



AGENDA

City Commission Meeting

6:00 PM – Tuesday, December 13, 2022 – City Hall

INVOCATION: Pastor Dann Ragan, Lifepointe Church

PLEDGE OF ALLEGIANCE: Scout Troop 299, Chartered by Lake Square Presbyterian Church in Leesburg

CALL TO ORDER

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

[2.1](#) Approval of Minutes

October 3, 2022 City Commission Workshop

3. PRESENTATIONS

3.1 Outgoing City Commissioner's Message - Karen LeHeup-Smith

4. APPOINTMENTS

[4.1](#) Appointment to Library Board of Trustees – Kelly Fialkowski

5. AUDIENCE TO BE HEARD

6. CONSENT AGENDA

[6.1](#) Resolution Number 22-92: New Police Patrol SUV Purchase

[6.2](#) Resolution Number 22-95: Demolition Authorization - 209 West Badger Avenue, Case 22-00041

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

[7.1](#) Resolution Number 22-90: Lake Eustis Waterfront Grille Conditional Sign

[7.2](#) Resolution Number 22-91: New Ace Hardware Conditional Sign

[7.3](#) Resolution Number 22-94: Foreclosure Authorization - 44 Sharps Circle LLC (Sharps Mobile Home Park), Case 22-00041

[7.4](#) Resolution Number 22-96: Approval of a Low-Income Household Water Assistance Program Vendor Payment Agreement

[7.5](#) Ordinance Number 22-35: Amendment to the City of Eustis Comprehensive Plan creating a Rural Residential Transitional Land Use District in The Future Land Use Element and removing Map 19 (JPA Boundary) and references.

[7.6](#) Ordinance Number 22-36: Amendment to the City of Eustis Land Development Regulations: Amending Chapter 109 Land Use Districts and Design District Overlays, Section 109-2.2 Districts Enumerated, 109-3 Land Use District Development Intensity

109.4 Use Regulations Table and Amending Chapter 110 Development Standards, Section 110-4.0. Homestead Lot, Sec. 110-4.1. Estate Lot; Sec., 110-4.2. House Lot and Adding Section 110-5.17

8. OTHER BUSINESS

9. FUTURE AGENDA ITEMS

10. COMMENTS

10.1 City Commission

10.2 City Manager

10.3 City Attorney

10.4 Mayor

11. ADJOURNMENT

This Agenda is provided to the Commission only as a guide, and in no way limits their consideration to the items contained hereon. The Commission has the sole right to determine those items they will discuss, consider, act upon, or fail to act upon. Changes or amendments to this Agenda may occur at any time prior to, or during the scheduled meeting. It is recommended that if you have an interest in the meeting, you make every attempt to attend the meeting. This Agenda is provided only as a courtesy, and such provision in no way infers or conveys that the Agenda appearing here is, or will be the Agenda considered at the meeting.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105). In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the City Clerk 48 hours prior to any meeting so arrangements can be made. Telephone (352) 483-5430 for assistance.

“Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission and the public. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.”



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Christine Halloran, City Clerk

DATE: December 13, 2022

RE: Approval of Minutes

Introduction:

This item is for consideration of the minutes for the October 3, 2022, City Commission Workshop on various topics concerning the Comprehensive Plan and land density issues.

Background:

N/A

Recommended Action:

Approval of the minutes as submitted.

Policy Implications:

None

Prepared By:

Christine Halloran, City Clerk



MINUTES

City Commission Workshop

3:00 PM – Monday, October 03, 2022 – City Hall

CALL TO ORDER: 3:03 P.M.

PRESENT:

Mayor Michael Holland, Vice Mayor Emily Lee, Commissioner Nan Cobb, Commissioner Willie Hawkins and Commissioner Karen LeHeup-Smith

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. WORKSHOP ITEM WITH DISCUSSION, PUBLIC INPUT AND DIRECTION

1.1 Various topics concerning the Comprehensive Plan and land density issues

Tom Carrino, City Manager, introduced the topics for discussion, including future land use designations and density, keeping of fowl, and Map #19.

Mike Lane, Director of Development, discussed City of Eustis Regulatory Considerations for current code and options including density, backyard chickens and Map #19. He referenced Table 1: Intensity Limitations By Land Use District indicating the land use district, density, floor area ratio, maximum building height, maximum open space within Wekiva, maximum open space outside Wekiva and maximum Impervious surface. Mr. Lane noted that the City of Eustis has thirteen land use districts with nine having density ties to them. He reviewed current density language and definitions regarding dwelling units per acre and noted that density indicates the number of dwelling units permitted per net buildable acre of land. He included the terms gross density, net density, and net buildable density. Mr. Lane reviewed the language related to the current code standards from the Land Development Regulations (LDRs) and shared an example of a recent subdivision development related to density.

The Commission asked about current code in relation to gross calculations.

The Commission asked about infrastructure constraints and net density versus gross density. Mr. Lane referenced the net buildable acreage. He noted a 25-acre subdivision is not achievable for a developer for 125 lots due to the dimensions of the lots.

Mr. Carrino noted using gross density on 25 acres could allow for a maximum of 125 lots.

Mr. Lane noted that most communities in Lake County refer to net density.

Mr. Lane asked the Commission for thoughts or direction for consideration. He commented that options include establishing a future land use map of an agricultural area to allow for 3 to 3.5 units per acre, a future land use category with a more residential category in the same range, or maintain current districts and encourage when annexing additional properties to be more agricultural or rural properties.

Mr. Carrino commented the advantage of 3 to 3.5 units per acre compared to 5 units per acre. He noted that even at 5 units per acre, due to infrastructure, it is not achievable and 3 - 3.5 units may be a more accurate reflection, depending on requirements, of what a developer may achieve with current regulations.

Mr. Lane noted the net buildable acreage in regulations as a protection for agricultural future land use, and he preferred looking at the rural residential category for options.

Commissioner Cobb commented on keeping the agricultural land use category with a specification of up to three or three and a half dwelling units per acre. Commissioners Cobb and Hawkins noted a preference for three dwelling units per acre.

Mr. Carrino noted looking at the option of rural residential and agricultural land use options.

Mr. Lane suggested looking at the rural residential option or a higher density. He noted that a comprehensive plan text amendment would need to be made.

Commissioners discussed options to move forward for rural residential or agricultural land use.

Mr. Lane commented on establishing a new category in Future Land Use which allows for an Agricultural Category that allows for up to 3 to 3.5 dwelling units per acre.

Jeff Richardson, Deputy Director of Development, commented on density bonuses and options for land use specifications.

Mr. Carrino noted the design concept options for density.

Mr. Lane commented that planning is an art not a science. He noted options for categories for developers that would allow the Commission to make decisions based on regulations for the categories. He clarified the direction to establish a rural residential category for up to three dwelling units per acre.

Mr. Carrino asked the Commission if the option to modifying an existing rural residential future land use category made the most sense.

Mr. Lane commented that the rural residential category is one unit per acre and that can remain and a new, additional category can be created to allow for agricultural and rural residential use.

Maintain the current districts but encourage the Planning staff to recommend more Agricultural districts for those properties which seek future annexations into the City.

CONSENSUS: The City Commission concluded that the best option may be to modify or create a category for housing to include 3 units per acre.

Jeff Richardson, Deputy Development Director, commented on options.

Mr. Lane noted that planning is an art not a science. He commented on the affordable housing issue related to density categories. He noted that this will likely require a modification to the Comprehensive Plan.

Mr. Lane noted some discrepancies on the map with larger parcels which should be agricultural and need modification.

Mr. Carrino noted the unintended consequences of changing classifications for homeowners. He summarized that staff will work to bring back options to the Commission for up to three dwelling units per acre (3 DUs) density.

Mr. Lane reviewed the current process for backyard chickens per the Use Regulations Use Intensity Table in the City's LDRs. He noted that to establish a new Future Land Use which allows an Agricultural Category that allows 3 to 3.5 dwelling units per acre. He commented on the processes for other areas to regulate chickens include the City Manager and City Clerk as part of the decision making for use. As part of the Conditional Use Permit process, Mr. Lane noted that the City Commission could impose strict standards and guidelines or conditions for backyard chickens if they wish or choose to. He noted that the Commission could also deny the request and prohibit the applicant from such activity. He commented that the Commission may maintain the current code and continue to require those desiring to have chickens to get a conditional use permit with an \$800 fee or allow backyard chickens in the agricultural and rural districts only. Mr. Lane introduced the idea of requiring individuals who have the chickens to permit them with the City and require them to follow a distance requirement (for the chicken coop) from their neighbors. Require those wanting chickens to get signatures/permission from their neighbors before being allowed.

Commissioners noted a preference for chickens in the agricultural and rural residential areas.

Commissioner Hawkins noted his preference for homeowners to have the option to have chickens within the guidelines and parameters within rural residential use.

Commissioner LeHeup-Smith commented on her preference to not have chickens, and in interest in rural or agricultural areas permitting chickens with a conditional use permit. She noted an interest in enforcement for the keeping of backyard chickens.

Commissioner Cobb commented on a preference for requirements and a concern for enforcement.

Vice Mayor Lee commented on the health issues associated with chickens. She noted a preference for agricultural and rural residential areas more appropriate for chickens.

Commissioner Hawkins asked about fines for monitoring and violations regarding chickens.

Mr. Carrino noted Code Enforcement's involvement in the process if there is a violation or fine which depends on whether there is a conditional use permit.

Commissioner Hawkins asked about enforcement and conditional use options.

Mr. Carrino noted options for homeowners for violations from the owners not having the chickens any longer or going through the process of a conditional use permit.

Vice Mayor Lee commented that she does not want chickens and is aware of what is needed to maintain having chickens and permitting them.

Commissioner Hawkins commented on an interest in allowing chickens within parameters, including allowing for a conditional use permit for an appropriate fee.

Commissioner Cobb commented on a preference for agricultural and rural districts.

Mr. Carrino sought clarification on whether the Commission was interested in allowing chickens by right in agricultural and rural areas only and not allowing for conditional use permits.

Commissioner LeHeup-Smith noted a preference for rural and agricultural districts for chickens and not allowing chickens in urban areas.

Mayor Holland noted the consensus for agricultural and rural districts for chickens.

Mr. Carrino noted that there is no path forward with this option for a conditional use permit.

Mr. Richardson commented on the path forward to remove the conditional use option from other categories.

Mr. Lane discussed Map #19 and Lake County's website showing the adopted future land use map that contains a different map from the City of Eustis. He discussed the proposed 2025 future land use joint planning area for the Comprehensive Plan's May #19 and noted the map references a number of locations that were low density two years ago and now are higher density - referred to as urban low density. The City of Eustis map shows low density residential at 2.5 units per acre, and the Lake County map shows 4 dwelling units per acre. Mr. Lane noted that at the staff level there is discussion about the urban boundary and not about the land uses as the boundary in the planning area is provided. Mr. Lane commented that one option is not to remove Map #19 but to replace it with the Lake County map that was adopted three years after the City map. He noted that this County map dated May 25, 2010 shows higher densities.

The Commission asked about the pro and con options for Map #19.

Commissioner LeHeup-Smith clarified that an option was to replace Map #19 with the Lake County map and make an adjustment to the comprehensive plan. She asked if a future land use map needs to be included. Mr. Lane comments that the future land use map does not need to be included and only need to show the joint planning boundary. Mr. Lane noted that the attorneys suggest removing Map #19 and the County argues that they oppose higher density, but their own map shows a higher density than the previous joint planning map shows from their GIS/mapping staff. Mr. Lane suggests that the best option is to remove Map #19.

Commissioners asked about adopting the County map in the future.

Mr. Lane noted the best option may be to remove Map #19 to avoid confusion.

Mr. Richardson noted that Map #19 is not enforceable as it is not the City's map.

Mr. Carrino noted that Map #19 is inconsistent with the City and the County's Comprehensive Plan. He noted that the options are to remove Map #19 completely and not replace or replace it with the County's current Comprehensive Plan categories which may introduce other complications.

Mr. Richardson and Mr. Carrino noted that a boundary plan map with no future land use categories could be included.

Mr. Lane cautioned on including a boundary line map which could give justification to the County regarding growth and encroachment issues in the future.

CONSENSUS: Commissioners agree that removal of the map is the best option.

The Commissioners asked about and discussions with the County about this map noted no discussions between the City and County regarding this map.

Mr. Carrino noted that the East Central Florida Regional Planning Commission is facilitating a county wide joint planning effort. He noted that the parties will need to work through diverse county planning issues to cooperatively joint plan with these different issues. He also noted that Map #19 has not come up in discussion as part of that county wide joint planning effort.

Mayor Holland asked for other comments; there being none, the Commission moved forward.

Mr. Carrino asked the Commission about scheduling a community meeting for Sharps Mobile Home Park. The Commission decided on Tuesday, October 18th at 5:30pm with attorney representation at the Commission Chambers.

Commissioner Hawkins commented on the homecoming parade at Eustis High School on October 26th at 4:00 p.m. and The Commission, Eustis Police and Fire were asked to attend.

2. ADJOURNMENT: 4:12 P.M.

**These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording of the meeting can be obtained from the office of the City Clerk for a fee.*

CHRISTINE HALLORAN
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: December 13, 2022

RE: Appointment to Library Board of Trustees – Kelly Fialkowski

Introduction:

The purpose of this report is for the City Commission to consider the appointment of Kelly Fialkowski to the Library Board of Trustees.

Background:

Ms. Fialkowski has expressed her desire to be appointed. If approved, Ms. Fialkowski's appointment will be for a full five-year term to expire on December 31, 2027.

Reference: Chapter 58 in the Code of Ordinances provides information about the Library Board of Trustees.

Recommended Action:

Staff recommends the appointment of Kelly Fialkowski to the Library Board of Trustees.

Prepared By:

Christine Halloran, City Clerk

CITY OF EUSTIS

109-A East Orange Avenue

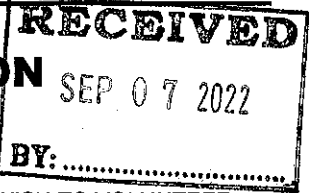
P.O. Drawer 68

Eustis, FL 32727-0068

Website – www.eustis.orgE-Mail – personnel@ci.eustis.fl.us

Phone – 352-483-5472

FAX – 352-483-0492

VOLUNTEER/COMMUNITY SERVICES APPLICATIONDate: 9/6/2022

PLEASE LIST THE TYPE OF WORK THAT INTERESTS YOU AND THE DEPARTMENT(S) WHERE YOU WISH TO VOLUNTEER

1. LIBRARY TRUSTEE 3. _____
 2. _____ 4. _____

NAME: Kelly Fialkowski Telephone #: 352-217-8872
 PRESENT ADDRESS: 4051 Brookshire Cir Eustis FL 32736
Street/P.O. Box City State Zip
 How long have you lived at this address? 2 years E-Mail Address: kmfialkowski@gmail.com

Have you filed an application here before? _____ Yes ☒ No _____ If yes, when? _____Have you ever worked for the City of Eustis? _____ Yes ☒ No _____ If yes, when? _____Are you currently employed? _____ Yes ☒ No _____ May we contact you at work? _____ Yes _____ NoWhat number can we reach or leave a message for you during the day? Phone #: 352-217-8872Are you available: _____ Full Time ☒ Part Time _____ TemporaryWhen are you able to volunteer? ☒ Nights ☒ Weekends _____ OtherDo you possess a valid Fla. Driver's License or I.D.? ☒ Yes _____ NoAre you legally eligible for employment in the United States of America? ☒ Yes _____ NoHave you ever been convicted, pled guilty or no contest to, had prosecution deferred or adjudication withheld on a felony or first degree misdemeanor in any jurisdiction? _____ Yes ☒ No _____ If yes, when: _____Explain: _____
(Nature, severity and date of offense in relation to the position for which you are volunteering are considered.)

Do you have any criminal charges pending? _____ Yes _____ No If yes, explain: _____

Are you able, physically or otherwise, to perform the job functions of the position for which you are volunteering?
☒ Yes _____ No If no, please explain: _____Please list the names of friends or relatives working for the City and their relationship to you: none

PER 051-15

EQUAL OPPORTUNITY EMPLOYER

EMPLOYMENT RECORD: Please list your four most recent employers including full, part time, temporary and volunteer positions, beginning with the most recent.

Name & Address of Organization:

Timeless Design
4 Beechwood Dr.
Landenberg, PA 19350

From 5/2016 to 3/2020
 Month/Year Month/Year

Supervisor's E-mail: katefw@timelessbykate.com

Job Title: Project Manager

Describe the work you did: Managed interior design projects working with clients and contractors to accomplish goals on time and within budget.

Reason for leaving: relocated to Florida and chose to become stay-at-home-mom

Name & Address of Organization:

Dazzle Photography
106 Chadd Rd.
Newark, DE 19711

From 9/2013 to 1/2019
 Month/Year Month/Year

Supervisor's E-mail: dan@dazzlephotography.com

Job Title: Command Center Administrator (part time)

Describe the work you did: Managed correspondence with wedding photography clients to ensure a pleasant client experience. Designed wedding albums.

Reason for leaving: the owner retired from wedding to pursue another career

Name & Address of Organization:

University of Delaware Theatre
413 Academy St. 2nd Floor
Newark, DE 19716

From 8/2008 to 5/2014
 Month/Year Month/Year

Supervisor's E-mail: shansen@udel.edu

Job Title: Graduate Fellow, later Prop Master

Describe the work you did: Worked as a technician & artisan on over 30 productions in various building capacities as graduate student. Then was hired as Prop master.

Reason for leaving: found better growth opportunities elsewhere after 6+ years

Name & Address of Organization:

The Journey Church
721 E. Chestnut Hill Rd.
Newark, DE 19713

From 1/2013 to 3/2020
 Month/Year Month/Year

Supervisor's E-mail: pastormark@yourjourney.tv

Job Title: volunteer

Describe the work you did: lead volunteer in various creative capacities

Reason for leaving: we moved in 2020

EDUCATION AND SPECIALIZED TRAINING:

Circle Highest Grade Completed

GRAMMAR AND HIGH SCHOOL:

1 2 3 4 5 6 7 8 9 10 11 12 GED

COLLEGE:

13 14 15 16

GRADUATE:

17 18 19 20

Item 4.1

Please provide your educational background including the diploma, degree or certification received, as well as any technical or specialized training:

Name of High School(s): Eustis High	City and State: Eustis, FL		
Name of College: UCF	City and State: Orlando, FL	Major: Theatre Design/Production	Degree Received: BFA
Name of Graduate School: U. of Delaware	City and State: Newark, DE	Major: Technical Theatre Production	Degree Received: MFA
Other Trade, Technical, Etc:	City and State:	Major:	Degree Received:
Foreign Language Skills:		☐ Read ☐ Write ☐ Speak	

OTHER PROFESSIONAL MEMBERSHIPS OR SKILLS:

Please list any special qualifications not covered elsewhere in this application including computer skills, such as Word & Excel; typing, including words per minute typed; and any professional or civic memberships.

1. proficient with MS Office
2. PC & Mac operating systems
3. _____
4. _____
5. _____
6. _____

REFERENCES:

Please list at least three (3) references who are not related to you. (Please provide complete addresses including Street, City, State and Zip.)

Name Kate Fitzgerald-Wilks	Phone # 484-643-0626	Name Jana Teagle	Phone # 518-222-0409
Address (Street, City, State, Zip) 4 Beechwood Dr. Landenberg, PA 19350		Address (Street, City, State, Zip) 2709 N Robino Dr. Wilmington, DE 19808	
E-mail Address katefw@timelessbykate.com		E-mail Address janateagle@hotmail.com	
Employer self	Phone # 610-255-4309	Employer Nemours Children's Hospital	Phone #
Occupation Interior Designer		Occupation Child Life Specialist	
Name Kayla Burrell	Phone # 615-624-1514	Name	Phone #
Address (Street, City, State, Zip) 3730 Holly Grove Ln. Mt. Dora, FL 32757		Address (Street, City, State, Zip)	
E-mail Address Kayla.smith333@yahoo.com		E-mail Address	
Employer stay at home mom	Phone #	Employer	Phone #
Occupation		Occupation	

HOURS AVAILABLE TO VOLUNTEER:

What days and hours are you available for work? I have a flexible schedule

CERTIFICATE OF APPLICANT:

I certify that the answers given on this application are true and complete to the best of my knowledge. I agree to inform the City of any additional information relating to questions raised on the application, which occur subsequent to my completion of the application. I realize that misrepresentation of facts or the failure to update any information relating to questions on the application may be cause for rejection of this application or dismissal from volunteer/community services.

I authorize the City of Eustis to make any inquiries it desires concerning me. I authorize schools, references and my prior employers to provide my records, reason for leaving and all other information they may have concerning me to the City of Eustis. I release the City of Eustis and all other parties from any and all liabilities or claims for any damage that may result therefrom.

I understand that this application is not and is not intended to be a contract for employment.

SIGNATURE OF APPLICANT: _____

Date: 9/6/2022**CONSENT OF PARENT OR LEGAL GUARDIAN**

(All Volunteers Under 18 Years of Age Must Have Parent or Legal Guardian Complete This Section)

I the undersigned, the parent or legal guardian of _____, choose to permit _____ to participate as a volunteer for the City of Eustis. I understand that my child's or ward's services are being offered on a voluntary basis without anticipation of any financial remuneration and I agree to the terms and conditions as stated above.

I further authorize the City to perform a fingerprint criminal history background check through state and federal law enforcement agencies and/or criminal history checks through consumer reporting agencies, who may also provide information to the City on out-of-state or nation-wide criminal histories. I understand that final approval to volunteer is contingent upon the results of the criminal history check.

Signature of Parent or Legal Guardian: _____

Date: _____

Eustis Memorial Library Board of Trustees

Members:

5 full members

Term:

5 years from date of appointment.

Vacancies:

“...shall be filled by appointment by the city commission for the unexpired term or for new terms.”

[Code Sec. 58-27. – Trustees, how appointed.]

Meetings:

4th Tuesday of January, May and September

Location:

Eustis Memorial Library Conference Room, 120 North Center Street, Eustis, FL

Membership Roster **as of 02/03/2022**

Vacant (Aja Lake Resigned)	Appt. 3/21/2019	Expires December 31, 2022
Betsy Dokken	Appt. 2/03/2022 (partial)	Expires December 31, 2023
Gwendolyn Manning	Reappt. 12/3/2020	Expires December 31, 2025
Vivian Carla Miller Mitchell	Reappt. 2/21/2019	Expires December 31, 2023
Carole Martin	Appt. 6/20/2019	Expires December 31, 2023

Chapter 58 LIBRARY¹

ARTICLE I. IN GENERAL

Secs. 58-1—58-25. Reserved.

ARTICLE II. EUSTIS MEMORIAL PUBLIC LIBRARY²

Sec. 58-26. Established.

There shall be established in the city a public library for the use and enjoyment of the citizens and residents of the city, which shall be known as the Eustis Memorial Public Library in memory of the veterans.

(Ord. No. 14-30, § 1, 12-4-2014)

Sec. 58-27. Trustees, how appointed.

There shall be appointed by the city commission five persons, citizens of the city, and these persons and their successors shall be officially known as the "Trustees of the Eustis Memorial Public Library" and shall have a right to adopt and use a common seal. The term of office of each trustee shall be five years from date of the appointment. All vacancies shall be filled by appointment by the city commission for the unexpired term or for new terms. The library trustees shall serve without pay.

(Ord. No. 14-30, § 1, 12-4-2014)

Sec. 58-28. Organization of the board of trustees.

- (a) The library trustees shall annually, in the month of January, meet in an organizational meeting to select from among themselves a president, vice-president and a secretary, and shall establish and appoint in the manner prescribed by themselves such committees from their own number as they may deem necessary to carry out the objectives and purposes for which they are appointed. The library trustees shall adopt rules of procedure that will govern the conduct of their meetings for the year. The library trustees shall establish their regularly scheduled meeting times and location, and provide for the method of calling special meetings.
- (b) The library trustees shall accept no gift or donation upon any condition that will in any manner tend to impair the public character of the library.

¹Cross reference(s)—Administration, ch. 2; streets, sidewalks and certain other public places, ch. 82.

²Editor's note(s)—Ord. No. 14-30, § 1, adopted Dec. 4, 2014, repealed Art. II, §§ 58-26—58-31, and enacted a new article as set out herein. Former Art. II pertained to similar subject matter and derived from Code 1959, §§ 14-6—14-10 and 14-13.

- (c) The director of library, or in the absence of the director a designee of the director of library, shall provide staff support to the library trustees for the performance of their duties.
- (d) All meetings of the library trustees shall have minutes taken, which minutes shall be placed in an official minute book once approved by the trustees, and shall be made available for public inspection.
- (e) The board of library trustees shall be further governed and regulated by applicable state law.

(Ord. No. 14-30, § 1, 12-4-2014)

Sec. 58-29. Duties of the trustees.

- (a) The board of trustees of the library shall be an advisory board to the city commission, making policy suggestions and recommendations to the city concerning the operations of the library.
- (b) The board of trustees of the library shall have the authority to receive and hear complaints concerning the use and operation of the library and to make recommendations to the director of library concerning resolution of legitimate complaints.
- (c) The board of trustees of the library shall have the power to review and make recommendations concerning the acceptability, and incorporation into the holdings of the library, of books, video media, and other materials donated or offered as a gift to the library. The board of trustees of the library shall have the power to accept gifts on behalf of the library, such gifts when accepted to become an asset and the property of the city.
- (d) The board of trustees of the library shall have the power to adopt rules of procedure for the conduct of their board meetings, and form committees for the carrying out of their duties and/or programs.
- (e) The board of trustees of the library shall meet to receive reports on the operations of the library from the director of the library, and to perform the business of the board of trustees. The meetings of the board of trustees of the library shall be open to the public.

(Ord. No. 14-30, § 1, 12-4-2014)

Sec. 58-30. Library use and operation rules.

The library shall maintain, under rules and regulations prescribed by the trustees with concurrence of the city, a library composed of a circulation collection, reading and study areas, public areas, and magazine, newspaper and periodical reading areas, and such other collections or areas as may be recommended and approved by the city in the future.

(Ord. No. 14-30, § 1, 12-4-2014)

Secs. 58-31—58-50. Reserved.

ARTICLE III. IMPACT FEES³

³Cross reference(s)—Law enforcement impact fees, § 2-256 et seq.; fire prevention and suppression impact fees, § 38-336 et seq.; parks and recreation impact fees, § 66-51 et seq.; water impact fees, § 94-316 et seq.; sewer impact fees, § 94-351 et seq.

Sec. 58-51. Findings.

- (a) The city is charged with providing certain levels of library service within its municipal boundaries. The public library is a proper function of the city.
- (b) The city prepares, on an annual basis, a five-year capital improvement program for a library system within the city.
- (c) In order to maintain current levels of library service, it will be necessary to expand capital facilities and equipment in relation to growth and development within the city.
- (d) The imposition of impact fees has been identified as one of the preferred methods of ensuring that development bears a proportionate share of the cost of library capital facilities and equipment necessary to accommodate such development. Allocation of a proportionate share of the capital costs for new development promotes and protects the public health, safety and welfare of the citizens of the city.
- (e) Different types of development create different impacts on library service.
- (f) The report entitled "City of Eustis Library Impact Fee Update, May 2004," prepared by Tindale-Oliver & Associates and previously submitted to the city commissioners and discussed at public workshops and hearings, sets forth a reasonable methodology and analysis for the determination of the impact of new development on the need for and costs for additional library capital facilities and equipment within the city.

(Ord. No. 91-70, § 1, 12-5-1991; Ord. No. 04-46, § 1, 9-9-2004)

Sec. 58-52. Purpose and imposition.

For the purpose of helping to pay for a portion of the costs of new or expanded library capital facilities and equipment attributable to new construction within the city limits, impact fees are hereby imposed on new construction within the city limits in accordance with the schedule of impact fees set forth in Exhibit "A" and other provisions of this article.

(Ord. No. 91-70, art. 1, § 1, 12-5-1991; Ord. No. 04-46, art. 1, § 1, 9-9-2004)

Editor's note(s)—Exhibit "A," referred to in this section, is not set out in this Code but is on file and available for inspection in the offices of the city.

Sec. 58-53. Applicability.

This article shall apply to all new construction within the city limits except the following:

- (1) Remodeling, rebuilding or making additions to a residential structure that does not add additional bedroom(s);
- (2) Construction of any public-purpose structure by the city or any agency, subdivision or instrumentality thereof; and construction of any other public-purpose structure by federal, state, or other local government with legislative exemption from such impact fee;
- (3) Construction under any valid building permit issued prior to the effective date of the ordinance from which this article is derived; and
- (4) Construction of accessory buildings not containing bedrooms.

(Ord. No. 91-70, art. 1, § 2, 12-5-1991; Ord. No. 04-46, art. 1, § 2, 9-9-2004)

Sec. 58-54. Review of fee amounts.

Library impact fees shall be reviewed and updated at least every five years in accordance with an analysis of the demand for services, the cost of any expanded or new capital facilities and equipment for library services and the money, other than impact fee revenues, otherwise available to meet such costs. The city commission may annually adjust the established impact fee rates to reflect changes in the costs of relevant capital facilities and equipment. All changes or adjustment in to the established impact fee rates shall be made by ordinance or resolution after advertising and public hearings and shall apply to construction for which building permits are issued after the effective date of such ordinance.

(Ord. No. 91-70, art. 1, § 3, 12-5-1991; Ord. No. 04-46, art. 1, § 3, 9-9-2004)

Sec. 58-55. Rates.

- (a) *Rates.* The library impact fee rates to be applied to each new development building permit are contained in Exhibit "A," City of Eustis Library Impact Fee Schedule.
- (b) *Mixed uses.* If a building permit is requested for mixed uses, then the library impact fee shall be determined by using the impact fee schedule contained in Exhibit "A" to calculate the impact fee due for each use specified on the building permit.
- (c) *Unspecified use.* It is the intent that all development requiring building permit(s) shall pay an appropriate library impact fee. If the type of development activity requiring a building permit is not specified in the impact fee schedule contained in Exhibit "A," the city manager, or his designate, shall assign the fee applicable to the most nearly comparable use or uses on in the fee schedule contained in Exhibit "A."
- (d) *Change of use or density.* In the case of a change of use or density which requires a building permit, the library impact fee shall be based on the net increase of the fee, if any, for the new land use as compared with the previous land use.

(Ord. No. 91-70, art. 1, § 4, 12-5-1991; Ord. No. 04-46, art. 1, § 4, 9-9-2004)

Editor's note(s)—Exhibit "A," referred to in this section, is not set out in this Code but is on file and available for inspection in the offices of the city.

Sec. 58-56. City of Eustis Library Capital Expansion Trust Fund.

- (a) *Created.* The City of Eustis Library Capital Expansion Trust Fund is hereby created.
- (b) *Deposit of fees.* All library impact fees collected by the city shall be separately accounted for and shall be deposited only in the City of Eustis Library Capital Expansion Impact Fee Trust Fund.
- (c) *Use of funds.* Amounts in the City of Eustis Library Capital Expansion Trust Fund shall be used only for the purpose of such fund and for no other purpose. Expenditures may not be used for operations or maintenance. Expenditures from the fund shall be specifically approved by the city commission and shall be limited to the expansion or acquisition of capital facilities or equipment made necessary by the new development construction from which the fees were collected or for principal payments (including sinking fund payments) on bonds to expand or acquire such facilities or equipment. Before authorizing an expenditure from this trust fund, the city commission shall determine that:
 - (1) Such expenditure is for capital facilities or equipment to be used for the purpose of the trust fund;
 - (2) Such expenditure is made necessary by the new residential development construction from which such funds were collected; and

- (3) Such expenditure will result in a substantial benefit to the new residential development construction from which said funds were collected.

(Ord. No. 91-70, art. 1, § 5, 12-5-1991; Ord. No. 04-46, art. 1, § 5, 9-9-2004)

Sec. 58-57. Capital expansion plans.

The city commission shall prepare and maintain a capital expansion plan for the City of Eustis Library Capital Expansion Trust Fund. These plans shall be reviewed at least annually during the budget review process.

(Ord. No. 91-70, art. 1, § 6, 12-5-1991; Ord. No. 04-46, art. 1, § 6, 9-9-2004)

Sec. 58-58. Time of payment; remedies for nonpayment.

Library impact fees shall be due and payable at the time of issuance by the city building department of a building permit or mobile home tie-down permit. No building permit or mobile home tie-down permit shall be issued until all applicable parks and recreation impact fees have been received by the city.

(Ord. No. 91-70, art. 1, § 7, 12-5-1991; Ord. No. 04-46, art. 1, § 7, 9-9-2004)

Sec. 58-59. Refund of fees paid.

- (a) If a building permit or mobile home tie-down permit expires prior to the completion of the new development project, then the fee payer, or his heirs, successors or assigns, may request a refund, less an administrative fee equal to five percent of the total fee. Such refund must be requested within 60 days after expiration of the building permit or mobile home permit.
- (b) If the library impact fees have not been spent or encumbered by the end of the calendar quarter encompassing the six-year anniversary of the date the library impact fees were paid to the city, then upon receipt of a written request for a refund from the current landowner, the city will issue a refund, including interest at the city's average pooled cash investment interest rate, to the current landowner.

(Ord. No. 04-46, art. 1, § 8, 9-9-2004)



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: November 28, 2022

SUBJECT: RESOLUTION NUMBER 22-92: APPROVAL OF PURCHASE IN EXCESS OF \$50,000 FOR POLICE VEHICLES

Introduction:

Resolution Number 22-92 approves a purchase in excess of \$50,000 for the Police Department to purchase and equip five police vehicles in accordance with the approved Fiscal Year 2022/23 Capital Budget allocation of \$259,000.00.

Recommended Action:

The administration recommends approval of Resolution Number 22-92.

Background:

The approved FY 2022/23 Capital Budget includes an allocation of \$259,000.00 for the purchase of police vehicles to maintain a cost efficient, safe, and reliable fleet.

In order to determine the fleet replacement needs, the department conducted a detailed evaluation and inspection of its fleet of police pursuit and non-police pursuit vehicles, with the assistance of the City's fleet maintenance staff. The criteria used in determining the continued serviceability of each vehicle included the following:

- Function of the vehicle, i.e. police pursuit versus non-police pursuit (administrative)
- Age of the vehicle
- Life-to-date miles/hours
- Maintenance and repair history
- Overall condition and safety
- Projected repair costs versus the salvage value of the vehicle

Based on the above criterion, the following police vehicles identified below are scheduled for removal from service:

- 2015 Chevrolet Impala Vin# 2G1WD5E31F1162532 Unit 294
- 2010 Chevrolet Impala Vin# 2G1WD5EM1A1186735 Unit 201
- 2013 Chevrolet Impala Vin# 2G1WD5E37D1250689 Unit
- 2013 Chevrolet Impala Vin# 2G1WD5E36D1252613 Unit 281 (SCRAP)
- 2009 Chevrolet Impala Vin# 2G1WB57K791323173 Unit 248
- 2012 Chevrolet Impala Vin# 2G1WD5E35C1252262 Unit 276
- 2010 Chevrolet Impala Vin# 2G1WD5EM7A1189235 Unit 207
- 2006 Chevrolet Impala Vin# 2G1WS551369378243 Unit 205

- 2007 Chevrolet Impala Vin# 2G1WS55R979321598 Unit 256
- 2014 Chevrolet Impala Vin# 2G1WD5E32E1159444 Unit 288 (scrap)
- 2004 Ford Crown Victoria Vin# 2FAFP71W54X149132 Unit 232
- 2009 Chevrolet Impala Vin#2G1WS57M191313935 Unit
- 2006 Chevrolet Impala Vin# 2G1WS551369376167 Unit 203
- 2006 Chevrolet Impala Vin# 2G1WB55K669259417 Unit 250
- 2009 Chevrolet Impala Vin#2G1WB57K591324922 Unit 264

The above vehicles removed from service should be sold at auction and the proceeds from the sale will be placed in the City's General Fund.

The Department, by means of competitive bid contract pricing in accordance with City purchasing policies and procedures shall purchase five Ford Explorer hybrid police responder marked patrol vehicles for assignment to the patrol division.

Due to recent increases in commodities; we as a government agency have had to look at ways to be efficient. Vehicle production and work force have both struggled to regain a normal pace due to the set backs of the COVID-19 Pandemic. Vehicles are selling at a premium price and the availability is extremely limited even to government entities. We have decided to purchase hybrid Patrol Explorers due to savings in fuel costs and resale values in the future. The Eustis Police Department has purchased Hybrid vehicles in the past and have credible fuel reduction costs.

The Ford Interceptor Utility vehicle is determined to be the best suited over-all choice for new vehicle marked patrol unit purchases for FY2022/23. The Ford Interceptor offers cost efficiency, competitive gas mileage, higher resale value, greater interior room, and a longer operational life span. In addition, the Ford Interceptor Utility positions the driver higher, offering greater visibility and increased crash safety features.

Budget/ Staff Impact:

The FY 2022/23 Capital Budget includes \$259,000.00 of Sales Tax Revenue for the purchase of police vehicles. This estimated purchase cost of \$259,000 will not exceed the budget allocation.

Reviewed By:

Chief Craig A. Capri, Chief of Police

Prepared By:

Captain David Carney, Investigative Services Commander

RESOLUTION NUMBER 22-92

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AUTHORIZING A PURCHASE IN EXCESS OF \$50,000 FOR THE POLICE DEPARTMENT TO PURCHASE AND EQUIP FIVE POLICE VEHICLES UTILIZING THE SALES TAX REVENUE FUNDS ALLOCATED IN THE POLICE DEPARTMENT'S APPROVED FISCAL YEAR 2022/2023 BUDGET.

WHEREAS, the City of Eustis Police Department's approved Fiscal Year 2022/23 Budget includes \$259,000.00 in Sales Tax Revenue Funds to purchase and equip five police vehicles consisting of five 2022 Ford Explorer Interceptors, marked patrol vehicles.

WHEREAS, the Police Department has determined the need to purchase and equip five police vehicles at an estimated cost of \$259,000; and

WHEREAS, the City Purchasing Policies require that the City Commission approve any purchase in excess of \$50,000;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida that the City of Eustis Police Department is hereby authorized to purchase and equip five new police vehicles at a combined estimated cost of \$259,000.00 utilizing Sales Tax Revenue Funds allocated in the Police Department's approved FY 2022/23 Budget.

DONE AND RESOLVED, this 13th day of December, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 14th day of December, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for the use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-92 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: DECEMBER 13, 2022

RE: RESOLUTION NUMBER 22-95: AUTHORIZATION TO DEMOLISH THE
STRUCTURE AT 209 WEST BADGER AVENUE
CODE ENFORCEMENT CASE #20-01203

Introduction:

Resolution Number 22-95 approves the expenditure of funds for the demolition of a structure located at 209 West Badger Avenue.

