order") resulting from a divorce, legal separation, annulment, or change in legal custody (including a QMCSO) requires accident or health coverage (including an election for Health FSA Benefits) for a Participant's child (including a foster child who is a Dependent of the Participant), then a Participant may (1) change his or her election to provide coverage for the child (provided that the Order requires the Participant to provide coverage); or (2) change his or her election to revoke coverage for the child if the Order requires that another individual (including the Participant's Spouse or former Spouse) provide coverage under that individual's plan and such coverage is actually provided.

(g) Medicare and Medicaid. If a Participant or his or her Spouse or Dependent who is enrolled in a health or accident plan under this Plan becomes entitled to (i.e., becomes enrolled in) Medicare or Medicaid (other than coverage consisting solely of

benefits under Section 1928 of the Social Security Act providing for pediatric vaccines), then the Participant may prospectively reduce or cancel the health or accident coverage of the person becoming entitled to Medicare or Medicaid. Furthermore, if a Participant or his or her Spouse or Dependent who has been entitled to Medicare or Medicaid loses eligibility for such coverage, then the Participant may prospectively elect to commence or increase the accident or health coverage of the individual who loses Medicare or Medicaid eligibility.

(h) Change in Cost. For purposes of this Section 4.7(h), "similar coverage" means coverage for the same category of benefits for the same individuals (e.g., family to family or single to single). For example, two plans that provide major medical coverage are considered to be similar coverage.

(1) Increase or Decrease for Insignificant Cost Changes. Participants are required to increase their elective contributions (by increasing Salary Reductions) to reflect insignificant increases in their required contribution for their Benefit Package Option(s), and to decrease their elective contributions to reflect insignificant decreases in their required contribution.The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will determine whether an increase or decrease is insignificant based upon all the surrounding facts and circumstances, including but not limited to the dollar amount or percentage of the cost change. The Plan Administrator, on a reasonable and consistent basis, will automatically effectuate this increase or decrease in affected employees' elective contributions on a prospective basis.

(2) Significant Cost Increases. If the Plan Administrator determines that the cost charged to an Employee of a Participant's Benefit Package Option(s) significantly increases during a Period of Coverage, then the Participant may (a) make a corresponding prospective increase in his or her elective contributions (by increasing Salary Reductions); (b) revoke his or her election for that coverage, and in lieu thereof, receive on a prospective basis coverage under another Benefit Package Option that provides similar coverage; or (c) drop coverage prospectively if there is no other Benefit Package Option available that provides similar coverage. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a cost increase is significant in accordance with prevailing IRS guidance.

(3) Significant Cost Decreases. If the Plan Administrator determines that the cost of any Benefit Package Option significantly decreases during a Period of Coverage, then the Plan Administrator may permit the following election changes: (a) Participants enrolled in that Benefit Package Option may make a corresponding prospective decrease in their elective contributions (by decreasing Salary Reductions); (b) Participants who are enrolled in another Benefit Package Option may change their election on a prospective basis to elect the Benefit Package Option that has decreased in cost Medical Insurance Plan); or (c) Employees who are otherwise eligible under Section 3.1 may elect the Benefit Package Option that has decreased in cost on a prospective basis, subject to the terms and limitations of the Benefit Package Option. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a cost decrease is significant in accordance with prevailing IRS guidance.

(i) Change in Coverage. The definition of "similar coverage" under Section 12.4(h) applies also to this Section 12.4(i).

(1) Significant Curtailment. If coverage is "significantly curtailed" (as defined below), Participants may elect coverage under another Benefit Package Option that provides similar coverage. In addition, as set forth below, if the coverage curtailment results in a "Loss of Coverage" (as defined below), then Participants may drop coverage if no similar coverage is offered by the Employer. The Plan Administrator in its sole discretion, on a uniform and consistent basis, will decide, in accordance with prevailing IRS guidance, whether a curtailment is "significant," and whether a Loss of Coverage has occurred.

(a) Significant Curtailment Without Loss of Coverage. If the Plan Administrator determines that a Participant's coverage under a Benefit Package Option under this Plan (or the Participant's Spouse's or Dependent's coverage under his or her employer's plan) is significantly curtailed without a Loss of Coverage (for example, when there is a significant increase in the deductible, the co-pay, or the out-of-pocket cost-sharing limit under an accident or health plan during a Period of Coverage, the Participant may revoke his or her election for the affected coverage, and in lieu thereof, prospectively elect coverage under another Benefit Package Option that provides similar coverage. Coverage under a plan is deemed to be "significantly curtailed" only if there is an overall reduction in coverage provided under the plan so as to constitute reduced coverage generally.

(b) Significant Curtailment With a Loss of Coverage. If the Plan Administrator determines that a Participant's Benefit Package Option coverage under this Plan (or the Participant's Spouse's or Dependent's coverage under his or her employer's plan) is significantly curtailed, and if such curtailment results in a Loss of Coverage during a Period of Coverage, then the Participant may revoke his or her election for the affected coverage and may either prospectively elect coverage under another Benefit Package Option that provides similar coverage or drop coverage if no other Benefit Package Option providing similar coverage is offered by the Employer.

(c) Definition of Loss of Coverage. For purposes of this Section 4.7(i)(1), a "Loss of Coverage" means a complete loss of coverage (including the elimination of a Benefit Package Option, an HMO ceasing to be available where the Participant or his or her Spouse or Dependent resides, or a Participant or his or her Spouse or Dependent losing all coverage under the Benefit Package Option by reason of an overall lifetime or annual limitation). In addition, the Plan Administrator, in its sole discretion, on a uniform and consistent basis, may treat the following as a Loss of Coverage:

- a substantial decrease in the medical care providers available under the Benefit Package Option (such as a major hospi
ceasing to be a member of a preferred provider network or a substantial decrease in the number of physicians participating in

the PPO for the Medical Insurance Plan or in an HMO);

- a reduction in benefits for a specific type of medical condition or treatment with respect to which the Participant or his or her Spouse or Dependent is currently in a course of treatment; or

- any other similar fundamental loss of coverage.

(2) Addition or Significant Improvement of a Benefit Package Option. If during a Period of Coverage the Plan adds a new Benefit Package Option or significantly improves an existing Benefit Package Option, the Plan Administrator may permit the following election changes: (a) Participants who are enrolled in a Benefit Package Option other than the newly added or significantly improved Benefit Package Option may change their elections on a prospective basis to elect the newly added or significantly improved Benefit Package Option; and (b) Employees who are otherwise eligible under Section 3.1 may elect the newly added or significantly improved Benefit Package Option on a prospective basis, subject to the terms and limitations of the Benefit Package Option. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether there has been an addition of, or a significant improvement in, a Benefit Package Option in accordance with prevailing IRS guidance.

(3) Loss of Coverage Under Other Group Health Coverage. A Participant may prospectively change his or her election to add group health coverage for the Participant or his or her Spouse or Dependent, if such individual(s) loses coverage under any group health coverage sponsored by a governmental or educational institution, including (but not limited to) the following: a state children's health insurance program (SCHIP) under Title XXI of the Social Security Act; a medical care program of an Indian Tribal government (as defined in Code § 7701(a)(40)), the Indian Health Service, or a tribal organization; a state health benefits risk pool; or a foreign government group health plan, subject to the terms and limitations of the applicable Benefit Package Option(s).

(4) Change in Coverage Under Another Employer Plan. A Participant may make a prospective election change that is on account of and corresponds with a change made under an employer plan (including a plan of the Employer or a plan of the Spouse's or Dependent's employer), so long as (a) the other cafeteria plan or qualified benefits plan permits its participants to make an election change that would be permitted under applicable IRS regulations; or (b) the Plan permits Participants to make an election for a Period of Coverage that is different from the plan year under the other cafeteria plan or qualified benefits plan. For example, if an election is made by the Participant's Spouse during his or her employer's open enrollment to drop coverage, the Participant may add coverage to replace the dropped coverage. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, will decide whether a requested change is on account of and corresponds with a change made under the other employer plan, in accordance with prevailing IRS guidance. A Participant entitled to change an election as described in this Section 4.7 must do so in accordance with the procedures described in Section 4.5.

(j) Revocation Due to Reduction in Hours

A Participant may revoke his or her Major Medical coverage, along with that of any related individuals, if the Participant experiences a reduction of hours such that he or she will be reasonably expected to work fewer than 30 hours a week on a regular basis and the Participant intends to enroll, along with any such related individuals, in another plan no later than the first day of the second full month following the revocation.

(k) Exchange Enrollment

A Participant who is eligible to enroll for coverage in a government-sponsored Exchange (Marketplace) during an Exchange special or annual open enrollment period may prospectively revoke his or her election for Medical Insurance Plan coverage, provided that the Participant certifies that he or she and any related individuals whose coverage is being revoked have enrolled or intend to enroll in new Exchange coverage that is effective no later than the day immediately following the last day of the Medical Insurance Plan coverage. If one or more of a Participant’s related individuals are eligible to enroll for coverage in a government-sponsored Exchange (Marketplace) during an Exchange special or annual open enrollment period, the Participant may prospectively revoke an election for Medical Insurance Plan coverage for the individual or individuals (and switch to self-only coverage or family coverage including one or more other related individuals), provided that the Participant certifies that the individuals whose coverage is being revoked have enrolled or intend to enroll in new Exchange coverage that is effective no later than the day immediately following the last day of their Medical Insurance Plan coverage.

(l) CHIP Special Enrollment Rights

Notwithstanding anything else in this document to the contrary, special enrollment rights shall be made available as a result of a loss of eligibility for Medicaid or for coverage under a state children's health insurance program (SCHIP) or as a result of eligibility for a state premium assistance subsidy under the plan from Medicaid or SCHIP.

4.8 ***Reserved***

4.9 Election Modifications Required by Plan Administrator

The Plan Administrator may, at any time, require any Participant or class of Participants to amend the amount of their Sal
Reductions for a Period of Coverage if the Plan Administrator determines that such action is necessary or advisable in orde

to (a) satisfy any of the Code's nondiscrimination requirements applicable to this Plan or other cafeteria plan; (b) prevent any Employee or class of Employees from having to recognize more income for federal income tax purposes from the receipt of benefits hereunder than would otherwise be recognized; (c) maintain the qualified status of benefits received under this Plan; or (d) satisfy Code nondiscrimination requirements or other limitations applicable to the Employer's qualified plans. In the event that contributions need to be reduced for a class of Participants, the Plan Administrator will reduce the Salary Reduction amounts for each affected Participant, beginning with the Participant in the class who had elected the highest Salary Reduction amount and continuing with the Participant in the class who had elected the next-highest Salary Reduction amount, and so forth, until the defect is corrected.

ARTICLE V. Benefits Offered and Method of Funding

5.1 Benefits Offered

When first eligible or during the Open Enrollment Period as described under Article IV, Participants will be given the opportunity to elect Premium Payment Benefits, as described in Article VI.

5.2 Employer and Participant Contributions

(a) Employer Contributions. For Participants who elect Insurance Benefits described in Article VI, the Employer may contribute a portion of the Contributions as provided in the open enrollment materials furnished to Employees and/or on the Election Form/Salary Reduction Agreement.

(b) Participant Contributions. Participants who elect any of the Medical Insurance Benefits described in Article VI may pay for the cost of that coverage on a pre-tax Salary Reduction basis, or with after-tax deductions, by completing an Election Form/Salary Reduction Agreement.

5.3 Using Salary Reductions to Make Contributions

(a) Salary Reductions per Pay Period. The Salary Reduction for a pay period for a Participant is, for the Benefits elected, (1) an amount equal to the annual Contributions for such Benefits (as described in Section 6.2 for Premium Payment Benefits; (2) an amount otherwise agreed upon between the Employer and the Participant; or (3) an amount deemed appropriate by the Plan Administrator (i.e., in the event of shortage in reducible Compensation, amounts withheld and the Benefits to which Salary Reductions are applied may fluctuate).

(b) Considered Employer Contributions for Certain Purposes. Salary Reductions are applied by the Employer to pay for the Participant's share of the Contributions for the Premium Payment Benefits are considered to be Employer contributions.

(c) Salary Reduction Balance Upon Termination of Coverage. If, as of the date that any elected coverage under this Plan terminates, a Participant's year-to-date Salary Reductions exceed or are less than the Participant's required Contributions for the coverage, then the Employer will, as applicable, either return the excess to the Participant as additional taxable wages or recoup the due Salary Reduction amounts from any remaining Compensation.

(d) After-Tax Contributions for Premium Payment Benefits. For those Participants who elect to pay their share of the Contributions for any of the Medical Insurance Benefits with after-tax deductions, both the Employee and Employer portions of such Contributions will be paid outside of this Plan.

5.4 Funding This Plan

All of the amounts payable under this Plan shall be paid from the general assets of the Employer, but Premium Payment Benefits are paid as provided in the applicable insurance policy. Nothing herein will be construed to require the Employer or the Plan Administrator to maintain any fund or to segregate any amount for the benefit of any Participant, and no Participant or other person shall have any claim against, right to, or security or other interest in any fund, account, or asset of the Employer from which any payment under this Plan may be made. There is no trust or other fund from which Benefits are paid. While the Employer has complete responsibility for the payment of Benefits out of its general assets (except for Premium Payment Benefits paid as provided in the applicable insurance policy), it may hire an unrelated third-party paying agent to make Benefit payments on its behalf. The maximum contribution that may be made under this Plan for a Participant is the total of the maximums that may be elected as Employer and Participant Contributions for Premium Payment Benefits, as described in Section 6.2.

ARTICLE VI. Premium Payment Component

6.1 Benefits

The only Insurance Benefits that are offered under the Premium Payment Component are benefits under the Medical, Dental, Vision, Accident, Accidental Death & Dismemberment, Bridge, Disability, Group Term Life, Hospital Indemnity, Specific Disease or Condition Insurance Plan(s). Notwithstanding any other provision in these Plan(s), these benefits are subject to the terms and conditions of the Insurance Plan(s), and no changes can be made with respect to such Insurance Benefits under this Plan (such as mid-year changes in election) if such changes are not permitted under the applicable Insurance

Plan. An Eligible Employee can (a) elect benefits under the Premium Payment Component by electing to pay for his or her share of the Contributions for Medical Insurance Benefits on a pretax Salary Reduction basis (Premium Payment Benefits); or (b) elect no benefits under the Premium Payment Component and to pay for his or her share of the Contributions, if any, for Medical Insurance Benefits with after-tax deductions outside of this Plan. Unless an exception applies (as described in Article IV), such election is irrevocable for the duration of the Period of Coverage to which it relates.

The Employer may at its discretion offer cash in lieu of benefits for Participants who do not choose Insurance Benefits.

6.2 Contributions for Cost of Coverage

The annual Contribution for a Participant's Premium Payment Benefits is equal to the amount as set by the Employer, which may or may not be the same amount charged by the insurance carrier.

6.3 Insurance Benefits Provided Under Insurance Plans

Insurance Benefits will be provided by the Insurance Plans, not this Plan. The types and amounts of Insurance Benefits, the requirements for participating in the Insurance Plans, and the other terms and conditions of coverage and benefits of the Insurance Plans are set forth in the Insurance Plans. All claims to receive benefits under the Insurance Plans shall be subject to and governed by the terms and conditions of the Insurance Plans and the rules, regulations, policies, and procedures adopted in accordance therewith, as may be amended from time to time.

6.4 Health Insurance Benefits; COBRA

Notwithstanding any provision to the contrary in this Plan, to the extent required by COBRA, a Participant and his or her Spouse and Dependents,as applicable, whose coverage terminates under the Health Insurance Benefits because of a COBRA qualifying event (and who is a qualified beneficiary as defined under COBRA), shall be given the opportunity to continue on a self-pay basis the same coverage that he or she had under the Health Insurance Plan(s) the day before the qualifying event for the periods prescribed by COBRA.

Such continuation coverage shall be subject to all conditions and limitations under COBRA. Contributions for COBRA coverage for Health Insurance Benefits may be paid on a pre-tax basis for current Employees receiving taxable compensation (as may be permitted by the Plan Administrator on a uniform and consistent basis, but may not be prepaid from contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year) where COBRA coverage arises either (a) because the Employee ceases to be eligible because of a reduction in hours; or (b) because the Employee's Dependent ceases to satisfy the eligibility requirements for coverage. For all other individuals (e.g., Employees who cease to be eligible because of retirement, termination of employment, or layoff), Contributions for COBRA coverage for Health Insurance Benefits shall be paid on an after-tax basis (unless may be otherwise permitted by the Plan Administrator on a uniform and consistent basis, but may not be prepaid from contributions in one Plan Year to provide coverage that extends into a subsequent Plan Year).

ARTICLES VII. - XII. ***RESERVED***

ARTICLE XIII. Appeals Procedure

13.1 Procedure If Benefits Are Denied Under This Plan

If a claim for reimbursement under this Plan is wholly or partially denied, then claims shall be administered in accordance with the claims procedure set forth in the summary plan description for this Plan. The Committee acts on behalf of the Plan Administrator with respect to appeals.

13.2 Claims Procedures for Insurance Benefits

Claims and reimbursement for Insurance Benefits shall be administered in accordance with the claims procedures for the Insurance Benefits, as set forth in the plan documents and/or summary plan description(s) for the Insurance Plan(s).

ARTICLE XIV. Recordkeeping and Administration

14.1 Plan Administrator

The administration of this Plan shall be under the supervision of the Plan Administrator. It is the principal duty of the Plan Administrator to see that this Plan is carried out, in accordance with its terms, for the exclusive benefit of persons entitled to participate in this Plan without discrimination among them.

14.2 Powers of the Plan Administrator

The Plan Administrator shall have such duties and powers as it considers necessary or appropriate to discharge its duties. It shall have the exclusive right to interpret the Plan and to decide all matters thereunder, and all determinations of the Plan Administrator with respect to any matter hereunder shall be conclusive and binding on all persons. Without limiting the

generality of the foregoing, the Plan Administrator shall have the following discretionary authority:

(a) to construe and interpret this Plan, including all possible ambiguities, inconsistencies, and omissions in the Plan and related documents, and to decide all questions of fact, questions relating to eligibility and participation, and questions of benefits under this Plan (provided that, notwithstanding the first paragraph in this Section 14.2, the Committee shall exercise such exclusive power with respect to an appeal of a claim under Section 13.1);

(b) to prescribe procedures to be followed and the forms to be used by Employees and Participants to make elections pursuant to this Plan;

(c) to prepare and distribute information explaining this Plan and the benefits under this Plan in such manner as the Plan Administrator determines to be appropriate;

(d) to request and receive from all Employees and Participants such information as the Plan Administrator shall from time to time determine to be necessary for the proper administration of this Plan;

(e) to furnish each Employee and Participant with such reports with respect to the administration of this Plan as the Plan Administrator determines to be reasonable and appropriate, including appropriate statements setting forth the amounts by which a Participant's Compensation has been reduced in order to provide benefits under this Plan;

(f) to receive, review, and keep on file such reports and information regarding the benefits covered by this Plan as the Plan Administrator determines from time to time to be necessary and proper;

(g) to appoint and employ such individuals or entities to assist in the administration of this Plan as it determines to be necessary or advisable, including legal counsel and benefit consultants;

(h) to sign documents for the purposes of administering this Plan, or to designate an individual or individuals to sign documents for the purposes of administering this Plan;

(i) to secure independent medical or other advice and require such evidence as it deems necessary to decide any claim or appeal; and

(j) to maintain the books of accounts, records, and other data in the manner necessary for proper administration of this Plan and to meet any applicable disclosure and reporting requirements.

14.3 Reliance on Participant, Tables, etc.

The Plan Administrator may rely upon the direction, information, or election of a Participant as being proper under the Plan and shall not be responsible for any act or failure to act because of a direction or lack of direction by a Participant. The Plan Administrator will also be entitled, to the extent permitted by law, to rely conclusively on all tables, valuations, certificates, opinions, and reports that are furnished by accountants, attorneys, or other experts employed or engaged by the Plan Administrator.

14.4 ***Reserved***

14.5 Fiduciary Liability

To the extent permitted by law, the Plan Administrator shall not incur any liability for any acts or for failure to act except for their own willful misconduct or willful breach of this Plan.

14.6 Compensation of Plan Administrator

Unless otherwise determined by the Employer and permitted by law, any Plan Administrator that is also an Employee of the Employer shall serve without compensation for services rendered in such capacity, but all reasonable expenses incurred in the performance of their duties shall be paid by the Employer.

14.7 Bonding

The Plan Administrator shall be bonded to the extent required by ERISA.

14.8 Insurance Contracts

The Employer shall have the right (a) to enter into a contract with one or more insurance companies for the purposes of providing any benefits under the Plan; and (b) to replace any of such insurance companies or contracts at its discretion. Any dividends, retroactive rate adjustments, or other refunds of any type that may become payable under any such insurance contract shall not be assets of the Plan but shall be the property of and be retained by the Employer, to the extent that such amounts are less than aggregate Employer contributions toward such insurance.

14.9 Inability to Locate Payee

If the Plan Administrator is unable to make payment to any Participant or other person to whom a payment is due under the Plan because it cannot ascertain the identity or whereabouts of such Participant or other person after reasonable efforts have been made to identify or locate such person, then such payment and all subsequent payments otherwise due to such Participant or other person shall be forfeited following a reasonable time after the date any such payment first became due.

14.10 Effect of Mistake

In the event of a mistake as to the eligibility or participation of an Employee, the allocations made to the account of any Participant, or the amount of benefits paid or to be paid to a Participant or other person, the Plan Administrator shall, to the extent that it deems administratively possible and otherwise permissible under Code § 125 or the regulations issued thereunder, cause to be allocated or cause to be withheld or accelerated, or otherwise make adjustment of, such amounts as it will in its judgment accord to such Participant or other person the credits to the account or distributions to which he or she is properly entitled under the Plan. Such action by the Plan Administrator may include withholding of any amounts due to the Plan or the Employer from Compensation paid by the Employer.

ARTICLE XV. General Provisions

15.1 ***Reserved***

15.2 No Contract of Employment

Nothing herein contained is intended to be or shall be construed as constituting a contract or other arrangement between any Employee and the Employer to the effect that such Employee will be employed for any specific period of time. All Employees are considered to be employed at the will of the Employer.