Recommended Action:

The Administration recommends approval of Resolution Number 22-95.

Board Action:

On November 8, 2021, the Eustis Code Enforcement Board issued a Demolition Order for an unsafe single-family residential dwelling located at 209 West Badger Avenue.

Case History:

On September 28, 2021, the Code Enforcement Department prepared a Statement of Violation, Notice of Hearing and Request for Demolition and served notice to the property owner and all other interested parties in accordance with the City's Demolition Policy and Procedures (adopted by the Code Enforcement Board on March 19, 2007, and approved by the City Commission on May 3, 2007).

At the November 8, 2021, Code Board Hearing, the Board took evidence and testimony under oath from the City, and gave opportunity for the property owners and all other interested parties to give evidence and testimony under oath. Based on the testimony given and relevant evidence presented, the Board found that each and every one of the major violations indicated in the Statement of Violation constitutes a public nuisance, which is a danger to the public health, safety and welfare. The Board ordered that the property owner obtain all necessary permits to repair or demolish the structure by December 8, 2021, or the City would demolish the structure.

On December 13, 2021, the Code Enforcement Board postponed their Order for 60 days after Code Board Member, Ryan Benaglio, informed them that one of the owners of the property had contacted him about purchasing it. He advised that if he is successful in

purchasing the property, he and his company would bear the full cost of demolishing the structure and cleaning up the property.

On February 14, 2022, the Board granted another 60-day postponement after Mr. Benaglio updated them on the status of his pursuit to purchase the property.

On May 9, 2022, the Code Enforcement Supervisor updated the Board and advised them that Mr. Benaglio, who was not present, was still trying to work through title issues so he could purchase the property. As a result, the Board granted another 90-day postponement, in an effort to keep the City from incurring the unknown costs of the demolition.

On September 12, 2022, the Code Supervisor advised the Board that the City will be proceeding with executing the Demolition Order because all of Mr. Benaglio's efforts to obtain a clean title to the property and close on the purchase have failed. Mr. Benaglio confirmed this, despite all his best efforts.

Afterward, the Department contracted with an environmental firm to complete an asbestos survey as required by federal law at a cost to the City of \$1,947.95. The results of the survey found some materials containing asbestos that must be removed prior to demolition.

Staff, then solicited quotes from three demolition contractors to remove the asbestos and demolish the structure. Two quotes were returned, with the highest being \$32,250 and the low bid being \$16,500.

Community Input

No adjacent property owners attended the Code Enforcement Hearings.

Budget / Staff Impact:

Approval of the Resolution would result in an expenditure of \$16,500, which will be recorded as a lien against the property. The City currently only has \$11,000 budgeted in its Fund 68, for demolitions. Since there is a budget shortfall, the Resolution also authorizes the Finance Director to increase the demolition budget account 068-1220-552-30-31 by utilizing \$9,000 of the Fund Balance Reserve to increase the account to \$20,000, as a contingency to cover any unforeseen cost overruns.

Reviewed By:

Kenneth Toler, Captain

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments:

- Staff Report
- Resolution Number 22-95

RESOLUTION NUMBER 22-95

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA APPROVING THE EXPENDITURE OF FUNDS FOR THE DEMOLITION OF AN UNSAFE STRUCTURE LOCATED AT 209 WEST BADGER AVENUE.

WHEREAS, On March 19, 2007, the City of Eustis, Florida Code Enforcement Board adopted the Demolition Policy and Procedures as a method to abate unsafe structures when the normal Code Enforcement procedures have failed or an alternative enforcement method is required, and

WHEREAS, Section 162.08 of the Florida Statutes authorizes Code Enforcement Boards to adopt rules for the conduct of its hearings and to issue orders having the force of law to command whatever steps are necessary to bring a violation into compliance; and

WHEREAS, On November 8, 2021, the Code Enforcement Board issued a Demolition Order requiring the property owner to obtain all necessary permits by December 8, 2022 to repair or demolish the unsafe structure located at 209 West Badger Avenue, legally described as:

EUSTIS, BADGER DIVISION LOTS 13, 14 BLK 92 PB 5 PG 39 ORB
5370 PG 235; and

WHEREAS, the property owner has not complied with the Code Enforcement Board's order; and

WHEREAS, the City Commission has allocated \$11,000 in the FY 22/23 Fund 68 Budget for demolitions, which will need to be increased to cover the quoted \$16,500 demolition cost; and

WHEREAS, the Finance Director has recommended increasing the demolition budget to \$20,000, as a contingency to cover any unforeseen cost overruns.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

SECTION 1

That the Code Enforcement Department is hereby authorized to expend funds from the Fund 68 demolition account for the demolition of the structure at 209 West Badger Avenue, in accordance with the Code Enforcement Board's action.

SECTION 2

The Finance Director is hereby authorized to amend the FY 2022-23 budget, utilizing the Fund Balance Reserve in the amount of \$9,000, to increase the demolition budget in account 068-1220-552-30-31 to reflect a total demolition budget of \$20,000.

DONE AND RESOLVED this 13th day of December, 2022, in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 14th day of December, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-95 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: December 13, 2022

RE: Resolution Number 22-90: Lake Eustis Waterfront Grille Conditional Sign

Introduction:

Resolution Number 22-90 approves a Conditional Sign for the Lake Eustis Waterfront Grille at 350 Lakeshore Drive (Alternate Key Number 1191181) to permit approximately 146 square feet of building signage in the Urban Neighborhood design district.

Background:

Pertinent Site Information:

- a. The site subject to this request is 350 Lakeshore Drive and comprises approximately 1.64 acres. The site is located on Lakeshore Drive adjacent to Sharps Mobile Home Park.
- b. On October 6, 2022, the petitioner to this application, filed a Sign Permit Application for two building signs totaling approximately 146 square feet.
 - One horizontal sign totaling 120 square feet (4 feet by 30 feet) and
 - One oval sign totaling 26 square feet (6.7 feet by 4.95 feet)
- c. The Sign Permit Application was reviewed by Development Services for consistency with Section 115-11.2(d)(3)(a) on October 7, 2022, and was denied approval due to being more than 2 times the approvable size.



- d. The applicant was notified of the application denial by email on October 7, 2022.
- e. The applicant applied for a Condition Sign Permit on October 26, 2022, and paid for the application on October 28, 2022.
- f. Development Services was notified on November 7, 2022, that the applicant had proceeded to install the signs without a permit and the signs were on the building.

The applicant is, requesting “after-the-fact” permission to allow building signage of approximately 146 square feet. The applicant’s justification statement is as follows: “This property is not roadside or at road level. The building sits *off* the road and is significantly below the road elevation. Additionally, coming in from the West the bridge structure is visually obstructive. While a monument sign might provide some relief, because of the bridge to the West of the entry and mobile homes to the East which have no setback there is little benefit...”

The following image shows the subject property and sign, which has been erected without a permit.



Applicable Land Development Regulations & Analysis of Request

Sec. 115-11.1. - Permits required.

(a) *Sign permits.* Prior to erecting, displaying, or replacing any sign visible from the public right-of-way, the property owner shall obtain a permit from the city building department, by providing a legal description of the property, a scaled and dimensioned drawing of the proposed sign, furnishing any information or specifications as deemed necessary, and a site plan showing all

existing signs, the proposed sign location, setbacks to the closest property lines, and by m payment of all applicable fees.

Pursuant to the Land Development Regulations, signs require separate permits. The property owner did not obtain a sign permit prior to erecting the subject signage, as of the writing of this staff report no Code Enforcement violation has been initiated.

Sec. 115-11.2(d) - Sign standards.

(3) Placement . The permitted building signs may be placed on the wall, awnings, or be a projecting sign in compliance with the following standards:

a. Building signs (wall, awning, marquee, canopy) .

1. Wall signs shall display only one surface, shall not be mounted more than 6 inches from any wall, and shall not project more than 12 inches from the building.

2. The maximum combined copy area for building signs, including any sign backgrounds, shall be as follows:

Corridor design districts: One hundred square feet per building frontage, maximum letter size 36 inches, maximum logo size 48 inches. Maximum copy area may be distributed per sign and along building elevations, as desired by the business consistent with the maximum number of signs permitted above; however, copy area per building elevation shall not exceed 100 square feet.

All other design districts: Seventy-two square feet per building frontage, maximum letter size 24 inches, maximum logo size 24 inches. Maximum copy area may be distributed per sign as desired by the business consistent with the maximum number of signs permitted above; however, copy area per building elevation shall not exceed 72 square feet.

The property is not located in a corridor design district but rather the Urban Neighborhood design district, so the sign standards for all other design districts apply. The subject signs' total copy and logo area square footage exceed the regulation that states that the sign shall have a maximum copy area of no more than 72 square feet per building frontage.

Section 115-11.5 Conditional Signs:

Permitted. Signs that are not addressed or permitted in this section may be permitted as conditional signs when there are unique situations or circumstances which require individual review of the location, size, and impact in order to determine the appropriateness of the sign on a particular site and its compatibility with adjacent uses.

Public hearing. The city commission may approve a conditional sign by resolution in a public hearing in accordance with Section 102-12.

Conditions. The city commission may attach conditions and limitations to the approval as necessary to carry out the spirit and purpose of the land development regulations and the comprehensive plan and to prevent or minimize adverse impacts. These conditions may include but are not limited to, size, duration, landscaping, and lighting.

In approving conditional signs, the city commission shall make the following findings:

- There are special circumstances and conditions peculiar to the site, the business, or the sign that are not applicable to other sites or businesses.

Comparing this subject site and sign to other similar uses within the City, there are no special circumstances or conditions peculiar to the site, business, or sign that are not applicable to other sites or businesses. The property subject to the request is located along a local street, with the pad of the primary building being lower than the crown of the adjacent street. The building height allows the sign to be installed at the driver visibility level. The building is no further back than other similar entities throughout the City. The building sitting lower than the crown of Lakeshore Drive may be considered to be an extenuating condition of the site and building, however, the sign placement provides adequate visibility for the sign. The size of the sign does not necessarily enhance that visibility. The site conditions are also not amenable to the applicant to utilize a ground sign for the business. It may be reasonable with this conditional sign to allow the applicant to apply all allowable sign copy area to the building.

- The approval does not grant any special privilege denied to other sites or businesses.

The purpose and intent of Section 115-11 of the Land Development Regulations is to, “create the legal framework for signage regulation that is intended to facilitate easy and agreeable communication between people. This Code recognizes the need for adequate business identification and advertising and communication in addition to the need to protect the safety and welfare of the public and provide a well-maintained, attractive appearance in the community.”

Other businesses within the City limits in similar design districts are subject to the same limitations as this property. Approval would potentially grant a special privilege denied to other sites and businesses and may set a perceived justification for other conditional sign approvals in the future.

- The sign is compatible with its environment and does not create any unsafe conditions or detriments to the public welfare.

The signs subject to this request would not pose any threat to public welfare or create unsafe conditions, provided that the signs have been installed in accordance with applicable code standards. If this conditional sign request is approved, the applicant will still be required to submit a building permit application and engineered drawings confirming compliance with the Florida Building Code.

Recommended Action:

Approval of the Conditional Sign Permit with conditions:

1. A maximum of 146 square feet of total signage for the property
2. Sign permits must be obtained and completed within 30 days of the approval of Resolution Number 22-90

Policy Implications:

None

Alternatives:

1. Approve Resolution Number 22-90
2. Deny Resolution Number 22-90

Budget/Staff Impact:

None

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Reviewed By:

Mike Lane, AICP, Director, Development Services

RESOLUTION NUMBER 22-90

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CONDITIONAL SIGN FOR THE EUSTIS WATERFRONT GRILLE AT 350 LAKESHORE DRIVE TO PERMIT TWO BUILDING SIGNS TOTALING 146-SQUARE FEET URBAN NEIGHBORHOOD DESIGN DISTRICT.

WHEREAS, Daniel DiVenanzo, on behalf of Lake Investment Ventures, Property Owner, has made an application requesting approval of a conditional sign on approximately 1.64 acres located at 350 Lakeshore Drive, a property more particularly described as:

Alt. Keys: 1191181

Parcel Id Nos.: 11-19-26-0200-062-00000

EUSTIS, BADGER DIVISION W 231 FT BLK 62, THAT PORTION OF SCHULTZ STREET & CITRUS AVE, BOTH BEING 66 FT R/W WITHIN SUB DESCRIBED AS FOLLOWS: BEG AT A POINT ON N R/W LINE OF CITRUS AVE 33 FT W OF SE COR OF BLK 62, RUN S TO N'LY R/W LINE OF LAKESHORE DR, THENCE SW'LY ALONG N'LY R/W LINE OF LAKESHORE DR TO E LINE OF BLK 66, THENCE N'LY ALONG E LINE OF BLK 66 TO NE COR OF SAID BLK 66, W ALONG N LINE OF BLK 66 TO SHORELINE OF LAKE EUSTIS, THENCE NE'LY ALONG SHORELINE OF LAKE EUSTIS TO A POINT ON W LINE OF BLK 62, S ALONG W LINE OF BLK 62 TO SW COR OF BLK 62, E TO POB, THAT PORTION OF BLK 66 LYING N OF N'LY R/W OF LAKESHORE DR & E OF UNNAMED CANAL & W OF THE UNIMPROVED SCHULTZ STREET PB 5 PG 39 ORB 5078 PG 1044 ORB 5126 PG 1496 ORB 5129 PG 1971

WHEREAS, the property has a Land Use Designation of Urban Residential and a Design District Designation of Urban Neighborhood; and

WHEREAS, Section 115-11.5 of the Land Development Regulations permits conditional signs when there are unique situations or circumstances; and

WHEREAS, the applicant has provided information to demonstrate special circumstances and conditions to the site, the business, or the sign that are not applicable to other businesses pursuant to Land Development Regulations Section 115-11.2; and

WHEREAS, the request for a Conditional Sign has been properly noticed for a Quasi-Judicial Hearing before the Eustis City Commission, and the City Commission has found that the presented evidence demonstrates the following:

1. There are special circumstances and conditions peculiar to the site, the business, or the sign that are not applicable to other sites or businesses.
2. The approval does not grant any special privilege denied to other sites or businesses.
3. The sign is compatible with its environment and does not create any unsafe conditions or detriments to the public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE EUSTIS CITY COMMISSION AS FOLLOWS:

Section 1: That the sign depicted on the attached "Exhibit A" is hereby approved as a conditional sign consistent with Section 115-11.5 of the Land Development Regulations.

Section 2: That this Conditional Sign approval shall be not be effective until the sign's compliance with the Florida Building Code is verified by the Building Official via issuance of a sign permit and completion of an approved inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE EUSTIS CITY COMMISSION AS FOLLOWS:

DONE AND RESOLVED this 13th day of December 2022, in a regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor-Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 14th day of December 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

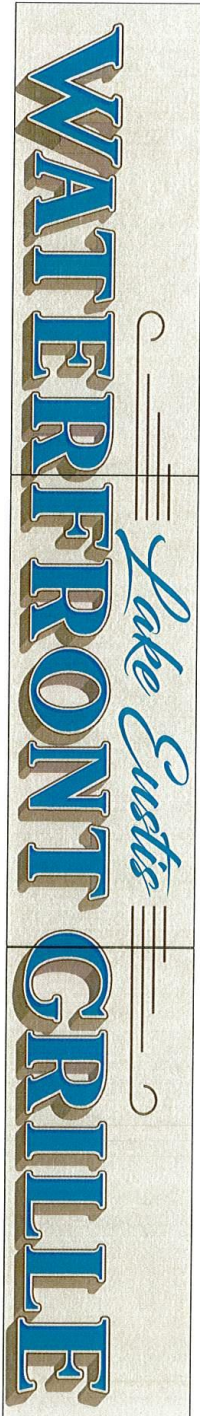
The foregoing Resolution Number 22-90 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

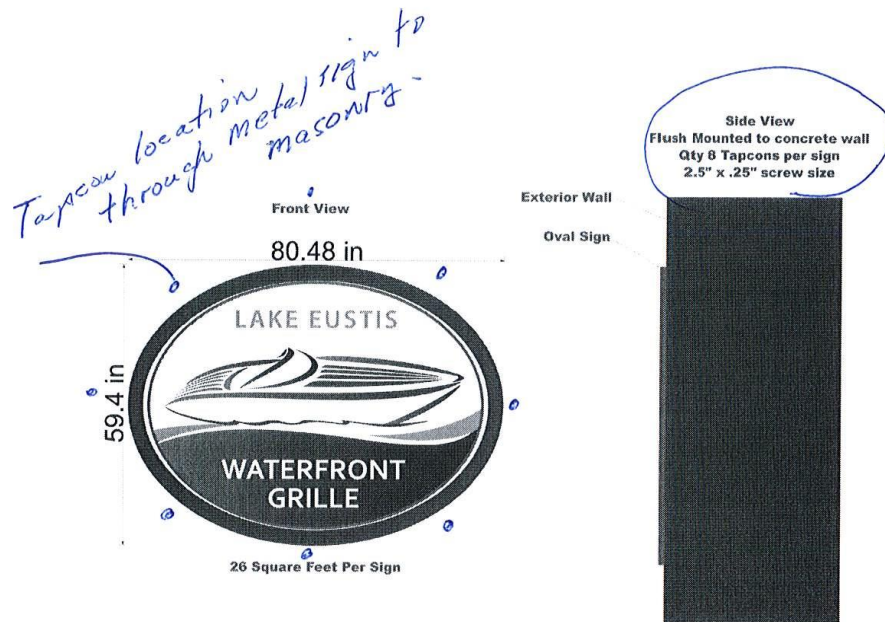
EXHIBIT A

360 Inch

48 Inch



*1/4" x 2 1/2" lag screws every 16" oc top & bottom into
2x8 wall framing.*



**HUNTER**
SIGNS & MORE

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SEPTEMBER 23, 2022
352-409-7446
HUNTERSIGNS.COM



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION
 FROM: TOM CARRINO, CITY MANAGER
 DATE: December 13, 2022
 RE: Resolution Number 22-91: New Ace Hardware Conditional Sign

Introduction:

Resolution Number 22-91 approves a Conditional Sign for Ace Hardware at 1750 N. SR 19 (Alternate Key Number 3812025) to permit a total of 181.3-square foot wall signs in the Suburban Corridor District design district that only allows a total of 100 square feet.

Recommended Action:

If the City Commission finds that the requested conditional sign meets the required findings, they have discretion to approve, or if not, to deny.

Background:

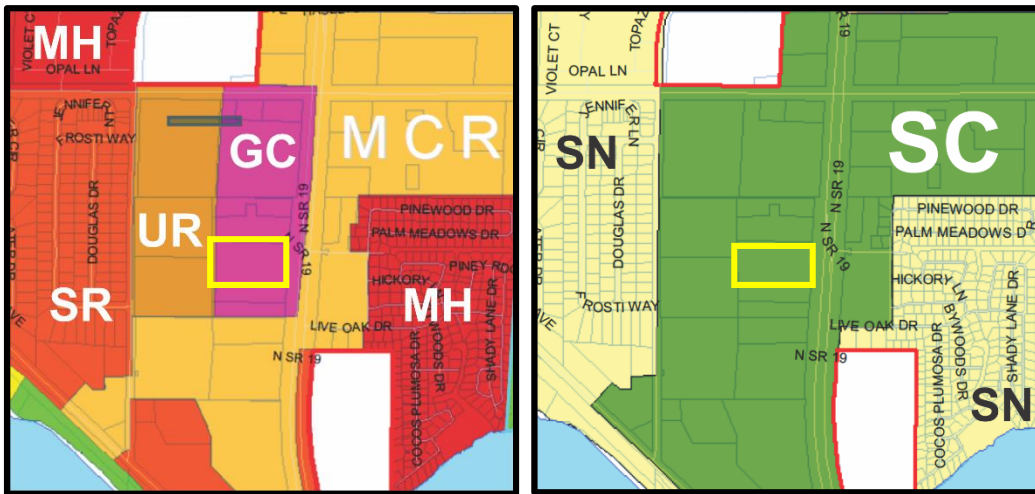
1. Pertinent Site Information:

- a. The site subject to this request is 1750 N. SR 19 and comprises approximately 3.5 acres. The site is located on the west side of N. SR 19, five (5) parcels south of the southwest side of the intersection of SR 19 and CR 44.
- b. The site and surrounding properties' land uses, design district designations, and existing uses are shown below.

	Future Land Use	Existing Use	Design District
Site	General Commercial District	Commercial	Suburban Corridor
North	General Commercial District	Commercial	Urban Center
South	General Commercial District	Commercial	Urban Corridor
East	Mixed Commercial/Residential	Vacant Commercial	Urban Center
West	Urban Residential District	Multi-Family	Urban Center

Future Land Use

Design District



Applicant's Request:

The applicant is, requesting "permission to install three (3) wall signs which total more than 180 square feet on the front of their building (along N. SR 19). In addition, the Ace logo is also proposed at 96" when the code maximum is 48" for each logo letter. The applicant's justification statement is as follows: "To provide a better sign option for the owners that can be seen from the highway by passerby traffic."

The below images show the proposed signs, which will be erected if approved.

4073 Front Lit Channel letters Flush Mounted

Corridor Design Districts
limit wall signs to only
100 s.f. per building frontage.
Maximum logo size is 48\"/>

EAST ELEVATION

Job Specifications

QUANTITY:	ONE (1)
Linear Frontage:	135.84 ft
Overall Height:	96"
Overall Width:	218"
Total Sqft:	145.33 sqft
Returns:	3" 0.040 Aluminum - Black
Backs:	3mm ACP
Trimcap:	1" Black
Face:	3/16" White Acrylic
First Surface Vinyl:	See Color Specs
Mounting Method:	Flush Mounted
Illumination:	Principal QuikMod 2
Secondary Wire Length:	6 FT
Location of Power Holes:	Middle
Access Behind the Wall:	Yes
PhotoCell:	No

ELECTRICAL NOTES

SignCrafters will make final connection to existing sign circuits when available, within 6 feet of sign which falls within the scope of ES license provided. If circuit is further than 6 feet away, SignCrafters will install a UL Approved remote transformer enclosure on the final connection point and run secondary wire to sign. If no circuit is available, customer is responsible for connecting a remote transformer or transformer for a dedicated 20 amp circuit to connect within 6 ft and have a visible meter and breaker in service panel.

Signs must have:

- A minimum of one (1) dedicated single phase 120V 20A circuit
- Junction box installed within 6 feet of sign
- Three (3) wires: Line, Ground, Neutral

180-277 Volt Electrical Load up to 5 Amps Total per Sign Circuit

Client:	Cartor's ACE Hardware
Address:	1750 N. State Rd. 19 Eustis, FL 32726
Project Manager:	Laura P / Danny M
Fabrication Advisor:	Rob Mix
Job Number:	4073

1915 Greenleaf Lane
Leesburg, FL 34748
352-323-1862
ES12001170

Customer is responsible for providing a dedicated electrical circuit within six feet of each sign location and any desired electrical timing devices.

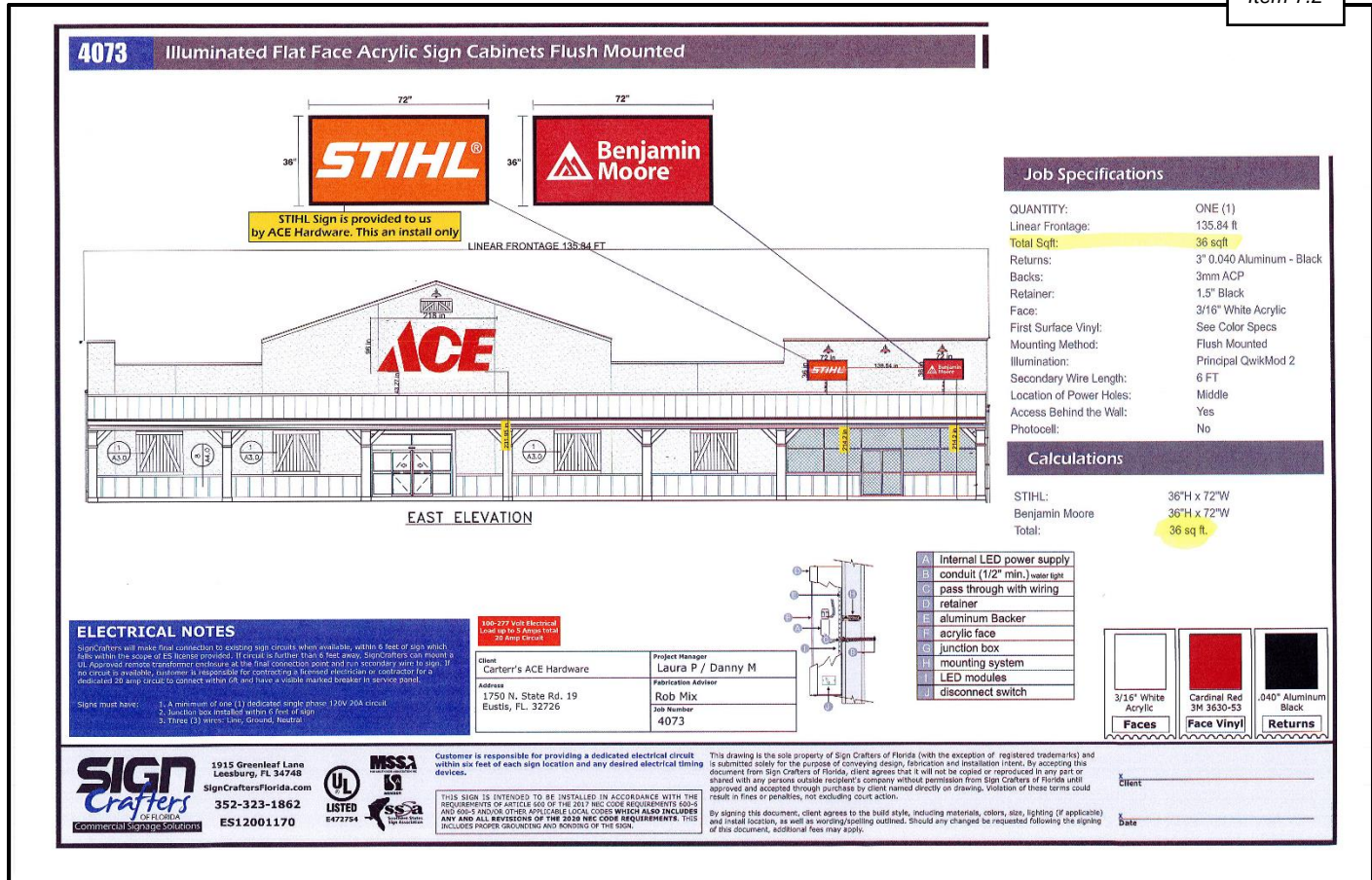
THIS SIGN IS INTENDED TO BE INSTALLED IN ACCORDANCE WITH THE REQUIREMENTS OF ARTICLE 605 OF THE 2017 IRC CODE REQUIREMENTS 605-4 AND 605-5 AND/OR OTHER APPLICABLE LOCAL CODES WHICH ALSO INCLUDES ANY AND ALL REVISIONS OF THE 2023 IRC CODE REQUIREMENTS. THIS INCLUDES PROPER GROUNDING AND BONDING OF THE SIGN.

By signing this document, client agrees to the build style, including materials, colors, size, lighting (if applicable) and install location, as well as wiring/splicing outlined. Should any changes be requested following the signing of this document, additional fees may apply.

Client: Roy C. Cartor, III

Date: 11/22

SignCrafters logo and contact information.



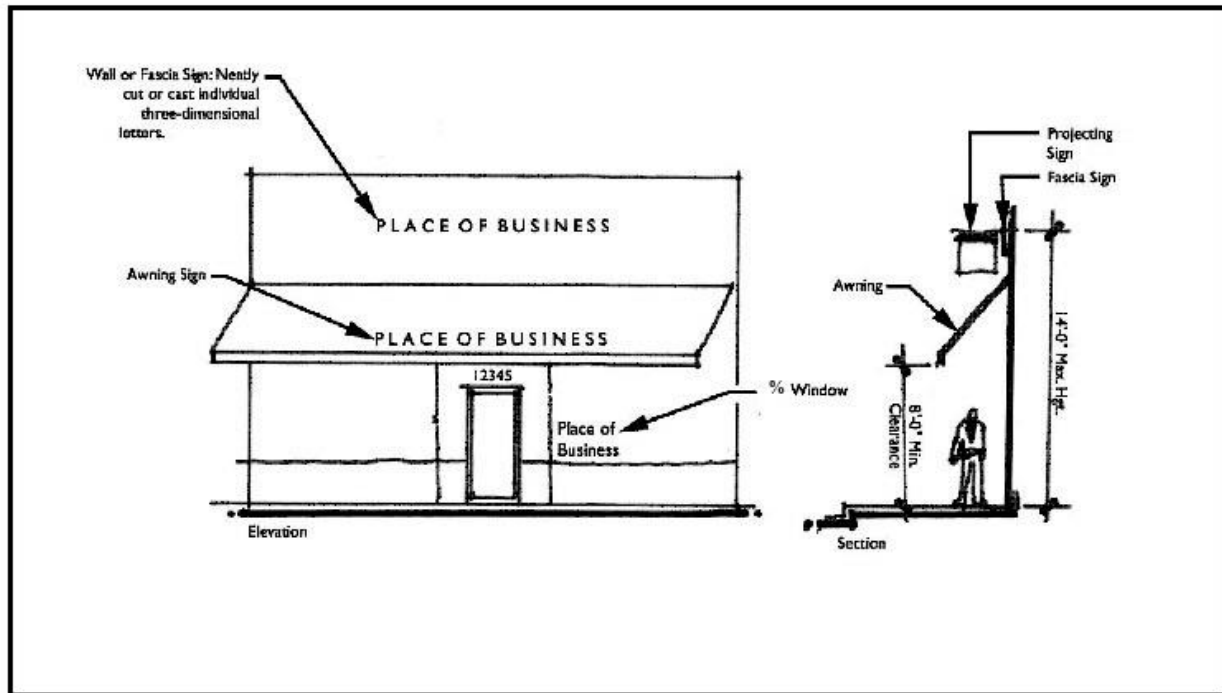
Applicable Land Development Regulations & Analysis of Request

Sec. 115-11.2(d) - Sign standards.

(d) *Building signs nonresidential uses. Building signs are permitted in commercial, industrial, mixed use, public institutional and agricultural land use districts, or on any property with an approved a conditional use permit for a nonresidential use, or on any property in a Residential land use district where an existing legally conforming or non-conforming nonresidential use exists, with the following provisions:*

- (1) Types of signs. Building signs shall be limited to wall, canopy, awning, marquee, and projecting signs.
- (2) Maximum number of signs. **In corridor districts, up to two building signs are permitted per building elevation.** In all other design districts, up to two building signs are permitted per building frontage.

Building Signs - Elevation, Plan & Section



(3) Placement . The permitted building signs may be placed on the wall, awnings, or be a projecting sign in compliance with the following standards:

a. Building signs (wall, awning, marquee, canopy) .

1. Wall signs shall display only one surface, shall not be mounted more than 6 inches from any wall, and shall not project more than 12 inches from the building.
2. The maximum combined copy area for building signs, including any sign backgrounds, shall be as follows:

Corridor design districts : **One hundred square feet per building frontage, maximum letter size 36 inches, maximum logo size 48 inches.** Maximum copy area may be distributed per sign and along building elevations as desired by the business consistent with the maximum number of signs permitted above; however, **copy area per building elevation shall not exceed 100 square feet.**

The property is located in a corridor design district (Suburban Corridor District) so the sign standards for corridor design districts apply. Generally, a maximum copy area of 100-square feet is permitted, but this property desires to have three wall signs which total more than 181 square feet. In addition, the Land Development Regulations regulates the maximum height of a logo letter to 48" when the applicant desires to have a 96" logo.

Section 115-14 (e) Structural requirements and construction standards.

All construction inspections and determinations shall be in accordance with Chapter 118, Construction Standards, of this Land Development Regulation.

A separate sign permit has been submitted for the sign. However, until the City Commission makes its determination, the application will remain open.

Section 115-11.5 Conditional Signs:

Permitted. Signs that are not addressed or permitted in this section may be permitted as conditional signs when there are unique situations or circumstances which require individual review of the location, size, and impact in order to determine the appropriateness of the sign on a particular site and its compatibility with adjacent uses.

Public hearing. The City Commission may approve a conditional sign by resolution in a public hearing in accordance with section 102-12.

Conditions. The City Commission may attach conditions and limitations to the approval as necessary to carry out the spirit and purpose of the Land Development Regulations and the Comprehensive Plan and to prevent or minimize adverse impacts. These conditions may include, but are not limited to size, duration, landscaping and lighting.

In approving conditional signs, the City Commission shall make the following findings:

There are special circumstances and conditions peculiar to the site, the business, or the sign that are not applicable to other sites or businesses.

The property subject to the request is located along N. SR 19 on the west side of the road. This is a heavily traveled, major roadway in the City. The special circumstances appear to be that the building is of significant size to warrant a larger sign than allowed by the Land Development Regulations.

The approval does not grant any special privilege denied to other sites or businesses.

The purpose and intent of Section 115-11 of the Land Development Regulations is to, “create the legal framework for signage regulation that is intended to facilitate an easy and agreeable communication between people. This Code recognizes the need for adequate business identification and advertising and communication in addition to the need to protect the safety and welfare of the public and provide a well-maintained, attractive appearance in the community.”

Approval could be perceived as a special privilege denied to other sites and businesses and could set a precedent for other conditional sign approvals in the future.

The sign is compatible with its environment and does not create any unsafe conditions or detriments to the public welfare.

If this conditional sign request is approved, the applicant's building permit application will be approved. However, it will still require approval of the engineered drawings by the Building Official confirming compliance with the Florida Building Code.

Community Input

The Department has notified adjacent property owners, advertised the resolution, and the applicant posted the site. There has been no community contact regarding the notice as of the writing of this report. The community will have an opportunity for additional input at the meeting.

Budget / Staff Impact:

There is no budget or staff impact associated with this resolution, beyond regular review time.

Alternatives:

1. Approve Resolution Number 22-91
2. Deny Resolution Number 22-91

Discussion of Alternatives:

1. Alternative 1 approves the resolution.

Advantages:

- The applicant could move forward with obtaining sign permit approval for the installation of the signs.

Disadvantages:

- A precedent could be set for approving other conditional signs in the future.

2. Alternative 2 denies the resolution.

Advantages:

- A precedent would not be set for other conditional sign approvals in the future.

Disadvantages:

- The applicant would need to redesign the signs to meet the size and height limitations.

Prepared By: Mike Lane, Development Services Director

Attachments:

- Resolution No. 22-91 with Exhibit A (Signs)

RESOLUTION NUMBER 22-91

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CONDITIONAL SIGN FOR ACE HARDWARE AT 1750 N. S.R. 19 TO PERMIT THREE BUILDING SIGNS TOTALING 181.3-SQUARE FEET SUBURBAN CORRIDOR DESIGN DISTRICT, AS GREATER SIGNAGE AMOUNT THAN PERMITTED BY LAND DEVELOPMENT REGULATIONS SECTION 115-11.2(D).

WHEREAS, SignCrafters of Central Florida, on behalf of Carters Enterprises, LLC, Property Owner, has made an application requesting approval of a conditional sign on approximately 3.57 acres located at 1750 N. S.R. 19, property more particularly described as:

Alt. Keys: 3812025

Parcel Id Nos.: 02-19-26-0002-000-05700

FROM SW COR OF GOV LOT 4 RUN E 608.3 FT, N 1DEG 02MIN W 381.36 FT, N 87DEG 01MIN E 425.81 FT TO W'LY R/W LINE OF SR 19, N 02DEG 46MIN 35SEC E ALONG SAID W'LY R/W LINE 689.17 FT FOR POB, RUN S 89DEG 15MIN 38SEC W 522.35 FT, S 00DEG 35MIN 41SEC E 300 FT, N 89DEG 11MIN 47SEC E 504.71 FT TO W'LY R/W LINE OF SR 19, N 02DEG 46MIN 35SEC E ALONG SAID W'LY R/W LINE 300 FT TO POB ORB 5845 PGS 1822 1824

WHEREAS, the property has a Land Use Designation of Suburban Residential and a Design District Designation of Suburban Corridor; and

WHEREAS, Section 115-11.5 of the Land Development Regulations permits conditional signs when there are unique situations or circumstances; and

WHEREAS, the applicant has provided information to demonstrate special circumstances and conditions to the site, the business, or the sign that are not applicable to other businesses pursuant to Land Development Regulations Section 115-11.2; and

WHEREAS, the request for a Conditional Sign has been properly noticed for a Quasi-Judicial Hearing before the Eustis City Commission, and the City Commission has found that the presented evidence demonstrates the following:

1. There are special circumstances and conditions peculiar to the site, the business, or the sign that are not applicable to other sites or businesses.
2. The approval does not grant any special privilege denied to other sites or businesses.
3. The sign is compatible with its environment and does not create any unsafe conditions or detriments to the public welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE EUSTIS CITY COMMISSION AS FOLLOWS:

Section 1: That the sign depicted on the attached "Exhibit A" is hereby approved as a

conditional sign consistent with Section 115-11.5 of the Land Development Regulations.

Section 2: That this Conditional Sign approval shall not be effective until the sign's compliance with the Florida Building Code is verified by the Building Official via issuance of a sign permit and completion of an approved inspection.

NOW, THEREFORE, BE IT RESOLVED BY THE EUSTIS CITY COMMISSION AS FOLLOWS:

DONE AND RESOLVED this 13th day of December 2022, in regular session of the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor-Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 14th day of December 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-91 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

EXHIBIT A

Resolution Number 22-91
Conditional Sign – Ace Hardware
Page 4 of 5



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: DECEMBER 13, 2022

RE: RESOLUTION NUMBER 22-94: FORECLOSURE AUTHORIZATION
44 SHARPS CIRCLE LLC (SHARPS MOBILE HOME PARK)
CASE NUMBER 22-00041

Introduction

Resolution Number 22-94 of the City Commission approves a Code Enforcement Board action authorizing the City Attorney to foreclose on an unpaid code lien recorded against 44 Sharps Circle LLC.

Recommended Action

The administration recommends approval of Resolution Number 22-94.

Background

Code Board Action:

On November 14, 2022, the Eustis Code Enforcement Board authorized the City Attorney to begin foreclosure action on an unpaid code enforcement lien associated with Case 22-0004,1 totaling \$143,365 against 44 Sharps Circle, owned by 44 Sharps Circle LLC.

Case History:

On January 19, 2022, the Code Department received a minimum housing complaint from Donna Manning, the tenant occupying 26 Sharps Circle, located within Sharps Mobile Home Park.

On January 31, 2022, the mobile home was inspected and the following minimum housing code violations were identified:

- Driveway on the back side of the mobile home has not been kept in a proper state of repair, maintained free from hazardous conditions where it connects with the paved street.
- Stairs that are used to access both sides of the attached porch are not properly anchored to the structure.
- Some of the windows in the mobile home have not been kept in sound condition,

good repair, and weather tight. One of the windows in the living room has been screwed shut and cannot be opened.

- Flooring in the living room and kitchen area has not been maintained in sound condition and good repair. Floor gives (spongey) when stepped or stood on in some areas, more so directly in front of the kitchen sink.
- No heating facilities
- Electrical wiring that runs from the electric meter to the mobile home has not been properly installed (exposed wires).
- Light fixture inside bedroom closet is missing its cover.
- Smoke detector in bedroom is defective (does not function).

On February 16, 2022, the Department issued a Correction Notice requiring the following corrective actions by March 16, 2022. It was mailed and email to the Corporations Registered Agent, Hansel Rodriguez:

- Repair the driveway and eliminate any trip hazards where the driveway connects to the paved street.
- Anchor the stairs to the structure so they do not move when in use.
- Remove the screws from the window in the living room and ensure that it can stay secure with its own hardware; and
- Repair any windows that are missing hardware and are unable to be cranked open or closed; or
- Replace the windows with a window of the same size in accordance with guidelines established by the Florida Department of Highway Safety and Motor Vehicles (MHS-24 Mobile/Manufactured Home Repair and Remodeling).
- Replace any defective or deteriorated floor decking.
- Obtain a permit from the City of Eustis Building Department to install heating facilities capable of maintaining a room temperature of 68 degrees F in all habitable rooms, bathrooms and toilet rooms.

Note: The installation of one or more portable space heaters shall not be used to achieve compliance with this section.

- Encase the electrical wiring that is running into the mobile home from the electric meter in conduit/tubing (or other approved means) to protect it from physical damage in accordance with Section 334-14(b) of the National Electric Code; and
- Replace the missing light fixture cover, or replace the fixture.
- Repair or replace the smoke detector and ensure that all fire protection and life safety systems are maintained in accordance with the Florida Fire Prevention Code.

On March 16, 2022, a Notice of Repeat Violation/Hearing (NOV) was issued. It was mailed certified to the Hansel Rodriguez at 28 West Flagler Street, Ste 909, Miami, FL. In addition to mailing, it was posted on the Park Manager's office door and emailed to Mr.

Rodriguez and Jay Eben, Director of Operations. The Notice required compliance by April 4, 2022, or the Case would go before the Code Enforcement Board on April 11, 2022

On March 17, 2022, Jay Eben confirmed receipt of the NOV and reported that the violations involving the defective smoke detector and loose stairs had been corrected, which was confirmed by Eric Martin, Code Enforcement Supervisor.

On March 18, 2022, Shawn D. Arbeiter Esq., the property owner's Attorney, contacted the Code Department requesting a renewed NOV be issued with a later compliance date, which was approved.

On March 24, 2022, a Revised Notice of Repeat Violation/Hearing was issued requiring compliance by May 2, 2022, or the Case would go before the Code Enforcement Board on May 9, 2022. It was also emailed to Mr. Arbeiter and Mr. Eben the following day.

On May 9, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by June 8, 2022, or a daily fine of \$500 would be imposed retroactive to January 31, 2022, in accordance with Florida Statutes regarding fines for repeat violations. Allie Morales, Park Manager, attended the Hearing and testified that work was scheduled to begin on May 11, 2022, and she was confident that all the violations will be taken care of.

On May 11, 2022, a copy of the Order was mailed to the property owner at an updated mailing address in Lapeer, MI and Hansel Rodriguez.

On June 16, 2022, a Notice of Non-Compliance and Notice of Hearing for Certification of Non-Compliance and Assessment of Fine was mailed to the property owner and Hansel Rodriguez.

On July 11, 2022, Eric Martin informed the Code Enforcement Board of the non-compliance, and the Board voted to certify the previously imposed fine of \$500 per day retroactive to January 31, 2022. No Representatives from 44 Sharps Circle LLC attended the Hearing.

On July 20, 2022, the Order Imposing Fine was mailed to the property owner and Hansel Rodriguez, which was recorded in public record as a lien against the property on August 10, 2022. Per F.S. 162.09(3), the enforcement board may authorize the local governing body to foreclose on the unpaid lien, or to sue to recover a money judgment for the amount of the lien after 3 months from filing. This lien qualified for foreclosure effective, November 8, 2022.

On October 27, 2022, it was determined that the only unresolved housing code violation remaining was the lack of heating facilities.

On November 14, 2022, Donna Manning notified the Department that she had been evicted and that she had moved out of the mobile home. This was the same day the Code Enforcement Board authorized the foreclosure.

During the Hearing, Mr. Martin informed the Board that the tenant had moved out and obtained confirmation from the City Attorney that the fines will no longer accrue unless a new tenant is placed in the mobile home. Jay Eben was present and advised the Board

that the home will no longer be a rental, and there will be no rental units in the Park ever again.

Other Code Violations

Case 22-00528

Violation: 6x6 power pole next to unit #17 is showing signs that it is in danger of falling over. It is currently being held up with a piece of 2x4 lumber.

On July 11, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by July 16, 2022, or a daily fine of \$250.

On August 8, 2022, the Board voted to certify the previously imposed fine of \$250 per day and a lien was recorded in public record on September 7, 2022. Daily fines have accrued to \$16,750 and the lien will qualify for foreclosure on December 6, 2022.

On September 27, 2022, it was noted that the pole had been replaced and is no longer in danger of falling over. Daily fines accrued to \$18,000. Pole was replaced without a permit. See Case 22-00858.

Case 22-00858

Violations:

- 1) Power pole next to unit #17 replaced without a permit.
- 2) Existing electrical equipment not re-attached to the new pole in a workmanlike manner (e.g. the conduit was stretched, strained and damaged while forcing it to the new pole location).

On October 21, 2022, a Notice of Violation/Hearing was issued requiring a permit be obtained, and once obtained, reroute, replace and/or repair any stretched, strained or damaged conduit by December 5, 2022, or the Case would go before the Code Enforcement Board on December 12, 2022.

Property failed inspection on November 21, 2022. No permit obtained and there has been no change in condition.

Case 22-00532

Repeat Violation: The mobile home park's roads and driveways and similar areas have not been kept in a proper state of repair and maintained free from hazardous conditions.

On August 8, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by September 7, 2022, or a daily fine of \$500 would be imposed retroactive to July 5, 2022.

On October 10, 2022, the Board voted to certify the previously imposed fine of \$500 per day, and a lien was recorded in public record on November 4, 2022. Daily fines have accrued to \$80,500, and the lien will qualify for foreclosure on February 2, 2023.

Case 22-00913

Repeat Violation: Electrical equipment and wiring for power pole that services units 216 and 218 has not been properly installed and maintained in a safe and approved manner.

On November 14, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by December 14, 2022, or a daily fine of \$500 would be imposed retroactive to October 19, 2022.

Case 22-00914

Repeat Violation: Power pole that services units 209 and 215 is in danger of falling over and is currently being held up by an orange ratchet strap.

On November 14, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the following corrective actions, or a daily fine of \$500 would be imposed retroactive to October 19, 2022:

- Stabilize and secure the power pole so it stands vertical without assistance by November 24, 2022, and;
- Provide a letter, or report from an Engineer certifying the proper install and safety of the pole by December 14, 2022.

On November 21, 2022, a building permit was obtained to replace the electrical equipment that attaches to the pole and a building inspector passed the inspection on the same day.

On November 28, 2022, the pole was inspected, it is still leaning but is now stable and does not appear in danger of falling over.

On December 1, 2022, Mr. Martin met onsite with Jay Eben, who advised that the required report is pending.

Case 22-00918

Repeat Violation: Electrical equipment for power pole that possibly services unit 213 has not been properly maintained in a safe and approved manner.

On November 14, 2022, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by November 24, 2022, or a daily fine of \$500 would be imposed retroactive to October 19, 2022.

On November 28, 2022, it was noted that the electrical equipment had not been secured to the pole, as required.

On November 29, 2022, an Affidavit of Non-Compliance and Notice of Hearing for certification of the previously imposed fine scheduled for December 12, 2022. It was emailed to Hansel Rodriguez and Jay Eben. Mr. Eben responded stating that they had an invoice from their electrician with notations that the conditions had been corrected. Shortly thereafter, he submitted a letter from their electrician, Heavenly Enterprises, LLC, stating their invoice noted the matter was corrected on November 15, 2022, but upon further review it was determined that the work was not actually completed, but it has been as of today.

On November 30, 2022, the electrical equipment passed inspection, 5 days past the date order by the Board, resulting in a total accrued fine of \$21,000.

On December 1, 2022, an Affidavit of Compliance was mailed to the property owner, and emailed to Hansel Rodriguez and Jay Eben. It included an application for reduction of fine with a submittal deadline of 5:00 p.m. Tuesday, December 6, 2022. In response, Mr. Eban submitted an Invoice dated November 15, 2022 his company received from their electrician, reporting the matter was resolved.

Community Input

This case is a direct result of a tenant complaint. There have also been multiple complaints received by City Staff and Commissioners from Park Residents regarding the current management and maintenance of the Sharps Mobile Home Park.

Budget / Staff Impact:

If the Commission approves the Resolution, legal expenses could exceed \$10,000. There could be potential for revenue collected as part of the foreclosure on the lien.

Reviewed By:

Kenneth Toler, Captain

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution Number 22-94

RESOLUTION NUMBER 22-94

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CODE ENFORCEMENT BOARD ACTION TO AUTHORIZE THE CITY ATTORNEY TO FORECLOSE ON AN OUTSTANDING CODE ENFORCEMENT LIEN RECORDED AGAINST 44 SHARPS CIRCLE LLC.

WHEREAS, the City of Eustis, Florida established code enforcement fines against the following described property, and upon any other real or personal property under Case No. 22-00041 against 44 Sharps Circle LLC, property owners, for failing to comply with City Ordinances:

EUSTIS, BADGER DIVISION BLK 61, E 33 FT OF BLK 62 (SEE EXHIBIT A FOR FULL LEGAL DESCRIPTION); and

WHEREAS, the City of Eustis, Florida, a Florida municipal Corporation, recorded a Code Enforcement Lien against the subject property and an additional property described as follows in accordance with Florida Statutes Section 162.09(3) on the 10th day of August, 2022, in Official Record Book 6006, Pages 1977, in the office of the Clerk of the Circuit Court, Lake County, State of Florida; and

EUSTIS, BADGER DIVISION BLK 68, W 1/2 OF CLOSED TITCOMB ST LYING E OF BLK 68, E 1/2 OF CLOSED SMITH STREET LYING W OF BLK 68, N 1/2 OF CLOSED PINEAPPLE AVE W BY CENTERLINE OF SMITH STREET & E BY CENTERLINE OF TITCOMB STREET PB 5 PG 39 ORB 5238 PG 1256; and

WHEREAS, Section 162.09 of Florida Statutes, adopted by reference into the City Code of Ordinances, states that the Code Enforcement Board may authorize the City Attorney to foreclose on the lien three months after filing; and

WHEREAS, it has been more than three months since the filing of such lien; and

WHEREAS, the Code Enforcement Board approved a motion on November 14, 2022 authorizing the City Attorney to foreclose on the lien; and

WHEREAS, the property in question is not known to have homestead protection status under Florida Constitution, Article X, Section 4;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, that the City Attorney is hereby authorized to foreclose on the unpaid Code Enforcement Lien recorded against the following described properties, in accordance with the Code Enforcement Board's action:

EUSTIS, BADGER DIVISION BLK 61, E 33 FT OF BLK 62 (SEE EXHIBIT A FOR FULL LEGAL DESCRIPTION); and

EUSTIS, BADGER DIVISION BLK 68, W 1/2 OF CLOSED TITCOMB ST LYING
E OF BLK 68, E 1/2 OF CLOSED SMITH STREET LYING W OF BLK 68, N 1/2
OF CLOSED PINEAPPLE AVE W BY CENTERLINE OF SMITH STREET & E
BY CENTERLINE OF TITCOMB STREET PB 5 PG 39 ORB 5238 PG 1256

DONE AND RESOLVED this 13th day of December, 2022, in regular session of
the City Commission of the City of Eustis, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 14th day of December, 2022, by
Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial No:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content, but I have not performed an
independent Title examination as to the accuracy of the Legal Description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution No. 22-94 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

EXHIBIT A

EUSTIS, BADGER DIVISION BLK 61, E 33 FT OF BLK 62, THAT PART OF VACATED SMITH STREET LYING BETWEEN N'LY R/W LINE OF LAKESHORE DR & LAKE EUSTIS & BOUNDED BY BLKS 61 & 62, THAT PART OF TITCOMB STREET LYING BETWEEN N'LY R/W LINE OF LAKESHORE DR & LAKE EUSTIS & BOUNDED BY BLK 61 BADGER DIVISION & BLK 58 IN TOWN OF EUSTIS PB 1 PG 79, THAT PART OF MORIN STREET LYING BETWEEN N'LY R/W LINE OF LAKESHORE DR & WEST ORANGE AVE & BOUNDED BY BLKS 58 & 59 PLAT EUSTIS PB 1 PG 79, ALLEY RUNNING NORTH & SOUTH BLK 58 & BLK 58, BLK 59 LYING W OF RR R/W IN TOWN OF EUSTIS--LESS FROM INTERSECTION OF CENTERLINE OF CITRUS AVE & BAY STREET RUN W ALONG SAID CENTERLINE OF CITRUS AVE & BAY STREET RUN W ALONG SAID CENTERLINE OF CTRUS AVE 648.18 FT, N 0-09-30 W 33 FT FOR POB, CONT N 0-09-30 W 123.71 FT, N 89-33-0 E 250.29 FT, N 28-04-0 E 82.98 FT, N 89-46-0 E 131.20 FT, S'LY & SW'LY ALONG W R/W LINE OF RR R/W TO N LINE OF CITRUS AVE, W ALONG N'LY R/W LINE TO POB & LESS LOTS 15 & 16 BLK 59 & LESS E 33 FT OF N 66 FT OF STREET ON WEST--BEG AT INTERSECTION OF CENTER OF ORANGE AVE & PREVIOUSLY CLOSED MORIN STREETS, RUN W 51 FT, S TO N LINE OF BLK 58 EUSTIS SUB, E TO A POINT S OF POB, N TO POB, AND EUSTIS PB 1 PG 79 FROM THE INTERSECTION OF THE CENTERLINE OF CITRUS AVE & BAY STREET RUN WEST ALONG SAID CENTERLINE OF CITRUS AVE 648.18 FEET, NORTH 00-09-30 WEST 33 FEET FOR THE POINT OF BEGINNING, RUN NORTH 00-09-30 WEST 123.71 FEET, NORTH 89-33-00 EAST 250.29 FEET, NORTH 28-04-00 EAST 82.98 FEET, NORTH 89-46-0 EAST 131.2 FEET, SOUTHERLY & SOUTHWESTERLY ALONG THE WEST RIGHT OF WAY LINE OF RAILROAD TO THE NORTH LINE OF CITRUS AVE, WEST ALONG THE NORTHERLY RIGHT OF WAY LINE TO THE POINT OF BEGINNING, BEING A PART OF BLKS 58 & 59 AND PART OF VACATED ST & ALLEY ORB 5238 PG 1256

EXHIBIT B

EUSTIS, BADGER DIVISION BLK 68, W 1/2 OF CLOSED TITCOMB ST LYING E OF BLK 68, E 1/2 OF CLOSED SMITH STREET LYING W OF BLK 68, N 1/2 OF CLOSED PINEAPPLE AVE W BY CENTERLINE OF SMITH STREET & E BY CENTERLINE OF TITCOMB STREET PB 5 PG 39 ORB 5238 PG 1256



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: December 13, 2022

RE: Resolution Number 22-96: Approval of a Low-Income Household Water Assistance Program Vendor Payment Agreement

Introduction:

Resolution Number 22-96 authorizes the City Manager to execute an agreement with Lake Community Action Agency (LCAA) to receive payments as part of a federally funded Low-Income Household Water Assistance Program (LIHWAP).

Background:

The LCAA has received federal funds to assist low income households with costs related to water and wastewater service. As a water and wastewater service provider, the City of Eustis must enter into a vendor agreement to accept payments as part of the program.

The City's responsibilities under the agreement include providing vendor (City) information, designating a primary point of contact, reviewing for any conflicts of interest, providing account data for potential program participants, and providing service to LIHWAP customers consistent with services provided to all customers.

Recommended Action:

Staff recommends approval of Resolution Number 22-96.

Community Input:

There will be an opportunity for community input when this item is considered on December 13.

Budget/Staff Impact:

Through this program, the City will receive payments for past due utility balances. The exact amount cannot be calculated at this time.

Prepared By:

Tom Carrino

Attachments:

Resolution Number 22-96 with attached agreement

RESOLUTION NUMBER 22-96

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING A LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM VENDOR PAYMENT AGREEMENT BETWEEN THE CITY OF EUSTIS AND THE LAKE COMMUNITY ACTION AGENCY, INC.; AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AGREEMENT AND ALL OTHER DOCUMENTS ASSOCIATED THEREWITH.

WHEREAS, the Lake Community Action Agency (LCAA) has received federal funds to assist low-income households with water and wastewater services; and

WHEREAS, the City of Eustis is a water and wastewater service provider; and

WHEREAS, in order to participate in the program, the City of Eustis must enter into a vendor payment agreement; and

WHEREAS, it has been determined that participating in the program is in the best interest of the City and the citizens of Eustis; and

WHEREAS, the City Commission wishes to authorize and designate the City Manager to act as its agent to execute the Agreement.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, as follows:

1. That the Low-Income Household Water Assistance Program Vendor Payment Agreement between the City of Eustis and the Lake Community Action Agency, Inc. is hereby approved.
2. That the City Manager is hereby authorized to execute the Agreement as presented and all other documents associated therewith.

DONE AND RESOLVED, this 13rd day of December, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 14th day of December, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public- State of Florida
My Commission Expires:
Notary Serial No.:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-96 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

LOW-INCOME HOUSEHOLD WATER ASSISTANCE PROGRAM
VENDOR PAYMENT AGREEMENT
WITH

Lake Community Action Agency, Inc.

501 North Bay Street

Eustis, FL 32726

(352) 357-5550

&

WATER UTILITY PROVIDER

City of Eustis

10 S. Eustis Street

Eustis, FL 32726

(352) 589- 4333

The undersigned home water supplier (“**City of Eustis**”) and **Lake Community Action Agency, Inc.** hereby agree to and entered into this Agreement to receive vendor payments from the Low-Income Household Water Assistance Program (LIHWAP)(“Agreement”).

This Agreement (“Agreement”) shall govern the purchase of water services from the Vendor on behalf of households eligible for the Low-Income Household Water Assistance Program (LIHWAP). As set by Term Eleven in the supplemental terms and conditions, Federal funds awarded under this grant shall be used as part of an overall emergency effort to prevent, prepare for, and respond to the coronavirus, with the public health focus of ensuring that low-income households have access to drinking water and wastewater services. The funds will be used to cover and/or reduce arrearages, rates and fees associated with reconnection or preventions of disconnection of service, and rate reduction to eligible households for such services. This Agreement is a contract between the LIHWAP Subgrantee and [WATER UTILITY AGENCY](“**City of Eustis**”) for the provision of water bill payments to assist low-income households with water and wastewater reconnection and ongoing services.

The parties acknowledge that this Agreement and the services provided by the Vendor are governed by and subject to the federal and state laws and regulations in accordance with the Low Income Household Water Assistance Program supplemental terms and conditions.

NOW, THEREFORE, in consideration of the foregoing recital which is incorporated herein by reference, and other specific consideration set forth in this Agreement, the receipt and sufficiency of which is acknowledged by the Vendor and Subgrantee, the parties agree and stipulate as follows:

1. Purpose

This Agreement (“Agreement”) shall govern the purchase of water services from the Vendor on behalf of households eligible for the Low-Income Household Water Assistance Program (LIHWAP). As set by Term Eleven in the supplemental terms and conditions, Federal funds awarded under this grant shall be used as part of an overall emergency effort to prevent, prepare for, and respond to the COVID-19 pandemic, with the public health focus of ensuring that low-income households have access to drinking water and wastewater services. The funds will be used to cover and/or reduce arrearages, rates and fees associated with reconnection or preventions of disconnection of service, and rate reduction to eligible households for such services. This Agreement is a contract between the [AGENCY ADMINISTERING LIHWAP], (“**Lake Community Action Agency, Inc.**”), and the [WATER UTILITY AGENCY OR OVERSEEING GOVERNMENTAL BODY] (“**City of Eustis**”) for the provision of water bill payments to assist low-income households with water and wastewater reconnection and ongoing services.

The parties acknowledge that this Agreement and the services provided by the Vendor are governed by and subject to the federal and state laws and regulations in accordance with the Low Income Household Water Assistance Program supplemental terms and conditions.

2. Term of Agreement

This Agreement will begin on December 13, 2022 and end on September 30, 2023. The Agreement will be reviewed/renewed no later than September 30, 2023

3. Modifications of Agreement

Any and all modifications to this Agreement shall be in writing and agreed upon by both parties.

4. Termination of Agreement

If the Agency determines that the Vendor is not in compliance with the terms of this Agreement, the Agency will notify the Vendor in writing of specific compliance issues. The Vendor will have ten calendar days to cure any compliance issues. If compliance issues are not cured by the Vendor within ten calendar days of notification, the Agency may terminate this agreement. The Vendor will be notified within 15 calendar days of the termination.

Either the Agency or the Vendor may terminate this Agreement with or without cause and without cost by giving the other party at least 60 calendar days written notice. Termination by either party shall not discharge any obligation owed by either party on behalf of the household that has been awarded the benefit.

5. Agency Responsibilities

The Agency will:

- a. Provide outreach activities in an equitable manner to ensure notification of program is given to the potentially eligible households.
- b. Screen for low-income households—particularly those with the lowest incomes—that pay a high proportion of household income for drinking water and wastewater services.
- c. Based on established criteria, determine household eligibility for LIHWAP based on the State/Territory or Tribal approved Grantee Plan in a timely manner.
- d. Accept referrals for LIHWAP benefits by the Vendor.
- e. Review invoice(s) submitted by the Vendor. The AGENCY may request additional documentation and/or clarification of charges as needed. No payment will be made without all required documentation/clarification of charges.
- f. Provide payment to the Vendor after receipt of proper invoices, and any additional required documentation or clarification, for services rendered pursuant to this Agreement, upon full compliance by the Vendor with the terms herein.
- g. Payment Set up: Agency will record approved water assistance services per eligible household in the DEO approved case manager application according to the LIHWAP field manual distributed to the Agency upon implementation of the program for that fiscal year. Agency will obligate funds according to subrecipient grant award and submit requests for reimbursement to the Department.
- h. Comply with all relevant state and federal laws and regulation in its implementation of the LIHWAP. Follow all supplemental terms and conditions as set forth by the Administration for Children and Families. The Agency shall provide notice of any changes or amendments to policies or guidelines for the LIHWAP. Such notice may be distributed by email.

The Agency will be responsible to collect and retain the following program data indicators from the households set forth in Terms Ten and Eleven of the supplemental terms and conditions:

- 1. Track the number and income levels of households assisted by this award;
- 2. Collect the number of households that received such assistance and include one or more individuals who are 60 years or older, include a household member with a disability, or include young children (ages 5 and younger);
- 3. Gather administrative information regarding local providers (if applicable), agreements with water utilities, recommendations, accomplishments, unmet needs and lessons learned.
- i. Be responsible for planning and prioritizing funds for households in communities throughout their jurisdiction with the exception of households within tribal jurisdictions for which OCS has reserved a portion of LIHWAP funds.

6. Vendor Responsibilities

The Vendor shall:

- a. Provide the AGENCY a copy of the Employer Identification Number document or Social Security card which was issued to the Vendor and which displays the number used by the IRS as the Vendor's tax identification number.
- b. Provide the AGENCY with at least one designated contact person who shall be available to respond by telephone and electronic mail to all reasonable inquiries regarding LIHWAP household accounts, including but not limited to bills, payments, and services.
- c. Notify the AGENCY immediately when the tax identification number is changed. A new W-9 form will be completed and returned to the AGENCY
- d. Notify the AGENCY within 10 days when the name of the company, ownership of the company, contact person, contact/billing information, services to be provided, or service coverage area changes.
- e. Notify the AGENCY if the business owner or other key employee is employed by the AGENCY well as if a member of his/her immediate family is employed by the AGENCY. ("Immediate family" means either a spouse or any other person who resides in the same household as the owner and who is a dependent of the owner.) [Applies to privately owned Water Companies]

The AGENCY will evaluate the relationship to determine if there is a conflict of interest that will preclude the Vendor from providing LIHWAP services to a designated locality(s). (Conflict of Interest is defined as a situation that has the potential to undermine the impartiality of a person in an official position because of the possibility of a clash between the person's self-interest and professional interest or public interest.)

- f. Not serve as the vendor for a household in which s/he is a current recipient of assistance from the LIHWAP. (For these purposes, current will be defined as during the present federal fiscal year.) [Applies to privately owned Water Companies]
- g. Not serve as the vendor for a dwelling/property that s/he owns. [Applies to privately owned Water Companies]

Financial Information/Billing:

- h. Provide water and/or wastewater services to each eligible and approved residential households for which payment is provided under LIHWAP.
- i. Charge LIHWAP households using the Vendor's normal billing process.
- j. Restore water services upon payment [OCS DOES NOT RECOMMEND PAYMENT IF IT WILL NOT RESULT IN WATER RESTORATION]
- k. After receiving LIHWAP payment for restoration of water services, maintain services for at least 90 days

l. Charge all LIHWAP eligible households the same price charged for home drinking water and/or wastewater services billed to non-eligible households, as determined by the approved rate setting process.

m. Not apply LIHWAP payments to account balances that have previously been written off or paid with other funds.

n. Not apply LIHWAP payments to commercial accounts. LIHWAP payments should only be applied to residential accounts.

o. Not discriminate against a LIHWAP eligible household with respect to terms, deferred payment plans, credit, conditions of sale, or discounts offered to other customers.

p. Post all payments to customer accounts within 3-5 business days. Note: LIHWAP payments may be used to pay past due and/or outstanding balances for customers whose accounts are currently open/active and the household is approved for LIHWAP assistance.

q. Clearly enter, on LIHWAP households' bill, the amount of LIHWAP payment(s) received in a manner which identifies the payment as received from the LIHWAP.

r. Provide a statement to LIHWAP households clearly indicating the cost of home drinking water and/or wastewater services provided.

s. Continually maintain accurate records of LIHWAP credit balances and annually reconcile accounts. After one year, credit balances must be refunded to the AGENCY, in compliance with LIHWAP Vendor Refund Policies, no later than 45 days following the end of the program year 2021.

t. Not exchange the household's credit authorization for cash or give any cash equivalent for excess credit.

u. Cooperate with any Federal, State, or local investigation, audit, or program review. The Vendor shall allow AGENCY representatives access to all books and records relating to LIHWAP households for the purpose of compliance verification with this Agreement.

v. Understand that failure to cooperate with any Federal, State, or local investigation, audit, or program review may result in the immediate disqualification from participation in the LIHWAP.

w. Take corrective action in the time frame specified by the AGENCY if violations of this Agreement are discovered. Corrective action may include, but is not limited to, providing detailed documentation of changes made and detailed plans for future changes that will bring the Vendor into compliance.

x. Understand that failure to implement corrective actions may result in the immediate disqualification from participation in the LIHWAP.

Data Collection:

The data must be provided within a time frame specified by the AGENCY and must be provided in the format requested by the AGENCY. The data must be provided to the AGENCY (or an authorized agent for the AGENCY) for the purposes of verification, research, evaluation, analysis, and reporting. The household's signed LIHWAP application will authorize the Vendor to release this information to the AGENCY.

y. Provide, at no cost to the AGENCY or the household, the data requested below by or on behalf of the AGENCY, as set forth in the supplemental terms and conditions;

- Provide written information to the Agency on an applicant household's home drinking water and/or wastewater costs, bill payment history, and/or arrearage history for no more than the previous 12 monthly billing periods even when it may be from a prior occupant household.
- Provide the itemized amount, cost, and type of water assistance and services provided for households approved for assistance under this award.
- Provide the type of water assistance used by household, i.e., drinking water, wastewater etc.
- Identify the impact of each grantee's LIHWAP program on recipient and eligible households (e.g., amount of assistance to each household, and whether assistance restored water service or prevented shutoff).
- Notify the Agency of any household situation that threatens life, health, or safety.

7. Joint Duties

Both the Vendor and the Agency agree to meet with designated staff bi-annually to review any recommendations, accomplishments, unmet needs and lessons learned as specified in the supplemental terms and conditions.

8. General Conditions

a. **AUTHORITIES:** Nothing herein shall be construed as authority for either party to make commitments that will bind the other party beyond the scope of services contained herein.

b. **DISCRIMINATION:** The Vendor shall not discriminate against any household because of race, religion, color, sex, national origin, age, disability, political beliefs, sexual orientation, gender identity, or any other basis prohibited by state law relating to discrimination.

c. **CONFIDENTIALITY:** The Vendor and the AGENCY agree that any information and data obtained as to personal facts and circumstances related to households shall be collected and held confidential, during and following the term of this Agreement, and shall not be disclosed without the individual's and AGENCY's written consent and only in accordance with federal or state law. Vendors who utilize, access, or store personally identifiable information as part of the performance of this Agreement are required to safeguard this information and immediately notify the AGENCY of any breach or suspected breach in the security of such information. The Vendor shall allow the AGENCY to both participate in the investigation of incidents and exercise control over decisions regarding external reporting.

d. SUBCONTRACTS: The AGENCY reserves the right to require the Vendor to obtain permission to subcontract any portion of the work. If requested by the AGENCY, the Vendor shall furnish the AGENCY the names, qualifications, and experience of their proposed subcontractors. The Vendor shall, however, remain fully liable and responsible for the work to be done by its subcontractor(s) and shall assure compliance with all requirements of the Agreement.

e. FRAUD: The Vendor will be permanently disqualified from participating in the LIHWAP upon the first finding of LIHWAP fraud. Fraud includes, but is not limited to, intentionally providing false information to the AGENCY or knowingly allowing others to do so; intentional failure to notify the AGENCY of a change in circumstances that affects payments received by the Vendor; intentionally accepting payments that the Vendor knows, or by reasonable diligence would know, the Vendor is not entitled to by virtue of an overpayment or otherwise; or intentionally making a claim for a payment to which the Vendor is not entitled pursuant to the terms of this Agreement and all applicable rules, regulations, laws and statutes. Repayment must be made unless contrary to a court order.

f. NON-FRAUD OVERPAYMENTS: For overpayments received by the Vendor that are not the result of intent to defraud, the Vendor shall be required to repay the full amount to the AGENCY.

g. BINDING ON HEIRS AND ASSIGNS. This Agreement shall be binding upon and inure to the benefit of the respective successors and assign of each party, but does not otherwise create, and shall not be construed as creating, any rights enforceable by any person not a party to this Agreement.

h. DUE AUTHORIZATION. The persons executing this Agreement on behalf of a party represent and warrant to the other party that he or she has been duly authorized by such party to so execute this Agreement.

i. SEVERABILITY. If any provision of this Agreement or the application thereof to any person or circumstance is held to be invalid, the invalidity shall not affect other provisions of this Agreement, which shall be given effect without regard to the invalid provision or application.

The parties to this Agreement acknowledge the responsibilities, specified above, and will provide the accomplishment of this service in a mutually acceptable and efficient manner.

SUBGRANTEE

Lake Community Action Agency
501 N. Bay Street
Eustis, FL 32726

BY: _____

James H. Lowe

(Printed Name)

Executive Director

(Position/Title)

December 13, 2022

(Date)

VENDOR

City of Eustis
10 N. Grove Street
Eustis, FL 32726

BY: _____

(Printed Name)

(Position/Title)

(Date)



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: December 13, 2022

RE: Ordinance Number 22-35 – Amendment to the City of Eustis Comprehensive Plan creating a Rural Residential Transitional Land Use District in The Future Land Use Element and removing Map 19 (JPA Boundary) and references.

Introduction:

Ordinance Number 22-35 amends the City of Eustis Comprehensive Plan to create a Rural Residential Transitional Future Land Use District and amends the Future Land Use Element and Table of Contents of the City of Eustis Comprehensive Plan to remove Map 19 and the associated references, replacing the references to the approved Joint Planning Agreement between the City and Lake County.

Background:

On October 3, 2022, the City Commission held a workshop to discuss several items. The two specific items that this amendment address is (1) the removal of Map 19 from the City Comprehensive Plan (2) the creation of a transitional future land use that is somewhere between the Suburban Residential Future Land Use District density (5 dwelling units per acre) and the Rural Residential Future Land Use density (1 dwelling unit per acre). The solution, following the direction of the City Commission was to create a new future land use district to be applied to annexing lands where a lower density is desirable to transition between annexing properties and established lower density development patterns, while still providing a density to encourage annexation and support the extension of City utility infrastructure.

During the September 22, 2022 Regular City Commission Meeting, the Commission heard a presentation by the Gunster Law Firm pertaining to the Comprehensive Plan and the Joint Planning Area with Lake County pertaining to Map 19, the Joint Planning Area boundary map. The opinion from the Gunster Law Firm was that the removal or replacement of Map 19 of the City's Comprehensive Plan would not jeopardize the Joint Planning Agreement between the City and Lake County. During the October 3, 2022 City Commission Workshop, the Commission discussed what action, if any, would be taken relating to Map 19. During the workshop the Commission directed staff to prepare amendments to the City's Comprehensive Plan to remove Map 19 from the Comprehensive Plan. Ordinance Number 22-35 and the exhibit documentation present those amendments removing Map 19 and the references to Map 19 and replacing them with reference to the Joint Planning Agreement between the City of Eustis and Lake County.

The Rural Residential Transitional (RRT) Future Land Use District is proposed to provide the requested transition land use. RRT is proposed to be created allowing for densities of 3 dwelling units per acre. The RRT district establishes a middle ground between the Suburban

Residential Future Land Use District and the Rural Residential Future Land Use District with the intent of the district to provide for single family development at densities of no more than 3 dwelling units per acre with no additional comprehensive plan policy burdens than the Suburban Residential district.

Recommended Action:

Approval of Ordinance Number 22-35

Policy Implications:

None

Alternatives:

Approval of Ordinance Number 22-35

Denial of Ordinance Number 22-35

Budget/Staff Impact:

None

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Reviewed By:

Mike Lane, AICP, Director, Development Services

ORDINANCE NO. 22-35

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN 2010-2035 PURSUANT TO SECTION 163.3184 OF THE FLORIDA STATUTES; PROVIDING FOR A RURAL RESIDENTIAL TRANSITIONAL LAND USE DISTRICT IN THE FUTURE LAND USE ELEMENT; PROVIDING FOR REMOVAL OF MAP #19 AND REFERENCES; PROVIDING FOR THE REPEAL OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

WHEREAS, the City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 on November 4, 2010; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, the City of Eustis advertised and held public hearings in accordance with Section 163.3184, Florida Statutes; and

WHEREAS, the City of Eustis Commission, at a workshop discussion on October 3, 2022, relating to assignment of Land Uses as the City Annexes properties within the eastern portion of the JPA, requested City Staff to create a “transitional” land use with densities between Suburban Residential and the Rural Residential; and

WHEREAS, the City of Eustis City Commission, at a workshop discussion on October 3, 2022, relating to MAP #19 of the City of Eustis Comprehensive Plan, directed City Staff to prepare amendment to remove the Map #19 and references, and

WHEREAS, the City of Eustis Local Planning Agency recommended approval of the Comprehensive Plan amendment at a public hearing on November 17, 2022, and

WHEREAS, the City Commission held public hearings on November 17, 2022 and January 5, 2022, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public; and

WHEREAS, the City Commission finds that the Comprehensive Plan, as amended, is internally consistent with and compliant with the provisions of State law including, but not limited to, Part II, Chapter 163, Florida Statutes.

NOW, THEREFORE, BE IT ORDAINED by the City of Eustis, Florida, as follows:

1. That the City of Eustis Comprehensive Plan 2010-2035, to add a Future Land Use Category:

- a. Amend Future Land Use Element, Exhibit A;
 - b. Amend Future Land Use Element to remove MAP #19 references and the map itself from the map series, Exhibit A
2. That this amendment is approved for submission to the State Land Planning Agency (Department of Economic Opportunity) and other jurisdictional agencies.
 3. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
 4. That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.
 5. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission 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 Commission, this amendment may nevertheless be made effective by the adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 13th day of December, 2022.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 13th day of December, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public- State of Florida
My Commission Expires:
Notary Serial No.:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-35 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

City of Eustis

2035 Comprehensive Plan



Adoption Hearing: November 4, 2010
Amended: August 2012, June 2015,
January 2019 (EAR), June 2019,
October 2021

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EXHIBIT A**FUTURE LAND USE
GOALS, OBJECTIVES AND POLICIES****GOAL FLU 1: DEVELOPMENT FRAMEWORK**

Implement a land use and development framework that will:

- Promote diversified economic development;
- Protect and enhance residential neighborhoods;
- Ensure services and facilities for new and existing development;
- Discourage urban sprawl;
- Recognize the value of natural resources; and
- Respect private property rights.

OBJECTIVE FLU 1.1: DEVELOPMENT FRAMEWORK IMPLEMENTATION

To create a planning framework and implementation strategy that will enhance the livability of the City of Eustis; promote its natural, cultural, and physical resources; minimize any negative effects of urban development on the natural resources of the City; maintain overall air quality; and discourage urban sprawl .

Policy FLU 1.1.1: Planning Principles

The following principles shall guide the creation of land use policy and development regulations within the City of Eustis::

- Creating a range of housing opportunities and choices;
- Creating walkable neighborhoods;
- Encouraging community and stakeholder collaboration;
- Fostering distinctive, attractive communities with a strong sense of place;
- Making development decisions predictable, fair and cost effective;
- Allowing for a mix of land uses;
- Providing for open space, natural beauty and protection of critical environmental areas;
- Providing a variety of transportation choices;
- and
- Encouraging compact building design.