15.3 Amendment and Termination

This Plan has been established with the intent of being maintained for an indefinite period of time. Nonetheless, the Employer may amend or terminate all or any part of this Plan at any time for any reason and any such amendment or termination will automatically apply to the Related Employers that are participating in this Plan.

15.4 Governing Law

This Plan shall be construed, administered, and enforced according to the laws of FL, to the extent not superseded by the Code, ERISA, or any other federal law.

15.5 Code and ERISA Compliance

It is intended that this Plan meet all applicable requirements of the Code , ERISA (if ERISA is applicable) and of all regulations issued thereunder. This Plan shall be construed, operated, and administered accordingly, and in the event of any conflict between any part, clause, or provision of this Plan and the Code and/or ERISA (if ERISA is applicable), the provisions of the Code and ERISA (if ERISA is applicable) shall be deemed controlling, and any conflicting part, clause, or provision of this Plan shall be deemed superseded to the extent of the conflict.

15.6 No Guarantee of Tax Consequences

Neither the Plan Administrator nor the Employer makes any commitment or guarantee that any amounts paid to or for the benefit of a Participant under this Plan will be excludable from the Participant's gross income for federal, state, or local income tax purposes. It shall be the obligation of each Participant to determine whether each payment under this Plan is excludable from the Participant's gross income for federal, state, and local income tax purposes and to notify the Plan Administrator if the Participant has any reason to believe that such payment is not so excludable.

15.7 Indemnification of Employer

If any Participant receives one or more payments or reimbursements under this Plan on a tax-free basis and if such payments do not qualify for such treatment under the Code, then such Participant shall indemnify and reimburse the Employer for any liability that it may incur for failure to withhold federal income taxes, Social Security taxes, or other taxes from such payments or reimbursements.

15.8 Non-Assignability of Rights

The right of any Participant to receive any reimbursement under this Plan shall not be alienable by the Participant by assignment or any other method and shall not be subject to claims by the Participant's creditors by any process whatsoever. Any attempt to cause such right to be so subjected will not be recognized, except to the extent required by law.

15.9 Headings

The headings of the various Articles and Sections are inserted for convenience of reference and are not to be regarded as part of this Plan or as indicating or controlling the meaning or construction of any provision.

15.10 Plan Provisions Controlling

In the event that the terms or provisions of any summary or description of this Plan are in any construction interpreted as being in conflict with the provisions of this Plan as set forth in this document, the provisions of this Plan shall be controlling.

15.11 Severability

Should any part of this Plan subsequently be invalidated by a court of competent jurisdiction, the remainder of the Plan shall be given effect to the maximum extent possible.

IN WITNESS WHEREOF, and as conclusive evidence of the adoption of the foregoing instrument comprising the Town of Lake Hamilton Salary Reduction Plan, Town of Lake Hamilton has caused this Plan to be executed in its name and on its behalf, on this ____ day of _____, 20___.

Town of Lake Hamilton

By: _____
Its: _____

THE TOWN OF LAKE HAMILTON
CAFETERIA PLAN

SUMMARY PLAN DESCRIPTION

Introduction

Town of Lake Hamilton sponsors the Town of Lake Hamilton Cafeteria Plan (the "Cafeteria Plan") that allows eligible Employees to choose from a menu of different benefits paid for with pre-tax dollars. (Such plans are also commonly known as "salary reduction plans" or "Section 125 plans").

This Summary Plan Description ("SPD") describes the basic features of the Cafeteria Plan, how it generally operates and how Employees can gain the maximum advantage from it.

PLEASE NOTE: This SPD is for general informational purposes only. It does not describe every detail of the Cafeteria Plan. If there is a conflict between the Cafeteria Plan documents and this SPD, then the Cafeteria Plan documents will control.

Cafeteria Plan

CAF Q-1. How do I pay for Town of Lake Hamilton benefits on a pre-tax basis?

If you become eligible for the plan during the plan year, your Employer will automatically enroll you in the plan unless you indicate to your Employer in writing (or electronically) that you do not wish to be so enrolled.

For subsequent plan years, you may elect to pay for benefits on a pre-tax basis by entering an election with the Employer during the Open Enrollment Period. At the Employer's option, this may be done with a traditional "paper" salary reduction agreement or it may be done in electronic form. Whatever medium is used, it shall be referred to as a Salary Reduction Agreement for purposes of this SPD.

When you pay for benefits on a pre-tax basis, you reduce your salary to pay for your share of the cost of coverage with pretax funds instead of receiving a corresponding amount of your regular pay that would otherwise be subject to taxes.");

Example CAF Q-1(a): Sally is paid an annual salary of $30,000. Sally elects to pay for $2,000 worth of benefits for the Plan Year on a pre-tax basis. By doing so, she is electing to reduce her salary, and therefore also her taxable income, by $2,000 for the year to $28,000.

From then on, you must pay contributions for such coverage by having that portion deducted from each paycheck on a pre-tax basis (generally an equal portion from each paycheck, or an amount otherwise agreed to or as deemed appropriate by the Plan Administrator).

Example CAF Q-1(b): Using the same facts from Example Q-1(a), suppose Sally is paid 26 times a year (bi-weekly). Because she has elected $2,000 in benefits, she will have $76.92 deducted from each paycheck for the year ($2,000 divided by 26 paychecks equals $76.92).

CAF Q-2. What benefits may be elected under the Cafeteria Plan?

The Cafeteria Plan includes the following benefit plans:

The Premium Payment Component permits an Employee to pay for his or her share of contributions for insurance plans with pretax dollars. Under the Town of Lake Hamilton Cafeteria Plan, these benefits may include:

* Accident
* Accidental Death & Dismemberment
* Bridge
* Dental
* HSA
* Disability
* Group Term Life
* Hospital Indemnity
* Specific Disease or Condition
* Medical
* Vision

If you select any or all of these benefits, you will likely pay all or some of the contributions; the Employer may contribute some or no portion of them. The applicable amounts will be described in documents furnished separately to you as necessary from time to time.

The Employer may at its own discretion offer cash in lieu of benefits for participants who do not choose benefits. If the Employer does choose this option, participants will be informed through other communications.

CAF Q-3. Who can participate in the Cafeteria Plan?

Employees who are working 40 hours per week or more are eligible to participate in the Cafeteria Plan following 30 days of employment with the Employer, provided that the election procedures in CAF Q-5 are followed.

An "Employee" is any individual who the Employer classifies as a common-law employee and who is on the Employer's W-2 payroll.

Please note: "Employee" does not include the following:

(a) any leased employee (including but not limited to those individuals defined as leased employees in Code § 414(n)) or an individual classified by the Employer as a contract worker, independent contractor, temporary employee, or casual employee for the period during which such individual is so classified, whether or not any such individual is on the Employer's W-2 payroll or is determined by the IRS or others to be a common-law employee of the Employer;

(b) any individual who performs services for the Employer but who is paid by a temporary or other employment or staffing agency for the period during which such individual is paid by such agency, whether or not such individual is determined by the IRS or others to be a common-law employee of the Employer;

(c) ***RESERVED***;

(d) any individual considered "self-employed" by the IRS because of an ownership interest in Town of Lake Hamilton;

CAF Q-4. What tax savings are possible under the Cafeteria Plan?

You may save both federal income tax and FICA (Social Security/Medicare) taxes by participating in the Town of Lake Hamilton Cafeteria Plan.

Example CAF Q4(a): Suppose Sally pays 15% in federal income taxes for the year. With an annual salary of $30,000, that could mean as much as $4,500 in federal income taxes, plus $2,295 in FICA taxes (calculated at 7.65% of income). But by electing $2,000 of cafeteria plan benefits for the year, Sally lowers her income by $2,000, meaning she is only taxed on $28,000. This comes out to $4,200 in income tax plus $2,142 in FICA tax. That's a $453 tax savings for the year.

(**Caution**: This example is intended to illustrate the general effect of "pre-taxing" benefits through a cafeteria plan. It does not take into account the effects of filing status, tax exemptions, tax deductions and other factors affecting tax liability. Furthermore, the amount of the contributions used in this example is not meant to reflect your actual contributions. It is also not intended to reflect specifically upon your particular tax situation. You are encouraged to consult with your accountant or other professional tax advisor with regard to your particular tax situation, especially with regard to state and local taxes.)

CAF Q-5. When does participation begin and end in the Cafeteria Plan?

After you satisfy the eligibility requirements, you can become a Participant on the first day of the next calendar month by electing benefits in a manner such as described in CAF Q-1. An eligible Employee who does not elect benefits will not be able to elect any benefits under the Cafeteria Plan until the next Open Enrollment Period (unless a "Change in Election Event" occurs, as explained in CAF Q-7).

An Employee continues to participate in the Cafeteria Plan until (a) termination of the Cafeteria Plan; or (b) the date on which the Participant ceases to be an eligible Employee (because of retirement, termination of employment, layoff, reduction of hours, or any other reason). However, for purposes of pre-taxing COBRA coverage for Health Insurance Benefits, certain Employees may be able to continue eligibility in the Cafeteria Plan for certain periods. See CAF Q-8 and CAF Q-12 for more information about this as information about how termination of participation affects your Benefits.

CAF Q-6. What is meant by "Open Enrollment Period" and "Plan Year"?

The "Open Enrollment Period" is the period during which you have an opportunity to participate under the Cafeteria Plan by electing to do so. (See Q-5.) You will be notified of the timing and duration of the Open Enrollment Period, which for any new Plan Year generally will occur during the quarter preceding the new Plan Year.

The Plan Year for the Town of Lake Hamilton Cafeteria Plan is the period beginning on 1/1/2027 and ending on 12/31/2027.

CAF Q-7. Can I change my elections under the Cafeteria Plan during the Plan Year?

Except in the case of HSA elections, you generally cannot change your election to participate in the Cafeteria Plan or vary the salary reduction amounts that you have selected during the Plan Year (this is known as the "irrevocability rule"). Of course, you can change your elections for benefits and salary reductions during the Open Enrollment Period, but those election changes will apply only for the following Plan Year.

However, there are several important exceptions to the irrevocability rule, many of which have to do with events in your personal or professional life that may occur during the Plan Year.

Here are the exceptions to the irrevocability rule:

1. Leaves of Absence

You may change an election under the Cafeteria Plan upon FMLA and non-FMLA leave only as described in CAF Q-14.

2. Change in Status.

If one or more of the following Changes in Status occur, you may revoke your old election and make a new election, provided that both the revocation and new election are on account of and correspond with the Change in Status (as described in item 3 below). Those occurrences that qualify as a Change in Status include the events described below, as well as any other events that the Plan Administrator, in its sole discretion and on a uniform and consistent basis, determines are permitted under IRS regulations:

- a change in your legal marital status (such as marriage, death of a Spouse, divorce, legal separation, or annulment);
- a change in the number of your Dependents (such as the birth of a child, adoption or placement for adoption of a Dependent, or death of a Dependent);
- any of the following events that change the employment status of you, your Spouse, or your Dependent and that affect benefits eligibility under a cafeteria plan (including this Cafeteria Plan) or other employee benefit plan of you, your Spouse, or your Dependents. Such events include any of the following changes in employment status: termination or commencement of employment; a strike or lockout; a commencement of or return from an unpaid leave of absence; a change in worksite; switching from salaried to hourly-paid, union to non-union, or full-time to part-time (or vice versa); incurring a reduction or increase in hours of employment; or any other similar change that makes the individual become (or cease to be) eligible for a particular employee benefit;
- an event that causes your Dependent to satisfy or cease to satisfy an eligibility requirement for a particular benefit (such as an employee's child covered as a dependent by an accident or health plan who turns 27 during the taxable year); or
- a change in your, your Spouse's, or your Dependent's place of residence.