Policy FLU 1.1.2: Strategy for Sustainability

The City shall take the following actions as part of an overall strategy to improve energy efficiency and sustainability in the City of Eustis:

- a. Continue to support alternative modes of travel as called for in the Transportation Element

- b. Support energy conservation measures and practices in the administration, design, and construction of City buildings and facilities
- c. Encourage the cooperation of public agencies and private owners in the provision of a multi-modal transportation system connecting all land uses along arterial and collector roads within recreational, commercial and multi-family residential areas;
- d. Cooperate with existing and future land owners in the locating of solar sheds, bus stops, shelters, and other passenger and system accommodations for a transportation system to service current and future needs;
- e. Encourage energy efficient appliances and equipment, energy-efficient features in window design, use of operable windows and ceiling fans and other technology to conserve energy and encourage energy efficient lighting for streets, parking lots and other public areas;
- f. Continue to permit grassed parking areas and other permeable materials as a part of the City's Land Development Code and encourage reduced coverage by asphalt, concrete, rock and similar substances in streets, parking lots and other areas.
- g. Encourage the planting of Florida Friendly shade trees to provide reasonable shade for all recreation areas, streets and parking areas.
- h. Promote the education of City employees in energy conservation measures and practices and promote certification for energy conservation practices to promote the energy conservation mission of the City; and
- i. Provide up-to-date information on its web site regarding the City's conservation initiatives, along with strategies and recommendations for all citizens.

Policy FLU 1.1.3: Development Incentives

The City shall continue to provide incentives for energy efficient development as provided in the Land Development Code and shall review the Land Development Code as a part of monitoring the effectiveness of the Comprehensive Plan to determine if there are additional opportunities for development incentives that can be provided for projects that participate in energy efficient development programs.

Policy FLU 1.1.4: Building and Development Conservation Principles

The City shall encourage energy and water conservation and solid waste reduction through the site plan review process and at the building scale, including participation in programs and LDR development standards such as the following:

- Retrofit for Energy and Environmental Performance program (REEP)
- State Energy and Environment Development program (SEED)
- Federal Weatherization Assistance Program
- Multifamily Housing Energy Efficiency Grant Program
- Leadership in Energy Efficient Design (LEED)
- Energy Star
- Water Star
- Florida Friendly landscaping
- Reduction of fertilizer needs
- Block standards and connected streets
- High density and intensity development in the urban core
- Compact, mixed use development
- Infill development
- Support of multi-modal transportation networks
- Protection of environmentally sensitive lands

OBJECTIVE FLU 1.2: FUTURE LAND USE MAP (FLUM)

To direct the timing, location, density, and intensity of development and redevelopment throughout the City of Eustis.

Policy FLU 1.2.1: Adopted Future Land Use Map Series (FLUM)

The Future Land Use Map (FLUM) series provides the information for strategies designed to build long term community value, discourage urban sprawl and ensure that public facilities and services are provided in the most cost-effective and efficient manner. The City of Eustis provides appropriate future land use planning for a planning horizon through the year 2035 and adopts the Future Land Use Map Series as depicted in the following exhibits in the Map Appendix and uses the Future Land Use Designations as defined in the Future Land Use Element Appendix which is also adopted herein by reference:

- | | |
|----------|--|
| Map #1: | 2035 Future Land Use Map |
| Map #3: | Soils |
| Map #4: | Topography and Drainage Basins |
| Map #5: | Designated Water Wellhead Protection Areas |
| Map #6: | Surface Water Features |
| Map #7: | Areas Subject to Flooding |
| Map #8: | Vegetation |
| Map #9: | Washington Avenue Historic District |
| Map #10: | National Register of Historic Places and Sites |

Map #11:	Local Landmark Sites
Map #12:	Wekiva Study Area: Most Effective Undeveloped Recharge Areas
Map #13:	Wekiva Study Area: Undeveloped and Water-Filled Karst Areas
Map #14:	Wekiva Study Area: Integrated Wildlife Habitat Ranking System
Map #15:	Wekiva Basin Land Cover
Map #16:	Priority Wetlands
Map #17:	Wekiva Basin: Strategic Habitat Ranking Systems, Public Lands and Proposed Acquisitions
Map #18:	Biodiversity Hotspots

With the exception of Map #1, the Future Land Use Map, the maps shall be used for general identification only and are not specifically regulatory in nature. Site specific information and analysis shall determine the actual features or applicability of a site for the purposes of applying the requirements of this Plan. The city shall continue to allocate lands in the Comprehensive Plan to meet projected development needs through the long-term planning horizon of 2035, including amounts sufficient to minimize land speculation and undue price appreciation and to provide for choices of residential and non-residential locations.

Policy FLU 1.2.2: Future Land Use Map Limitations

The Future Land Use Classifications set forth the current and long-range potential uses of property in the context of the lawful planning horizon and provide for a wide array of density or intensity of use within each land use classification. A property owner is not entitled to the most potentially dense or intense uses permitted within a land use classification. Thus, in some cases, the application of compatibility standards in the land development regulations may result in an actual project density less than the maximum permitted by the Comprehensive Plan. The Future Land Use Map does not guarantee that maximum densities will be achieved in all cases and does not serve as a substitute density limit in place of any other regulations that would place further restrictions and/or limitations on the development density of a parcel.

Policy FLU 1.2.3: Urban Services Required

All new development in the city shall be required to receive public water service. All new development must be served by public sewer systems, except where public sewer is not available and it can be demonstrated that sewage disposal is permissible by those state and county agencies having regulatory jurisdiction.

Policy FLU 1.2.4: Development Patterns

To discourage urban sprawl and to protect and enhance the community's unique character, the City shall implement regulations within the Land Development Code that encourage a mix of uses in specific areas of the City. Those areas are identified in the general development patterns of urban, suburban and rural. Each development pattern is further divided into neighborhoods, centers, corridors and districts. Each land parcel within the City is assigned a pattern and district as depicted on the Design District Map in the Land Development Regulations and as it may be amended from time to time in accordance with those regulations. The City shall adopt performance standards for the land uses within each development pattern as prescribed by the City's Land Development Code. In general, the patterns are as follows:

- a. Urban Areas. Urban development pattern areas shall rely primarily on a system of interconnected streets in a grid network pattern that prioritizes pedestrians and transit features and links civic buildings, squares, parks and other neighborhood uses.
- b. Suburban Areas. Suburban development pattern areas shall rely primarily on a pattern of residential development that is formed on a street network with fewer vehicular connections, which shall be designed to provide for pedestrian and bicycle connections, to reduce cut-through traffic and to establish distinct boundaries for residential communities/subdivisions. Non-residential uses shall be primarily located on corridors and within districts.
- c. Rural Areas. Rural development pattern areas include large lots and clustered residential development that provide substantive open space to preserve and enhance the rural viewshed and character of the community. Non-residential uses are primarily located in centers and may contain a mix of uses. The rural pattern is generally located on the outer fringes of the Planning area, away from the urban core.

Policy FLU 1.2.5: Joint Planning Area

The City shall continue to coordinate with Lake County to address annexation and land use issues and shall rely upon the City of Eustis-Lake County Joint Planning Area (JPA) agreement or its successor agreement as describing the appropriate transition between the City's urban core and the County's rural areas.

OBJECTIVE FLU 1.3: RELATIONSHIP OF THE COMPREHENSIVE PLAN TO THE LAND DEVELOPMENT CODE

To implement the policies, standards and land use classifications of the City's Comprehensive Plan through the Land Development Code.

Policy FLU 1.3.1: Promote Compact Growth and Preservation of Open Space

The City shall continue to rely upon its Land Development Regulations to promote compact growth and preservation of open space, including those regulations which provide for:

- a. voluntary cluster development in all residential land use classifications
- b. Specific minimum open space requirements by land use district including standards for the Wekiva Springs Overlay Protection District (see FLU Policy 5.1.5 and Table A-3.1.)
- c. maximum coverage by impervious surfaces requirements and specific maximum impervious surface requirements by land use district; for a development site within the Wekiva Springs Overlay Protection District, see Future Land Use Element Appendix, Table A- 3.1.
- d. density bonuses for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent.
- e. Limitations on development in floodplains, near wellfields, and near lake shorelines, as more specifically provided for in the Conservation element.

Policy FLU 1.3.2: Maintain Residential Compatibility

The City shall continue to rely upon the Land Development Code to address specific standards for the review of residential compatibility to provide standard and predictable measures for establishing and creating compatibility through landscapes, buffers, natural areas or transitional development practices in an effort to lessen impacts and integrate development along the edges of properties where different land use districts or densities are present, screen undesirable views, preserve tree canopy and vegetation and facilitate the safe movement of traffic and pedestrians in vehicle use areas. At a minimum these standards shall conform to the following guidelines:

- a. The review and analysis of development applications and future land use map amendments shall recognize as a fundamental principle of the City's Comprehensive Plan that the highest concentration of development density and intensity within the City shall be permitted in the downtown and that this overall density/intensity decreases incrementally outward from the downtown to lower densities that are located in outlying rural areas or areas of the City which have physical limitations to development. Higher density in locations away from downtown, but supported with urban services and

- retail/employment activity, is permitted as an exception to this principle.
- b. Landscapes, buffers, natural areas or transitional development practices shall be utilized in site planning to demonstrate that the project transitions appropriately to adjacent uses or to lessen impacts and integrate development along the edges of different land use categories, screen undesirable views, preserve tree canopy and vegetation.
 - c. The location of development on a site shall:
 - (1) Protect existing natural and environmental features on and adjacent to the site to the extent practicable, including wetlands and wetland systems, karst features, and tree canopy;
 - (2) Respect the existing adjacent development pattern;
 - (3) Permit the most density and intensity in areas that are most proximate to support services.
 - d. The location of required minimum open space on a site shall be configured to:
 - (1) To create external connectedness by adding to a larger contiguous off-site network of interconnected open space, particularly existing habitats, where applicable.
 - (2) To create internal connectedness through connected and integrated open space within the subdivision parcel where applicable and shall be based upon the context sensitive site design standards.

Policy FLU 1.3.3: Right-of Way Standards for Utilities

Right-of-way standards adopted as part of the Land Development Regulations and roadway improvement projects shall be designed to accommodate public and regulated utility distribution lines providing needed local services.

Policy FLU 1.3.4: Compatibility with the Placement of Utility Structures

The City shall rely upon the Land Development Regulations to continue to provide for the placement and construction of utility structures and equipment, other than local distribution lines, including but not limited to water storage tanks, sewage treatment plants, electric substations, and telephone switching stations where needs for such facilities can be demonstrated by providers of services. The Land Development Regulations shall ensure compatibility of such facilities with surrounding land uses and natural resources.

OBJECTIVE FLU 1.4: PROTECTION OF HISTORIC RESOURCES

To protect and enhance those areas and individual sites of historical significance or distinct architectural character in the community.

Policy FLU 1.4.1: Protect Historic Character

Land Development Regulations and development review procedures shall continue to recognize the need to maintain or improve the character of designated historic properties and the historic district.

Policy FLU 1.4.2: Downtown Main Street Character

In addition to adding beauty to the Downtown, the City shall continue to require development and redevelopment in the Urban Core to adhere to walkable design standards. These standards address street trees; wider sidewalks; bike lanes; on-street parking; and improving / upgrading crosswalks as appropriate.

Policy FLU 1.4.3: Preserve Historic Properties

Land Development Regulations and development review procedures shall continue to incorporate incentives to preserve designated historic properties, including advice to applicants on the tax benefits of historic preservation.

Policy FLU 1.4.4: Preserve the Architectural and Historical Heritage of Eustis

Provide ongoing support to organizations which have an individual or collective interest in preserving the architectural and historical heritage of Eustis.

Policy FLU 1.4.5: Historic Structures

Where an application for development may involve the removal, alteration, or reuse of a historic structure listed on the National Register, the city shall first invite comment by the Florida Division of Historical Resources and the City's Historic Preservation Board before rendering a decision on the application.

Policy FLU 1.4.6: Historic Overlay

When sites or structures are included on the National Register of Historic Places, designated as local Landmarks, or designated as local Historic Districts, the designation shall be entered as an overlay to the Future Land Use map in accordance with State law.

Policy FLU 1.4.7: Archaeological Discovery

By year-end 2015, the Land Development Regulations shall provide for the following in instances when an archaeological discovery occurs in the city:

- a. notification of the archaeological discovery to and request for guidance from the Florida Division of Historical Resources
- b. suspension of all ground disturbing activities within 20 feet of the discovery for up to 30 days to provide for an initial evaluation of archaeological significance. This period can be extended for another 30 days for further evaluation where the discovery is considered significant by the state.

Where the discovery is determined to be significant, various options, including relocation, acquisition of property, or redesign of the proposed

development will be considered to preserve the resource. Where preservation is not a feasible alternative, the resource will be relocated if feasible, information regarding the resource shall be recorded, or elements of the resource will be salvaged for further study at the expense of the State of Florida.

GOAL FLU 2: URBAN DEVELOPMENT PATTERN AREA

Enhance the livability and viability of the urban core area of the City through design standards and capital improvement priorities that:

- Align public investments, incentives and Future Land Use Element policies to encourage and protect redevelopment and revitalization opportunities that leverage existing economic assets;
- Promote revitalization in developed neighborhoods that are aging; and
- Rely primarily on a system of interconnected street grids with pedestrian and mass transit features and links to civic buildings, squares, parks and other neighborhood uses.

OBJECTIVE FLU 2.1: REDEVELOPMENT AND INFILL

To implement programs which facilitate redevelopment of and infill development in older sections of the city including downtown Eustis and to promote the revitalization of the East Eustis area as a safe, attractive, and stable residential and business area.

Policy FLU 2.1.1: Downtown Redevelopment

The City shall continue to implement the redevelopment and revitalization vision for the downtown area and vicinity as expressed in the Downtown Eustis Master Plan and the East CRA Plan Update. This vision shall be used as the basis for prioritizing public improvements, stimulation of business activity, and development of commercial, residential, and institutional properties.

Policy FLU 2.1.2: Funding Assistance for Housing Needs

Pursue, directly or through the Eustis Housing Authority and/or agencies of Lake County, available federal and state funds to help promote the revitalization of the East Eustis area and meet the projected housing needs of very low-, low-, and moderate-income families and elderly households, including the following programs or their successors:

- a. SAIL
- b. Section 8
- c. Rental Rehabilitation
- d. Weatherization
- e. Section 202
- f. Community Development Block Grants
- g. HOPE VI

Policy FLU 2.1.3: Code Enforcement

Continue an aggressive code enforcement program to upgrade properties capable of rehabilitation and modernization and to remove those which are unsafe or unfit for habitation.

Policy FLU 2.1.4: Displacement Requirements

In every instance where residents are displaced by city code enforcement activities or other local public actions, assist residents as follows in seeking standard housing in the community:

- a. provide adequate notification of public action to owners and occupants
- b. maintain an inventory of available assisted and affordable market rate housing and housing providers in the community and advise displaced occupants of same
- c. utilize the services of the Eustis Housing Authority, as needed, to help qualify applicants for available housing in the community

GOAL FLU 3: SUBURBAN DEVELOPMENT PATTERN AREA

Enhance the livability and viability of neighborhoods and existing commercial corridors through the implementation of a coordinated strategy that discourages urban sprawl and:

- Preserves and protects existing viable neighborhoods and subdivisions;
- Promotes revitalization in developed neighborhoods that are aging; and
- Promotes development standards for new neighborhoods consistent with the principles included in FLU Policy 1.1.1.

OBJECTIVE FLU 3.1: PROTECTION OF RESIDENTIAL NEIGHBORHOODS

To ensure the long-term viability of residential neighborhoods by regulating future development and redevelopment to create compatibility with surrounding land uses.

Policy FLU 3.1.1: Neighborhood Compatibility

The City shall protect the quality and integrity of established neighborhoods from adjacent incompatible development and shall rely upon the standards of the adopted Land Development Regulations to address residential compatibility including specific provisions that address the adjacency of urban areas to suburban and rural areas.

Policy FLU 3.1.2: Roadway Compatibility

The City shall maintain and protect the long-term viability of residential neighborhoods where they are developed adjacent to collector and arterial roadways by relying upon the standards of the adopted Land Development Regulations which include standards that regulate context sensitive land use and roadway relationships.

Policy FLU 3.1.3: Utility Compatibility

Protect the integrity of existing neighborhoods from the effects, if any, of

bulk, electric-transmission corridors; and similar facilities by prohibiting, to the maximum extent of the City's jurisdictional authority, their location through or immediately adjacent to existing residential neighborhoods.

Policy FLU 3.1.4: Limits on Industrial Uses Adjacent to Residential Areas

The City shall ensure that future Plan amendments to industrial uses adjacent to Residential Land Use categories shall be light industrial uses only to protect residences from the adverse impacts of smoke, fumes, vibrations, light, glare, odors, and noise. Access which is limited only to local residential roadways may be considered unacceptable for heavy industrial uses, notwithstanding applicable access management requirements.

OBJECTIVE FLU 3.2: DISCOURAGE URBAN SPRAWL

To use an approach to neighborhood revitalization that will transform the character, function and form of residential land uses into functional, sustainable neighborhoods.

Policy FLU 3.2.1: Neighborhood Revitalization

The City shall encourage neighborhood revitalization by continuing to implement and enforce the adopted Land Development regulations regarding pedestrian connectivity standards and block configuration requirements.

GOAL FLU 4: RURAL DEVELOPMENT PATTERN AREA

Manage the form, pattern and timing of future growth and development for the rural areas of the City through a clear and predictable land use strategy that:

- Provides for a rural character and lifestyle for rural residents;
- Respects the agricultural land uses and landowners;
- Values and preserves open spaces; and
- Facilitates the transition of land uses over time into sustainable, livable places (communities).

OBJECTIVE FLU 4.1: PROTECTION OF RURAL CHARACTER

To protect the existing rural character of those areas in the City of Eustis that are designated as Rural Design Districts and thereby ensure that there is a rural lifestyle for existing and future residents.

Policy FLU 4.1.1: Rural Residential

Greater flexibility and creativity in the design of residential developments within the Rural Design Districts is permitted through the subdivision development approval process and the design criteria provided herein as a means to preserve significant on-site environmental resources and preservation areas.

GOAL FLU 5: WEKIVA SPRINGS OVERLAY PROTECTION DISTRICT

Support and further the *Wekiva Parkway and Protection Act* through land use strategies designed to protect significant natural resources of the Wekiva Springs Overlay Protection District, also known as the Wekiva Study Area, including the springshed and springs.

OBJECTIVE FLU 5.1: Wekiva Springs Overlay Protection District Land Use Strategy

The City shall establish an overlay district described herein for the purpose of providing an appropriate transition between the City's urban core and the County's rural areas, and implementing enhanced standards for the protection of significant open space. The following policies and open space requirements recognize the relative position of the City within the Wekiva Springs Overlay Protection District and are intended to ensure compatibility with the persistence of rural land use patterns outside and east of the City of Eustis-Lake County Joint Planning Area (JPA).

Policy FLU 5.1.1: Land Use Activity Restrictions

The City designates the Wekiva Springs Overlay Protection District as provided on the Future Land Use Map. The City shall restrict new land use activities within the Wekiva Springs Overlay Protection District, within and adjacent to most effective recharge areas, karst features and sensitive natural habitats, that have a potential to adversely impact ground water and surface water quality; such as mining, landfills, sprayfields, golf courses, heavy industry, intense animal operations, and other uses or activities with extensive impervious surface area, involving hazardous chemicals or materials, having potential to contaminate groundwater, or requiring significant consumption of groundwater beyond the City's adopted level of service.

Policy FLU 5.1.2: Best Management Practices and Standards

Where avoidance of impacts through the limitation of land use activities and minimum open space requirements outlined in Table A-3.1 of the Future Land Use Element Appendix is not feasible, including existing single-family platted lots and infill lots or sites within and completely surrounded by existing/built urban areas of the City, the City shall require implementation of Best Management Practices and development/redevelopment standards, such as buffering, setbacks and open space standards, that will minimize the impact of land use and development within the Wekiva Springs Overlay Protection District, consistent with Objectives FLU 5.1, and 5.2 and supporting policies applicable to the Wekiva Springs Overlay Protection District.

Policy FLU 5.1.3: Surveys and Studies

The Land Development Regulations shall require the following surveys and studies to be submitted with a subdivision plan or site plan or its functional equivalent to provide an analysis and evaluate the location and presence of most effective recharge areas, karst features, and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub:

- a. An analysis of soils, by a professional qualified to determine the location of most effective recharge areas. Unless otherwise provided

for by rule of the St. Johns River Water Management District (SJRWMD), most effective recharge areas shall be defined as Type “A” Hydrologic soils described by the National Resources Conservation Service (NRCS) Soil Survey.

- b. An analysis of the site, by a professional qualified to determine the location and nature of sinkholes and other karst features of the property, such as stream-to-sink and other direct connections to the aquifer including an analysis to determine the depth of the water table, location of the Floridan Aquifer relative to ground surface and thickness and extent of the bedrock or other confining layers over the aquifer. This analysis may include the use of geophysical surveys, such as microgravity and ground penetrating radar surveys, and may be supplemented with documented locations of sinkholes, light detection and ranging surveys, and aerial photographs. If karst features are determined to exist on site, further analysis may be required to evaluate surface and sub-surface characteristics that provide potential connection to the aquifer, assess the potential for contamination of the aquifer from development, and identify protective solutions to be incorporated into the site design. Such design solutions shall utilize Best Management Practices described in Protecting Florida’s Springs Manual – Land Use Planning Strategies and Best Management Practices (November 2002).
- c. An analysis of the site by a professional qualified to identify flora and fauna, state and federally listed species, and vegetative habitat types including but not limited to wetlands and sensitive natural habitat defined as Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. This analysis shall include field surveys and use of best available information from federal, state, regional, and local agencies. The site analysis shall also consider ecosystem connectivity in relationship to adjacent properties and surrounding area in coordination with the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection.
- d. The analysis required above shall be used to characterize on-site soils and determine locations of geologic features including sinkholes, solution pipes, depressions, and depth of soil to lime rock, including karst features like sinkholes with a direct connection to the aquifer and stream-to-sink features that require protection.

Policy FLU 5.1.4: Open Space Requirements

In order to protect natural resources within the Wekiva Springs Overlay Protection District, including but not limited to most effective recharge areas, karst features and sensitive natural habitats, including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub, the City shall require that new development preserve and dedicate open space pursuant to the policies established for the Wekiva Springs Overlay Protection District. Open space shall be connected to the greatest extent possible within the development site and to natural areas or open space within adjacent

property in order to provide larger contiguous corridors.

Policy FLU 5.1.5: Open Space Priority and Assignment

Priority for preservation and dedication of open space shall be given to most effective recharge areas, karst features, and sensitive natural habitats including Long Leaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub vegetative communities. Assignment of open space shall be determined at the time of site plan review to maximize protection of natural resource features and functions. This evaluation shall consider the aforementioned priorities, protection of wildlife habitat, the ability to provide substantial buffering to natural wetlands and water bodies, and the ability to create greenway corridors. Other significant resources, such as natural wetlands and floodplains and other sensitive natural habitats shall be protected consistent with all other objectives and policies of this Comprehensive Plan. Within the Wekiva Springs Overlay Protection District, natural wetland impacts, including the placing or depositing of fill within natural wetlands, shall be prohibited except as necessary to provide for legal ingress or egress to developable upland areas. In such circumstances, structural enhancements may be required to maintain wetland connectivity and natural flow regimes.

Policy FLU 5.1.6: Dedication of Open Space

Natural open space designated as part of a development project shall remain undeveloped and protected in perpetuity through the use of conservation easements, plat restrictions, deed restrictions or similar legal instruments that run with the land and establish the conditions and restrictions on the use of open space areas. The boundaries of the designated open space shall be clearly delineated on project site plans, including recorded plats, and marked in the field when larger than one (1) acre to distinguish from areas suitable for development and those open space areas dedicated to stormwater management and/or recreation.

Policy FLU 5.1.7: Ownership and Maintenance of Open Space

Ownership and maintenance of open space that is held in group ownership shall be by one (1) or a combination of the following, which shall be designated prior to development.

- a. Conservation Agency such as the SJRWMD
- b. Non-profit conservation organization or land trust
- c. City of Eustis, subject to City approval
- d. Homeowners Association providing for binding legal commitments regarding preservation and management

The costs and responsibility of maintaining open space shall be borne by the owner of open space. If not properly maintained, the City may enforce maintenance.

OBJECTIVE FLU 5.2: Conservation Design Standards

All development within the Wekiva Springs Overlay Protection District shall meet the conservation

design standards as set forth below:

Policy FLU 5.2.1: Principles of Conservation Design

Within the Wekiva Springs Overlay Protection District, all new development shall be required to implement the following principles of conservation design, with the exception of very low density rural residential development that does not exceed one (1) dwelling unit per five (5) acres:

- a. When clustering dwelling units within a development, the clustering of uses shall be designed to occur in those areas with the lowest priority for preservation.
- b. Establishment of natural open space, consistent with Policies FLU 5.1.4 through 5.1.8 and Policies FLU 5.2.1 through 5.2.3, which shall be connected wherever possible and protected by recorded conservation easement, dedicated plat, or similar binding instrument;
- c. Protection and enhancement of corridors for wildlife movement in coordination with adjacent properties if applicable;
- d. Minimize site disturbance and alteration of terrain through use of design techniques that protect native vegetation and minimize earth movement;
- e. Use of Florida Friendly landscaping, and limiting areas requiring irrigation;
- f. Design of stormwater systems as natural amenities;
- g. Central water and sewer treatment facilities within urban service areas that can be connected to a regional system when available or use of performance-based on-site wastewater treatment systems consistent with the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element;
- h. Installation of reclaimed water lines in order to ensure the present or future capability to receive treated reuse water.

Policy FLU 5.2.2: Setback from Karst Features

All development shall be set back from springs, spring runs, sinkholes, and other karst features as shown below. The setback area shall consist of a buffer that excludes development and retains all natural vegetation within the setback area, with the exception of the setback area from subsurface caves and flow corridors.

Development Setbacks

Feature	Minimum setback (feet)
Springs	300
Spring runs	100
Sinkholes, with a direct connection to the aquifer	200, measured from the drainage divide
Other sinkholes	100, measured from the drainage divide
Other karst features with a direct connection to the aquifer (swallet or stream-to-sink)	200, measured from the drainage divide

Land uses with a high potential to impact groundwater resources such as mining, landfills, sprayfields, heavy industrial, and intense animal operations will be prohibited within one (1) mile of a springhead and ½ mile of a surface centerline of the cave system.

Land Use Setbacks

Feature	Minimum setback (feet) for land uses identified as having a high potential to impact groundwater resources.
Caves (subsurface caves and flow corridors)	½ mile, measured on the surface from the centerline of the cave system
Springhead (vent)	One (1) mile, measured from the springhead in all directions

Policy FLU 5.2.3: Setback Exceptions

Where an existing lot of record as of the effective date of the previous Policy is too small to accommodate the minimum amount of development necessary for the setbacks set forth in Policy FLU 5.2.2, the allowable use may be established provided that the building and associated paved areas are located the maximum distance possible from the karst features, and further provided that a swale and berm are located between the development and the karst feature with a direct connection to the aquifer. The swale and berm shall be designed to direct drainage away from the karst feature.

Policy FLU 5.2.4: Shared Access and Stormwater Facilities

Development shall use joint or shared access and stormwater facilities to the maximum extent feasible when it serves to minimize impervious surfaces.

Policy FLU 5.2.5: Parking

Non-residential development shall use shared parking and pervious pavement to the maximum extent feasible in order to minimize impervious surfaces.

Policy FLU 5.2.6: Minimization of Connected Impervious Areas

Design of parking lots, sidewalks, buildings, and other impervious surfaces shall minimize connections between impervious surfaces through techniques shown on a site plan such as:

- Directing flows from roof drains to vegetated areas or to rain barrels or cisterns for reuse of the water;
- Directing flows from paved areas to vegetated areas;
- Locating impervious surfaces so that they drain to vegetated buffers or natural areas; and

- d. Breaking up flow directions from large paved surfaces.

Policy FLU 5.2.7: Use of Pervious Materials

Porous pavement materials, pervious concrete, and pervious asphalt should be used to minimize the amount of impervious surface within new development and redevelopment consistent with code requirements regarding protection of natural systems from contaminants

Policy FLU 5.2.8: Stormwater Drainage

Drainage for streets and roads within new development shall be through roadside swales and berms whenever possible. Curb and gutter design should not generally be approved, except where safety or other issues exist. Infill and redevelopment within existing urban areas with existing curb and gutter are exempt from these requirements. Where curb and gutter is approved and to the extent feasible, the curb and gutter shall be designed to provide adequate curb cuts to allow run-off to be directed to roadside landscaped swales for infiltration and treatment prior to discharge.

Policy FLU 5.2.9: Minimization of Site Disturbance

Development shall be designed to minimize site disturbance by limiting clearing to the minimum area necessary to accomplish development through the following:

- a. Avoid or minimize the removal of existing native trees and vegetation;
- b. Minimize soil compaction by delineating the smallest disturbance area feasible;
- c. Use design techniques that limit earth movement and impervious surfaces such as stem-wall construction, reduced pavement widths, and swales; and
- d. Maximize disconnection of impervious surfaces to reduce water runoff flows and increase opportunities for infiltration.

Policy FLU 5.2.10: Golf Courses

All golf course siting, design, construction, and management shall implement the prevention, management, and monitoring practices, detailed in the golf course siting, design, and management chapter of the *Protecting Florida's Springs Manual – Land Use Planning Strategies and Best Management Practices (November 2002)*. These practices are derived from the Audubon International Signature program.

Policy FLU 5.2.11: Landscape Best Management Practices

The following landscaping Best Management Practices shall be instituted to the greatest extent practicable to reduce nitrate loading:

- a. Planted turf grass and landscaping within residential lots shall be restricted wherever feasible to minimize the use of fertilization and water for irrigation;
- b. Florida Friendly landscaping shall be required wherever feasible; and

- c. The City will adopt Land Development Regulations for managing future lawns and landscapes within the Wekiva Springs Overlay Protection Area using the educational guidelines contained in the University of Florida Extension's Florida Yards and Neighborhoods Program, Environmental Landscape Management (ELM) principles and Best Management Practices wherever feasible. Such Land Development Regulations shall include practices that are designed to reduce nitrate infiltration into ground and surface water.

Policy FLU 5.2.12: Protection of Sensitive Natural Habitats

The City shall protect sensitive natural habitat including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub (generally shown on Map #14 and Map #15) within the Wekiva Springs Overlay Protection Area to the greatest extent practicable. The Land Development Regulations shall require a site analysis during the development review process to identify sensitive natural *habitat*. If such habitat is determined to exist on-site, proposed development shall be required to avoid and protect such areas as much as possible as follows:

- a. Design shall be accomplished to maintain sensitive natural upland habitat in functional, clustered and contiguous configurations that maximize use by wildlife (Map #18) and maintain the long-term viability of natural communities. This includes linkages to habitat corridors and greenways where possible.
- b. Sensitive natural habitat protected on-site shall require a permanent conservation easement and be incorporated as open space within the subject property.

Policy FLU 5.2.13: Management of Sensitive Natural Habitats

The City may require a management plan for sensitive natural habitat areas greater than two (2) acres in size that are protected as the result of a development project. The management plan, shall be prepared at the expense of the developer by a qualified professional biologist, and provide for the following:

- a. Eventual removal of invasive plants and replanting with Florida Friendly and native vegetation as feasible;
- b. Maintenance of biodiversity, with special emphasis on the protection of listed plant and animal species;
- c. Removal of debris, articles, and structures not permitted by the management plan;
- d. Conditions for use that are limited to passive recreation; and
- e. Any additional measures necessary to protect and maintain the functions and values of the habitat area while ensuring protection from wildfire.

EXHIBIT A**FUTURE LAND USE ELEMENT APPENDIX****SECTION FLU A-1: PLAN AMENDMENT STANDARDS OF REVIEW**

The City of Eustis Comprehensive Plan is designed to preserve and enhance the public health, safety, and welfare through the management of growth, the provision of adequate public services and the protection of natural resources. These purposes are accomplished by the legislative establishment of goals, objectives, and policies that are designed to guide the future growth and development of lands within the City.

GENERAL

All applications for a Plan amendment including, but not limited to, site specific applications for changes in land use designations, are presumed to involve a legislative function of local government which, if approved, would be by legislative act of the City and shall, therefore, be evaluated based upon the numerous generally acceptable planning, timing, compatibility, and public facility considerations detailed or inferred in the policies of the Plan. Each application for an amendment to the Map #1: 2035 Future Land Use Map by changing the land use designation assigned to a parcel of property shall also be reviewed to determine and assess any significant impacts to the policy structure on the Comprehensive Plan of the proposed amendment including, but not limited to, the effect of the land use change on either the internal consistency or fiscal structure of the Plan.

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the four (4) major categories of Plan policies as follows:

- A **General Public Facilities/Services**: Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment shall include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved. This analysis shall include the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The facilities and services required for analysis include emergency services, parks and recreation, potable water, public transportation if and when available, sanitary sewer, schools, solid waste, stormwater, and the transportation network.
- B **Natural Resources/Natural Features**: The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan. Evaluation of specific features and impacts shall be included in the Land Development Regulations and addressed at time of site plan or subdivision plan consideration.
- C **Comprehensive Plan Review**: Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the compatibility of the use, intensity, location, and timing of the proposed amendment.

1. Proposed Residential Land Uses. The City shall limit these uses adjacent to incompatible commercial or industrial land uses unless sufficient mitigation, such as buffering and setbacks is provided and available through the Land Development Regulations, which lessens the impact to the proposed residences.
 2. Proposed Non-Residential Land Uses. The City shall generally not permit new industrial uses to be located adjacent to existing or planned residentially designated areas.
- D **Transportation**: Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.
- D **Water Supply**: Each application for a land use designation amendment will be required to demonstrate that adequate water supplies and associated public facilities are (or will be) available to meet the projected growth demands.

AMENDMENTS WITHIN THE WEKIVA SPRINGS OVERLAY PROTECTION DISTRICT

Amendments to the Future Land Use Map (FLUM) within the Wekiva Springs Overlay Protection District shall be required to comply with all applicable policies of this Comprehensive Plan and at time of site plan or subdivision consideration, approval of a development plan shall satisfy the following criteria:

- A. Support the development plan with the required studies and surveys in FLU Policy 5.1.3 to document that the development is consistent with protection of groundwater and surface water and natural resources;
- B. Support the development plan with a nitrate/nitrogen loading analysis prepared by a professional qualified to use professionally accepted methods that compare the existing land use activity to the proposed future land use activity at build-out if there is no connection to central sanitary sewer. The analysis must demonstrate when all factors are taken into account, that there shall be no increase in nitrate/nitrogen loading to groundwater and surface water.

SECTION FLU A-2: ZONING STANDARDS OF REVIEW

The City of Eustis does not have zoning districts. The City of Eustis regulates the specific uses that are permitted and prohibited within each land use district through the City's Land Development Code based on the Future Land Use Map designation and establishes the minimum design standards to be used when developing property through the application of a Design District Overlay. The intent of the land use and design regulations of the Land Development Code is to promote the health, safety, and welfare of the community; to ensure that future growth and development which occurs in Eustis is consistent and compatible with the city comprehensive plan; is compatible with existing and planned development in the City in type, design, and location; is served by adequate public services and facilities; and in all other respects achieves and implements the goals, objectives, and policies of the city as contained in the city comprehensive plan.

SECTION FLU A-3: THE OFFICIAL FUTURE LAND USE MAP**General Application**

The City of Eustis Future Land Use Element contains the Official Future Land Use Map. This map depicts a land use classification system which defines the location and range of permitted uses in each classification, the range of permitted densities and/or intensities of use, and other data necessary to comply with minimum State requirements. The Future Land Use Classifications set forth the potential uses of property in the context of the lawful planning horizon and provide for a wide array of density or intensity of use within each land use classification. A property owner is not necessarily entitled to the most potentially dense or intense uses permitted within a land use classification. In some cases, the compatibility standards in the Land Development Regulations may result in an actual project density less than the maximum permitted by the Comprehensive Plan. The Future Land Use Map does not guarantee that maximum densities will be achieved in all cases and does not serve as a substitute density limit in place of any other regulations that would place further restrictions and/or limitations on the development density of a parcel.

The official Future Land Use Map depicts the following land use classifications, map symbols, and the identification of designations that require urban services.

CITY OF EUSTIS COMPREHENSIVE PLAN

2035

TABLE A-3.1 FUTURE LAND USE DESIGNATIONS

LAND USE DISTRICT	MAP SYMBOL	Maximum Net Density (Total dwelling units per net acre)	Intensity Range (Floor Area Ratio)	Maximum Impervious Surface (% of net buildable area)
Rural Residential	RR	1 dwelling unit/acre	N/A	20%
<u>Rural Residential Transitional</u>	<u>RRT</u>	<u>Up to 3 dwelling units /per acre</u>	<u>N/A</u>	<u>35%</u>
Suburban Residential	SR	5 dwelling units/acre ⁽²⁾	N/A	40%
Urban Residential	UR	12 dwelling units/acre ⁽²⁾	N/A	40%
Manufactured Home Community	MH	8 dwelling units/acre	N/A	50%
General Commercial	GC	N/A	up to 2.5 ⁽³⁾	75%
General Industrial	GI	N/A	up to 2.5 ⁽³⁾	75%
Central Business District	CBD Residential Non-Residential	40 dwelling units/acre ⁽¹⁾	up to 3.0	100%
Residential/Office Transitional	RT Residential Non-Residential	12 dwelling units/acre ⁽²⁾	up to 2.5 ⁽³⁾	40% 75%
Mixed Commercial/ Residential	MCR Residential Non-Residential	12 dwelling units/acre ⁽²⁾	up to 2.5 ⁽³⁾	40% 75%
Mixed Commercial/ Industrial	MCI	N/A	up to 2.5 ⁽³⁾	75%
Public and Institutional	PI	N/A	up to 2.5 ⁽³⁾	75%
Agricultural	AG	1 dwelling unit/5 acres	N/A	20%
Conservation	CON	N/A	up to 0.20 ⁽³⁾	10%

Table Footnotes

Generally: Stated densities and intensities will not be achieved in all cases. Compatibility standards and other Land Development Regulations, including those regulating the interaction between land use districts and design districts, as related to each specific site's unique characteristics, will determine actual achievable densities and intensities.

- (1) In the Central Business District, the maximum of 40 units per acre is permitted in the portion of the central business district bordered on the west by Bay Street, south by Orange Avenue, east by Center Street and north by Clifford Avenue. The remainder of the Central Business District shall have a base maximum density of 12 du/ac and shall require a conditional use permit to develop up to 40 units per acre.
- (2) Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density in these classifications where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent.
- (3) Allowable intensities incrementally decrease between downtown and outlying areas, and between corridors and neighborhoods, as specified in Section 109-3 of the Land Development Regulations. Higher intensities apply in urban districts, medium intensities in suburban districts and lower intensities in rural districts. Similarly, within those districts, higher intensities apply along corridors and lower intensities in neighborhoods.

DEFINITIONS OF FUTURE LAND USE DESIGNATIONS

The definitions and uses provided for in each of the following future land use designations are descriptive definitions only.

Residential Districts

Rural Residential

Rural Residential Transitional

Suburban Residential

Urban Residential

Manufacture Home Community

Rural Residential (RR)

This designation provides for large lot development near or on the periphery of the Eustis urbanized area. Low density designation is a proven effective means for delaying development until growth can be accommodated in an orderly economical fashion. Mainly, this category is seen as providing a low density estate-type housing environment preferred by a segment of the local population. Principal locations are near East Crooked Lake, Lake Joanna, Lake Yale, and around certain lakes in the eastern portion of the City.

General Range of Uses: Single-family residential dwelling units, parks, schools, and public and utility services and facilities that are 2 acres or less in size.

Maximum Density: Residential densities in Rural Residential may not exceed one dwelling unit per net buildable acre. Net Densities of one unit or less per acre are appropriate in areas of steep slope near lakes where soil erosion is a potential problem and in remote locations where provision of urban services is not economically feasible.

Special Provisions:

- (1) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:
 - a. all such housing is attached to foundations as in the case of conventional site-built construction; and
 - b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.
- (2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Rural Residential Transitional (RRT)

This designation provides for larger lot single-family development near or on the periphery of the Eustis urbanized area. The Medium-low density designation is a proven effective means for transitioning development patterns from rural and semi-rural development patterns in an orderly fashion. Mainly, this category is seen as providing a medium-low density estate-type housing environment preferred as a transition when properties are annexed into the City as growth continues to the eastern portion of the Eustis - Lake County JPA.

General Range of Uses: Single-family residential dwelling units, parks, schools, and public and utility services and facilities that are 2 acres or less in size.

Maximum Density: Residential densities in Rural Residential Transitional may not exceed three dwelling units per net buildable acre. Net Densities of three units or less per acre are appropriate in areas where there are established larger lot developments and where the surrounding areas remain rural and semi-rural in nature.

Special Provisions:

- (1) Permit the placement of residential units manufactured off-site that otherwise meet all applicable federal and state regulations and standards, provided that:
 - a. all such housing is attached to foundations as in the case of conventional site-built construction; and
 - b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.
- (2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.
- (3) Developments within the Wekiva Protection Overlay that do not include longleaf pine, sand hill, sand pine, and xeric oak communities shall provide a total open space equal to at least 25% of the net buildable area

Suburban Residential (SR)

This designation is provided to accommodate the majority of residential development within the City.

General Range of Uses: This designation is intended to provide for a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public and utility services and facilities that are 2 acres or less in size are also permitted.

Maximum Density/Intensity: Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus as provided in the Special Provisions below.

Special Provisions:

- (1) Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density in the Suburban Residential (SR) classification where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan

- Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent. A density bonus may also be allowed for energy conservation or green certification as provided for in the LDRs. The combined density bonus for affordable housing and energy conservation/green certification is limited to a total increase of 15%.
- (2) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:
 - a. all such housing is attached to foundations as in the case of conventional site-built construction; and
 - b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.
 - (3) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Urban Residential (UR)

This designation is intended to provide higher density residential options for the areas near the downtown core of the city.

General Range of Uses: Includes single family detached, patio home, townhouse dwellings, and apartments. Additional uses include adult congregate living facilities (ACLF), other group housing facilities, manufactured residential dwelling units, limited neighborhood commercial uses, parks and recreation facilities, and schools. Public and utility services and facilities that are 2 acres or less in size are also permitted.

Maximum Density: Urban residential densities may be developed at a minimum density of six dwelling units per net buildable acre up to a maximum of 12 dwelling units per net buildable acre, except where existing conditions require a density less than six dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus as provided in the Special Provisions below.

Special Provisions:

- (1) Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density in the Urban Residential (UR) classification where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent. A density bonus may also be allowed for energy conservation or green certification as provided for in the LDRs. The combined density bonus for affordable housing and energy conservation/green certification is limited to a total increase of 15%.
- (2) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:
 - a. all such housing is attached to foundations as in the case of conventional site-built construction; and
 - b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.

Manufactured Home Community (MH)

This designation applies to specific existing mobile home and recreational vehicle developments which are predominantly located north of Trout Lake. The purpose of this district is to provide for a mobile home urban environment in a rental park where the dwelling unit may or may not be owned by the tenant residing within, provided, however, that the real property for the entire mobile home community is under single ownership. No new transient home developments are specifically provided for on the Future Land Use Map.

General Range of Uses: Single-family residential dwelling units, multi-family dwelling units, manufactured residential dwelling units, mobile homes, outdoor recreation, and schools. Public and utility services and facilities that are 2 acres or less in size are also permitted.

Maximum Density: Residential densities may not exceed eight dwelling unit per net buildable acre.

Special Provisions:

- (1) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:
 - a. all such housing is attached to foundations as in the case of conventional site-built construction; and
 - b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.

Commercial Districts

General Commercial (GC)

The GC designation is intended to provide an area consisting of primarily free-standing commercial land uses serving both motorists and local residents.

General Range of Uses: General Commercial may include a variety of free-standing retail and service uses and small strip centers including automotive-oriented uses such as service stations and auto sales as well as outdoor recreation, and schools. Public and utility services and facilities that are 5 acres or less in size are also permitted.

Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Industrial Districts

General Industrial (GI)

This land use designation is provided for those businesses that have one or more objectionable uses such as noise, dust or odor. The purpose of this district is to provide a method whereby industries necessary to the area, but with inherent characteristics which could prove obnoxious or detrimental to a different type of industrial operation, may locate in the most suitable and advantageous spots to minimize inconvenience to the general public. This district also offers greater economy and freedom to the industrial developer by the relaxation of certain standards and screening requirements within the district itself.

General Range of Uses: General Industrial development includes existing industrial development

of light-to-heavy nature along the rail line both north and south of downtown. Outdoor recreation, schools, and public and utility services and facilities that are 5 acres or less in size are also permitted.

Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Special Provisions:

- (1) New development within GI areas shall continue to be required to:
 - a. Provide adequate setbacks and buffering from residential areas and public roads;
 - b. Comply with all federal and state environmental regulations and local performance standards contained in the Land Development Regulations; and
 - c. Limit effluent discharges to the municipal sewer system to approved pretreated industrial wastes and domestic wastes only.
- (2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Mixed Use Districts

Central Business District

Residential / Office Transitional

Mixed Commercial / Residential

Mixed Commercial / Industrial

Central Business District (CBD)

This land use designation is designed to support a mixed-use area encompassing downtown Eustis within which a combination of commercial, institutional, office, and residential uses may occur at comparatively high densities.

General Range of Uses: This category accommodates the mix of residential, commercial, light industrial/manufacturing, office, institutional, and schools. Public and utility services that are 5 acres or less in size are also permitted as well as residential uses found in or otherwise desirable in downtown areas.

Density: The maximum density is 40 du/ net buildable acre where the maximum of 40 units per buildable acre is permitted in the “core area” of the district which is defined as that portion of the central business district bordered on the west by Bay Street, south by Orange Avenue, east by Center Street and north by Clifford Avenue. The remainder of the Central Business District shall be a maximum density of 12 du/ net buildable area unless granted a conditional use permit to develop up to 40 units per net buildable acre. The minimum density within the “core area” of the CBD is 6 du/ net buildable acre except where existing conditions require less than the minimum.

Intensity Range: up to 3.0 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Mix Requirements: There are proportional requirements and limitations regarding the amount of residential and non-residential uses allowable in an area designated CBD. For the mixed land use

category CBD, the city establishes, and shall monitor on a citywide basis, a mix of uses as follows:

Commercial/Office: 50% - 80% of total CBD building square footage
Residential: 20% - 60% of total CBD building square footage
Institutional: 5% - 15% of total CBD building square footage

The composition of mix for each proposed development will be determined on a case-by-case basis during the development review process. Specific uses permitted will be monitored by the city to ensure continuity and compatibility with adjacent land uses. Individual properties may develop residentially, commercially, or as an institutional use provided that all applicable criteria set forth herein are met.

Residential / Office Transitional (RT)

This land use designation applies to older residential areas having residential character, which are located adjacent to non-residential development. The purpose is to provide for establishment of business and professional offices and limited retail and service businesses while maintaining residential character or compatibility. The concept is that many older residences are impacted by traffic or adjacent non-residential uses and are no longer economically viable as dwellings. Allowance of limited commercial use is a means of making these areas more productive while maintaining a residential-type character.

General Range of Uses: This category accommodates residential uses; professional and business offices in certain predominantly residential areas near major traffic arteries and adjacent to commercial areas; outdoor recreation; and schools. Public and utility services and facilities that are 2 acres or less in size are also permitted.

Maximum Density: Residential densities may not exceed 12 dwelling units per net buildable acre.

Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Mix Requirements: There are proportional requirements or limitations regarding the amount of residential and non-residential uses allowable in an area designated RT on the Future Land Use Map. For the mixed land use category RT, the city establishes, and shall monitor on a citywide basis, a mix of uses as follows:

Residential: 55% - 70% of total RT acreage
Commercial/Office: 30% - 45% of total RT acreage

The composition of mix for each proposed development will be determined on a case-by-case basis during the development review process. Specific uses permitted will be monitored by the city to ensure continuity and compatibility with adjacent land uses. Individual properties may develop residentially or commercially, provided that all applicable criteria set forth herein are met.

Special Provisions:

- (1) Future amendments to designate areas as RT shall be required to be designated near thoroughfares and commercial areas to allow for limited transitional commercial uses in recognition that these areas are impacted by adjacent commercial use and to provide an economic use of property while maintaining their general residential character by:
 - a. limiting commercial uses to retail, business and professional offices, group homes, and home occupations as defined in the Land Development Regulations;
 - b. limiting external lighting and signs to that which would normally be permitted in adjacent residential zoning districts;

- c. screening any permitted non-residential use from abutting residential properties by a landscape buffer, in accordance with city requirements;
- (2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Mixed Commercial / Residential (MCR)

This land use designation is intended to regulate the character and scale of commercial uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby residential uses.

General Range of Uses: This category accommodates a mix of residential, commercial, office, institutional, and schools. Public and utility services that are 5 acres or less in size are also permitted.

Maximum Density: Residential densities may not exceed 12 dwelling units per net buildable acre.

Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Mix Requirements: There are proportional requirements and limitations regarding the amount of residential and non-residential uses allowable in an area designated MCR. For the mixed land use category MCR, the city establishes, and shall monitor on a citywide basis, a mix of uses as follows:

Residential: 15% - 25% of total MCR acreage

Commercial/Office: 75% - 85% of total MCR acreage

The composition of mix for each proposed development will be determined on a case-by-case basis during the development review process. Specific uses permitted will be monitored by the city to ensure continuity and compatibility with adjacent land uses. Individual properties may develop residentially or commercially, provided that all applicable criteria set forth herein are met.

Special Provisions:

- (1) Future amendments to designate areas as MCR shall be permitted only along arterial and collector roads and in certain neighborhoods which meet the following conditions:
 - a. where the arterial road frontage is generally undeveloped, residential development may be feasible and will be encouraged;
 - b. strip commercial development shall be minimized, including actions that would extend or expand existing strip development;
 - c. the arterial road frontage contains an existing mix of viable commercial and residential uses;
 - d. the clustering of viable commercial businesses within or adjacent to residential neighborhoods is determined to not have a detrimental visual or operational impact on such adjacent or nearby residential uses;
- (2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Mixed Commercial / Industrial (MCI)

This land use designation is intended to provide for development of light manufacturing, distribution, corporate office and related commercial and industrial facilities in select high profile locations and in well planned environments.

General Range of Uses: Uses include light industry and manufacturing, distribution, corporate office, and related commercial and industrial facilities in select high profile locations and in well-planned environments. Outdoor recreation and schools are permitted as well as public and utility services and facilities that are 5 acres or less in size.

Light industry includes warehousing and wholesale distribution, provided that truck access bays and loading operations are effectively screened from view where necessary, truck traffic does not impact local streets, and hours of operation are compatible with adjacent land uses. Light industry also includes those manufacturing, distribution, and associated activities which do not create any noise, glare, vibration, odor, or waste products which would adversely impact adjacent properties or municipal utility systems, based on performance standards established in the Land Development Regulations.

Maximum Density: Not applicable.

Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Mix Requirements: There are proportional requirements and limitations regarding the amount of residential and non-residential uses allowable in an area designated MCI. For the mixed land use category MCI, the city establishes, and shall monitor on a citywide basis, a mix of uses as follows:

Commercial: No more than 20% of total MCI acreage

The composition of mix for each proposed development will be determined on a case-by-case basis during the development review process. Specific uses permitted will be monitored by the city to ensure continuity and compatibility with adjacent land uses. Individual properties may develop all commercially or all industrially, provided that all applicable criteria set forth herein are met.

Special Provisions:

- (1) Future amendments to designate areas as MCI may be permitted in undeveloped areas oriented to major highways and other transportation facilities as determined by market demand, and provided that:
 - a. Mixed Commercial Industrial areas and developments therein will be held to a higher level of community design relative to signage, lighting, landscape materials, and building quality than General Commercial (GC) areas; and
 - b. Signage and lighting are limited to maintain the generally semi-rural or high-profile image character of these designated areas.
- (2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Other Districts

Public and Institutional
Agricultural
Conservation

Public and Institutional (PI)

This land use designation applies to public and quasi-public properties and other facilities that provide a community service.

General Range of Uses: Uses include school, recreation, and public utility properties and other governmental facilities. Cemeteries are also included in this category.

Maximum Density: Not Applicable

Intensity Range: up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development

Regulations. Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Agricultural (AG)

This land use designation is designed to limit the premature spread of urban growth and conversion of productive agricultural lands until such time as urban growth is contiguous and agricultural activities can no longer be economically sustained.

General Range of Uses: Single-family residential dwelling units, ranching, crop farming including citriculture, silviculture, aquaculture, row crops, and public and utility services and facilities.

Maximum Density: Residential densities in Agricultural may not exceed one dwelling unit per five net buildable acres except as provided in the Special Provisions below.

Special Provisions:

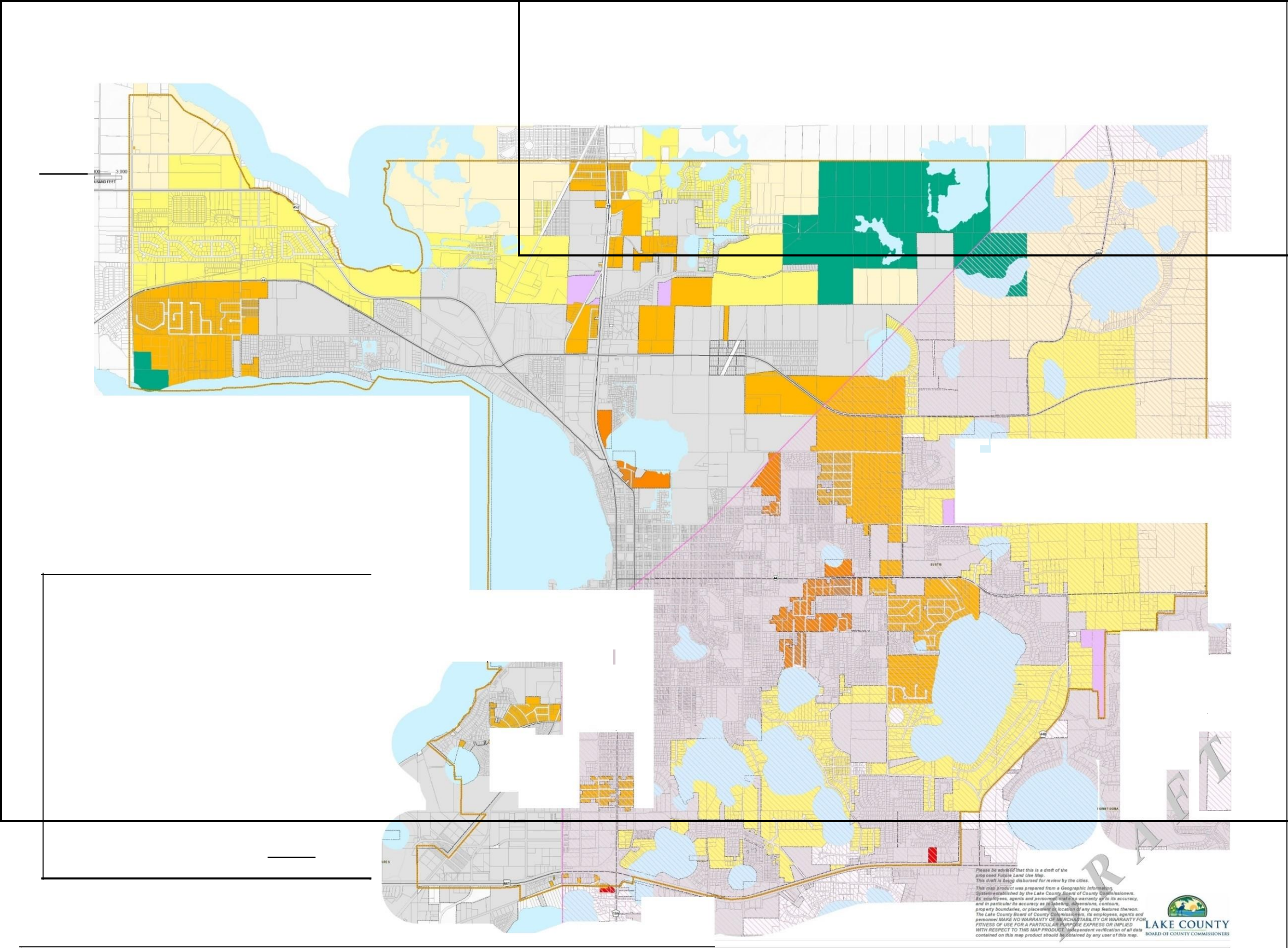
- (1) Mineral Resources Extraction. The extraction of mineral resources may be permitted in Agricultural (AG) land use areas, provided that:
 - a. compatibility with existing and potential development can be shown in terms of the character, phasing, and buffering of the proposed mineral extraction activities;
 - b. compatibility with existing and potential development can be shown in terms of access to the proposed mineral extraction activities;
 - c. the activity meets all applicable licenses, regulations, and standards and is permissible by state agencies having jurisdiction; and
 - d. excavation, erosion control, and reclamation plans are submitted and provide for the protection of surface and groundwater resources, wetlands, and upland habitat areas (or their mitigation) and for the productive reuse of land after excavation is discontinued.

Conservation (CON)

This land use designation provides for lands that have environmental sensitivity and significance with the purpose of preserving natural resources in the community.

General Range of Uses: Development within these areas is limited to interpretative features and related facilities for nature study and enjoyment. These related facilities may include nature trails, needed utility services, and shelters. Outdoor recreation facilities may be permitted in disturbed uplands or other non-environmentally sensitive land within the designation.

Intensity Range: up to 0.20 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.



Source: City of Eustis



City of Eustis

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5430

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: December 13, 2022

RE: Ordinance Number 22-36: Amendment to the City of Eustis Land Development Regulations: Amending Chapter 109 Land Use Districts and Design District Overlays, Section 109-2.2 Districts Enumerated, 109-3 Land Use District Development Intensity 109.4 Use Regulations Table and Amending Chapter 110 Development Standards, Section 110-4.0. Homestead Lot, Sec. 110-4.1. Estate Lot; Sec., 110-4.2. House Lot and Adding Section 110-5.17

Introduction:

Ordinance Number 22-36 amends the City of Eustis Land Development Regulations to create a Rural Residential Transitional Future Land Use District and amends the Land Development Regulations Section 109.4 Use Regulations Table to remove General Agricultural Uses as a conditional use from all land use districts. General Agriculture shall be Permitted for the Agriculture (AG), Rural Residential (RR), and the new Rural Residential Transitional (RRT) land use categories. The RRT shall permit existing agricultural use to be permitted until commercial or residential subdivision development occurs.

Background:

On October 3, 2022, the City Commission held a workshop to discuss several items. The two specific items that this amendment address is (1) the removal of General Agriculture uses as conditional for all land use categories; permitting General Agriculture only in the Agriculture (AG) and Rural Residential (RR). (2) The creation of a transitional future land use that is somewhere between the Suburban Residential Future Land Use District density (5 dwelling units per acre) and the Rural Residential Future Land Use density (1 dwelling unit per acre). The solution, following the direction of the City Commission, was to create a new land use district to be applied to annexing lands where a lower density is desirable to transition between annexing properties and established lower density development patterns, while still providing a density to encourage annexation and support the extension of the City's utility infrastructure.

During the October 3rd, 2022, City Commission Workshop, the Commission discussed what action, if any, would be taken relating to keeping chickens within City municipal boundaries. During the workshop, the Commission directed staff to prepare amendments to the City's Land Development Regulations to remove General Agriculture as a conditional use from all land use districts and allow General Agriculture, as a permitted use only in the AG and RR land use districts. In preparation of the amendments and the creation of the RRT land use district, staff found it logical to propose that the new RRT land use also allow General Agriculture as a permitted use. The logic behind the allowance is that the RRT land use will, ostensibly, be applied to newly annexing properties extending into previously unincorporated areas and allowing for General Agriculture to occur. The caveat to the permitted General

Agriculture uses in the RRT is that the General Agriculture uses will discontinue as the property is developed or where there is an incompatibility with surrounding uses.

The Rural Residential Transitional (RRT) Future Land Use District is proposed to provide the requested transition land use. RRT is proposed to be created allowing for densities of up to 3 dwelling units per acre. The RRT district establishes a middle ground between the Suburban Residential Land Use District and the Rural Residential Land Use District with the intent of the district to provide for single-family development at densities of no more than 3 dwelling units per acre with few additional development policy burdens than the Suburban Residential district. Based on Commission directed discussion with Lake County Staff, provisions have been made for a “by right” subdivision development scenario of up to 2 dwelling units per acre with a provision of 35% open space, design district lot type limited to Estate Lot and House Lot and 50-foot perimeter buffer; and, a planned unit development scenario allowing up to 3 dwelling units per acre, provision of a minimum of 25% open space, no restriction on design district lot type, allowing for a mixture of lot types to promote clustering, and allowance for a variable perimeter buffer. The amendment to the Use Regulations Table, Section 109.5 of the Land Development Regulations for the new RRT land use copies the uses allowed within the Suburban Residential (SR) land use with the notable exceptions of the RRT permitting general agriculture and not permitting multi-family uses.

The amendments to Chapter 110 Development Standards, Section 110-4.0. Homestead Lot, Sec. 110-4.1. Estate Lot; Sec., 110-4.2. House Lot; and adding Section 110-5.17 pertain to the addition of the RRT land use and the AG and RR land use districts. These amendments provide Accessory Structure regulations for Agricultural / Livestock Structures, including avian/domestic fowl, within the AG, RR, and RRT land use districts.

Recommended Action:

Approval of Ordinance Number 22-36

Policy Implications:

None

Alternatives:

Approval of Ordinance Number 22-36

Denial of Ordinance Number 22-36

Budget/Staff Impact:

None

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Reviewed By:

Mike Lane, AICP, Director, Development Services

ORDINANCE NO. 22-36

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, CHAPTER 109 LAND USE DISTRICTS AND DESIGN DISTRICT OVERLAYS, SECTION 109-2.2 DISTRICTS ENUMERATED, 109-3 LAND USE DISTRICT DEVELOPMENT INTENSITY 109.4 USE REGULATIONS TABLE AND AMENDING CHAPTER 110 DEVELOPMENT STANDARDS, SECTION 110-4.0. HOMESTEAD LOT, SEC. 110-4.1. ESTATE LOT; SEC., 110-4.2. HOUSE LOT AND ADDING SECTION 110-5.17; PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Eustis City Commission adopted revised Land Development Regulations under Ordinance 09-33 on July 16, 2009, amended by Ordinance 15-13 on October 1, 2015, Ordinance 16-18 on April 7, 2016, Ordinance 16-13 on May 19, 2016, Ordinance 16-31 on December 15, 2016, Ordinance 17-17 on November 2, 2017, Ordinance 19-12 on June 6, 2019, Ordinance 19-22 on August 1, 2019, and Ordinances 20-44, 20-45, 20-46 on November 19, 2020, Ordinance Number 21-09 on June 17, 2021, and Ordinance Number 21-23 on September 8, 2021, Ordinance 21-40 on December 16, 2021, Ordinance 22-04 on February 17, 2022, Ordinance 22-17 on June 16, 2022; and

WHEREAS, the City Commission finds it necessary to periodically revise and update the Land Development Regulations; and

WHEREAS, the City Commission finds the proposed revisions are necessary to provide for consistency with the Comprehensive Plan, and clarify the City Commission's legislative intent; and

WHEREAS, the Local Planning Agency reviewed the proposed revisions to the Land Development Regulations and finds them to be consistent with the Comprehensive Plan.

NOW, THEREFORE, THE COMMISSION OF THE CITY OF EUSTIS HEREBY ORDAINS:

SECTION 1.

That the City of Eustis Land Development Regulations are hereby amended as shown in the redline/strike through below:

- A. Chapter 109 Land Use Districts and Design District Overlays
 - a. Section 109-2.2 Districts Enumerated is amended to add the Rural Residential Transitional Land Use District and the intent of the Land Use District
 - b. Section 109-3 Land Use District Development Intensity is amended to reflect densities and intensities assigned to the Rural Residential Transitional Land Use District
 - c. Section 109.4 Use Regulations Table adding the Rural Residential Transitional District to the table and assigning uses

- d. Section 109.4 Use Regulations Table is also amended to clarify which districts are Permitted (P) to conduct Agricultural Use, removing agricultural use as a Conditional Use from incompatible land use districts

B. Chapter 110 Development Standards

- a. Section 110-4.0. Homestead Lot adding language as footnote reference to newly created Section 110-5.17 for alternate setbacks for agricultural accessory structures
- b. Section 110-4.1. Estate Lot adding language as footnote reference to newly created Section 110-5.17 for alternate setbacks for agricultural accessory structures
- c. Section 110-4.2. House Lot adding language as footnote reference to newly created Section 110-5.17 for alternate setbacks for agricultural accessory structures
- d. Adding Section 110-5.17 providing for standards for agricultural / livestock structures and storage of agricultural machinery.

SECTION 2.

That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION 3.

That it is the intention of the City Commission of the City of Eustis that the provisions of this Ordinance shall become and be made a part of the Land Development Regulations in the City of Eustis Code of Ordinances and that the sections of this Ordinance may be re-numbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase to accomplish such intentions.

SECTION 4.

That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

SECTION 5.

That this Ordinance shall become effective upon passing.

PASSED, ORDAINED, AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 13th day of December, 2022.

**CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA**

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 4th day of November, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public- State of Florida
My Commission Expires:
Notary Serial No.:

CITY ATTORNEY'S OFFICE

This document is approved as to form and legal content for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-36 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

LAND DEVELOPMENT REGULATIONS EUSTIS, FLORIDA

Chapter 109 LAND USE DISTRICTS AND DESIGN DISTRICT OVERLAYS¹

Sec. 109-1. General

The purpose of this chapter is to specify the different types of land uses that are permitted and prohibited within each land use district and the minimum standards to be used when developing property that is located within the city corporate boundaries through the application of a design district overlay. The intent of the land use and design regulations, described herein, are to promote the health, safety, and welfare of the community; to ensure that future growth and development which occurs in Eustis is consistent and compatible with the city comprehensive plan; is compatible with existing and planned development in the city in type, design, and location; is served by adequate public services and facilities; and in all other respects achieves and implements the goals, objectives, and policies of the city as contained in the city comprehensive plan.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-2. Land use districts.

Editor's note(s)—Provisions pertaining to land use districts are set forth in the subsequent sections below, sections 109-2.1—109-2.8.

Sec. 109-2.1. Purpose and intent.

Development and adoption of the city comprehensive plan, specifically the future land use element and future land use map series, has established various land use classifications. These land use classifications are defined within the future land use element and delineated on the future land use map series of the city comprehensive plan, and shall be the determinants of permitted and prohibited activities within each specific land use district.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

¹Editor's note(s)—Ord. No. 16-31, § 1.d.(Exh. A), adopted Dec. 15, 2016, repealed the former subpt. B, land development regulations, ch. 109, and enacted a new chapter as set out herein. The provisions of former ch. 109 pertained to similar subject matter and derived primarily from Ord. No. 15-13, § 1(Exh. E), adopted Oct. 1, 2015. See the Code Comparative Table for additional historical derivations.

Cross reference(s)—Cross References: Concurrency, ch. 106; development standards, ch. 110; general building and site design standards, ch. 115; construction standards, ch. 118; resource protection standards, ch. 121

Sec. 109-2.2. Districts enumerated.

The future land use element of the comprehensive plan contains definitive explanations and definitions for the below-referenced land use classifications. These same classifications, which are described in the city comprehensive plan, directly correspond to the land use districts that are used throughout this land development regulation and are listed below:

Residential	
RR	Rural Residential
<u>RRT</u>	<u>Rural Residential Transitional</u>
SR	Suburban Residential
UR	Urban Residential
MH	Manufactured Home Community
Commercial	
GC	General Commercial
Industrial	
GI	General Industrial
Mixed Use	
CBD	Central Business District
RT	Residential/Office Transitional
MCR	Mixed Commercial/Residential
MCI	Mixed Commercial Industrial
Other	
PI	Public/Institutional
AG	Agricultural
CON	Conservation

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016, Ord. No. 22-36, 12-01-2022)

Sec. 109-2.3. Residential districts intent statements.

- (a) *Rural residential district (RR)*. This designation provides for large lot development near or on the periphery of the Eustis Urbanized Area. Densities of one unit per acre or less are appropriate in areas of steep slope near lakes where soil erosion is a potential problem and in remote locations where provision of urban services is not economically feasible.
- (b) *Rural residential transitional district (RRT)*. This designation provides for larger single-family lot development near or on the periphery of the Eustis Urbanized Area. Densities of three units per acre or less are appropriate in areas of rural and semi-rural, areas of steep slope near lakes where soil erosion is a potential problem, and in locations where the full provision of urban services is not economically feasible. The RRT designation is intended to provide for single-family detached dwellings in a suburban and semi-rural atmosphere.
 - a. The RRT shall permit by right, a traditional subdivision, of up to two (2) dwelling units per acre with the provision of a minimum of 35% open space including a 50-foot perimeter buffer surrounding the subdivision. The subdivision lots shall only be designed as the Homestead and Estate Lot Types. The Homestead and Estate Lot Types may be mixed.
 - b. Open space and the perimeter buffer shall be dedicated in perpetuity and maintained by a homeowner's association, or other conservation entity, approved by the City Commission as part of the PUD. Applicable, best management practices shall be implemented for the maintenance of these areas, and a management plan shall be included with the PUD application package.

- c. Should the subdivision be proposed with greater than two (2) dwelling units per acre, or desire a dedication of less than 35% open space, or desire a variable 50-foot buffer, the developer of the property shall follow the Planned Unit Development (PUD) overlay.
 - d. Incentives for following the Planned Unit Development Overlay:
 - i. Allowance for up to three (3) dwelling units per acre
 - ii. Allowance for a minimum open space dedication of 25%, provided that the development area does not include longleaf pine, sandhill, sand pine, or xeric oak communities. If these habitats exist on the property these areas shall be protected as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.
 - iii. Allowance for a variable subdivision buffer with an average of 50 feet. The minimum buffer width shall be no less than 15 feet.
 - iv. No restriction on Design District Lot Typology. The petitioner for the PUD may propose a lot size or mixture of lot sizes that work for their development.
 - e. Open space and the perimeter buffer shall be dedicated in perpetuity and maintained by a homeowner's association, or other conservation entity, approved by the City Commission as part of the PUD. Applicable best management practices shall be implemented for the maintenance of these areas, and a management plan shall be included with the PUD application package.
- (c) *Suburban residential district (SR)*. Areas designated suburban residential (SR) have a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.
- (d) *Urban residential district (UR)*. This designation applies to areas near the downtown core of the city. This land use designation has a maximum density of 12 units per acre.
- (e) *Manufacture home community (MH)*. This designation provides guidelines for mobile home and recreational vehicle parks. The purpose of this district is to provide for a mobile home urban environment in a rental park where the dwelling unit may or may not be owned by the tenant residing within, provided however, that the real property for the entire mobile home community is under single ownership.
- (Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016, Ord. No. 22-36, 12-01-2022)

Sec. 109-2.4. Commercial districts intent statements.

General commercial district (GC). An area consisting of primarily freestanding commercial land uses serving both motorists and local residents.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-2.5. Industrial districts intent statements.

General industrial district (GI). This land use designation is provided for those businesses that may have one or more objectionable uses such as noise, dust or odor. The purpose of this district is to provide a method whereby industries necessary to the area, but with inherent characteristics which could prove obnoxious or detrimental to a different type of industrial operation, may locate in the most suitable and advantageous spots to minimize inconvenience to the general public. This district also offers greater economy and freedom to the industrial developer by the relaxation of certain standards and screening requirements within the district itself.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-2.6. Mixed use districts intent statements.

- (a) *Central business district (CBD)*. This land use designation has a mix of commercial, public/institutional and residential uses that is desired in the downtown areas.
- (b) *Residential/office transitional district (RT)*. This land use designation applies to older residential areas having residential character, which are located adjacent to nonresidential development. The purpose is to provide for establishment of business and professional offices and limited retail and service business while maintaining residential character or compatibility.
- (c) *Mixed commercial/residential district (MCR)*. This land use designation is intended to regulate the character and scale of commercial and residential uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby land uses, and provide for mixed use development.
- (d) *Mixed commercial/industrial district (MCI)*. This land use designation is intended to provide for development of light manufacturing, distribution, corporate office and related commercial and industrial facilities in select high profile locations and in well planned environments.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-2.7. Other districts intent statements.

- (a) *Public/institutional (PI)*. This land use designation applies to public and quasi-public properties and other facilities that provide a community service.
- (b) *Agricultural district (AG)*. This land use designation provides for general agricultural land uses outside the urban area and can limit the premature spread of urban growth and conversion of productive agricultural lands until and only if necessary in the future.
- (c) *Conservation district (CON)*. This land use designation provides for lands that have environmental sensitivity and significance.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-2.8. Planned development overlay intent statements.

- (a) The planned development overlay provides an opportunity for planned residential or mixed-use communities, containing a variety of residential structures and diversity of building arrangements, with complementary and compatible commercial or industrial uses or both; planned commercial centers with complementary and compatible residential or industrial uses or both; or planned industrial parks with complementary and compatible residential or commercial uses or both; developed in accordance with an approved development plan.
- (b) The planned development overlay provides an opportunity to allow for diversification of uses, structures, and open spaces in a manner compatible with existing and permitted land uses on abutting properties.
- (c) The planned development overlay shall preserve the natural amenities and environmental assets of the land by encouraging the preservation and improvement of scenic and functional open areas and shall encourage an increase in the amount and usability of open space areas by permitting a more economical and concentrated use of building areas than might be possible through conventional subdivision practices.
- (d) The planned development overlay shall provide an opportunity for the application of innovative concepts of site planning in the creation of aesthetically pleasing living, shopping, and work environments on properties of adequate size, shape, and location.
 - 1. The RRT land use district shall require a planned development overlay when the proposed density exceeds two (2) dwelling units per acre, and/or the proposed open space is less than 35%.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-3. Land use district development intensity.

The land use districts establish the maximum standards and limitations for density, intensity and impervious surface and minimum standards for required open space consistent with the limitations of the City of Eustis Comprehensive Plan. The design standards for an individual project shall be determined through the application of design district compatibility standards and limitations provided in section 109-5. The land use district development intensity shall be limited according to land use district (Table 1) and may be further restricted by design district designation and other locational criteria (Table 2): **Table 1: Intensity limitations by land use district.**

LAND USE DISTRICT	Maximum Net Density (dwelling units (du) per net acre)	Intensity Range (Floor Area Ratio)	Maximum Building Height (Feet)	Minimum Open Space Required* (within the Wekiva Area)	Minimum Open Space Required (outside Wekiva Area)	Maximum Impervious Surface (Percentage of net buildable area)
RR	1 du/acre ⁽¹⁾	Not Applicable	35	25% ⁽⁵⁾⁽⁶⁾	25% ⁽⁵⁾	20% ⁽⁵⁾
RRT	Up to 3 du/acre⁽¹⁾⁽⁷⁾	Not Applicable	35	25%⁽⁵⁾⁽⁶⁾⁽⁷⁾	25%⁽⁵⁾⁽⁷⁾	35%⁽⁵⁾
SR	5 du/acre ⁽¹⁾⁽²⁾	Not Applicable	35	25% ⁽⁵⁾⁽⁶⁾	25% ⁽⁵⁾	40% ⁽⁵⁾
UR	12 du/acre ⁽¹⁾⁽²⁾	Not Applicable		20% ⁽⁵⁾⁽⁶⁾	20% ⁽⁵⁾	40% ⁽⁵⁾
Single-family			35			
Multi-family			45			
MH	8 du/acre ⁽¹⁾	Not Applicable	35	50% ⁽⁵⁾⁽⁶⁾	50% ⁽⁵⁾	50% ⁽⁵⁾
GC	Not Applicable	Up to 2.5 ⁽⁴⁾	35	10% ⁽⁵⁾⁽⁶⁾	5% ⁽⁵⁾	75% ⁽⁵⁾
GI	Not Applicable	Up to 2.5 ⁽⁴⁾	35	10% ⁽⁵⁾⁽⁶⁾	10% ⁽⁵⁾	75% ⁽⁵⁾
CBD			74 (6 stories)	Not Applicable	0%	100%
Residential	40 du/acre ⁽²⁾⁽³⁾					
Nonresidential		3.0				
RT			35			
Residential	12 du/acre ⁽¹⁾⁽²⁾			20% ⁽⁵⁾⁽⁶⁾	20% ⁽⁵⁾	40% ⁽⁵⁾
Nonresidential		Up to 2.5 ⁽⁴⁾		20% ⁽⁵⁾⁽⁶⁾	10% ⁽⁵⁾	75% ⁽⁵⁾
MCR			35			
Residential	12 du/acre ⁽¹⁾⁽²⁾			25% ⁽⁵⁾⁽⁶⁾	25% ⁽⁵⁾	40% ⁽⁵⁾
Nonresidential		Up to 2.5 ⁽⁴⁾		20% ⁽⁵⁾⁽⁶⁾	15% ⁽⁵⁾	75% ⁽⁵⁾
MCI	Not Applicable	Up to 2.5 ⁽⁴⁾	45	10% ⁽⁵⁾⁽⁶⁾	10% ⁽⁵⁾	75% ⁽⁵⁾
PI	Not Applicable	Up to 2.5 ⁽⁴⁾	35	20% ⁽⁵⁾⁽⁶⁾	15% ⁽⁵⁾	75% ⁽⁵⁾
AG	1 du/5 acres ⁽¹⁾	Not Applicable	35	0%	0%	20% ⁽⁵⁾
CON	Not Applicable	Up to 0.20 ⁽⁴⁾	35	Not Applicable	Not Applicable	10% ⁽⁵⁾

Table Footnotes:

Generally: Specified densities and intensities will not be achieved in all cases. Compatibility standards and other land development regulations, including those regulating the interaction between land use districts and design districts, as related to each specific site's unique characteristics, will determine actual achievable densities and intensities.