3. Change in Status - Other Requirements.

If you wish to change your election based on a Change in Status, you must establish that the revocation is on account of and corresponds with the Change in Status. The Plan Administrator, in its sole discretion and on a uniform and consistent basis, shall determine whether a requested change is on account of and corresponds with a Change in Status. As a general rule, a desired election change will be found to be consistent with a Change in Status event if the event affects coverage eligibility.

In addition, you must satisfy the following specific requirements in order to alter your election based on that Change in Status:

- *Loss of Spouse or Dependent Eligibility; Special COBRA Rules.* For Health Insurance Benefits, a special rule governs which type of election changes are consistent with the Change in Status. For a Change in Status involving your divorce, annulment, or legal separation from your Spouse, the death of your Spouse or your Dependent, or your Dependent's ceasing to satisfy the eligibility requirements for coverage, you may elect only to cancel the accident or health benefits for the affected Spouse or Dependent. A change in election for any individual other than your Spouse involved in the divorce, annulment, or legal separation, your deceased Spouse or Dependent, or your Dependent that ceased to satisfy the eligibility requirements would fail to correspond with that Change in Status.

  However, if you, your Spouse, or your Dependent elects COBRA continuation coverage under the Employer's plan because you ceased to be eligible because of a reduction of hours or because your Dependent ceases to satisfy eligibility requirements for coverage, and if you remain a Participant under the terms of this Cafeteria Plan, then you may in certain circumstances be able to increase your contributions to pay for such coverage. See CAF Q-12.

- *Gain of Coverage Eligibility Under Another Employer's Plan.* For a Change in Status in which you, your Spouse, or your Dependent gains eligibility for coverage under another Employer's cafeteria plan (or qualified benefit plan) as a result of a change in your marital status or a change in your, your Spouse's, or your Dependent's employment status, your election to cease or decrease coverage for that individual under the Cafeteria Plan would correspond with that Change in Status only if coverage for that individual becomes effective or is increased under the other Employer's plan.

4. Special Enrollment Rights. In certain circumstances, enrollment for Health Insurance Benefits may occur outside the Open Enrollment Period, as explained in materials provided to you separately describing the Health Insurance Benefits. When a special enrollment right explained in those separate documents applies to your Medical Insurance Benefits, you may change your election under the Cafeteria Plan to correspond with the special enrollment right. Special enrollments may also be available as a result of a loss of eligibility for Medicaid or for coverage under a state children's health insurance program (SCHIP) or as a result of eligibility for a state premium assistance subsidy under the plan from Medicaid or SCHIP.

5. Certain Judgments, Decrees, and Orders. If a judgment, decree, or order from a divorce, separation, annulment, or custody change requires your child (including a foster child who is your Dependent) to be covered under the Health Insurance Benefits, you may change your election to provide coverage for the child. If the order requires that another individual (such as your former Spouse) cover the child, then you may change your election to revoke coverage for the child, provided that such coverage is, in fact, provided for the child.

6. Medicare or Medicaid. If you, your Spouse, or your Dependent becomes entitled to (i.e., becomes enrolled in) Medicare or Medicaid, then you may reduce or cancel that person's accident or health coverage under the Medical Insurance Plan. Similarly, if you, your Spouse, or your Dependent who has been entitled to Medicare or Medicaid loses eligibility for such coverage, then you may elect to commence or increase that person's accident or health coverage.

7. Change in Cost. If the cost charged to you for your Health Insurance Benefits significantly increases during the Plan Year, then you may choose to do any of the following: (a) make a corresponding increase in your contributions; (b) revoke your election and receive coverage under another benefit package option (if any) that provides similar coverage, or elect similar coverage under the plan of your Spouse's employer; or (c) drop your coverage, but only if no other benefit package option provides similar coverage. Coverage under another employer plan, such as the plan of a Spouse's or Dependent's employer, may be treated as similar coverage if it otherwise meets the requirements of similar coverage.) If the cost of Health Insurance significantly decreases during the Plan Year, then the Plan Administrator may permit the following election changes: (a) if you are enrolled in the benefit package option that has decreased in cost, you may make a corresponding decrease in your contributions; (b) if you are enrolled in another benefit package option (such as the HMO option under the Medical Insurance Plan), you may change your election on a prospective basis to elect the benefit package option that has decreased in cost (such as the PPO option under the Medical Insurance Plan); or (c) if you are otherwise eligible, you may elect the benefit package option that has decreased in cost on a prospective basis, subject to the terms and limitations of the benefit package option.

For insignificant increases or decreases in the cost of benefits, however, the Plan Administrator will automatically adjust your election contributions to reflect the minor change in cost.

The Plan Administrator generally will notify you of increases or decreases in the cost of Health Insurance benefits.

8. Change in Coverage. You may also change your election if one of the following events occurs:

- *Significant Curtailment of Coverage.* If your Health Insurance Benefits coverage is significantly curtailed without a loss of coverage (for example, when there is an increase in the deductible under the Medical Insurance Benefits), then you may revoke your election for that coverage and elect coverage under another benefit package option that provides similar coverage. (Coverage under a plan is significantly curtailed only if there is an overall reduction of coverage under the plan generally loss of one particular physician in a network does not constitute significant curtailment.) If your Health Insurance Benefits coverage is significantly curtailed with a loss of coverage (for example, if you lose all coverage under the option by reason of an overall lifetime or annual limitation), then you may either revoke your election and elect coverage under another benefit package option that provides similar coverage, elect similar coverage under the plan of your Spouse's employer, or drop coverage, but only if there is no option available under the plan that provides similar coverage. (The Plan Administrator generally will notify you of significant curtailments in Medical Insurance Benefits coverage.
- *Addition or Significant Improvement of Cafeteria Plan Option.* If the Cafeteria Plan adds a new option or significantly improves an existing option, then the Plan Administrator may permit Participants who are enrolled in an option other than the new or improved option to elect the new or improved option. Also, the Plan Administrator may permit eligible Employees to elect the new or improved option on a prospective basis, subject to limitations imposed by the applicable option.
- *Loss of Other Group Health Coverage.* You may change your election to add group health coverage for you, your Spouse, or your Dependent, if any of you loses coverage under any group health coverage sponsored by a governmental or educational institution (for example, a state children's health insurance program or certain Indian tribal programs).
- *Change in Election Under Another Employer Plan.* You may make an election change that is on account of and corresponds with a change made under another employer plan (including a plan of the Employer or a plan of your

Spouse's or Dependent's employer), so long as (a) the other cafeteria plan or qualified benefits plan permits its participants to make an election change permitted under the IRS regulations; or (b) the Cafeteria Plan permits you to make an election for a period of coverage (for example, the Plan Year) that is different from the period of coverage under the other cafeteria plan or qualified benefits plan, which it does.

For example, if an election to drop coverage is made by your Spouse during his or her Employer's open enrollment, you may add coverage under the Cafeteria Plan to replace the dropped coverage.

9. Exchange Enrollment

If you are eligible to enroll for coverage in a government-sponsored Exchange (Marketplace) during a special or annual open enrollment period, you may prospectively revoke your election for Medical Insurance Plan coverage, provided that you certify that you and any related individuals whose coverage is being revoked have enrolled or intend to enroll for new Exchange coverage that is effective beginning no later than the day immediately following the last day of the Medical Insurance Plan coverage. If one or more of your related individuals are eligible to enroll for coverage in a government-sponsored Exchange (Marketplace) during a special or annual open enrollment period, you may prospectively revoke an election for Medical Insurance Plan coverage for the individual or individuals (and switch to self-only coverage or family coverage including one or more other related individuals), provided that you certify that the individuals whose coverage is being revoked have enrolled or intend to enroll for new Exchange coverage that is effective beginning no later than the day immediately following the last day of the Medical Insurance Plan coverage.

CAF Q-8. What happens if my employment ends during the Plan Year or I lose eligibility for other reasons?

If your employment with the Employer is terminated during the Plan Year, then your active participation in the Cafeteria Plan will cease and you will not be able to make any more contributions to the Cafeteria Plan for Insurance Benefits.

See CAF Q-12 for information on your right to continued or converted group health coverage after termination of your employment.

For purposes of pre-taxing COBRA coverage for Health Insurance Benefits, certain Employees may be able to continue eligibility in the Cafeteria Plan for certain periods. See CAF Q-12.

If you are rehired within the same Plan Year and are eligible for the Cafeteria Plan, then you may make new elections, provided that you are rehired more than 30 days after you terminated employment. If you are rehired within 30 days or less during the same Plan Year, then your prior elections will be reinstated.

If you cease to be an eligible Employee for reasons other than termination of employment, such as a reduction of hours, then you must complete the waiting period described in CAF Q-3 before again becoming eligible to participate in the Plan.

CAF Q-9. ***RESERVED***

CAF Q-10. How long will the Cafeteria Plan remain in effect?

Although the Employer expects to maintain the Cafeteria Plan indefinitely, it has the right to amend or terminate all or any part of the Cafeteria Plan at any time for any reason. It is also possible that future changes in state or federal tax laws may require that the Cafeteria Plan be amended accordingly.

CAF Q-11. What happens if my claim for benefits is denied?

Insurance Benefits

The applicable insurance company will decide your claim in accordance with its claims procedures. If your claim is denied, you may appeal to the insurance company for a review of the denied claim. If you don't appeal on time, you will lose your right to file suit in a state or federal court, as you will not have exhausted your internal administrative appeal rights (which generally is a prerequisite to bringing a suit in state or federal court). For more information about how to file a claim and for details regarding the medical insurance company's claims procedures, consult the claims procedure applicable under that plan or policy, as described in the plan document or summary plan description for the Insurance Plan.

Appeals.

If your claim is denied in whole or part, then you (or your authorized representative) may request review upon written application to the "Committee" (the Benefits Committee that acts on behalf of the Plan Administrator with respect to appeals). Your appeal must be made in writing within 180 days after your receipt of the notice that the claim was denied. If you do not appeal on time, you will lose the right to appeal the denial and the right to file suit in court. Your written appeal should state the reasons that you feel your claim should not have been denied. It should include any additional facts and/or documents that you feel support your claim. You will have the opportunity to ask additional questions and make written comments, an you may review (upon request and at no charge) documents and other information relevant to your appeal.

Decision on Review.