1. Park requirements. (See Sec. 115-9.)
2. *Density bonuses for affordable housing.* Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5—15 percent in density in these classifications where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent.
3. The maximum of 40 units per acre is permitted in the portion of the central business district bordered on the west by Bay Street, south by Orange Avenue, east by Center Street and north by Clifford Avenue. The remainder of the Central Business District shall have a base maximum density of 12 du/acre and shall require a conditional use permit to develop up to 40 units per acre.
4. Allowable intensities incrementally decrease between downtown and outlying areas, and between corridors and neighborhoods, as specified in Table 2. Higher intensities apply in urban districts, medium intensities in suburban districts and lower intensities in rural districts. Similarly, within those districts, higher intensities apply along corridors and lower intensities in neighborhoods.
5. The minimum open space and maximum impervious surface requirements apply to the development as a whole when common area is provided. In no case shall individual building lot coverage exceed 80 percent regardless of whether common area open space is provided for the development as a whole. Open space and impervious surface are defined in chapter 100.
6. Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35 percent of the net buildable area.
7. See Sec. 109-2.3 and Sec. 109-2.8

Table 2: Intensity (floor area ratio) limitations by design district designation and further locational limitations

All districts.

Unless maximum intensity is further restricted by either or both the underlying future land use designation or the maximum intensity column below, the following additional limitations apply:

- Any structure or portion thereof in urban and suburban design districts placed within 100 feet of a rural or suburban residential future land use district is limited to an FAR of 0.75.
- Any structure or portion thereof in rural design districts placed within 100 feet of a rural or suburban residential future land use district is limited to an FAR of 0.35.

Design District	Maximum Intensity ⁽¹⁾ (FAR)	Additional Locational FAR Limitation
Urban Center	3.0	
Urban Corridor	2.5	Maximum 2.0 FAR: • north of Pendleton Avenue • south of Lakeview Avenue • east of Exeter Street
Urban District	2.0	
Urban Neighborhood	0.35	
Suburban Center	2.0	
Suburban Corridor	2.0	Maximum of 1.0 FAR • along Orange Avenue

Suburban District	2.0	
Suburban Neighborhood	0.35	
Rural Center	0.75	
Rural Corridor	0.75	
Rural District	0.75	
Rural Neighborhood	0.35	

Table Footnotes:

1. Intensity range is specified primarily by future land use district per the comprehensive plan. Maximum intensity by design district does not supersede those maximum intensities established for each future land use district in the comprehensive plan.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016; Ord. No. 19-22 , § 1(Exh. A), 8-1-2019, [Ord. No. 22-36, 12-01-2022](#))

Sec. 109-4. Use regulations table.

- (a) No building, structure, land, or water shall hereafter be used or occupied, except in conformity with the regulations herein specified for the district in which it is located.
- (b) *Use table key.*
- (1) *Uses permitted by right (P).* A "P" indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable requirements of these regulations, including the compatibility determination and design regulation.
 - (2) *Uses permitted with limitations—Limited uses (L).* An "L" indicates a use that will be permitted subject to the use limitations in the "Standards" column.
 - (3) *Conditional use (C).* A "C" indicates a use that is allowed only where approved as a conditional use by the city commission in accordance with the procedures of section 102-30. Conditional uses are subject to all other applicable requirements of these regulations.
 - (4) *Uses not allowed.* A blank cell in the use table indicates that a use is not allowed in the respective district.

			Residential				Commercial and Industrial		Mixed Use				Other			
SPECIFIC USE		R R	<u>RR</u> <u>I</u>	S R	U R	M H	GC	GI	CB D	R T	MC R	M CI	P I	A G	CO N	Standards
		KEY: P = Permitted Use L = Permitted Subject to Limitations in Standards Column C = Conditional Use Blank = Not Permitted														
		Agricultural														
Agricultural, general		P	<u>P</u> , <u>L</u>											P	<u>L</u> , <u>C</u>	4, 16, 17
Commercial poultry farm														C		
Commercial swine farm														C		
		Residential														
Accessory Apt.		C	<u>C</u>	C	P				P	P	P			C		
Bed & Breakfast		C	<u>C</u>	C	C	C	P		P	P	P			C		
Boarding and Rooming House					C		P		C	C	P					
Group Home; 6 or fewer residents		P	<u>P</u>	P	P		C		P	P	P			P		
Group Home; 7 or more residents		C	<u>C</u>	C	C		C		C	P	P			C		
Home occupation		L	<u>L</u>	L	L	L	P		P	P	P			L		6; additional

																standards in Sec. 110-5.9
Live Work					C				P	P	P					
Mobile Home						P								C		
Multi-family				L	P		L		P	P	P					2, 7, 8 (as part of PUD)
Recreational vehicle park						P										
Single family detached		P	<u>P</u>	P	P	P				P	P			P		
Single family attached (duplex, row house, townhouse)				P	P					P	P					
Recreation Facilities																
Golf Course		L	<u>L</u>	L										L		8
Marina				C	C		P		C		C	C	P			
Parks: tot lot, passive, and picnic		P	<u>P</u>	P	P	P	P		P	P	P	P	P	P	L	3
Regional park; amphitheater			<u>C</u>	C	C		P		C	P	P		P	C		
Nature, ecology facilities		C	<u>P</u>	P	P	P	P						P	L	L	3
Sports Complex			<u>C</u>	C			P	P			P	P	P	C		
Shooting Range, indoor							P	P				P	P			
Shooting Range, outdoor		C	<u>C</u>	C				C				C	C	C		11
Commercial																
All commercial and office except as specified below						L	P		P	C	P	P				1
Adult								L								12

Car sales, leasing and related services							P	P	C	C	C	C				
Car Wash, Automated							P	P			P	P				
Car Wash, full or self-service							P	P		C	C	C				
Convenience store w/gas station						L	P	P	P	C	P	P				1
Convenience store w/o gas						L	P	P	P	C	P	P				1
Commercial, neighborhood				L	L	L	P	P	P	C	P	P				1,5
Drive-thru sales or service							P	P	C	C	P	P				
Dry cleaning/laundry						L	P		P	C	P	P				1
Fast Lube/Oil Change							P	P			P	P				
Food and beverage store/incl. alcohol						L	P		P	C	P	P	L			1,9
Hotel							P		P	C	P	P				
Mobile Vendor							P	P	L, C		P	P				14
Outdoor Kennel							C	P			C	C		P		
Package store							P		P	C	P	P				
Parking, commercial							P		P	C	P	P	L			9
Pharmacy							P	C	P	C	P	P				
Restaurant, no drive-thru						L	P		P	C	P	P	L			1,9
Restaurant with drive-thru							P		C	C	P	P				
Retail sales and service						L	P	C	P	C	P	P	L			1,9
Self-service storage							P	P			P	P				

Vehicle parts and accessories (sales)							P	P	P	C	C	P				
Vehicle service, general							P	P	P	C	C	P				
Vehicle service, major								P				P				
Office																
Professional services and general office					L		P	P	P	P	P	P				5,7
Industrial																
All light industrial/research except as listed below								P	P			P	C			
Crematorium								C								
Heavy industrial								P								
Research lab w/o manufacturing							P	P	P	C	C	P				
Warehouse and freight movement								P				L				10
Wholesale trade								P				L				10
Community/Service Uses																
Child daycare centers; nursery schools		C	<u>C</u>	C	P	L	P		P	P	P	P	P			1
Churches and accessory uses, including schools		C	<u>C</u>	C	C	L	P		P	P	P	P	P			1
College or University		C	<u>C</u>	C	C		P		P	C	P	P	P			
Elementary school		P	<u>P</u>	P	P	P	P	C	C	P	P	C	P			
Middle school		C	<u>C</u>	C	C	C	P	C	C	P	P	P	P			
High school		C	<u>C</u>	C	C	C	P	C		P	P	P	P			
Vocational school							P	P	C	C	P	P	P			

Government buildings		C	<u>C</u>	C	C	L	P	P	P	P	P	P	P	P		1
Hospitals							P				P	P	P			
Nursing home							P		P	P	P	P	P			
Public services/utilities		L, C	<u>L</u> , <u>C</u>	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	L, C	P	C	C	13 - 2 ac in Res/5 Ac in Mixed & GI
Wireless Communication Antenna and/or Towers		C	<u>C</u>	C	C	C	C	P	C	C	C	C	P	C	C	
Wireless Communication Antenna and/or Towers Camouflaged		C	<u>C</u>	C	C	C	C	P	P	P	P	P	P	P	C	

Standards.

- (1) The "Limited" uses in MH are permitted as a use upon site plan approval and when they are integrated into the rental park specifically for the purpose of serving the residents of the park; and where the total site area for the facilities does not exceed two percent of the overall land area in the rental park.
- (2) In the general commercial district, the "Limited" residential uses are limited to the upper floors of buildings above ground-level commercial and office uses.
- (3) In the conservation land use district, outdoor recreation facilities are limited to interpretive and educational features and related facilities for nature study and enjoyment. All structures/facilities shall be of an unobtrusive nature to enable a compatible mixture of natural and manmade features, including but not limited to the following: boardwalks and nature/hiking trails; environmental/ecological education centers; and shelters/restrooms and other similar uses.
- (4) Agricultural uses are limited to silviculture and native range land only in the conservation land use category unless specified otherwise as part of a conditional use permit.
- (5) Neighborhood scale commercial uses may be permitted within these districts when limited in scale consistent with a residential structure on a lot when a development of 50 homes or greater is approved or as part of a planned unit development master plan on previously undeveloped property. These uses are not permitted in established and existing neighborhoods.
- (6) Home occupation which: a) is clearly incidental and subordinate to the use of the dwelling unit as a residence; b) is conducted only by members of the family residing in the dwelling unit and entirely within the principal structure; c) does not offer products for sale from the premises; d) does not alter or change the residential character or exterior appearance of the dwelling unit and no evidence of the use is visible or audible from the exterior of the residential property; e) does not generate traffic in excess of that customary at residences; and f) where no commercial vehicles or equipment associated with the business are kept on premises unless stored in an enclosed structure or screened from view from the street or adjacent properties unless otherwise permitted by these regulations.
- (7) Limited to the building type design standards of the applicable design district, chapter 110.
- (8) Allowed when the facility is in conjunction with a planned unit development.

- (9) Allow commercial as general accessory, complementary use with a marina and/or outdoor recreation facilities in PI.
- (10) The size and scale of the wholesale facility shall be compatible and consistent with the adjacent building typologies.
- (11) An outdoor shooting range is permitted as a conditional use only in suburban residential land use districts located within a rural design district.
- (12) Must be consistent with chapter 10 of the Code of Ordinances.
- (13) In SR, UR, MH: Public and utility services and facilities that are two acres or less in size are also permitted. In GC, CBD, RT, MCR, GI: Public and utility services and facilities that are five acres or less in size are also permitted.
- (14) In the CBD, the "Limited" mobile vendor use applies to mobile vendors in conjunction with city sponsored or city sanctioned events as approved by the city manager. Mobile vendors offering food service only (food trucks) proposing regular operation in the CBD may apply for a conditional use permit approval by city commission; provided the proposed operation is located on a developed site where the food truck use is managed by and/or operated dependently in association with an eating and/or drinking establishment located in an onsite building with restroom facilities. All mobile vendors are required to apply for and obtain a business tax receipt. Application requirements include letter of permission from the property owner, site plan layout showing driveway connection, and location that does not impede access to the site or required parking.
- (15) *Permitted accessory uses/structures.* Uses and/or structures that are customary and secondary to the primary use or structure permitted by the land use district and meet any additional requirements listed in section 110-5, for special accessory uses where applicable.

(16) Agricultural uses may continue in the RRT land use.

(17) See Sec. 109-2.3 and Sec. 109-2.8

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016; Ord. No. 19-12, § 1(Exh. A), 5-2-2019; Ord. No. 20-45 , § 1, 11-19-2020, Ord. No. 22-36, 12-01-2022)

Sec. 109-5. Design districts.

Editor's note(s)—Provisions pertaining to design districts are set forth in the subsequent sections, sections 109-5.1—109-5.8, below.

Sec. 109-5.1. Purpose and intent.

The design districts function to establish a consistent method for regulating a variety of uses and building types through specific performance standards which are regulated through three distinct development patterns and four design districts as identified in figure 1.0 as they may be amended from time to time in accordance with chapter 102. These design districts apply to all land parcels within the city other than those with a conservation land use designation.

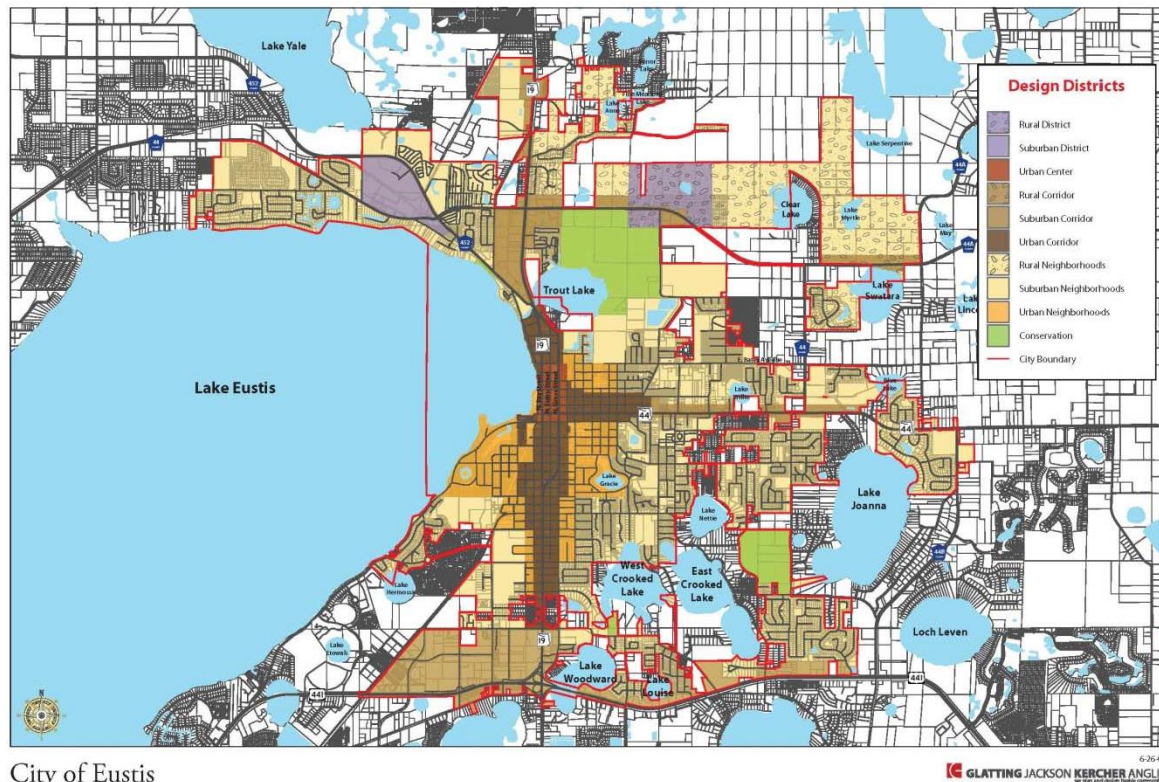


Figure 1.0 Design Districts by Development Pattern

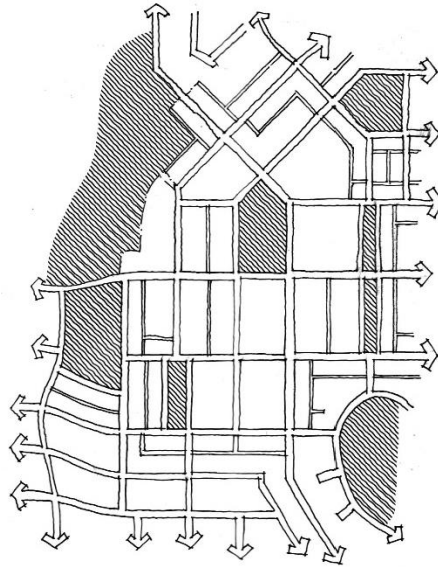
(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-5.2. Districts enumerated.

- (a) *Development pattern and design districts.* The development patterns will be classified as urban, suburban or rural. Within each development pattern there are four design districts. They are categorized as 1) Neighborhood (NHB), 2) District (DST), 3) Center (CTR) and 4) Corridor (COR). The following sections include a graphic to illustrate each development pattern, a brief description of the development pattern, definitions of each of four design districts as they relate to that particular development pattern, and development and design standards for each design district.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-5.3. Urban development pattern intent statements.



- (a) *Intent.* The urban development pattern relies primarily on a system of interconnected street grids that prioritizes pedestrians and transit features and links civic buildings, squares, parks and other neighborhood uses. Usable public open space organizes development to make a place. This pattern is characterized by a mix of building typologies with a defined center which can be a park, civic space or neighborhood commercial/retail feature.
- (b) *Form.* Usable public open space organizes development to make a place. Mix of unit types with focus on "center" park, civic or neighborhood commercial/retail feature.
- (c) *Design districts.*
 - (1) *Urban neighborhood.*
 - a. *Definition.* Predominately residential uses with some neighborhood scale commercial services.
 - b. *Structure.* Interconnected streets and blocks with alleys
 - c. *Form.* Mix of unit types with focus on "center" park, civic or neighborhood commercial/retail feature
 - (2) *Urban district.*
 - a. *Definition.* Areas of a predominant single use, such as warehouses, office parks, and campuses.
 - b. *Structure.* All uses have public street access. Streets and alleys connect to other streets. Cul-de-sacs, T-turnarounds and gated or dead-end streets are not generally permitted.
 - c. *Form.* Usable public open space organizes development to make place.
 - (3) *Urban center.*
 - a. *Definition.* Mix of commercial, office, and multifamily uses with a public space or water body and a main street.
 - b. *Structure.* Development blocks organized with streets and alleys/driveways.
 - c. *Form.* Usable public open space organizes development to make place.
 - (4) *Urban corridor.*
 - a. *Definition.* Linear concentrations of typically commercial uses, predominately auto-oriented uses. The parcel size is primarily shallow in nature, compatible with the adjacent neighborhoods.

- b. *Structure.* Interconnected driveways or rear lanes, access ways
- c. *Form.* Predominately single-use areas that may include a mix of uses, retail, and residential.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-5.4. Urban performance standards

The city has established four distinct design districts within the urban area: neighborhood, center, corridor and district. The following provisions apply to all urban districts. Specific standards by district are also included herein.

- (1) *Urban Building Lot Types.* The following building lot types are permitted within the city's urban area.

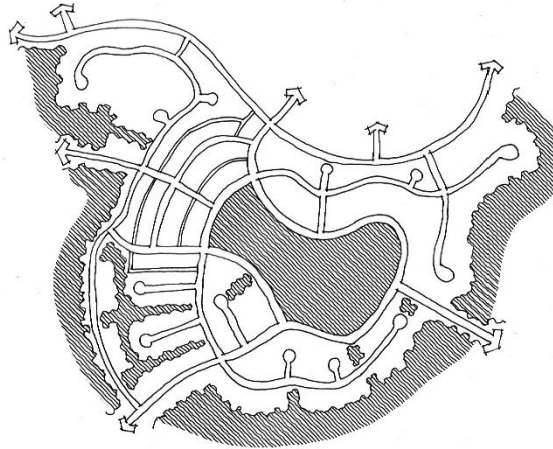
Building Lot Types	Urban			
	NHD	DST	COR	CTR
HOMESTEAD				
ESTATE	X			
HOUSE	X		X	X
COTTAGE	X(2)			X
DUPLEX	X		X	X
TOWNHOUSE	X		X	X
APARTMENT HOUSE	X		X	X
COURTYARD APARTMENT	X		X	X
APARTMENT BUILDING	X		X	X
LIVE/WORK BUILDING	X		X	X
MIXED-USE BUILDING	X(1)		X	X
MULTI-STORY COMMERCIAL BUILDING	X(1)		X	X
LARGE-FORMAT RETAIL BUILDING		X	X	X
COMMERCIAL BUILDING		X	X	X
PEDESTAL BUILDING				X
LINER BUILDING				X
INDUSTRIAL BUILDING		X		
CIVIC BUILDING	X	X	X	X
APARTMENT COMPLEX			X	
RETAIL COMPLEX		X	X	

(X) permitted, Blank cell- prohibited

- (1) The size shall be limited to neighborhood scale.
- (2) Up to four cottage building lot types when developed as one project, may apply for a waiver to permit an averaging of the side setback.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-5.5. Suburban development pattern intent statements.



- (a) *Intent.* The suburban development pattern relies primarily on a pattern of residential development that provides the majority of property owners with substantial yards on their own property. The street layout, comprised of streets with fewer vehicular connections, helps to reduce cut-through traffic and establishes distinct boundaries for residential communities/subdivisions. Nonresidential uses are primarily located on corridors, districts and a mix of uses is prominent in centers. Each land use provides for pedestrian and bicycle connections.
- (b) *Design districts.*
- (1) *Suburban neighborhood.*
 - a. *Definition.* Predominately residential uses with some neighborhood scale commercial services.
 - b. *Structure.* Interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.
 - c. *Form.* Mix of detached residential uses with some neighborhood supporting retail, parks and civic spaces as focal points in the neighborhoods.
 - (2) *Suburban district.*
 - a. *Definition.* Areas of a predominant single use, such as warehouses, office parks, and campuses.
 - b. *Structure.* The street system is designed to accommodate the density, intensity, and form of suburban development and provides functional connections that link neighborhoods to shopping areas.
 - c. *Form.* Predominately single use areas.
 - (3) *Suburban center.*
 - a. *Definition.* Mix of commercial, office, and potentially multifamily residential uses.
 - b. *Structure.* Development blocks organized with streets, pedestrian walkways and driveways.
 - c. *Form.* Mix of nonresidential uses from office to commercial with supportive uses adjacent to larger use types.
 - (4) *Suburban corridor.*
 - a. *Definition.* Linear concentrations of typically commercial uses, predominately auto-oriented uses. The parcel size ranges from large areas of depth to shallow in nature, compatible with the adjacent neighborhoods.
 - b. *Structure.* The street system is designed to accommodate the density, intensity, and form of suburban development and provides functional connections that link neighborhoods to shopping areas.

- c. *Form*: Predominately single-use areas that may include a mix of uses, retail, and residential.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-5.6. Suburban performance standards.

The city has established four distinct design districts within the suburban area: neighborhood, center, corridor and district. The following provisions apply to all districts. Specific standards by district are also included herein.

- (1) *Suburban building lot types*. The following building lot types are permitted within the city's suburban area:

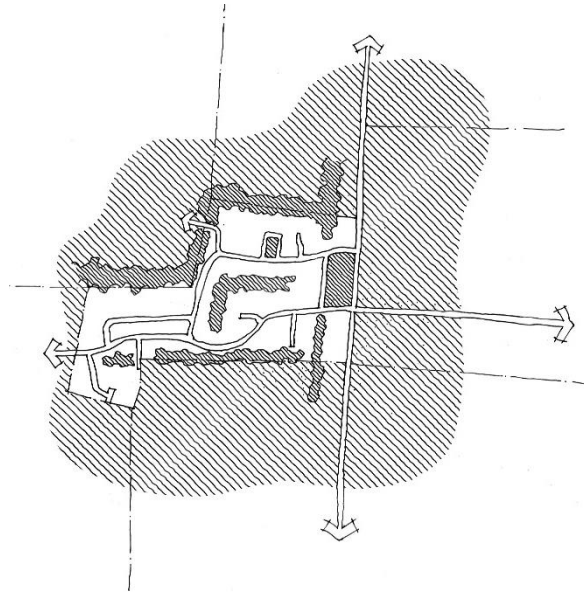
Building Lot Types	Suburban			
	NHD	DST	COR	CTR
HOMESTEAD				
ESTATE	X		X(3)	
HOUSE	X		X(3)	
COTTAGE			X(3)	
DUPLEX	X		X(3)	
TOWNHOUSE	X(2)		X	X
APARTMENT HOUSE	X(2)		X	X
COURTYARD APARTMENT	X(2)		X	X
APARTMENT BUILDING	X(2)		X	X
LIVE/WORK BUILDING			X	X
MIXED-USE BUILDING	X(1)		X	X
MULTI-STORY COMMERCIAL BUILDING	X(1)		X	X
LARGE-FORMAT RETAIL BUILDING		X	X	
COMMERCIAL BUILDING		X	X	
PEDESTAL BUILDING		X		
LINER BUILDING				
INDUSTRIAL BUILDING		X		
CIVIC BUILDING	X	X	X	X
APARTMENT COMPLEX			X	X
RETAIL COMPLEX		X	X	X
INDUSTRIAL COMPLEX		X		

(x) permitted, Blank cell - prohibited

- (1) The size shall be limited to neighborhood scale.
- (2) All apartment, town home building types are permitted only on parcels with an MCR land use designation or as a part of a mixed-use project that requires a minimum of 15 percent of the development acreage to be devoted to nonresidential support uses.
- (3) Permitted within a PUD.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-5.7. Rural development pattern intent statements.



- (a) *Intent.* The rural development pattern relies primarily on a pattern of clustered residential development that provides substantive open space that serves to preserve and enhance the rural view shed and character of the community. Nonresidential uses are primarily located in centers and may contain a mix of uses.
- (b) *Design districts.*
 - (1) *Rural neighborhood.*
 - a. *Definition.* Predominately residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource areas while providing a significant amount of open space.
 - b. *Structure.* Developable land is subdivided into buildable lots. This development option provides an opportunity for communities to meet both their development and conservation goals by concentrating homes in a small portion of a site in an effort to preserve the existing natural resource areas on a larger scale.
 - c. *Form.* Preservation of natural landscape organizes development to make a place.
 - (2) *Rural district.*
 - a. *Definition.* Areas of a predominant single use, such as warehouses, office parks, and campuses.
 - b. *Structure.* Development is organized to help efficient use of land for a single use district.
 - c. *Form.* Predominately single-use areas.
 - (3) *Rural center.*
 - a. *Definition:* Mix of neighborhood scale commercial, office, and residential uses with a public space, preservation space or water body and a main street.
 - b. *Structure:* Development blocks organized with streets and alleys (where applicable)/driveways while preserving large areas of land for conservation, open space and/or preservation.
 - c. *Form:* Preservation of natural landscape organizes development to make a place. Mix of unit types with focus on "center" park, civic or neighborhood commercial/retail feature.

(4) *Rural corridor.*

- a. *Definition.* Linear concentrations of roadways that preserve scenic views and existing open vistas, and protect the integrity of the existing rural community character.
- b. *Structure.* Interconnected driveways, access-ways.
- c. *Form.* Predominately rural roadways with adjacent single use areas.

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Sec. 109-5.8. Rural performance standards.

The city has established four distinct design districts within the rural area: neighborhood, center, corridor and district. The following provisions apply to all districts. Specific standards by district are also included herein.

(1) *Rural building lot types* The following building lot types are permitted within the city's rural area.

Building Lot Types	RURAL			
	NHD	DST	COR	CTR
HOMESTEAD	X			
ESTATE	X			
HOUSE	X			X
COTTAGE				X
DUPLEX	X			X
TOWNHOUSE				X
APARTMENT HOUSE				X
COURTYARD APARTMENT				
APARTMENT BUILDING				
LIVE/WORK BUILDING				X
MIXED-USE BUILDING				X
MULTI-STORY COMMERCIAL BUILDING				X
LARGE-FORMAT RETAIL BUILDING				
COMMERCIAL BUILDING				
PEDESTAL BUILDING				
LINER BUILDING				
INDUSTRIAL BUILDING		X		
CIVIC BUILDING	X	X	X	X
APARTMENT COMPLEX				
RETAIL COMPLEX			X	
INDUSTRIAL COMPLEX		X	X	

(X) permitted, Blank cell- prohibited

(Ord. No. 16-31, § 1.d.(Exh. A), 12-15-2016)

Chapter 110 DEVELOPMENT STANDARDS²

Sec. 110-1. Development regulations.

Editor's note(s)—Provisions pertaining to development regulations are set forth in the subsequent section, § 110-1.1, below.

Sec. 110-1.1. Application of district regulations.

The regulations within each district shall be minimum or maximum limitations, as the case may be, and shall apply consistently and uniformly to each class or kind of structure based upon the compatibility requirements provided herein, to each use, and to all land or water other than those properties with a conservation land use designation. The following general regulations shall apply, except where expressly modified elsewhere in these regulations.

- (a) *Land use district affects use or occupancy.* No building, structure, land, or water shall hereafter be used or occupied, and no building, structure, or part thereof shall hereafter be erected, constructed, reconstructed, located, moved, or structurally altered except in conformity with the regulations herein specified for the district in which it is located.
- (b) *Land use district affects height, population density, coverage, and open spaces.* No building or structure shall hereafter be erected or altered in any manner contrary to the provisions of these regulations, including, but not limited to:
 - (1) Exceeding height, bulk, or floor area;
 - (2) Providing a greater number of dwelling units; or
 - (3) Occupying a greater percentage of lot area.
- (c) The design districts function to establish a consistent method for regulating the form of a variety of uses and building types through specific performance standards that are provided in chapter 110 and are regulated through three distinct development patterns and four design districts as identified in figure 1.0 in section 109-5.
- (d) *Design district affects building frontage, yards, and lot size.* No building or structure shall hereafter be erected or altered in any manner contrary to the provisions of these regulations, including, but not limited to:
 - (1) Providing less building frontage,
 - (2) Providing narrower or smaller yards (or in some cases larger yards), courts, or other buffers; or
 - (3) Providing less separation between buildings or structures or portions of buildings or structures.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

²Editor's note(s)—Ord. No. 16-31, § 1.e.(Exh. A), adopted Dec. 15, 2016, repealed the former subpt. B, land development regulations, ch. 110, and enacted a new chapter as set out herein. The provisions of former ch. 110 pertained to design district standards and derived primarily from Ord. No. 15-13, § 1(Exh. F), adopted Oct. 1, 2015. See the Code Comparative Table for additional historical derivations.

Cross reference(s)—Concurrency, ch. 106; land use and design districts, ch. 109; general building and site standards, ch. 115; construction standards, ch. 118; resource protection, ch. 121.

Sec. 110-2. Measurement of standards.
(a) Density.

- (1) The number of residential dwelling units permitted per net buildable acre of land.
- (2) In the determination of the number of residential dwelling units to be permitted on a specific parcel of land, a fractional unit shall not entitle the applicant to an additional unit.

(b) Height.

- (1) Height of building is the vertical distance above finished grade to the highest point of a flat roof, to the deck line of a mansard roof, or to the average height of a roof having a pitch.
 - (2) The height of a stepped or terraced building is the maximum height of any segment of the building.
 - (3) In floodprone areas where minimum floor elevations have been established by law, which exceed the minimum point of measurement established by this section, the building height shall be measured from such required minimum floor elevations.
 - (4) Height limitations do not apply to the following: appurtenances/structures, and other similar structures as determined by the development services director:
 - a. Flagpoles; antennas and transmission towers in conformance with these regulations; water tanks or fire towers; heating, ventilation or air conditioning equipment, elevator shafts, chimneys and unenclosed roof-top stairways/ladders (when and specifically as required by the building code) on buildings with four or more stories; or
 - b. Feed storage structures.
 - c. Roof ornaments including spires, belfries, steeples, minarets, clock towers, or cupolas, or any other ornaments or appurtenances that are placed at or rising above the roof level may be made a part of residential or nonresidential structures.
 1. In all residential districts, roof ornaments may be affixed to residential structures, and rooftops may be used for accessory uses such as swimming pools, spas, cooking facilities, playing courts, wet bars, railings, tables, chairs, umbrellas, tents and similar uses, provided no portion of any roof ornament or accessory use exceeds the maximum height limit for the applicable land use district.
 2. Roof ornaments associated with nonresidential structures in all land use districts shall be subject to the following:
 - i. No horizontal plane of the roof ornament shall exceed five percent of the total floor area of the building to which it is attached, nor shall the horizontal planes of all roof ornaments associated with the building exceed five percent of the total floor area of the building.
 - ii. The height of a roof ornament may extend beyond the maximum height allowed in the district, but the amount of such extension shall not exceed 20 percent of the maximum height for the land use district in which the property is located. A cupola or other ornament may be placed atop a roof ornament, but in such case the roof ornament shall be considered a single ornament for purposes of this section.
- (c) *Lot area.* Minimum lot areas shall be exclusive of public rights-of-way or private streets and all lands seaward of the mean high water line.
- (d) *Lot width.* Width of a lot shall be considered to be the average distance between straight lines connecting front and rear lot lines at each side of the lot, measured as straight lines between the foremost points of the side lot lines in front (where they intersect with the street line) and the rear-most points of the side lot lines in the rear. The width between the side lot lines at their foremost points in the front shall not be less than 80 percent of the

required lot width except in the case of lots on the turning circle of a cul-de-sac, where the width shall not be less than 60 percent of the required lot width or 60 feet, whichever is smaller.

- (e) *Site area.* The minimum area required for a particular type of development. The site may then be divided into smaller lots.
- (f) *Yards.*
 - (1) *In general.* Every part of every required yard shall be open and unobstructed from 30 inches above the general ground level of the graded lot upward to the sky except as hereinafter provided or as otherwise permitted in these land use regulations.
 - (2) *Types of yards and areas.*
 - a. There are four types of yards: street, common lot, rear/alley, and lakefront. The building type standards regulate the street, common lot, and rear/alley yard areas as a part of the building envelope. Lakefront setbacks are included in section 121-9.
 - b. Corner lots and through lots shall be considered to have two street yards and two common lot yards. However, where a deed restriction is recorded prohibiting vehicular access along the entire frontage of one of the two street frontages for a through lot, that street frontage shall not be considered a street yard.
- (g) *Measurement of yards.*
 - (1) Depth of a required street yard shall be measured at right angles to a straight line joining the foremost points of the side lot lines. The foremost point of the side lot lines, in the case of rounded property corners at street intersections and cul-de-sac lots, shall be assumed to be the point at which the side and front lot lines would have met without such rounding. However, for cul-de-sac lots in residential districts, no required street yard shall be less than ten feet in depth.
 - (2) Width of a required street yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.
 - (3) Depth of a required rear or alley yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.
- (h) *Exemptions.*
 - (1) In all districts, roof overhangs and chimneys may project into a required yard not more than three feet where the required yard is eight feet or more in width. Roof overhangs may project into a required yard not more than two feet where the required yard is less than eight feet in width. In those districts where side yards are permitted to be less than five feet, roof overhang projections are prohibited.
 - (2) Fire escapes, stairways and balconies, whether unroofed, open and unenclosed, or enclosed, shall not intrude into required yards.
 - (3) Except as provided for below, fences, drives, privacy walls, parking lots and vegetation are permitted in required yards, provided such structures or vegetation do not block visibility at intersections or at vehicular access points to roadways.
 - (4) Air-conditioning, mechanical, electrical and plumbing equipment located at above ground level or elevated due to FEMA elevation requirements is exempt from common lot and rear/alley yard setback requirements. In no case shall such equipment be located closer than three feet from the property line or in any easement.
 - (5) Satellite dishes, in excess of one meter in diameter shall not be located on any residential building type lot between the main residential structure and street frontages.
 - (6) The building lot typologies specify the setbacks permitted within each building lot type and provide a minimum and maximum range. Approved lot splits prior to July 3, 2008, that have a reduced lot size, or depth shall be permitted to utilize the building lot types permitted within the perspective design district. Infill development shall rely on the established street yard setback for the street the building shall be constructed on. If the building setbacks vary, setback averaging shall occur. Calculation of the setback will be

the measurement of existing setbacks per building on the block in which the new building shall be located. The setback may vary no more than 5' on any side, front or rear.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09, § 1, 6-17-2021)

Sec. 110-3. Development pattern and design districts.

The development patterns are classified as urban, suburban or rural. Within each development pattern there are four design districts. They are categorized as 1) Neighborhood (NHB), 2) District (DST), 3) Center (CTR) and 4) Corridor (COR). These development patterns and district combinations are defined and described with graphic illustrations in chapter 109. The design development standards for each pattern and district are provided herein.

(a) *Building lot types.* There are eighteen building lot types and three complex lot types.

- (1) **HOMESTEAD:** a building lot located and designed to accommodate a detached building with large common lot yards, rear yards and street yards for a rural area.
- (2) **ESTATE:** a building lot located and designed to accommodate a detached building with large common lot yards, rear yards and street yards.
- (3) **HOUSE:** A building lot located and designed to accommodate a detached building with small common lot yards and a large street yard.
- (4) **COTTAGE:** A building lot located and designed to accommodate a small detached building with small common lot and street yards.
- (5) **DUPLEX:** A building lot located and designed to accommodate a building with small common lot yards and a large street yard and containing two attached dwellings.
- (6) **TOWNHOUSE:** A building lot located and designed to accommodate a building with common walls on both side building lot lines and a private garden to the rear.
- (7) **APARTMENT HOUSE:** A building lot located and designed to accommodate a detached building which resembles a large house but which contains multiple dwellings above and beside each other.
- (8) **COURTYARD APARTMENT:** A building lot located and designed to accommodate multiple dwellings arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.
- (9) **APARTMENT BUILDING:** A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk.
- (10) **LIVE-WORK BUILDING:** A building lot located and designed to accommodate an attached or detached building with residential uses, commercial uses, or a combination of the two within individually occupied live-work units, all of which may occupy any story of the building.
- (11) **MIXED-USE BUILDING LOT:** A building lot located and designed to accommodate a multi-story building with multiple dwellings in upper stories and various commercial uses in any stories.
- (12) **MULTI-STORY COMMERCIAL BUILDING:** A building lot located and designed to accommodate a multi-story building with commercial and office uses in any story.
- (13) **LARGE-FORMAT RETAIL BUILDING:** A building lot located and designed to accommodate a large footprint building with one or more uses.
- (14) **COMMERCIAL BUILDING:** A building lot located and designed to accommodate single use office and retail that are predominately located on corridors as part of a retail complex.
- (15) **PEDESTAL BUILDING:** A building lot located and designed to accommodate the tallest permissible building whose primary facade must be stepped back to reduce its apparent bulk when viewed from the sidewalk.