Your appeal will be reviewed and decided by the Committee or other entity designated in the Plan in a reasonable time not later than 60 days after the Committee receives your request for review. The Committee may, in its discretion, hold a hearing on the denied claim. Any medical expert consulted in connection with your appeal will be different from and not subordinate to any expert consulted in connection with the initial claim denial. The identity of a medical expert consulted in connection with your appeal will be provided. If the decision on review affirms the initial denial of your claim, you will be furnished with a notice of adverse benefit determination on review setting forth:

- the specific reason(s) for the decision on review;
- the specific Plan provision(s) on which the decision is based;
- a statement of your right to review (upon request and at no charge) relevant documents and other information;
- if an internal rule, guideline, protocol, or other similar criterion is relied on in making the decision on review, then a description of the specific rule, guideline, protocol, or other similar criterion or a statement that such a rule, guideline, protocol, or other similar criterion was relied on and that a copy of such rule, guideline, protocol, or other criterion will beprovided free of charge to you upon request; and
- a statement of your right to bring suit under ERISA § 502(a) (where applicable).

CAF Q-12. What is "Continuation Coverage" and how does it work?

COBRA

If you have elected Health Insurance Benefits under this Plan, you may have certain rights to the continuation of such benefits after a "Qualifying Event" (e.g., a termination of employment). See Appendix B of this SPD for a detailed description of your rights to "continuation coverage" under COBRA.

USERRA

Continuation and reinstatement rights may also be available if you are absent from employment due to service in the uniformed services pursuant to the Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA). More information about coverage under USERRA is available from the Plan Administrator.

CAF Q-13. How will participating in the Cafeteria Plan affect my Social Security and other benefits?

Participating in the Cafeteria Plan will reduce the amount of your taxable income, which may result in a decrease in your Social Security benefits and/or other benefits which are based on taxable income. However, the tax savings that you realize through Cafeteria Plan participation will often more than offset any reduction in other benefits. If you are still unsure, you are encouraged to consult with your accountant or other tax advisor.

CAF Q-14. How do leaves of absence (such as under FMLA) affect my benefits?

FMLA Leaves of Absence.

If the Employer is subject to the federal Family and Medical Leave Act of 1993 and you go on a qualifying leave under the FMLA, then to the extent required by the FMLA your Employer will continue to maintain your Health Insurance Benefits on the same terms and conditions as if you were still active (that is, your Employer will continue to pay its share of the contributions to the extent that you opt to continue coverage). Your Employer may require you to continue all Medical Insurance Benefits coverage while you are on paid leave (so long as Participants on non-FMLA paid leave are required to continue coverage). If so, you will pay your share of the contributions by the method normally used during any paid leave (for example, on a pre-tax salary-reduction basis).

If you are going on unpaid FMLA leave (or paid FMLA leave where coverage is not required to be continued) and you opt to continue your Insurance Benefits, then you may pay your share of the contributions in one of three ways: (a) with after-tax dollars while on leave; (b) with pretax dollars to the extent that you receive compensation during the leave, or by pre-paying all or a portion of your share of the contributions for the expected duration of the leave on a pre-tax salary reduction basis out of your pre-leave compensation, including unused sick days and vacation days (to pre-pay in advance, you must make a special election before such compensation normally would be available to you (but note that prepayments with pre-tax dollars may not be used to pay for coverage during the next Plan Year); or (c) by other arrangements agreed upon by you and the Plan Administrator (for example, the Plan Administrator may pay for coverage during the leave and withhold amounts from your compensation upon your return from leave).

If your Employer requires all Participants to continue Insurance Benefits during the unpaid FMLA leave, then you may discontinue paying your share of the required contributions until you return from leave. Upon returning from leave, you must pay your share of any required contributions that you did not pay during the leave. Payment for your share will be withheld

from your compensation either on a pre-tax or after-tax basis, depending on what you and the Plan Administrator agree to.

If your Health Insurance coverage ceases while you are on FMLA leave (e.g., for non-payment of required contributions), you will be permitted to re-enter such Benefits, as applicable, upon return from such leave on the same basis as when you were participating in the Plan before the leave or as otherwise required by the FMLA. You may be required to have coverage for such Benefits reinstated so long as coverage for Employees on non-FMLA leave is required to be reinstated upon return from leave.

If you are commencing or returning from FMLA leave, then your election for non-health benefits provided under this Plan, if any, will be treated in the same way as under your Employer's policy for providing such Benefits for Participants on a non-FMLA leave (see below). If that policy permits you to discontinue contributions while on leave, then upon returning from leave you will be required to repay the contributions not paid by you during leave. Payment will be withheld from your compensation either on a pre-tax or after-tax basis, as agreed to by the Plan Administrator and you or as the Plan Administrator otherwise deems appropriate.

Non-FMLA Leaves of Absence.

If you go on an unpaid leave of absence that does not affect eligibility, then you will continue to participate and the contribution due from you (if not otherwise paid by your regular salary reductions) will be paid by pre-payment before going on leave, with after-tax contributions while on leave, or with catch-up contributions after the leave ends, as determined by the Plan Administrator. If you go on an unpaid leave that does affect eligibility, then the Change in Status rules will apply.

Premium Payment Benefits

PREM Q-1. What are "Premium Payment Benefits"?

As described in CAF Q-1, if you elect Premium Payment Benefits you will be able to pay for your share of contributions for Insurance Benefits with pre-tax dollars by electing to do so. Because the share of the contributions that you pay will be with pre-tax funds, you may save both federal income taxes and FICA (Social Security) taxes. See Q-4.

PREM Q-2. How are my Premium Payment Benefits paid?

As described in CAF Q-1 and in PREM Q-1, if you select an Insurance Plan described in CAF Q-2, then you may be required to pay a portion of the contributions. When you complete the Election Form/Salary Reduction Agreement, if you elect to pay for benefits on a pre-tax basis you agree to a salary reduction to pay for your share of the cost of coverage (also known as contributions) with pre-tax funds instead of receiving a corresponding amount of your regular pay that would otherwise be subject to taxes. From then on, you must pay a contribution for such coverage by having that portion deducted from each paycheck on a pre-tax basis (generally an equal portion from each paycheck, or an amount otherwise agreed to or as deemed appropriate by the Plan Administrator).

The Employer may contribute all, some, or no portion of the Premium Payment Benefits that you have selected, as described in documents furnished separately to you from time to time.

Miscellaneous

MISC Q-1

COBRA and HIPAA Rights. You have a right to continue your Health Insurance Plan coverage for yourself if there is a loss of coverage under the plan as a result of a qualifying event. You or your dependents may have to pay for such coverage. Review this SPD and the documents governing the plan on the rules governing your COBRA continuation coverage rights.

HIPAA Privacy Rights. Under another provision of HIPAA, group health plans are required to take steps to ensure that certain "protected health information" (PHI) is kept confidential. You may receive a separate notice from the Employer (or medical insurers) that outlines its health privacy policies.

Right to Review. If your claim for a benefit is denied or ignored in whole or in part, you have a right to know why this was done, to obtain copies of documents relating to the decision without charge, and to appeal any denial, all within certain time schedules.

MISC Q-2. What other general information should I know?

This MISC Q-2 contains certain general information that you may need to know about the Plan.

Plan Information

Official Name of the Plan: Town of Lake Hamilton Cafeteria Plan

Plan Number: 501

Effective Date: 1/1/2027.

Plan Year: 1/1/2027 to 12/31/2027. Your Plan's records are maintained on this period of time

Type of Plan: Welfare plan providing various insurance benefits

Employer/Plan Sponsor Information

Name and Address:

Town of Lake Hamilton

100 Smith Avenue
Lake Hamilton, FL 33851
Federal employee tax identification number (EIN): 591560134

Plan Administrator Information

Name, Address, and business telephone number:

Town of Lake Hamilton

100 Smith Avenue
Lake Hamilton, FL 33851
Attention: Human Resources Manager
Telephone: 8634391910

Agent for Service of Legal Process

The name and address of the Plan's agent for service of legal process is:

Town of Lake Hamilton

100 Smith Avenue
Lake Hamilton, FL 33851
Attention: Benefits Committee

Qualified Medical Child Support Order

The Health Insurance Plans will provide benefits as required by any qualified medical child support order (QMCSO), as defined in ERISA § 609(a). The Plan has detailed procedures for determining whether an order qualifies as a QMCSO. Participants and beneficiaries can obtain, without charge, a copy of such procedures from the Plan Administrator.

Newborns' and Mothers' Health Protection Act of 1996

Group health plans and health insurance issuers generally may not, under federal law, restrict benefits for any hospital length of stay in connection with childbirth for the mother or newborn child to less than 48 hours following a vaginal delivery or to less than 96 hours following a cesarean section. However, federal law generally does not prohibit the mother's or newborn's attending provider, after consulting with the mother, from discharging the mother or her newborn earlier than 48 hours (or 96 hours, as applicable). In any case, plans and issuers may not, under federal law, require that a provider obtain authorization from the plan or the issuer for prescribing a length of stay not in excess of 48 hours (or 96 hours).

Appendix A

Affiliated Employers

Appendix B

COBRA CONTINUATION COVERAGE RIGHTS under the Town of Lake Hamilton Cafeteria Plan (the "Plan")

The following paragraphs generally explain COBRA coverage, when it may become available to you and your family, and what you need to do to protect the right to receive it. **PLEASE READ THE FOLLOWING CAREFULLY.**

The Town of Lake Hamilton Cafeteria Plan has group health insurance components and you may be enrolled in one or more of these components. COBRA (and the description of COBRA coverage contained in this SPD) applies only to the group health plan benefits offered under the Plan and not to any other benefits offered under the Plan or by Town of Lake Hamilton. The Plan provides no greater COBRA rights than what COBRA requires - nothing in this SPD is intended to expand your rights beyond COBRA's requirements.

What Is COBRA Coverage?

COBRA coverage is a continuation of Plan coverage when coverage would otherwise end because of a life event known as a "qualifying event." Specific qualifying events are listed below in the section entitled "Who Is Entitled to Elect COBRA?"

COBRA coverage may become available to "qualified beneficiaries"

After a qualifying event occurs and any required notice of that event is properly provided to Town of Lake Hamilton, COBRA coverage must be offered to each person losing Plan coverage who is a "qualified beneficiary." You, your spouse, and your dependent children could become qualified beneficiaries and would be entitled to elect COBRA if coverage under the Plan is lost because of the qualifying event. (Certain newborns, newly adopted children, and alternate recipients under QMCSOs may also be qualified beneficiaries. This is discussed in more detail in separate paragraphs below.)

Who Is Entitled to Elect COBRA?

We use the pronoun "you" in the following paragraphs regarding COBRA to refer to each person covered under the Plan who is or may become a qualified beneficiary.

Qualifying events for the covered employee

If you are an employee, you will be entitled to elect COBRA if you lose your group health coverage under the Plan because either one of the following qualifying events happens:

- your hours of employment are reduced; or
- your employment ends for any reason other than your gross misconduct.

Qualifying events for the covered spouse

If you are the spouse of an employee, you will be entitled to elect COBRA if you lose your group health coverage under the Plan because any of the following qualifying events happens:

- your spouse dies;
- your spouse's hours of employment are reduced;
- your spouse's employment ends for any reason other than his or her gross misconduct;
- you become divorced or legally separated from your spouse. Also, if your spouse (the employee) reduces or eliminates your group health coverage in anticipation of a divorce or legal separation, and a divorce or legal separation later occurs, then the divorce or legal separation may be considered a qualifying event for you even though your coverage was reduced or eliminated before the divorce or separation.