- (16) **LINER BUILDING:** A building lot located and designed to accommodate a large footprint building such as a parking garage, cinema, supermarket, etc., which is surrounded by a liner building which conceals large expanses of blank walls and faces the street with ample windows and doors opening onto the sidewalk.
- (17) **INDUSTRIAL BUILDING:** A building lot located and designed to accommodate industrial uses.
- (18) **CIVIC:** A building lot located and designed to accommodate a building containing public or civic uses such as community services, day care, education, government, places of worship, or social services.
- (19) **APARTMENT COMPLEX:** A complex is located and designed for development over five acres in size and accommodates one or more multifamily building lot types.
- (20) **RETAIL COMPLEX:** A complex is located and designed for development over five acres in size and accommodates commercial buildings, large format retail building lot type, mixed use building lot types, and multi-story commercial building lot types. A block structure will be required for this type of development and is outlined in section 115-7.1(a).
- (21) **INDUSTRIAL COMPLEX:** A complex is located and designed for development over five acres in size and accommodates multiple industrial building types in one complex.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4. Building lot types.

The following pages illustrate the permitted building lot types within the city. The use of lot types does not require the parcel to be a platted lot. Each building lot type has an illustrative example of the building type and a table that reflects minimum and maximum ranges permitted by building lot type. Each area type, rural, suburban and urban customizes the permitted ranges and shall be referenced in the relevant sections. Refer to sections 110-3.1, 3.2 and 3.3 for the permitted building lot types by area type.

There are several categories of regulation in the table which are described as follows.

- (a) *Lot requirements.* Provisions for minimum and maximums of lot depth, width, and lot size.
- (b) *Building envelope standards.* Provide setback requirements for: street, common lot and rear or alley setbacks. The following illustration identifies the types of setbacks included in the building lot types

The following illustrations show examples of how the frontage building requirements may apply.



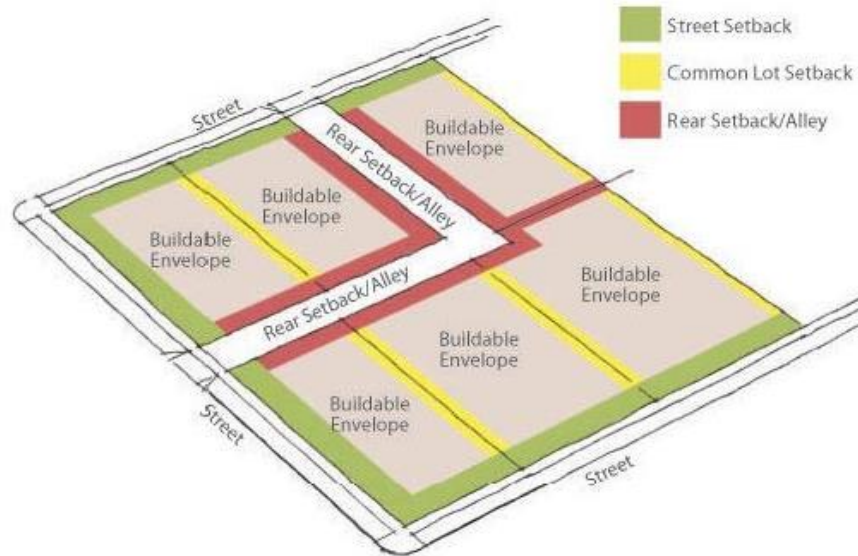
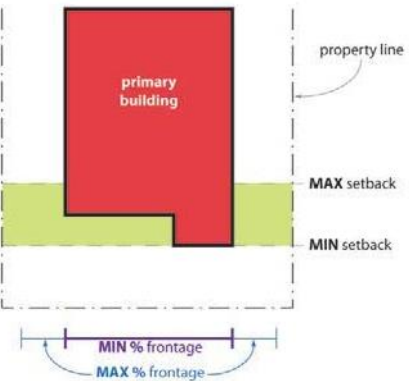
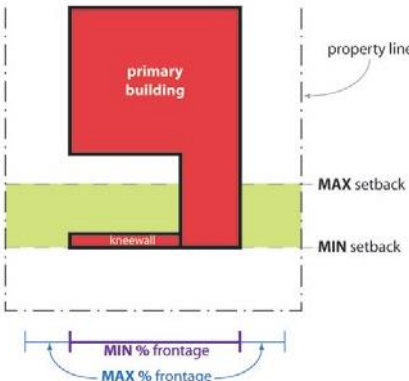


Illustration provides the foundation for how the frontage building is applied. There is a minimum and maximum setback as determined by the lot type. The maximum and minimum frontage is shown adjacent to the property line.

	The primary building in this illustration is placed on the maximum setback and meets the maximum frontage requirements.
	The primary building is within the min/max setbacks, and is meeting the minimum setback. This provides flexibility to the design of the building.

	The primary building is within the min/max setbacks, and is meeting the minimum setback. This provides flexibility to the design of the building.
	A knee wall may be utilized to meet the frontage requirements as detailed in chapter 115.

- (c) *Accessory building envelope.* (ACC BLDG), provisions for accessory building structures only, additional accessory uses are outlined in chapter 110.
- (d) *Building height.* Provisions for permitted heights in stories (st). Each building lot typology provides the range of height appropriate for the building type. The underlying land use determines the height that is permitted and shall be the determining factor in establishing the maximum height as outlined in chapter 110.
- (e) *Private frontages.* Provisions for a variety of different street/public frontage types that are permitted by building lot type. The private frontage is the area between a building façade and the lot line. Frontage types may be counted as part of the building frontage requirements.

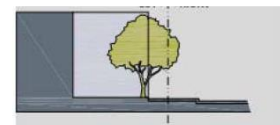
Common lawn: A landscaped front yard that is unfenced and visually continuous with adjacent front yards, supporting a common landscape. The deep setback provides a buffer from the higher speed thoroughfares.

Common lawn



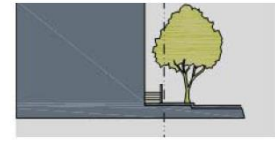
Porch and fence. A landscaped front yard in which the façade includes an attached front porch. A fence at the street right-of-way line maintains the spatial definition of the street. Porches shall be no less than eight feet deep.

Porch & fence



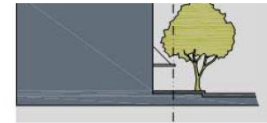
Forecourt. A frontage in which a portion of the façade is close to the street right-of-way line and the remainder is set back. The resulting forecourt is suitable for vehicular drop-offs. This type should be allocated in conjunction with other types of front yards. Large trees within the forecourts may overhang the sidewalks.

Forecourt



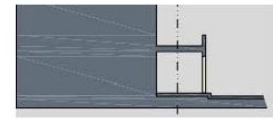
Stoop. A frontage in which the façade is placed close to the street right-of-way line. The first story is elevated above the sidewalk to secure privacy for the windows. The entrance is accessed by an exterior stair and landing. This type is recommended for ground-floor residential uses.

Stoop



Shopfront and awning. A frontage in which the façade is aligned close to the street right-of-way line with the building entrance as the sidewalk. This type is typical for retail use. It has a substantial amount of glazing on the sidewalk level and an awning that should overhang the sidewalk by at least five feet.

Shopfront & awning



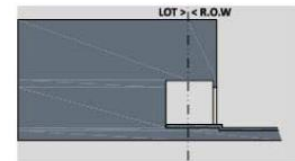
Gallery. A frontage wherein the façade extends beyond the property line with an attached cantilevered shed or a lightweight colonnade overlapping the sidewalk. This type is conventional for retail use. The gallery shall be no less than ten feet wide and should overlap the sidewalk to within two feet of the curb.

Gallery



Arcade. A colonnade supporting habitable space that overlaps the sidewalk, while the façade at sidewalk level remains at or behind the front setback line. This type is conventional for retail use. The arcade shall be no less than 12 feet wide and should overlap the sidewalk to within two feet of the curb.

Arcade



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.0. Homestead lot.

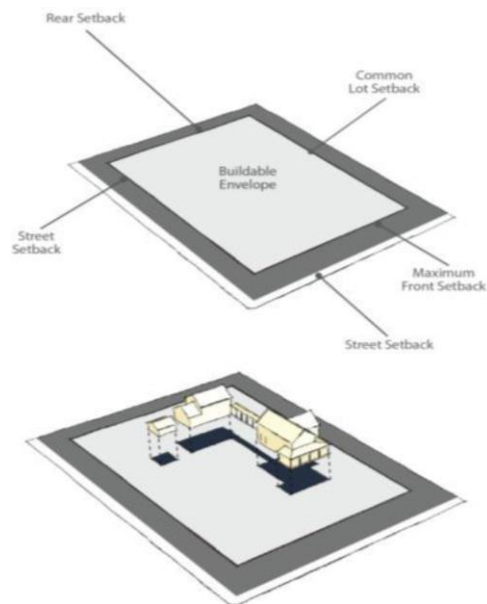
A building lot located and designed to accommodate a detached building with large common lot yards, rear yards and street yards for a rural area.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	200	—
Lot Depth (ft)	200	—
Lot Size (sf)	40,000	—
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	25	—
Common Lot Setback (ft)	25	—
Rear Setback (ft)	25	N/A
Frontage Buildout (%)	—	—

ACC BLDG ENVELOPE *	MIN	MAX
Street Setback (ft)	25	—
Common Lot Setback (ft)	5	—
Rear Setback (ft)	5	—
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	1	3
Accessory Building(s) (st)	1	2
PARKING PROVISIONS		
Location	Zone 1, 2, 3, and 4	
PRIVATE FRONTAGES		
Common Lawn	X	
Porch and Fence	X	
Forecourt		
Stoop		
Shopfront and Awning		
Gallery		
Arcade		

X - Permitted , * - [See Sec 110-5.17 for Agricultural / Livestock Structures](#)

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(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.1. Estate lot.

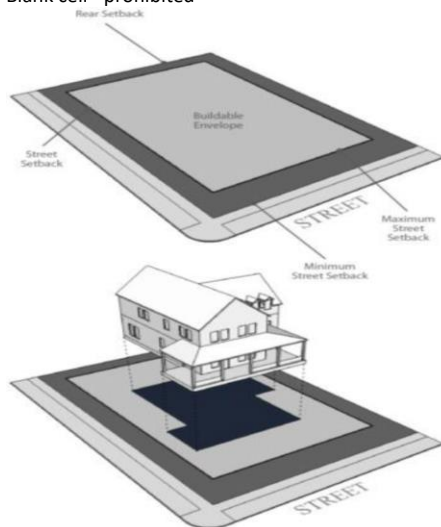
A building lot located and designed to accommodate a detached building with large common lot yards, rear yards and street yards. Existing estate sized lots in urban design districts shall follow urban house lot standards.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	70	200

Lot Depth (ft)	120	660
Lot Size (sf)	8,400	132,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	25	—
Common Lot Setback (ft)	10	—
Rear Setback (ft)	15	—
Frontage Buildout %	—	—
ACC BLDG ENVELOPE *	MIN	MAX
Street Setback (ft)	25' min.	
Common Lot Setback (ft)	5	—
Rear Setback (ft)	5	—
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	1	2
Accessory Building(s) (st)	1	2
PARKING PROVISIONS		
Location	Zone 1, 2, 3, 4 for single family; zones 2 & 3 for other functions	
PRIVATE FRONTAGES		
Common Lawn	X	
Porch and Fence	X	
Forecourt		
Stoop		
Shopfront and Awning		
Gallery		
Arcade		

X - Permitted, * - [See Sec 110-5.17 for Agricultural / Livestock Structures](#)

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

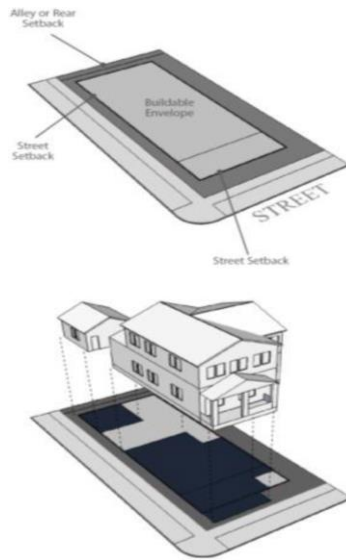
Sec. 110-4.2. House lot.

A building lot located and designed to accommodate a detached building with small common lot yards and a large street yard.

	URBAN (U)	SUBUR- BAN (S) & RURAL (R)	U, S, R
LOT REQUIREMENTS	MIN	MIN	MAX
Lot Width (ft)	40	55	70
Lot Depth (ft)	100	120	140
Lot Size (sf)	4,000	6,600	9,800
BUILDING ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10*	25	25 Urban only
Common Lot Setback (ft)	5	5	—
Alley or Rear Setback (ft)	5	10	—
Frontage Buildout %	70	—	—
ACC BLDG ENVELOPE *	MIN	MIN	MAX
Street Setback (ft)	10' behind bldg frontage		—
Common Lot Setback (ft)	5	5	—
Rear Setback (ft)	5	5	—
BUILDING HEIGHT	MIN	MIN	MAX
Principal Building (st)	1	1	3
Accessory Building(s) (st)	1	1	2
PARKING PROVISIONS			
Location	Zone 1, 2, 3, 4 for single family; zones 2 & 3 for other functions		
PRIVATE FRONTAGES			
Common Lawn	X		
Porch and Fence	X		
Forecourt			
Stoop			
Shopfront and Awning			
Gallery			
Arcade			

* Garages in urban districts shall maintain an 18-foot street setback, * - [See Sec 110-5.17 for Agricultural / Livestock Structures](#)
X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.3. Cottage lot.

A building lot located and designed to accommodate a small detached building with small common lot and street yards.

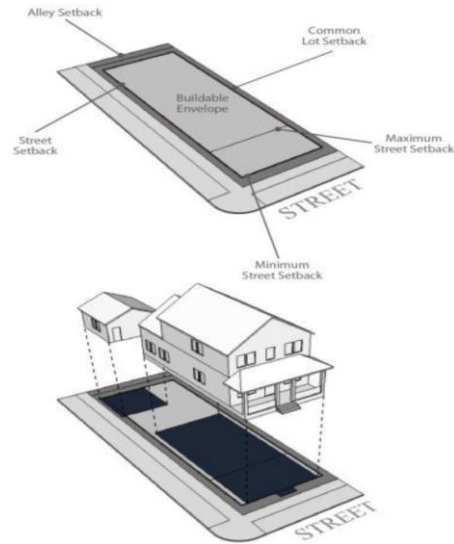
LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	24	40
Lot Depth (ft)	100	120
Lot Size (sf)	2,400	4,800
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	5*	25
Common Lot Setback (ft)	5	—
Alley Setback (ft)	10	—
Frontage Buildout %	70	—
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	10' behind bldg frontage	
Common Lot Setback (ft)	5	—
Rear Setback (ft)	5	—
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	1	2
Accessory Building(s) (st)	1	2
PARKING PROVISIONS		
Location	Zones 2 and 3	
PRIVATE FRONTAGES		
Common Lawn	X	
Porch and Fence	X	
Forecourt		
Stoop		
Shopfront and Awning		

Gallery	
Arcade	

* Garages in urban districts shall maintain an 18-foot street setback.

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.4. Duplex lot.

A building lot located and designed to accommodate a building with small common lots and containing two dwellings.

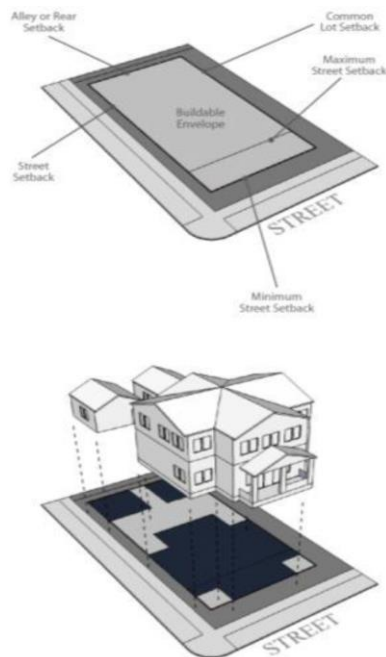
	URBAN (U)	SUBUR- BAN (S) & RURAL (R)	U, S, R
LOT REQUIREMENTS	MIN	MIN	MAX
Lot Width (ft)	60	90	200
Lot Depth (ft)	100	120	660
Lot Size (sf)	3,500	10,800	132,000
BUILDING ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10*	25	25 (urban)
Common Lot Setback (ft)	5	5	—
Alley or Rear Yard Setback (ft)	10	10	—
Frontage Buildout %	70	—	—
ACC BLDG ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10' behind bldg frontage		—
Common Lot Setback (ft)	5	5	—

Rear Setback (ft)	5	5	—
BUILDING HEIGHT	MIN	MIN	MAX
Principal Building (st)	1	1	2
Accessory Building(s) (st)	1	1	2
PARKING PROVISIONS			
Location	Zone 1, 2, 3, 4		
PRIVATE FRONTAGES			
Common Lawn	X		
Porch and Fence	X		
Forecourt			
Stoop			
Shopfront and Awning			
Gallery			
Arcade			

* Garages in urban districts shall maintain an 18-foot street setback.

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09, § 1, 6-17-2021)

Sec. 110-4.5. Townhouse lot.

A building lot located and designed to accommodate a building with common walls on both side building lot lines and a private garden to the rear.

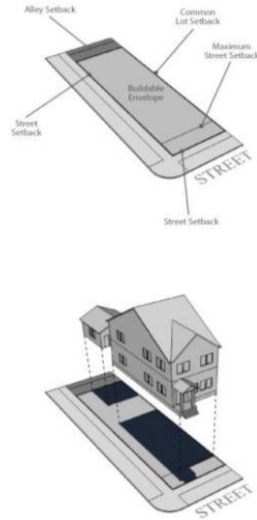
	URBAN (U)	SUBUR- BAN (S) &	U, S, R
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		RURAL (R)	
LOT REQUIREMENTS	MIN	MIN	MAX
Lot Width (ft)	16	22	32
Lot Depth (ft)	80	80	120
Lot Size (sf)	1,280	1,760	3,840
BUILDING ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	0*		10 Urban 20 Suburban/ Rural
Common Lot Setback (ft)	0	0	—
Alley Setback (ft)	15	15	—
Frontage Buildout %	70	—	—
Length Permitted of Grouped Townhomes	—	—	120' for S & R
ACC BLDG ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10' behind bldg frontage		
Common Lot Setback (ft)	5	5	—
Rear Setback (ft)	5	5	—
BUILDING HEIGHT	MIN	MIN	MAX
Principal Building (st)	1	1	3
Accessory Building(s) (st)	1	1	2
PARKING PROVISIONS			
Location	Zone 3		
PRIVATE FRONTAGES			
Common Lawn	X		
Porch and Fence	X		
Forecourt			
Stoop			
Shopfront and Awning			
Gallery			
Arcade			

* Garages in all districts shall maintain a minimum 18-foot street setback.

X - Permitted

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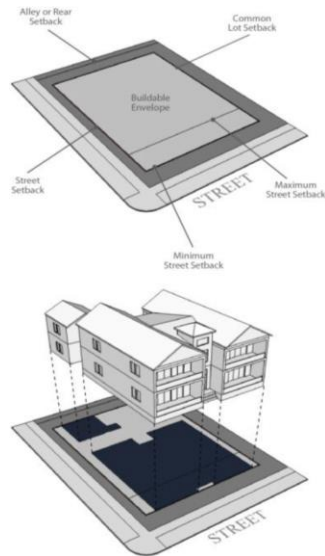
(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09, § 1, 6-17-2021)

Sec. 110-4.6. Apartment house lot.

A building lot located and designed to accommodate a detached building which resembles a large house but which contains multiple dwellings above and beside each other.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	48	120
Lot Depth (ft)	100	150
Lot Size (sf)	4,800	18,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	10	25
Common Lot Setback (ft)	5	—
Alley or Rear Setback (ft)	15	—
Frontage Buildout %	70	90
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	10' behind bldg frontage	
Common Lot Setback (ft)	5	
Rear Setback (ft)	5	
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	2	3
Accessory Building(s) (st)	1	2
PARKING PROVISIONS		
Location	Zone 2 and 3	
PRIVATE FRONTAGES		
Common Lawn	X	
Porch and Fence	X	
Forecourt		
Stoop		
Shopfront and Awning		
Gallery		
Arcade		

X - Permitted
Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.7. Courtyard apartment lot.

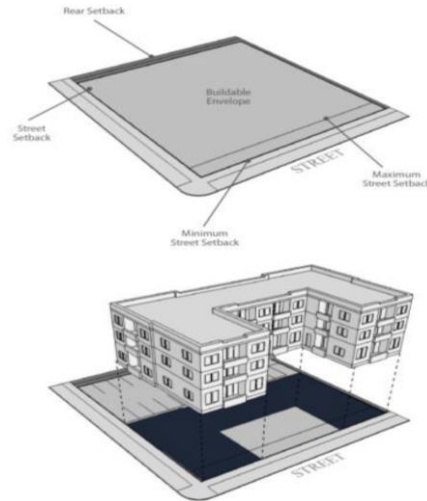
A building lot located and designed to accommodate multiple dwellings arranged around and fronting on a central garden or courtyard that may be partially or wholly open to the street.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	125	300
Lot Depth (ft)	80	300
Lot Size (sf)	10,000	90,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	25
Common Lot Setback (ft)	6	—
Rear Setback (ft)	10	—
Frontage Buildout %	50	100
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Permitted in rear yard only; setback 5'	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	2	4
Accessory Building(s) (st)	1	
PARKING PROVISIONS		
Location	Zone 2, 3	
PRIVATE FRONTAGES		
Common Lawn		
Porch and Fence		
Forecourt	X	
Stoop	X	

Shopfront and Awning	
Gallery	
Arcade	

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.8. Apartment building lot.

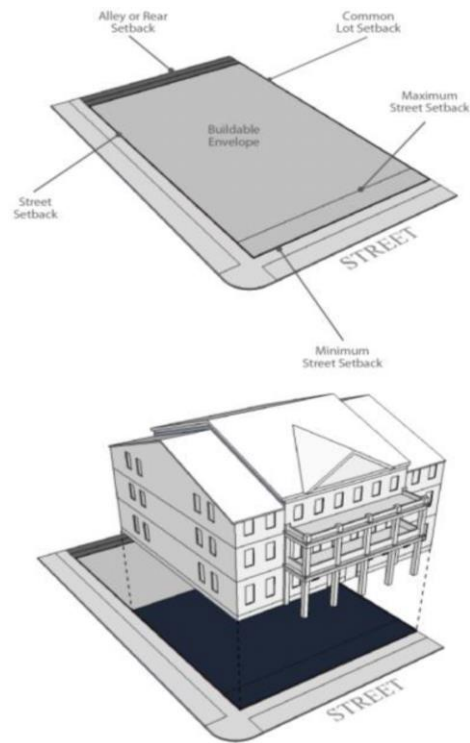
A building lot located and designed to accommodate multiple dwellings above or beside each other in a building that occupies most of its building lot width and is placed close to the sidewalk.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	40	300
Lot Depth (ft)	100	300
Lot Size (sf)	4,000	90,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	10
Common Lot Setback (ft)	5	—
Rear Setback (ft)	15	—
Frontage Buildout %	80	100
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Permitted in rear yard only; setback 5'	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	2	4
Accessory Building(s) (st)	1	
PARKING PROVISIONS		
Location	Zone 2, 3	
PRIVATE FRONTAGES		
Common Lawn		

Porch and Fence	
Forecourt	X
Stoop	X
Shopfront and Awning	
Gallery	
Arcade	

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.9. Live/work building lot.

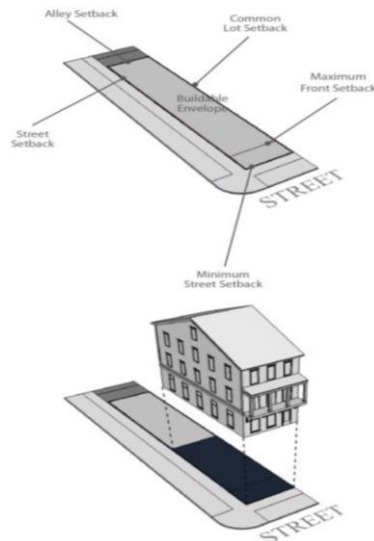
A building lot located and designed to accommodate an attached or detached building with residential uses, commercial uses, or a combination of the two within individually occupied live-work units, all of which may occupy any story of the building.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	16	60
Lot Depth (ft)	80	120
Lot Size (sf)	1,280	7,200
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	10
Common Lot Setback (ft)	0	—
Rear Setback (ft)	15	—
Frontage Buildout %	70	100
ACC BLDG ENVELOPE	MIN	MAX

Street Setback (ft)	Not Permitted in street yard	
Common Lot Setback (ft)	5	
Rear Setback (ft)	5	
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	2	4
Accessory Building(s) (st)	1	2
PARKING PROVISIONS		
Location	Zone 2, 3	
PRIVATE FRONTAGES		
Common Lawn		
Porch and Fence		
Forecourt		
Stoop		
Shopfront and Awning	X	
Gallery		
Arcade		

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.10. Mixed-use building lot.

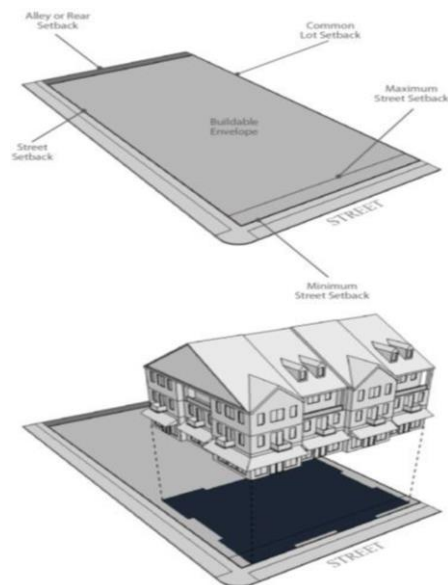
A building lot located and designed to accommodate a multi-story building with multiple dwellings in upper stories and various commercial uses in any stories.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	16	
Lot Depth (ft)	—	
Lot Size (sf)	—	150,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	10

Common Lot Setback (ft)	0	—
Rear Setback (ft)	10	—
Frontage Buildout %	90	100
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Permitted in rear yard only; setback 5'	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	2	6
Accessory Building(s) (st)	1	
PARKING PROVISIONS		
Location	Zone 2, 3	
PRIVATE FRONTAGES		
Common Lawn		
Porch and Fence		
Forecourt		
Stoop		
Shopfront and Awning	X	
Gallery	X	
Arcade	X	

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

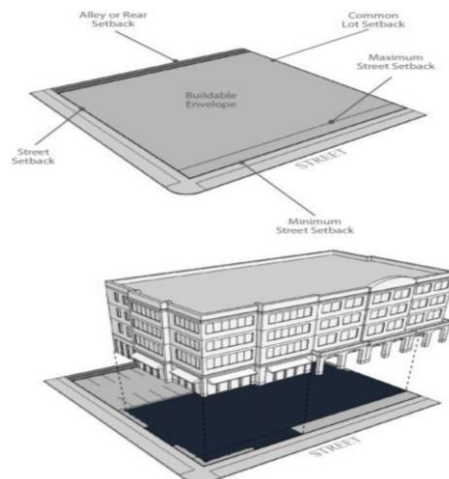
Sec. 110-4.11. Multi-story commercial building lot.

A building lot located and designed to accommodate a multi-story building with commercial and office uses in any story.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	16	
Lot Depth (ft)	—	—
Lot Size (sf)	—	150,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	10
Common Lot Setback (ft)	0	—
Rear Setback (ft)	10	—
Frontage Buildout %	90	100
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Permitted in rear yard only; setback 5'	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	2	4
Accessory Building(s) (st)	N/A	
PARKING PROVISIONS		
Location	Zone 2, 3	
PRIVATE FRONTAGES		
Common Lawn		
Porch and Fence		
Forecourt		
Stoop		
Shopfront and Awning	X	
Gallery	X	
Arcade	X	

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

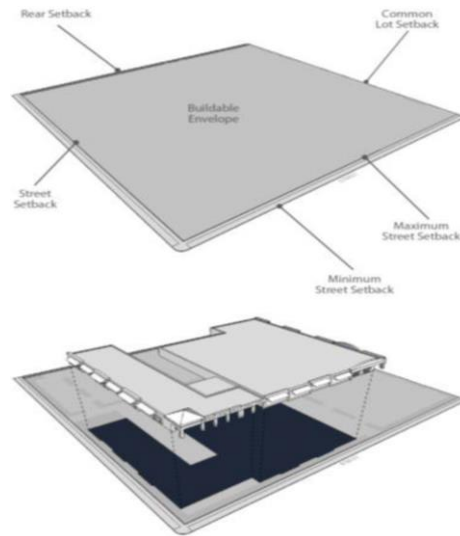
Sec. 110-4.12. Large format retail building lot.

A building lot located and designed to accommodate a large footprint building with one or more uses.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	—	500
Lot Depth (ft)	—	500
Lot Size (sf)	—	250,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	75
Common Lot Setback (ft)	0	—
Rear Setback (ft)	10	—
Frontage Buildout (%)	50	100
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Permitted in rear yard only; setback 5'	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	1	2
Accessory Building(s) (st)	1	
PARKING PROVISIONS		
Location	Zone 1 (2 bays only for suburban corridor) 2, 3, 4	
PRIVATE FRONTAGES		
Common Lawn		
Porch and Fence		
Forecourt		
Stoop		
Shopfront and Awning	X	
Gallery	X	
Arcade		

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.13. Commercial building lot.

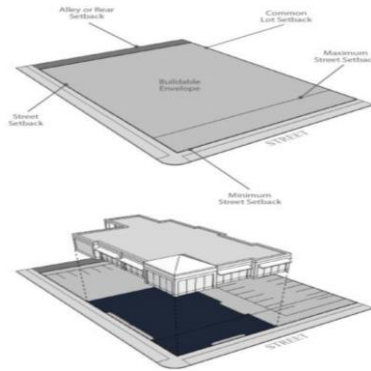
A building lot located and designed to accommodate single use office and retail that are predominately located on corridors as part of a retail complex.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	50	300
Lot Depth (ft)	100	300
Lot Size (sf)	5,000	90,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	75
Common Lot Setback (ft)	0	—
Rear Setback (ft)	15	—
Frontage Buildout (%)	50	100
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Permitted in rear yard only; setback 5'	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	1	2
Accessory Building(s) (st)	1	
PARKING PROVISIONS		
Location	Zone 1 (2 bays only for suburban corridor) 2, 3, 4	
PRIVATE FRONTAGES		
Common Lawn		
Porch and Fence		
Forecourt		
Stoop		
Shopfront and Awning	X	
Gallery		

Arcade

X - Permitted

Blank cell - prohibited



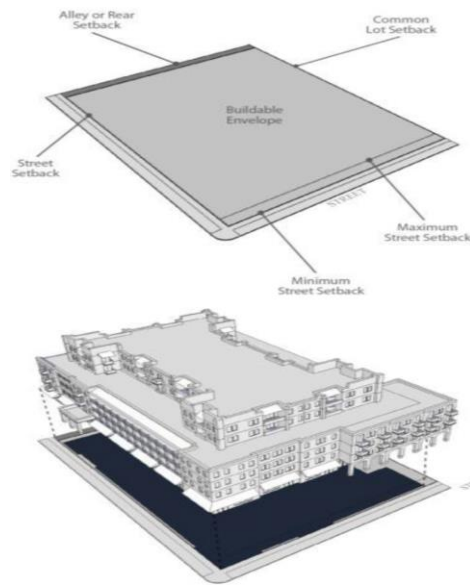
(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.14. Pedestal building lot.

A building lot located and designed to accommodate the tallest permissible building whose primary façade must be stepped back to reduce its apparent bulk when viewed from the sidewalk.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	—	500
Lot Depth (ft)	—	500
Lot Size (sf)	—	250,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	10
Common Lot Setback (ft)	0	—
Rear Setback (ft)	10	—
Frontage Buildout (%)	90	100
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Not Permitted	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	4	6
Accessory Building(s) (st)	N/A	
PARKING PROVISIONS		
Location	Zone 2, 3	
PRIVATE FRONTAGES		
Common Lawn		
Porch and Fence		
Forecourt		
Stoop		
Shopfront and Awning	X	
Gallery	X	
Arcade	X	

X - Permitted
Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.15. Liner building lot.

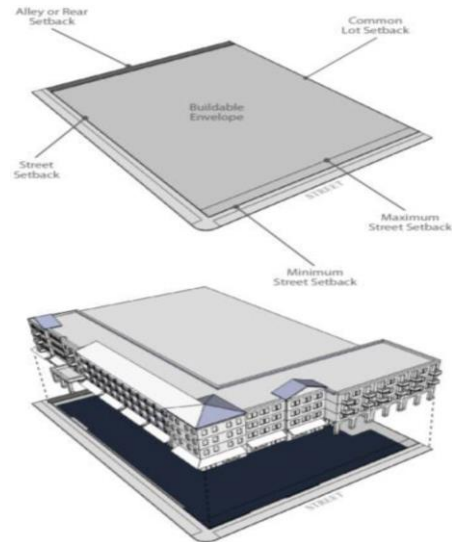
A building lot located and designed to accommodate a large footprint building such as a parking garage, cinema, supermarket, etc., which is surrounded by a liner building which conceals large expanses of blank walls and faces the street with ample windows and doors opening onto the sidewalk.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	—	500
Lot Depth (ft)	—	500
Lot Size (sf)	—	250,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	10
Common Lot Setback (ft)	0	—
Rear Setback (ft)	10	—
Frontage Buildout (%)	90	100
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Not Permitted	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	2	5
Accessory Building(s) (st)	N/A	
PARKING PROVISIONS		
Location	Zone 2, 3	
PRIVATE FRONTAGES		
Common Lawn		

Porch and Fence	
Forecourt	
Stoop	
Shopfront and Awning	X
Gallery	X
Arcade	X

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.16. Industrial building lot.

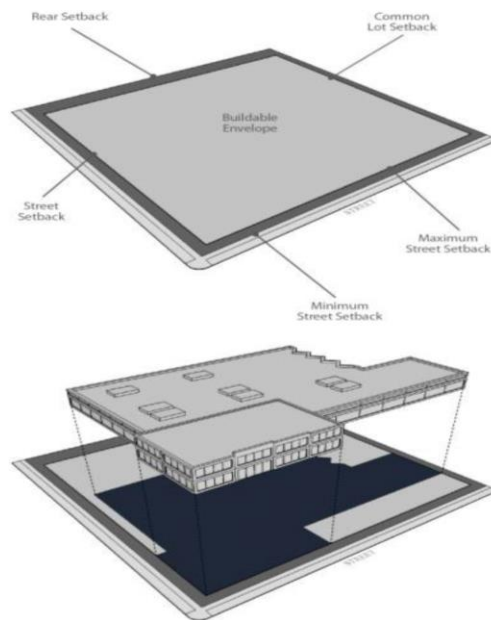
A building lot located and designed to accommodate industrial uses.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	—	500
Lot Depth (ft)	—	500
Lot Size (sf)	—	250,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	10	—
Common Lot Setback (ft)	10	—
Rear Setback (ft)	25	—
Frontage Buildout (%)	—	—
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Permitted in rear yard only; setback 5'	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	1	2
Accessory Building(s) (st)	1	
PARKING PROVISIONS		
Location	Zone 1, 2, 3, 4	

PRIVATE FRONTAGES	
Common Lawn	
Porch and Fence	
Forecourt	
Stoop	
Shopfront and Awning	
Gallery	
Arcade	

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.17. Civic building lot.

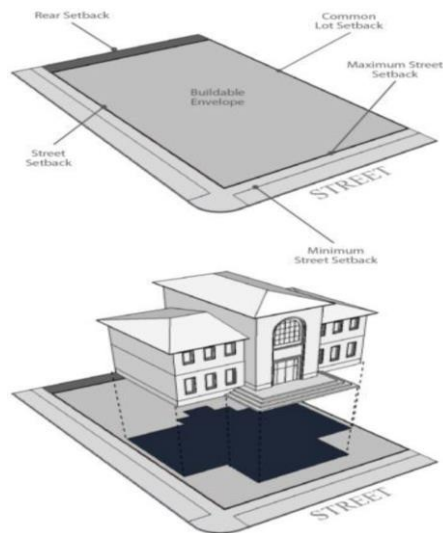
A building lot located and designed to accommodate a building containing public or civic uses such as community services, day care, education, government, places of worship, or social services.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	—	—
Lot Depth (ft)	—	—
Lot Size (sf)	—	—
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	—
Common Lot Setback (ft)	0	—
Rear Setback (ft)	10	—
Frontage Buildout (%)	—	—
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Permitted in rear yard only; setback 5'	
Common Lot Setback (ft)		
Rear Setback (ft)		

Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	1	4
Accessory Building(s) (st)	1	
PARKING PROVISIONS		
Location	Zone 1, 2, 3, 4	
PRIVATE FRONTAGES		
Common Lawn	X	
Porch and Fence	X	
Forecourt	X	
Stoop	X	
Shopfront and Awning	X	
Gallery	X	
Arcade	X	

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.18. Apartment complex.

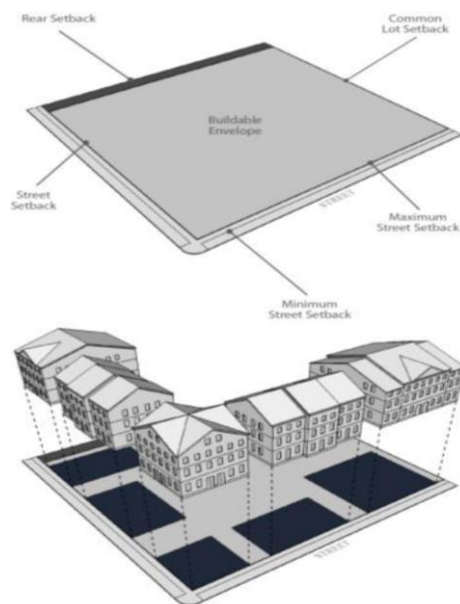
A complex is located and designed for development over five acres in size and accommodates one or more multifamily building lot type.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	—	
Lot Depth (ft)	—	
Lot Size (sf)	—	
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	25
Common Lot Setback (ft)	0	—
Rear Setback (ft)	15	—
Frontage Buildout (%)	50	100
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)		

Common Lot Setback (ft)	Permitted in rear yard only; setback 10'	
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	1	3
Accessory Building(s) (st)	1	
PARKING PROVISIONS		
Location	Zone 1, 2, 3, 4	
PRIVATE FRONTAGES		
Common Lawn		
Porch and Fence		
Forecourt	X	
Stoop	X	
Shopfront and Awning		
Gallery		
Arcade		

X - Permitted

Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.19. Retail complex.

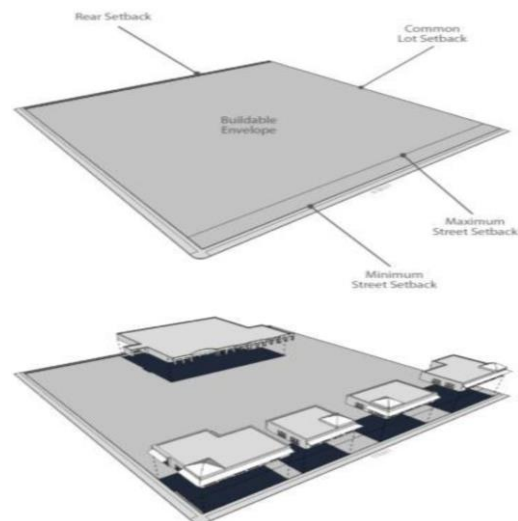
A complex is located and designed for development over five acres in size and accommodates commercial buildings, large format retail building lot type, mixed use building lot types, and multi-story commercial building lot types. A block structure will be required for this type of development.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	—	
Lot Depth (ft)	—	
Lot Size (ac)	5	

BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	75
Common Lot Setback (ft)	0	—
Rear Setback (ft)	15	—
Frontage Buildout (%)	50	100
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Permitted in rear yard only; setback 10'	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	1	3
Accessory Building(s) (st)	1	
PARKING PROVISIONS		
Location	Zone 1 (2 bays only) 2, 3, 4	
PRIVATE FRONTAGES		
Common Lawn		
Porch and Fence		
Forecourt		
Stoop		
Shopfront and Awning	X	
Gallery	X	
Arcade		

X - Permitted

Blank cell - prohibited



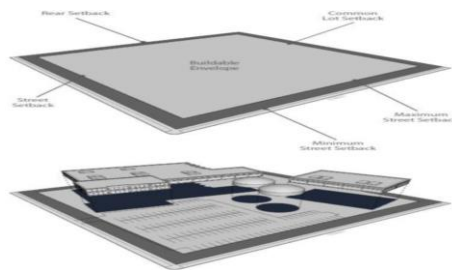
(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-4.20. Industrial complex.

A complex is located and designed for development over five acres in size and accommodates multiple industrial building types in one complex.

LOT REQUIREMENTS	MIN	MAX
Lot Width(ft)	—	—
Lot Depth (ft)	—	—
Lot Size (ac)	5	—
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	25	—
Common Lot Setback (ft)	25	—
Rear Setback (ft)	25	—
Frontage Buildout (%)	—	—
ACC BLDG ENVELOPE	MIN	MAX
Street Setback (ft)	Permitted in rear yard only; setback 10'	
Common Lot Setback (ft)		
Rear Setback (ft)		
Building Footprint (sf)		
BUILDING HEIGHT	MIN	MAX
Principal Building (st)	1	3
Accessory Building(s) (st)	1	
PARKING PROVISIONS		
Location	Zone 1, 2, 3, 4	
PRIVATE FRONTAGES		
Common Lawn		
Porch and Fence		
Forecourt		
Stoop		
Shopfront and Awning		
Gallery		
Arcade		

X - Permitted
Blank cell - prohibited



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-5. Accessory use regulations and standards.

Editor's note(s)—Provisions pertaining to accessory use regulations and standards are set forth in the subsequent sections, sections 110-5.1—110-5.16, below.

Sec. 110-5.1. Purpose and general standards.

- (a) *Purpose.* It is the purpose of this section to regulate the installation, configuration, and use of accessory structures and the conduct of accessory uses in order to ensure that any adverse impacts created are minimal both aesthetically and physically to residents and surrounding properties.
- (b) *General standards and requirements.* Any number of different accessory structures may be located on a parcel, provided that the following requirements and restrictions are adhered to:
 - (1) An accessory structure or use shall be considered incidental to the principal dwellings and must be in full compliance with all standards and requirements of this land development regulation and all other regulations of the city.
 - (2) All accessory structures shall comply with standards pertaining to the principal structure and/or development unless exempted or superseded elsewhere in this land development regulation.
 - (3) Accessory structures other than fences shall not be located in a required setback, buffer or landscape area, except that accessory structures 30 inches or less than above the general ground level (i.e. decks) shall not be required to meet setbacks.
 - (4) Accessory structures shall be included in all calculations of impervious surface and stormwater runoff.
 - (5) Accessory structures shall be shown on all development plans with full supporting documentation as required in chapter 102 of this land development regulation.
 - (6) All accessory uses and structures shall obtain a building permit or other permit or license.
 - (7) *Agricultural accessory use/structure.* Customary accessory uses/structures may include, but are not limited to the following: swimming pools, spas/hot tubs, tennis courts, fences, utility/storage buildings, greenhouses, gardens, garages, satellite dishes/antennas, boathouses, docks, catwalks and elevated walkways.
 - (8) *Residential district accessory use/structure (Single-family).* Customary accessory uses/structures may include, but are not limited to the following: swimming pools, spas/hot tubs, decks, tennis courts, fences, utility/storage buildings, greenhouses, gardens, garages, satellite dishes/antennas, boathouses, docks, catwalks or elevated walkways.
 - (9) *Residential district accessory use/structure (multi-family).* Customary accessory uses/structures may include, but are not limited to the following: swimming pools, spas/hot tubs, decks, tennis courts, fences, clubhouses, recreational and laundry rooms, sales/rental offices, utility/storage buildings, greenhouses, gardens, garages, satellite dishes/antennas, boathouses, docks, catwalks, or elevated walkways.
 - (10) *Commercial district accessory use/structure.* Customary accessory uses/structures may include, but are not limited to the following: fences, utility/storage buildings, garages, canopies, gas pumps, satellite dishes/antennas.
 - (11) *Industrial district accessory use/structure.* Customary accessory uses/structures may include, but are not limited to the following: fences, utility/storage buildings, garages, canopies, gas pumps, satellite dishes/antennas.
 - (12) *Mixed use district accessory use/structure.* Customary accessory uses/structures may include, but are not limited to the following: swimming pools, spas/hot tubs, tennis courts, fences, utility/storage buildings, greenhouses, gardens, garages, satellite dishes/antennas, boathouses, docks, catwalks, and elevated walkways.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09 , § 1, 6-17-2021)

Sec. 110-5.2. Accessory apartment/dwelling unit.

- (a) *Accessory apartments.* Accessory apartments may be allowed in conjunction with single-family homes provided that all of the following standards are met:
- (1) No more than one accessory apartment shall be permitted per residential lot.
 - (2) The accessory apartment shall be designed, constructed, and located so as not to interfere with the appearance of the principal structure.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09 , § 1, 6-17-2021)

Sec. 110-5.3. Alcoholic beverage sales.

- (a) *State liquor law adopted.* The provisions of F.S. chapters 561, 562, 567, 568 and 569 respectively, as amended, are hereby enacted and adopted as the law of the city insofar as the same may pertain to cities and towns within the State of Florida and shall be held to be the law and ordinances of the city regulating alcoholic beverages.
- (b) *State beverage license required.* Any person desiring to engage in the business of manufacturing, selling, ordering, exchanging, dealing in or delivering liquors, wines, beers, or other beverages containing more than one percent of alcohol by weight, within the corporate limits of the city, shall, before engaging in business, apply for and secure a license from the State of Florida.
- (c) *Hours of sale and operation.*
- (1) Sale of alcoholic beverages at establishments selling alcohol for off-site consumption may be made only between the hours of 7:00 a.m. and 12:00 midnight.
 - (2) Beverage licensees, or employees or agents of such licensees may sell, offer for sale, serve, or permit to be sold or served, any alcoholic beverage in a place operating under the beverage license for consumption on-site only during the hours of 7:00 a.m. to 2:00 a.m.
 - (3) No establishment which deals in alcoholic beverages for on-site consumption in the city shall remain open for business or admit the public, permit the public to remain within, or permit any individual to possess or consume alcoholic beverages in or upon such premises after 2:00 a.m.; provided, however, restaurants, hotels and motels may be kept open for business beyond such hours, but shall otherwise be subject to those time restrictions applicable to the sale, service, consumption, and possession of alcoholic beverages as set forth in this Land Development Code.
 - (4) Sales may be allowed from midnight to 3:00 a.m. on January 1 of any year.
- (d) *Distances from schools.* No establishment holding any type of beverage license issued by the beverage department of the state authorizing and permitting the establishment to sell alcoholic beverages may be located within 528 feet (one-tenth of one mile) of any public school serving kindergarten through twelfth grades.
- (e) *Distances from churches and other establishments.*
- (1) Any establishment which sells alcoholic beverages for "on premises consumption" shall be located not less than 528 feet (one-tenth of one mile) from any church or school, except this provision shall not apply to churches operating in strip commercial centers. This distance requirement shall not apply to establishments that are required to maintain a minimum of 50 percent of its gross revenues to be from food sales. Other exceptions to this requirement are businesses located in planned developments (PDs) within which the intended land uses are pre-planned in a coordinated and integrated fashion and set out in the authorizing land use agreement, ordinance or resolution.
 - (2) The distance requirements as provided for above shall be measured by public route from the front door of the establishment to the front door of the school or church.

- (3) The distance requirements above may be waived by the city commission in the granting of a commercial land use designation.
- (f) *Variances.* The city commission may waive the hours of sale as set out in herein for a special event. A special event must be designated by the city commission and may not exceed a three-day period. The city commission must designate the area to which the waiver shall apply and set such other rules and regulations as it deems appropriate to grant the "special event variance".
- (g) *Enforcement.* Notwithstanding any other law enforcement procedures, any provision of chapter 109 may be enforced under the authority of the code enforcement board in accordance with the Code of Ordinances of the city.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-5.4. Amenities.

Residential, mixed-use, and nonresidential development projects may provide amenities for the exclusive use of the employees and/or residents of the project, unless otherwise authorized within a planned development overlay.

- (a) *Dining rooms/cafeterias/snack shops, etc.* A development may provide a central dining facility to serve the employees and/or residents of the project subject to the following restrictions:
 - (1) The facility shall not be open to the general public.
 - (2) There shall be no off-site signs advertising the presence of the facility.
- (b) *Community centers/recreation centers.* A development may provide a central facility to provide a meeting place and indoor recreation opportunities for residents or employees subject to the following restrictions:
 - (1) Such facilities shall not include health clubs, gyms, and the like, offering services to the general public.
 - (2) Parking to serve the building shall be provided as required in chapter 115 of this land development regulation.
 - (3) There shall be no identification signs, other than directional signs.
- (c) *Fitness centers.* A development may provide a fitness or exercise center for the use of employees or residents subject to the following restrictions:
 - (1) Such facilities shall not be open to the general public.
 - (2) There shall be no signs, other than directional or occupant signs, identifying the facility.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-5.5. Bed and breakfast.

- (a) *Eligibility criteria:* All residential structures requesting a bed and breakfast conditional use permit, shall meet one of the following criteria:
 - (1) A structure listed on the National Register of Historic Places.
 - (2) A structure listed on the city's Historic Survey as National Register eligible.
 - (3) A structure located in a National Register Historic District and identified as a contributing structure.
 - (4) A structure located in a National Register Eligible Historic District and identified as a contributing structure.
 - (5) A structure that was constructed over 50 years ago and restored to original condition as specified in the U.S. Department of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (as revised and amended).
 - (6) A structure designated by the city as a local landmark or located in a local historic district and identified as a contributing structure in the city. In the event a property has not been designated, the conditional use

permit shall be granted contingent upon the property receiving local landmark status prior to the property being occupied as a bed and breakfast.

- (7) A structure determined by the city to be of appropriate size and design to accommodate a "bed and breakfast" function.
- (b) All applications for a bed and breakfast conditional use permit involving historic districts or structures shall be submitted to the city historic preservation board for review and recommendation to the city commission prior to granting the conditional use permit. After review by the historic preservation board, it shall be the duty of the city commission to establish conditions to be imposed on the applicant if a conditional use permit is granted.
- (c) All residential structures requesting a bed and breakfast conditional use permit, must be occupied by an owner or full-time resident manager residing either within the principal structure or an adjacent structure on the same lot.
- (d) *Development standards.*
 - (1) The residential character, integrity, and appearance of the property and the structure contained thereon shall not be altered by the operation of the proposed bed and breakfast inn. However, certain improvements may be required to accommodate the additional demands of a bed and breakfast inn. All improvements shall be designed and constructed to minimize adverse effects to adjacent properties, e.g., glare, noise, fumes, odors, stormwater runoff, etc. and be consistent with the U.S. Department of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (as revised and amended) if applicable.
 - (2) Adequate ingress and egress shall be provided to the property and structures thereon, with particular references to vehicular and pedestrian safety and convenience, traffic flow and control, and emergency access in case of fire, medical, or other unforeseen circumstances.
 - (3) Adequate off-street parking for owners, employees, and guests shall be provided as follows:
 - a. Three spaces for owner, manager, and employee parking.
 - b. One space per guest room for guest parking.
 - (4) Adequate utilities (water, wastewater, electricity, refuse storage/collection, etc.) shall be provided to meet the minimum requirements of the city's health and sanitation ordinances. Residential structures shall meet the minimum requirements of the city's building, safety, and fire prevention codes. The applicant shall submit documentation showing the city building and fire prevention officials have conducted an inspection and the facility meets all minimum city requirements.
 - (5) The property owner shall obtain all required licenses (specifically including city and state requirements). Prior to the issuance of a certificate of occupancy or a city business tax receipt, the applicant shall submit documentation showing that the division of hotels and restaurants has conducted an inspection and the facility meets the requirements of state law.
 - (6) Bed and breakfast inns shall be limited to one sign, with a maximum size of four square feet. Illumination of the sign will only be artificial lighting located external to the sign face (i.e., indirect lighting) as set forth under the conditional use permit.
 - (7) Adequate screening and buffering may be required to minimize any adverse effects to adjacent properties. Buffering shall be accomplished by installing fences, berms, landscaping or a combination of these for the purpose of separating adjacent residential properties from the proposed bed and breakfast inn. All exterior lighting shall be designed and installed to be unobtrusive to adjacent properties.
 - (8) All rooms designated for guest occupancy shall provide a minimum inside measurement of 80 square feet of usable floor space. Guest rooms with more than one bed shall provide a minimum inside measurement of 60 square feet of usable floor space per bed.
 - (9) Bed and breakfast inns shall have one central kitchen, where all meals are regularly prepared and served in a communal or family style (no service or ordering of individual portions from a menu). Guest rooms shall not be equipped with any cooking or cold food storage facilities.

- (10) All residential property and the structures contained therein requesting a bed and breakfast conditional use permit must comply with all city regulations and ordinances, specifically the city's comprehensive plan and land development regulations.
- (11) Approval of a conditional use permit for a bed and breakfast inn shall authorize only the specific uses described within the permit. Any other use shall be considered a violation of the Conditional use permit, which is subject to revocation.
- (12) Any improvement, alteration, or rehabilitation of historic structures shall be consistent with the U.S. Department of the Interior's "Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings" (as revised and amended).

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-5.6. Boat houses, docks and piers.

Boat houses, docks and piers. Boat houses, docks, and piers shall be considered incidental uses to the primary structure. Boat houses or covered boat docks, subject to approval of other interested governmental authorities, will be permitted on any lake within the city; provided that construction on Lake Eustis requires approval from the St. Johns River Water Management District/Department of Environmental Protection. In residential areas on connected waters (canals, streams or other inlets or basins that have water access to a lake), the maximum height of a boat house or similar structure, above the high-water level established by the St. Johns River Water Management District shall be 12 feet. Boat houses, slips, piers, or similar structures built on streams or canals shall be built entirely within the riparian lines; accessory structure setback requirements herein do not apply riparian lines.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09 , § 1, 6-17-2021)

Sec. 110-5.7. Fences.

- (a) The posts or any portion of each fence which contacts the ground shall be of a material or chemical treatment that is ground contact resistant to decay, corrosion, and termite infestation. The posts, if wooden, must also be pressure treated for strength and endurance.
- (b) Fences shall be permitted as follows/as depicted on the graphic:
 - In a primary street setback, at a maximum height of 4-feet.
 - In a secondary street setback, open fencing may be 6-feet high, but opaque fencing shall be limited to a height of 4-feet; 4-foot opaque fences in secondary street setbacks may be topped with additional 2-feet of open or lattice type fencing.
 - In a rear or common yard setback, open fences may be 8-feet tall; 6-foot opaque fences may be topped with additional 2-feet of open or lattice type fencing.
 - Fences located in landscape buffers along public streets associated with nonresidential or complex building types in suburban design districts are subject to limitations in chapter 115.
 - Fences installed for the sole purpose of screening of trash can storage areas, mechanical equipment, or utilities shall be exempt from permitting, provided such fence is clearly not within a required setback and does not exceed maximum height. If necessary to screen existing utilities, the development services director may approve fencing exceeding maximum height in setbacks.



4-foot solid fence or 4-foot open fence

6-foot solid fence

6-foot solid fence topped with 2-foot lattice

- (c) In areas where the property faces two roadways, or is located in any other area construed to be a corner lot, no fence exceeding four feet high shall be located in the vision triangle, specified in chapter 115, and identified as clear sight zone.
- (d) The smooth side of fence shall face a right-of-way or private road, except split rail.
- (e) A fence constructed for protection and safety from hazard by another public agency may not be subject to the aforementioned height limitations. Approval to exceed the minimum height standards may be given by the director of development services upon receipt of satisfactory evidence of the need to exceed height standards.
- (f) No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.
- (g) Should the fence encroach on any public easement, the owner shall assume all expense of any necessary removal (either temporary or permanent) or relocation.
- (h) Barbed wire shall be permitted in association with fences as follows:
 - (1) In association with bona-fide agricultural uses;
 - (2) In conservation (CON) land use districts;

- (3) In general industrial (GI) land use districts atop fences 6 feet or taller;
- (4) On properties where an industrial building lot or industrial complex lot typology has been approved via development plan, site plan, or preliminary subdivision plat atop fences 6 feet or taller;
- (5) On properties containing water/wastewater treatment plants or electric substations atop fences 6 feet or taller;
- (6) On properties with barbed wire fencing installed prior to December 15, 2016, which, upon administrative verification by development services, shall be deemed legally non-conforming and shall be permitted to be repaired or replaced as needed.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09, § 1, 6-17-2021)

Sec. 110-5.8. Garages

- (a) *Garages.* All single family dwellings, including mobile homes, duplexes, triplexes, row houses and the like, constructed after the effective date of this section, shall possess a garage as follows:
 - (1) Minimum size 300 square feet (12 feet × 18 feet for automobile parking and 12 feet × 7 feet for storage).
 - (2) Equipped with an operational overhead door with minimum dimensions of 9 feet × 7 feet, which door, when closed, conceals the interior of the garage.
- (b) Should any property owner enclose or reduce the size of any existing garage or carport below the square footage requirements of this section, then the owner shall mitigate the loss of the garage by providing for on-site parking and outside storage as follows:
 - (1) Construct a new garage on the property sufficient to meet the square footage requirements of this section; or
 - (2) If in a designated historic district, in an urban design district, or on a legal lot of record that is below the minimum suburban standard, or if enclosing a carport, then the owner may take the following actions in lieu of replacing the garage:
 - a. Designate two on-site parking spaces at least 9 feet × 18 feet each in the driveway area or on the residential lot behind the building frontage; and
 - b. Provide outside storage by either constructing a storage shed with minimum dimensions of 10 feet × 10 feet in accordance with the Land Development Regulations for accessory structures or by providing outside access to a designated, separated storage area within the enclosed garage or carport (minimum dimensions 12 feet × 7 feet).

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-5.9. Home occupations.

- (a) The use of a residence for a home occupation shall be clearly incidental and subordinate to its use as a residential structure by the occupants and shall under no circumstances change the residential character of the structure.
- (b) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation, other than a sign as provided for in section 115-11.3.
- (c) No home occupation shall occupy more than 35 percent of the total floor area of the dwelling unit.
- (d) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- (e) No equipment, tools, or process shall be used in such a home occupation that creates interference with neighboring properties due to noise, vibration, glare, fumes, odors, or electrical interference.

- (f) Fabrication of articles commonly classified under the terms arts and handicrafts shall be deemed a home occupation provided no retail sales (other than mail-order/internet sales) are made at the home.
- (g) Outdoor storage of equipment or materials shall be permitted if enclosed by an opaque wall, fence, or landscaping of sufficient maturity, density and height to screen such areas from view of the public right-of-way and adjacent properties.
- (h) The following shall not be considered home occupations: Beauty shops, barber shops, studio for group instruction, public dining facility or tea room, photographic studio, fortune telling or similar activity which would rely on impulse buying, outdoor repair, food processing, retail sales (other than mail-order or internet sales), nursery school, or kindergarten.
- (i) The giving of individual instruction to one person at a time, such as an art or music teacher, shall be deemed a home occupation; individual instruction as a home occupation for those activities listed in paragraph (h) above shall be prohibited.
- (j) A home occupation shall be subject to all applicable city/county licensing requirements, fees, and other business taxes.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-5.10. Outdoor display.

Outdoor display of the following products may be approved by the development services director or designee when requested by a business owner, via submittal of a site plan indicating the location and dimensions of such display (with a BTR application for new businesses, or at any time for existing businesses), provided that the location of such displays meet the minimum setback requirements on the property subject to the request, and do not interfere with vehicular or pedestrian traffic or required parking. Merchandise associated with an approved special event permit for a seasonal sale or other event shall not be subject to this section.

- (a) Products customarily used outdoors such as pools, spas, lawn furniture, concrete fixtures, landscape or garden supplies and equipment, lumber products, fencing, sheds, and recreational equipment/vehicles.
- (b) New and used motor vehicles, boats, recreational vehicles, mobile homes, and other such vehicles.
- (c) Other retail merchandise subject to the following restrictions:
 - (1) *Maximum area:* The area devoted to outdoor display of merchandise shall not exceed a foot print of 32 square feet per business.
 - (2) *Maximum height:* the maximum height for any portion of an outdoor merchandise display is six feet.
 - (3) *Dimensions:* Outdoor merchandise display areas shall not extend more than five feet from the adjacent store front.
 - (4) *Display:* Merchandise shall be displayed on shelves or tables and/or arranged neatly.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-5.11. Outdoor storage.

Outside storage of equipment or materials (not to include display merchandise) shall be permitted, when in compliance with the following requirements:

- (a) An opaque wall shall enclose all storage areas, opaque fence, or landscaping of sufficient maturity, density and height to screen such areas from any public right-of-way or adjoining property, unless other applicable sections of these regulations require stricter screening requirements for specific uses or accessory uses.
- (b) All equipment or materials shall be secured, if necessary, to withstand winds.

- (c) Screening shall not be required around storage areas for operable motor vehicles (i.e. fleet vehicles used in association with a business).
- (d) Storage of licensed and inoperable motor vehicles waiting repair within screened areas on the site of motor vehicle repair facilities and motor vehicle service centers, provided that no such vehicle shall be stored for more than 28 consecutive days. Motor vehicles shall be not be stored for a period exceeding 28 consecutive days unless they are screened from view of the public right-of-way and adjacent properties. If screened by fencing or walls, landscape buffer requirements of the applicable design district shall be required between the property line and fence or wall.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-5.12. Pergolas.

A pergola is an architectural element used to define outdoor space, consisting of four columns or posts, topped with beams and open rafters, over which vines or other plants are trained. All pergolas shall comply with street setback requirements as determined by design district/lot type; compliance with the common lot and rear lot setbacks is required for pergolas larger than 100 square feet and taller than 8 feet.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-5.13. Short-term, mid-term, and long-term storage containers.

It is the purpose of this section to regulate the placement of storage containers on properties to ensure that any adverse impacts created are minimal both aesthetically and physically to residents and surrounding properties.

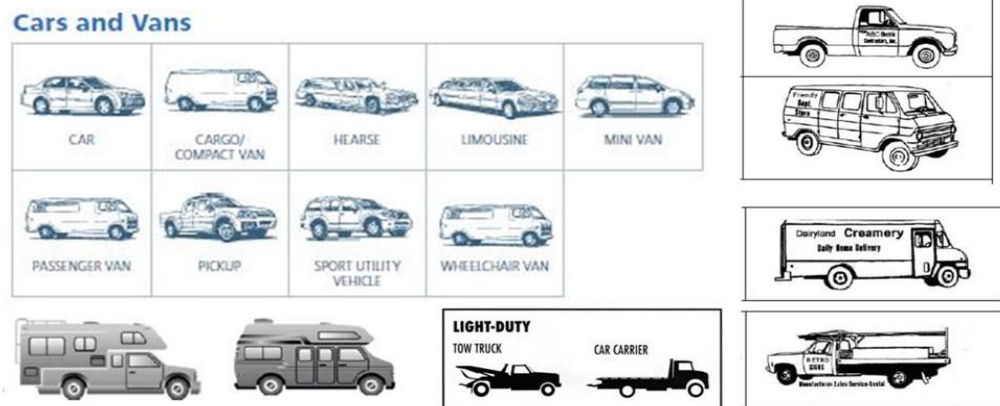
- (1) Only authorized short-term, mid-term and long-term storage containers permitted. No person shall place or maintain a storage container except in conformity with this section. Existing non-conforming long-term storage containers shall be removed or brought into compliance with this section no later than June 16, 2022.
- (2) The owner and operator of any site on which a storage container is placed shall be responsible to ensure that the container is in good condition, free from evidence of deterioration, weathering, discoloration, rust, ripping, tearing or other holes or breaks.
- (3) When not in use, containers shall be kept locked.
- (4) Containers shall not be vertically stacked.
- (5) The owner and operator of any site on which container is placed shall also be responsible that no hazardous substances are stored or kept within the container.
- (6) Short-term storage containers (portable storage units or PODs) shall be permitted as follows:
 - a. In all districts.
 - b. Duration: Once per year for a duration of no more than 30 days.
 - c. Maximum size: 8 feet wide, 16 feet long, 8 feet high.
 - d. All short-term storage containers (portable storage units) shall be removed immediately upon the issuance of a hurricane warning by a recognized government agency.
- (7) Mid-term storage containers on active construction sites shall be permitted as follows:
 - a. In all districts.
 - b. Duration: As needed with active permit and active, ongoing construction.
 - c. Number: One per homesite or small commercial project; maximum of three subdivision projects.
 - d. Maximum size: 10 feet wide, 25 feet long, 8.5 feet high, or 40 feet long if a combination office/storage container is utilized.

- (8) Long-term storage containers with required screening shall be permitted as follows:
- In general industrial (GI), mixed commercial/industrial (MCI) and agricultural (AG).
 - Site plan review required.
 - Containers shall be fully screened from the view of the public right-of-way and adjacent properties by a masonry or brick enclosure of sufficient height and opacity. The development review committee may, via the administrative site plan or development plan approval process, administratively waive screening requirements when supported by site conditions (containers cannot be seen from public right-of-way or adjacent property). If the site conditions change and the containers are visible from the public right-of-way or adjacent property, such administrative waiver shall be revoked.
 - Number of containers shall be limited to the extent that maximum impervious surface area of the parcel is not exceeded.
 - Maximum size: 10 feet wide, 40 feet long, 8.5 feet high.
- (9) Long-term storage containers without required screening shall be permitted as follows:
- In general industrial (GI) and mixed commercial/industrial (MCI) with conditional use permit approval by city commission.
 - Site plan review required.
 - Number of containers shall be limited to the extent that maximum impervious surface area of the parcel is not exceeded.
 - Maximum size: Per conditional use permit conditions.

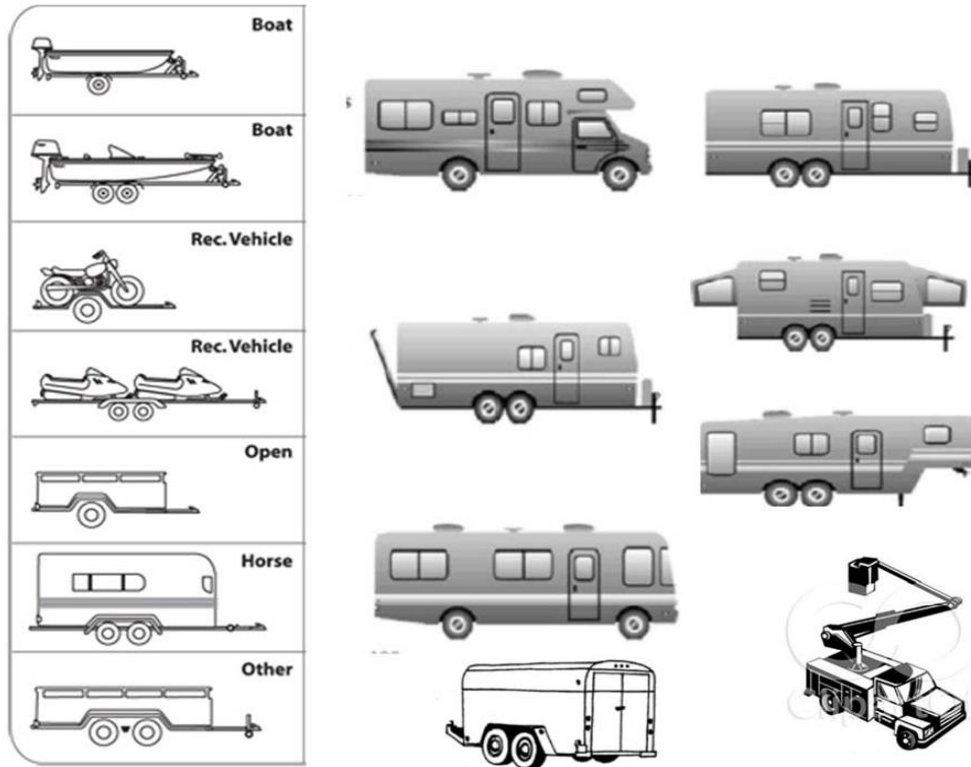
(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09, § 1, 6-17-2021; Ord. No. 21-40, § 1, 12-16-2021)

Sec. 110-5.14. Residential vehicle storage/parking.

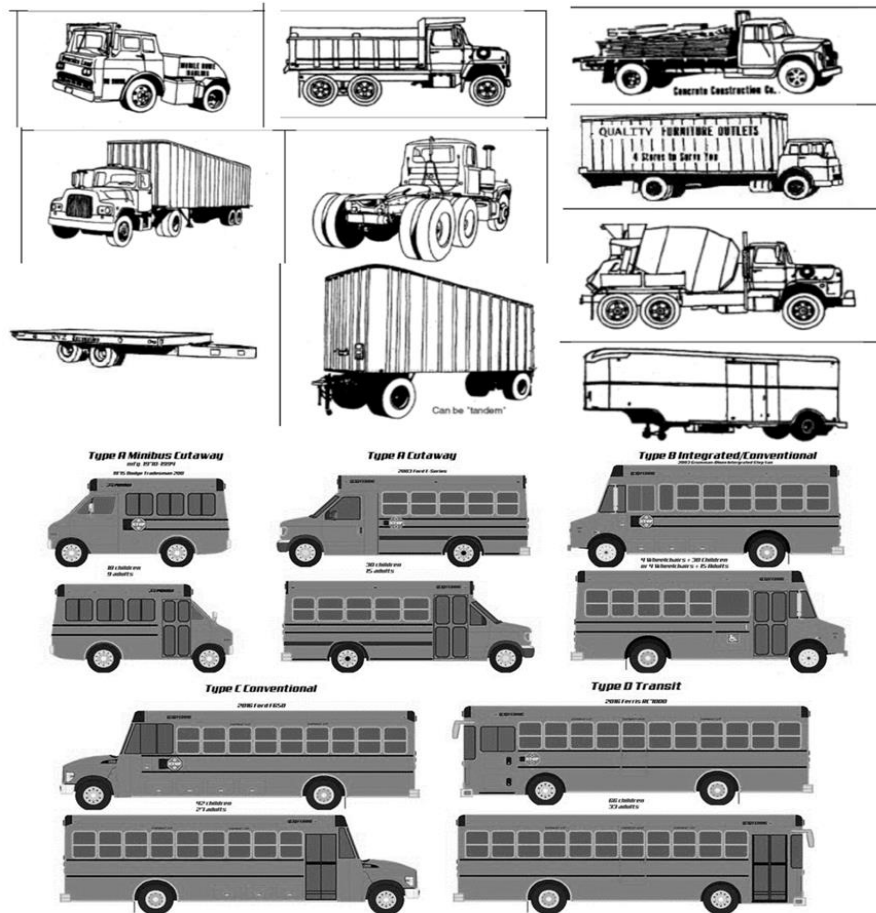
- (a) Vehicle storage/parking in residential areas (including mixed-use land use districts developed for residential uses) shall be permitted as follows; provided such vehicles comply with section 34-3 of the Code of Ordinances:
- (1) Passenger vehicles and light duty work vehicles, having only two axles and no tandem axles, such as those depicted below with no setback required.



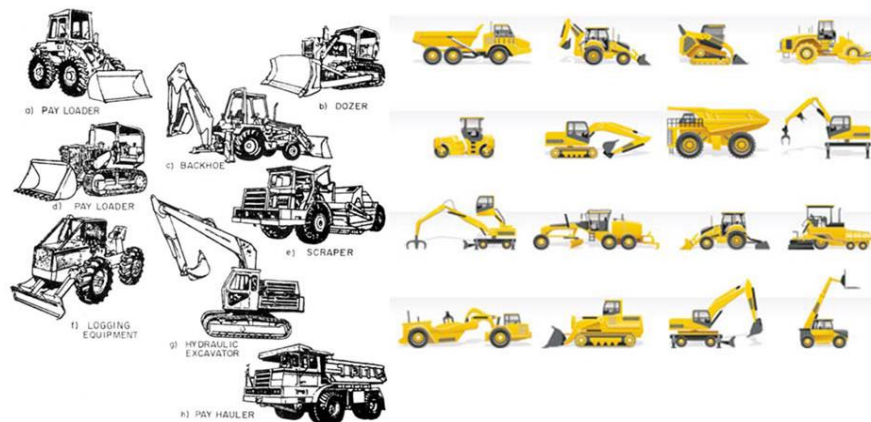
- (2) Recreational vehicles and utility trailers such as those depicted below, behind the building frontage on all lots except homestead lots, which must maintain a 25-foot street yard setback (on through lots and corner lots, behind the building frontage on the primary street with a 25-foot secondary street yard setback), provided that any open trailer loaded with debris, equipment or other materials must be screened from view of the right-of-way and neighboring properties.



- a. At no time shall such vehicles be occupied or used for living, sleeping or housekeeping purposes. The use of a trailer or mobile home as a dwelling or living unit on any lot other than a licensed and approved mobile home park, mobile home subdivision, or recreational vehicle park, within the MH/RV mobile home/recreational vehicle land use district shall not be permitted.
 - b. At no time shall such vehicles be connected to any water, sewer or gas utility services unless they are within a MH/RV mobile home/recreational vehicle land use district.
 - c. The city commission may authorize motor homes, trailers, or other conveyances during city-authorized or other special events at specific sites for a specified time period.
 - d. All recreational vehicles described herein, which are parked on residential property shall be licensed in accordance with all laws of the State of Florida.
- (3) Heavy duty vehicles, as determined by the development services director, busses, and trailers such as those depicted below are not permitted. Semi-trucks and trailers shall not be parked/stored in any residential area or mixed-use land use district developed as residential. No semi-trucks, trailers or other motor vehicle designed primarily for drawing other trailers or vehicles shall be parked or stopped in the in residential areas unless such semi-truck or trailer is actively in the process of loading or unloading and then such vehicle may only be stopped or parked for such period of time as is necessary to complete the process of loading or unloading the vehicle. Under no circumstances may a semi-truck or trailer remain parked or stopped in any residential land use district or mixed-use land use district developed as residential overnight.



- (4) Heavy equipment such as that depicted below shall only be permitted on properties with an active building permit.



(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

Sec. 110-5.15. Sheds storage buildings, utility buildings, greenhouses and other accessory structures (permanent or temporary).

- (a) No accessory building used for industrial storage of hazardous, incendiary, noxious, or pernicious materials shall be located within 100 feet of any property line.
- (b) Storage buildings, greenhouses, and similar structures shall be permitted only if in compliance with standards for distance between buildings, and setbacks, if any, from property lines.
- (c) All accessory structures regulated by this chapter shall be permitted only in side and rear yards, unless there are extenuating circumstances that would justify placement in the street yard with no adverse effects on surrounding properties.
- (d) All accessory structures regulated by this chapter, except temporary ones as determined by the director, shall be included in all calculations for impervious surfaces, floor area ratios, or other site design requirements applying to the principal use of the lot.
- (e) Vehicles, including new and existing tractor-trailers, truck beds, manufactured housing, and mobile homes shall not be used as storage buildings, utility buildings, or other such uses.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016; Ord. No. 21-09, § 1, 6-17-2021)

Sec. 110-5.16. Swimming pools, hot tubs, spas and similar structures.

- (a) Swimming pools, hot tubs, spas, and similar structures shall be permitted only in side and rear yards but not upon any utility easement.
- (b) Enclosures for pools, hot tubs, spas, and similar structures shall not be considered a part of the principal structure and shall comply with accessory use standards for minimum distance between buildings, yard requirements, and other building location requirements of this land development regulation.

Sec. 110-5.17. Agricultural / Livestock Structures.

- (a) Livestock structures (barn, stable, stall, etc.) shall be as closely centered on the property as possible, but in no case closer than ten (10) feet from the property line, unless adjacent property is under the same ownership.
- (b) Avian / Domestic Fowl structures (coops, pens, aviary, etc.) shall be placed no closer than ten (10) feet from the property line, unless the property is enclosed with minimum six (6) foot opaque privacy fence, then the structure may not be closer to the property line than five (5) feet.
- (c) All livestock areas must be maintained to minimize odor and waste accumulation.
- (d) Storage or parking of agricultural machinery and equipment shall be located behind the front face of the primary residence on the property.

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016, Ord. No. 22-36, 12-01-2022)