Qualifying events for dependent children

If you are the dependent child of an employee, you will be entitled to elect COBRA if you lose your group health coverage under the Plan because any of the following qualifying events happens:

- your parent-employee dies;
- your parent-employee's hours of employment are reduced;
- your parent-employee's employment ends for any reason other than his or her gross misconduct;

- you stop being eligible for coverage under the Plan as a "dependent child."

Electing COBRA after leave under the Family and Medical Leave Act (FMLA)

Under special rules that apply if an employee does not return to work at the end of an FMLA leave, some individuals may be entitled to elect COBRA even if they were not covered under the Plan during the leave. Contact Town of Lake Hamilton for more information about these special rules.

Special second election period for certain eligible employees who did not elect COBRA

Certain employees and former employees who are eligible for federal trade adjustment assistance (TAA) or alternative trade adjustment assistance (ATAA) are entitled to a second opportunity to elect COBRA for themselves and certain family members (if they did not already elect COBRA) during a special second election period of 60 days or less (but only if the election is made within six months after Plan coverage is lost).

When Is COBRA Coverage Available?

When the qualifying event is the end of employment, reduction of hours of employment, or death of the employee, the Plan will offer COBRA coverage to qualified beneficiaries. You need not notify Town of Lake Hamilton of any of these qualifying events.

Caution:

You stop being eligible for coverage as dependent child whenever you fail to satisfy any part of the plan's definition of dependent child.

You must notify the plan administrator of certain qualifying events by this deadline

For the other qualifying events (divorce or legal separation of the employee and spouse or a dependent child's losing eligibility for coverage as a dependent child), a COBRA election will be available to you only if you notify Town of Lake Hamilton in writing within 60 days after the later of (1) the date of the qualifying event; or (2) the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the Plan as a result of the qualifying event.

No COBRA election will be available unless you follow the Plan's notice procedures and meet the notice deadline

In providing this notice, you must use the Plan's form entitled "Notice of Qualifying Event Form" and you must follow the notice procedures specified in the section below entitled "Notice Procedures." If these procedures are not followed or if the notice is not provided to Town of Lake Hamilton during the 60-day notice period, YOU WILL LOSE YOUR RIGHT TO ELECT COBRA.

How to elect COBRA

To elect COBRA, you must complete the Election Form that is part of the Plan's COBRA election notice and mail or hand-deliver it to Town of Lake Hamilton. An election notice will be provided to qualified beneficiaries at the time of a qualifying event. You may also obtain a copy of the Election Form from Town of Lake Hamilton.

Deadline for COBRA election

If mailed, your election must be postmarked (or if hand-delivered, your election must be received by the individual at the address specified on the Election Form) no later than 60 days after the date of the COBRA election notice provided to you at the time of your qualifying event (or, if later, 60 days after the date that Plan coverage is lost). IF YOU DO NOT SUBMIT A COMPLETED ELECTION FORM BY THIS DUE DATE, YOU WILL LOSE YOUR RIGHT TO ELECT COBRA.

Independent election rights

Each qualified beneficiary will have an independent right to elect COBRA.

Any qualified beneficiary for whom COBRA is not elected within the 60-day election period specified in the Plan's COBRA election notice WILL LOSE HIS OR HER RIGHT TO ELECT COBRA COVERAGE.

Special Considerations in Deciding Whether to Elect COBRA

In considering whether to elect COBRA, you should take into account that a failure to elect COBRA will affect your future rights under federal law. You have the right to request special enrollment in another group health plan for which you are otherwise eligible (such as a plan sponsored by your spouse's employer) within 30 days after your group health coverage under the Plan ends because of one of the qualifying events listed above. You will also have the same special enrollment

right at the end of COBRA coverage if you get COBRA coverage for the maximum time available to you.

Length of COBRA Coverage

COBRA coverage is a temporary continuation of coverage. The COBRA coverage periods described below are maximum coverage periods.

COBRA coverage can end before the end of the maximum coverage period for several reasons, which are described in the section below entitled "Termination of COBRA Coverage Before the End of the Maximum Coverage Period."

Death, divorce, legal separation, or child's loss of dependent status

When Plan coverage is lost due to the death of the employee, the covered employee's divorce or legal separation, or a dependent child's losing eligibility as a dependent child, COBRA coverage under the Plan's Medical and Dental components can last for up to a total of 36 months.

If the covered employee becomes entitled to Medicare within 18 months before his or her termination of employment or reduction of hours.

When Plan coverage is lost due to the end of employment or reduction of the employee's hours of employment, and the employee became entitled to Medicare benefits less than 18 months before the qualifying event, COBRA coverage under the Plan's Medical and Dental components for qualified beneficiaries (other than the employee) who lose coverage as a result of the qualifying event can last until up to 36 months after the date of Medicare entitlement. For example, if a covered employee becomes entitled to Medicare eight months before the date on which his employment terminates, COBRA coverage for his spouse and children who lost coverage as a result of his termination can last up to 36 months after the date of Medicare entitlement, which is equal to 28 months after the date of the qualifying event (36 months minus eight months). This COBRA coverage period is available only if the covered employee becomes entitled to Medicare within 18 months BEFORE the termination or reduction of hours.

Termination of employment or reduction of hours

Otherwise, when Plan coverage is lost due to the end of employment or reduction of the employee's hours of employment, COBRA coverage under the Plan's Medical and Dental components generally can last for only up to a total of 18 months.

Extension of Maximum Coverage Period

If the qualifying event that resulted in your COBRA election was the covered employee's termination of employment or reduction of hours, an extension of the maximum period of coverage may be available if a qualified beneficiary is disabled or a second qualifying event occurs. You must notify Town of Lake Hamilton of a disability or a second qualifying event in order to extend the period of COBRA coverage. Failure to provide notice of a disability or second qualifying event will eliminate the right to extend the period of COBRA coverage.

Disability extension of COBRA coverage

If a qualified beneficiary is determined by the Social Security Administration to be disabled and you notify Town of Lake Hamilton in a timely fashion, all of the qualified beneficiaries in your family may be entitled to receive up to an additional 11 months of COBRA coverage, for a total maximum of 29 months. This extension is available only for qualified beneficiaries who are receiving COBRA coverage because of a qualifying event that was the covered employee's termination of employment or reduction of hours. The disability must have started at some time before the 61st day after the covered employee's termination of employment or reduction of hours and must last at least until the end of the period of COBRA coverage that would be available without the disability extension (generally 18 months, as described above). Each qualified beneficiary will be entitled to the disability extension if one of them qualifies.

You must notify Town of Lake Hamilton of a qualified beneficiary's disability by this deadline

The disability extension is available only if you notify Town of Lake Hamilton in writing of the Social Security Administration's determination of disability within 60 days after the latest of:

- the date of the Social Security Administration's disability determination;
- the date of the covered employee's termination of employment or reduction of hours; and
- the date on which the qualified beneficiary loses (or would lose) coverage under the terms of the Plan as a result of the covered employee's termination of employment or reduction of hours.

You must also provide this notice within 18 months after the covered employee's termination of employment or reduction of hours in order to be entitled to a disability extension.

No disability extension will be available unless you follow the Plan's notice procedures and meet the notice deadline

In providing this notice, you must use the Plan's form entitled "Notice of Disability Form" and you must follow the notice procedures specified in the section below entitled "Notice Procedures."

If these procedures are not followed or if the notice is not provided to Town of Lake Hamilton during the 60-day notice period and within 18 months after the covered employee's termination of employment or reduction of hours, then there will be no disability extension of COBRA coverage.

Second qualifying event extension of COBRA coverage

An extension of coverage will be available to spouses and dependent children who are receiving COBRA coverage if a second qualifying event occurs during the 18 months (or, in the case of a disability extension, the 29 months) following the covered employee's termination of employment or reduction of hours. The maximum amount of COBRA coverage available when a second qualifying event occurs is 36 months. Such second qualifying events may include the death of a covered employee, divorce or legal separation from the covered employee, or a dependent child's ceasing to be eligible for coverage as a dependent under the Plan. These events can be a second qualifying event only if they would have caused the qualified beneficiary to lose coverage under the Plan if the first qualifying event had not occurred. (This extension is not available under the Plan when a covered employee becomes entitled to Medicare after his or her termination of employment or reduction of hours.)

You must notify Town of Lake Hamilton of a second qualifying event by this deadline

This extension due to a second qualifying event is available only if you notify Town of Lake Hamilton in writing of the second qualifying event within 60 days after the date of the second qualifying event.

No extension will be available unless you follow the Plan's notice procedures and meet the notice deadline

In providing this notice, you must use the Plan's form entitled "Notice of Second Qualifying Event Form" (you may obtain a copy of this form from Town of Lake Hamilton at no charge), and you must follow the notice procedures specified in the section below entitled "Notice Procedures." If these procedures are not followed or if the notice is not provided to Town of Lake Hamilton during the 60-day notice period, then there will be no extension of COBRA coverage due to a second qualifying event.

Termination of COBRA Coverage Before the End of the Maximum Coverage Period

COBRA coverage will automatically terminate before the end of the maximum period if:

- any required premium is not paid in full on time;
- a qualified beneficiary becomes entitled to Medicare benefits (under Part A, Part B, or both) after electing COBRA;
- the employer ceases to provide any group health plan for its employees; or
- during a disability extension period, the disabled qualified beneficiary is determined by the Social Security Administration to be no longer disabled (COBRA coverage for all qualified beneficiaries, not just the disabled qualified beneficiary, will terminate).

COBRA coverage may also be terminated for any reason the Plan would terminate coverage of a participant or beneficiary not receiving COBRA coverage (such as fraud).

You must notify Town of Lake Hamilton if a qualified beneficiary becomes entitled to Medicare or obtains other group health plan coverage

You must notify Town of Lake Hamilton in writing within 30 days if, after electing COBRA, a qualified beneficiary becomes entitled to Medicare (Part A, Part B, or both) or becomes covered under other group health plan coverage. In addition, if you were already entitled to Medicare before electing COBRA, notify Employer of the date of your Medicare entitlement at the address shown in the section below entitled "Notice Procedures."

You must notify Town of Lake Hamilton if a qualified beneficiary ceases to be disabled

If a disabled qualified beneficiary is determined by the Social Security Administration to no longer be disabled, you must notify Town of Lake Hamilton of that fact within 30 days after the Social Security Administration's determination.

Cost of COBRA Coverage

Each qualified beneficiary is required to pay the entire cost of COBRA coverage. The amount a qualified beneficiary may be required to pay may not exceed 102% (or, in the case of an extension of COBRA coverage due to a disability, 150%) of the

cost to the group health plan (including both employer and employee contributions) for coverage of a similarly situated plan participant or beneficiary who is not receiving COBRA coverage. The amount of your COBRA premiums may change from time to time during your period of COBRA coverage and will most likely increase over time. You will be notified of COBRA premium changes.

Payment for COBRA Coverage

How premium payments must be made

All COBRA premiums must be paid by check. Your first payment and all monthly payments for COBRA coverage must be mailed or hand-delivered to the individual at the payment address specified in the election notice provided to you at the time of your qualifying event. However, if the Plan notifies you of a new address for payment, you must mail or hand-deliver all payments for COBRA coverage to the individual at the address specified in that notice of a new address.

When premium payments are considered to be made

If mailed, your payment is considered to have been made on the date that it is postmarked. If hand-delivered, your payment is considered to have been made when it is received by the individual at the address specified above. You will not be considered to have made any payment by mailing or hand-delivering a check if your check is returned due to insufficient funds or otherwise.

First payment for COBRA coverage

If you elect COBRA, you do not have to send any payment with the Election Form. However, you must make your first payment for COBRA coverage not later than 45 days after the date of your election. (This is the date your Election Form is postmarked, if mailed, or the date your Election Form is received by the individual at the address specified for delivery of the Election Form, if hand-delivered.) See the section above entitled "Electing COBRA Coverage."

Your first payment must cover the cost of COBRA coverage from the time your coverage under the Plan would have otherwise terminated up through the end of the month before the month in which you make your first payment. (For example, Sue's employment terminates on September 30, and she loses coverage on September 30. Sue elects COBRA on November 15. Her initial premium payment equals the premiums for October and November and is due on or before December 30, the 45th day after the date of her COBRA election.)

You are responsible for making sure that the amount of your first payment is correct. You may contact Town of Lake Hamilton using the contact information provided below to confirm the correct amount of your first payment. Claims for reimbursement will not be processed and paid until you have elected COBRA and made the first payment for it.

<u>If you do not make your first payment for COBRA coverage in full within 45 days after the date of your election, you will lose all COBRA rights under the Plan.</u>

Monthly payments for COBRA coverage

After you make your first payment for COBRA coverage, you will be required to make monthly payments for each subsequent month of COBRA coverage. The amount due for each month for each qualified beneficiary will be disclosed in the election notice provided to you at the time of your qualifying event. Under the Plan, each of these monthly payments for COBRA coverage is due on the first day of the month for that month's COBRA coverage. If you make a monthly payment on or before the first day of the month to which it applies, your COBRA coverage under the Plan will continue for that month without any break. Town of Lake Hamilton will not send periodic notices of payments due for these coverage periods (that is, <u>we will not send a bill to you for your COBRA coverage - it is your responsibility to pay your COBRA premiums on time</u>).

Grace periods for monthly COBRA premium payments

Although monthly payments are due on the first day of each month of COBRA coverage, you will be given a grace period of 30 days after the first day of the month to make each monthly payment. Your COBRA coverage will be provided for each month as long as payment for that month is made before the end of the grace period for that payment. However, if you pay a monthly payment later than the first day of the month to which it applies, but before the end of the grace period for the month, your coverage under the Plan will be suspended as of the first day of the month and then retroactively reinstated (going back to the first day of the month) when the monthly payment is received. This means that any claim you submit for benefits while your coverage is suspended may be denied and may have to be resubmitted once your coverage is reinstated.

<u>If you fail to make a monthly payment before the end of the grace period for that month, you will lose all rights to COBRA coverage under the Plan.</u>

More Information About Individuals Who May Be Qualified Beneficiaries

Children born to or placed for adoption with the covered employee during a period of COBRA coverage

A child born to, adopted by, or placed for adoption with a covered employee during a period of COBRA coverage is considered to be a qualified beneficiary provided that, if the covered employee is a qualified beneficiary, the covered employee has elected COBRA coverage for himself or herself. The child's COBRA coverage begins when the child is enrolled in the Plan, whether through special enrollment or open enrollment, and it lasts for as long as COBRA coverage lasts for other family members of the employee. To be enrolled in the Plan, the child must satisfy the otherwise applicable Plan eligibility requirements (for example, regarding age).

Alternate recipients under QMCSOs

A child of the covered employee who is receiving benefits under the Plan pursuant to a qualified medical child support order (QMCSO) received by Town of Lake Hamilton during the covered employee's period of employment with Town of Lake Hamilton is entitled to the same rights to elect COBRA as an eligible dependent child of the covered employee.

NOTICE PROCEDURES Town of Lake Hamilton Welfare Benefits Plan (the Plan)

WARNING: If your notice is late or if you do not follow these notice procedures, you and all related qualified beneficiaries will lose the right to elect COBRA (or will lose the right to an extension of COBRA coverage, as applicable).

Notices Must Be Written and Submitted on Plan Forms

Any notice that you provide must be in writing and must be submitted on the Plan's required form (the Plan's required forms are described above in this SPD, and you may obtain copies from Town of Lake Hamilton without charge). Oral notice, including notice by telephone, is not acceptable. Electronic (including e-mailed or faxed) notices are not acceptable.

How, When, and Where to Send Notices

You must mail or hand-deliver your notice to:

Human Resources Manager

Town of Lake Hamilton
100 Smith Avenue
Lake Hamilton FL 33851

However, if a different address for notices to the Plan appears in the Plan's most recent summary plan description, you must mail or hand-deliver your notice to that address (if you do not have a copy of the Plan's most recent summary plan description, you may request one from Town of Lake Hamilton).

If mailed, your notice must be postmarked no later than the last day of the applicable notice period. If hand-delivered, your notice must be received by the individual at the address specified above no later than the last day of the applicable notice period. (The applicable notice periods are described in the paragraphs above entitled "You must notify the plan administrator of certain qualifying events by this deadline," "You must notify Town of Lake Hamilton of a qualified beneficiary's disability by this deadline", and "You must notify Town of Lake Hamilton of a second qualifying event by this deadline.")

Information Required for All Notices

Any notice you provide must include (1) the name of the Plan (Town of Lake Hamilton Welfare Benefits Plan); (2) the name and address of the employee who is (or was) covered under the Plan; (3) the name(s) and address(es) of all qualified beneficiary(ies) who lost coverage as a result of the qualifying event; (4) the qualifying event and the date it happened; and (5) the certification, signature, name, address, and telephone number of the person providing the notice.

Additional Information Required for Notice of Qualifying Event

If the qualifying event is a divorce or legal separation, your notice must include a copy of the decree of divorce or legal separation. If your coverage is reduced or eliminated and later a divorce or legal separation occurs, and if you are notifying Town of Lake Hamilton that your Plan coverage was reduced or eliminated in anticipation of the divorce or legal separation, your notice must include evidence satisfactory to Town of Lake Hamilton that your coverage was reduced or eliminated in anticipation of the divorce or legal separation.

Additional Information Required for Notice of Disability

Any notice of disability that you provide must include (1) the name and address of the disabled qualified beneficiary; (2) the date that the qualified beneficiary became disabled; (3) the names and addresses of all qualified beneficiaries who are still receiving COBRA coverage; (4) the date that the Social Security Administration made its determination; (5) a copy of the Social Security Administration's determination; and (6) a statement whether the Social Security Administration has subsequently determined that the disabled qualified beneficiary is no longer disabled.

Additional Information Required for Notice of Second Qualifying Event

Any notice of a second qualifying event that you provide must include (1) the names and addresses of all qualified beneficiaries who are still receiving COBRA coverage; (2) the second qualifying event and the date that it happened; and (3) if the second qualifying event is a divorce or legal separation, a copy of the decree of divorce or legal separation.

Who May Provide Notices

The covered employee, a qualified beneficiary who lost coverage due to the qualifying event described in the notice, or a representative acting on behalf of either may provide notices. A notice provided by any of these individuals will satisfy any responsibility to provide notice on behalf of all qualified beneficiaries who lost coverage due to the qualifying event described in the notice.

THIS CONCLUDES THE SUMMARY OF YOUR CONTINUATION COVERAGE RIGHTS UNDER COBRA. PLEASE CONTACT THE HUMAN RESOURCES OFFICE (OR THE EQUIVALENT THEREOF) OF TOWN OF LAKE HAMILTON IF YOU HAVE ANY QUESTIONS OR NEED MORE INFORMATION.

Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH:

FROM: Jonah Katz, Community Development Director

AGENDA ITEM: A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON AMENDING THE FEE SCHEDULE FOR ALL DEVELOPMENT SERVICES AND OTHER SUCH MATTERS REQUIRING ACTION BY THE TOWN STAFF; PROVIDING FOR A REPEAL OF ALL INCONSISITENT RESOLUTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

DATE: December 1, 2026

SUMMARY & RECOMMENDATION: State of Florida House Bill 399 was passed this past legislative session requires development application fees to reasonably relate to the Town's direct and reasonable indirect costs of reviewing, processing, and disposing of development applications. The effective date of these fees must be January 1, 2027. Upon legal direction staff conducted a cost analysis and estimate of staff and equipment expenses related to common and uncommon development review processes processed by the Building Department. The resulting fee schedule adjusts the costs charged to the Town based on this analysis. The methodology for this cost estimate will be kept in the Town's records as support for the adopted fees and the final schedule will be published as required by Florida Statute 166.033.

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☒

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☒ NO: ☐

If Yes, Please Explain: The proposed fees will revise costs for development applications at a variety of levels. These are meant to comply with state law and reflect the reasonable labor and equipment costs to review and process applications.

RECOMMENDATION:

ATTACHMENT(S):
Resolution to Planning fees - 2027 compliance - November 20, 2026.pdf

Staff Resolution - Planning Development Fees.pdf

RESOLUTION 2026-XX

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON AMENDING THE FEE SCHEDULE FOR ALL DEVELOPMENT SERVICES AND OTHER SUCH MATTERS REQUIRING ACTION BY THE TOWN STAFF; PROVIDING FOR A REPEAL OF ALL INCONSISITENT RESOLUTIONS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town of Lake Hamilton, Florida, provides staff review and analysis of various development matters in accordance with the Town's Code of Ordinances; and

WHEREAS, it is appropriate for the Town to increase the fee schedule and charge applicants and other such persons and entities fees to defray the cost and expenses incurred in providing such services; and

WHEREAS, the Town Planner recommends that the Town Council amend the schedule of fees for such services as more specifically set forth on Exhibit "A" attached hereto; and

WHEREAS, it is in the best interest of the citizens and residents of the Town for the Town Council to adopt the schedule of fees attached hereto as Exhibit "A".

NOW, THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF LAKE HAMILTON, FLORIDA, AS FOLLOWS:

SECTION 1.

That the Schedule of Fees attached hereto as Exhibit "A" is hereby adopted as the fee schedule for the identified services. A current schedule of fees shall be on file with the Town's Clerk's office.

SECTION 2.

No action, including processing or review, shall be taken by any Town staff members, on any petition, appeal, or application, until all applicable fees and expenses including those provided for in this Resolution and Schedule of Fees attached hereto as Exhibit "A" have been paid in full. This shall not apply to such petitions, appeals, or applications generated by the Town of Lake Hamilton.

SECTION 3. CONFLICTS.

All Resolutions in conflict herewith shall be repealed to the extent necessary to give this Resolution full force and effect.

SECTION 4. SEVERABILITY.

If any part, sentence, paragraph, subsection, or clause of this Resolution is adjudged unconstitutional or invalid it is hereby provided that the remainder of the Resolution shall not be affected thereby.

SECTION 5. EFFECTIVE DATE.

This Resolution shall take effect immediately upon passage.

INTRODUCED and PASSED at the regular meeting of the Town Council of Lake Hamilton, Florida, held this ___ day of ___ 2026.

TOWN OF LAKE HAMILTON, FLORIDA

_____
PHYLLIS HALL, MAYOR

ATTEST:

_____
JACQULINE BORJA, TOWN CLERK

Approved as to form:

_____
ANTHONY SABITINI, ESQ., TOWN ATTORNEY

Record of Vote	Yes	No
Hall		
Collier		
Mathis		
Demanche		
Ortega		

EXHIBIT "A"

APPLICATION OR REQUEST

Annexation……. $1,248 plus a development review deposit in the amount of $2,050.00

Special Exceptions / Approval …… $375.00

Appeals…… $375.00

Variances:

**Single-Family Residential (up to four different variances)…….. $640

**Single-Family, each additional…… $160

**Multi-Family Residential (up to four difference variances)…….. $640

Multi-Family, each additional……. $160

**Non-Residential……..… $1,070

Rezoning……... $1,248

PUD (zoning request)…… $1,924 plus a development review deposit in the amount of $2,050.00, if not previously established through annexation, comprehensive plan amendment, or zoning application.

(minor PUD amendment) …….. $640
(major PUD amendment) …….. $1193

Street/Alley Vacation……. $873.00

Comprehensive Plan Amendments:

**Text Amendment…… $1248

plus a development review deposit in the amount of $2,050, if not previously established through annexations, comprehensive plan amendment, or zoning application.

**Land Use (as defined by Florida Statues)

Large Scale (50 Acres or Larger) $2,496 plus a development review deposit in the amount of $5,000, if fee is not previously established through annexation, comprehensive plan amendment, or zoning application.

Small Scale (Less than 50 Acres) $1,248, plus a development review deposit in the amount of $2,050, if not previously established through annexations, comprehensive plan amendment, or zoning application.

Developments:
**Flood Prone Areas…… $593
**Wetland Areas…….. $535
**Shoreline Areas……. $535

**Regional Impact……. $1,591 plus a development review deposit in the amount of $2,050.00, if not previously established through annexation, comprehensive plan amendment, or zoning application.

Time Extension-Agreement/Approval..$1,280

Site Development/Subdivisions Site Site Plans:

(0-1 acres) …….. $903

(1-5 acres) …….. $1065

(5-10 acres) ……. $1808

(10+ acres)……. $3,228
established.

Subdivisions:

Site Plan Review - $3228
**Minor (0-4 Lots)…… $1,171 fee
**Preliminary Plan & Lots…….$1,204.68 plus 105.06 per lot
**Final Plat……... $1,015
**Vacating of Plat…… $873

EXTRAORDINARY EXPENSES

In addition to the fee schedule set forth above, the applicant shall also be responsible for the payment of any and all extraordinary expenses which may be incurred by the Town of Lake Hamilton in analyzing or reviewing all or any part of an application. These expenses may include the Town's retention of a third-party consultant. All the expenses referred to in this Section 3 shall be billed at the actual cost of fees and expenses incurred for rendering such services. These expenses will be billed separately from and in addition to the development review deposits set forth herein.

The applicant will be advised of the necessity of such expenses prior to such expenses being incurred. The owner/developer and the Development Director, with the advice and consent of the Town Administrator, shall jointly approve in writing an estimated cost amount before these charges can be authorized. The cost for any such expenses shall be paid in advance to the Town in the form of cash or certified check prior to incurring such expenses. Upon request of the owner/developer, the Town Council may review such expenses as to the necessity and amount.

DEVELOPMENT REVIEW DEPOSITS

Development Review Deposits required herein shall be held in escrow by the Town and identified by account number as to the development review for which the deposit is made. The deposit shall be used to pay costs that exceed the base fee collected for the application and review. The owner/developer will receive periodic notification and statements when draws are made against the deposit account. Should the balance in the deposit account decrease to less than seventy percent (70%) of the deposit, the owner/developer will be notified to make an additional deposit to restore the balance to the full amount of the original deposit. Said additional deposit shall be made within five (5) business days of notification. Once the development review is complete, the balance remaining, if any, in the deposit account will be refunded to the owner/developer without interest.

TRAFFIC STUDY REVIEW AND ASSOCIATED SERVICES FEE

In accordance with the Town of Lake Hamilton's Strategic Transportation Action Plan, site plans that generate net new Average Daily Trips (ADT) over Town's determined thresholds will require a traffic study and additional reviews (methodology development, traffic study review, off-site improvements, etc.). unless waived by Town Administrator.

The applicant will be advised of the necessity of such expenses prior to such expenses being incurred. The owner/developer and the Development Director, with the advice and consent of the Town Administrator, shall jointly approve in writing an estimated cost amount before these charges can be authorized. The cost for any such expenses shall be paid in advance to the Town in the form of cash or certified check prior to incurring such expenses. Upon request of the owner/developer, the Town Council may review such expenses as to the necessity and amount.

Resolution

To: Town Council

From: Jonah Katz, Director - Community Development Department

Date: December 1, 2026

Subject: Resolution to update Planning and Development Fee Schedule to be in compliance with State Statues

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RECOMMENDATION: Motion to authorize Town of Lake Hamilton to update the Planning and Development fee schedule.

BACKGROUND AND PURPOSE:

State of Florida House Bill 399 was passed this past legislative session requires development application fees to reasonably relate to the Town's direct and reasonable indirect costs of reviewing, processing, and disposing of development applications. The effective date of these fees must be January 1, 2027. Upon legal direction staff conducted a cost analysis and estimate of staff and equipment expenses related to common and uncommon development review processes processed by the Building Department. The resulting fee schedule adjusts the costs charged to the Town based on this analysis. The methodology for this cost estimate will be kept in the Town's records as support for the adopted fees and the final schedule will be published as required by Florida Statute 166.033.

FISCAL AND STRATEGIC IMPLICATIONS:

Compliance with State Requirement: This fee schedule is more directly tied to staff and equipment costs. It is based on the hourly rate for staff and administration to review and process different planning and development applications.

Fiscal Impact: This fee schedule will more effectively reflect staff time and costs of processing, and provide certainty of development costs for customers.

Town of Lake Hamilton
Town Council
Agenda Summary Report

TO: Town Council

THROUGH:

FROM: Jonah Katz, Community Development Director

AGENDA ITEM: Authorize Town of Lake Hamilton to join Central Florida Development Council (CFDC) as a Public Municipal Partner

DATE: December 1, 2026

SUMMARY & RECOMMENDATION:

Central Florida Development Council is the designated Polk County Economic Partnership Organization that focuses on countywide economic development initiatives. The mission of the CFDC is to grow an economy based on high-skill, high-wage sustainable businesses. We focus on domestic and international business recruitment and expansion, business advocacy, facilitating collaborative partnerships and advancing strategic initiatives in Central Florida's Polk County.

Staff has been introducing themselves at CFDC events and recognizes that the organization provides partnership opportunities to attract and retain businesses and jobs to Lake Hamilton.

There is a Public Municipal Partner program that allows municipalities to become members of CFDC at a discounted rate for a variety of benefits.

Many neighboring communities are participating in the Municipal Partner program, including Haines City, Dundee, Winter Heaven, Auburndale, and Frostproof.

Staff recommendation is to consider Town of Lake Hamilton for membership in CFDC. Costs of membership in the organization as Public Municipal Partner is $2,000 annually and it is recommended that the membership dues come fromthe Contingency GL 001-519-091.

CONSENT AGENDA ☐ **OLD BUSINESS** ☐ **NEW BUSINESS** ☒

ATTORNEY REVIEW: YES: ☒ NO: ☐ N/A: ☐

FINANCIAL IMPACT: YES: ☒ NO: ☐

If Yes, Please Explain: Annual membership is $2000 for municipalities and it is recommended that these funds would come from the Contingency GL 001-519-091

RECOMMENDATION:

ATTACHMENT(S):
Staff Recommendation - CFDC membership.pdf
25-26 CFDC Investor Benefits.pdf

Recommendation

To: Town Council

From: Jonah Katz, Director - Community Development Department

Date: December 1, 2026

Subject: Membership in Central Florida Development Council

RECOMMENDATION: Motion to authorize Town of Lake Hamilton to join Central Florida Development Council as a Public Municipal Partner

BACKGROUND AND PURPOSE:

Central Florida Development Council is the designated Polk County Economic Partnership Organization that focuses on countywide economic development initiatives. The mission of the CFDC is to grow an economy based on high-skill, high-wage sustainable businesses. We focus on domestic and international business recruitment and expansion, business advocacy, facilitating collaborative partnerships and advancing strategic initiatives in Central Florida's Polk County.

Staff has been introducing themselves at CFDC events and recognizes that the organization provides partnership opportunities to attract and retain businesses and jobs to Lake Hamilton. There is a Public Municipal Partner program that allows municipalities to become members of CFDC at a discounted rate for a variety of benefits, which include:

- Company participation in annual EconDev Forum
- Access to Investor Small Group Series
- Opportunity to attend six general investor meetings per year
- Company contacts included on Investor Distribution List
- Logo and organization information on CFDC website
- Assistance in development site promotion and marketing efforts

Many neighboring communities are participating in the Municipal Partner program, including Haines City, Dundee, Winter Heaven, Auburndale, and Frostproof.

FISCAL AND STRATEGIC IMPLICATIONS:

Economic Development: Allows for more active participation in the organizations and partnerships attracting major commercial and industrial development to Polk County communities.

Fiscal Impact: Annual membership is $2000 for municipalities and it is recommended that these funds would come from the Contingency GL 001-519-091

BECOME AN INVESTOR TODAY

As an investor of the Central Florida Development Council, you have a voice in **shaping economic development strategy** for Polk County and the Central Florida region.

	VISIONARY ($10,000)	INNOVATOR ($5,000)	CONNECTOR ($2,500)	PUBLIC MUNICIPAL PARTNER ($2,000)
Recognition as an Investor Sponsor of CFDC Annual Meeting, includes table of 8 and VIP reception access.	✓			
Recognition as an Investor Sponsor of Site Selector Spring Training Event	✓			
Business spotlight podcast video on CFDC website	✓			
Participation fee for the CFDC leadership mission (1)	✓			
Invitation to attend Past Chair's Luncheon (1)	✓			
Invitation to attend Innovator Workshop (3)	✓	✓		
Additional contacts included on Investor Distribution List (2)	✓	✓		
Invitation to attend Site Selector Spring Training Event (1)	✓	✓		
Opportunity to participate in multiple CFDC committees	✓	✓		
Investor profile on CFDC website	✓	✓		
Company participation in annual EconDev Forum	✓	✓	✓	✓
Access to Investor Small Group Series	✓	✓	✓	✓
Opportunity to attend six general investor meetings per year	✓	✓	✓	✓
Opportunities to participate in industry roundtables, company welcome receptions and networking events	✓	✓	✓	✓
Company contacts included on Investor Distribution List (3)	✓	✓	✓	✓
Option to sit on a CFDC committee	✓	✓	✓	✓
Access to CFDC Market Research reports	✓	✓	✓	✓
Logo and organization information on CFDC website	✓	✓	✓	✓
Network with CEOs and public officials	✓	✓	✓	✓
Opportunities to be featured in social media and CFDC newsletter outreach	✓	✓	✓	✓

Take the next step toward shaping the future of Polk County



MICHELLE ZAMORA
Investor Relations Manager
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michelle@cfdc.org