



AGENDA

City Commission Meeting

6:00 PM – Thursday, December 01, 2022 – City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: COMMISSIONER COBB

CALL TO ORDER

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 Approval of Minutes:

August 4, 2022 City Commission Workshop

October 18, 2022 City Commission Town Hall Meeting

3. PRESENTATIONS

3.1 Proclamation: Rotary Club of Eustis 100th Anniversary Celebration

4. AUDIENCE TO BE HEARD

5. CONSENT AGENDA

5.1 Resolution Number 22-89: Eustis City Attorney Services Agreement

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

2nd Reading

6.1 Ordinance Number 22-37: 2nd Reading Planned Unit Development Overlay and Master Plan for the Taylor Morrison Planned Unit Development

1st Reading

6.2 Ordinance Numbers 22-23, 22-24 and 22-25: 1st Reading Consideration of Ordinances for certain real property located along Lake Lincoln Lane (19621 Lake Lincoln Lane, Alternate Key Numbers 1814367 and 2880228).

Ordinance Number 22-23 – Voluntary Annexation

Ordinance Number 22-24 – Comprehensive Plan Map Amendment

Ordinance Number 22-25 – Design District Assignment

6.3 Ordinance Numbers 22-26, 22-27 and 22-28: 1st Reading Consideration of Ordinances for certain real property located along Lake Lincoln Lane (19703 Lake Lincoln Lane, Alternate Key Number 2869348)

Ordinance Number 22-26 – Voluntary Annexation

Ordinance Number 22-27 – Comprehensive Plan Map Amendment

Ordinance Number 22-28 – Design District Assignment

6.4 Ordinance Numbers 22-29, 22-30 and 22-31: 1st Reading Consideration of Ordinances for certain real property located along Lake Lincoln Lane (35145 Marshall Rd, Alternate Key Number 1123232)

Ordinance Number 22-29 – Voluntary Annexation

Ordinance Number 22-30 – Comprehensive Plan Map Amendment

Ordinance Number 22-31 – Design District Assignment

6.5 Ordinance Numbers 22-32, 22-33 and 22-34: 1st Reading Consideration of Ordinances for certain real property located along Lake Lincoln Lane (east side of Marshall Rd, Alternate Key Number 1039550)

Ordinance Number 22-32 – Voluntary Annexation

Ordinance Number 22-33 – Comprehensive Plan Map Amendment

Ordinance Number 22-34 – Design District Assignment

7. OTHER BUSINESS

7.1 Acceptance of 2022 City Commission Election Results

8. FUTURE AGENDA ITEMS

9. COMMENTS

9.1 City Commission

9.2 City Manager

9.3 City Attorney

9.4 Mayor

10. 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 1, 2022

RE: Approval of Minutes

Introduction:

This item is for consideration of the minutes for the August 4, 2022, Commission Workshop regarding the UCF Business Incubation Program and the October 18, 2022 Town Hall Meeting for Sharps Mobile Home Park.

Background:

N/A

Recommended Action:

Approval of the minutes as submitted.

Policy Implications:

None

Prepared By:

Mary Montez, Deputy City Clerk

Reviewed By:

Christine Halloran, City Clerk



MINUTES

City Commission Workshop

5:00 PM - Thursday, August 4, 2022 - City Hall

CALL TO ORDER: 5:02 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

PRESENT: Commissioner Nan Cobb, Commissioner Willie Hawkins, Vice Mayor Emily Lee and Mayor Michael Holland

EXCUSED: Commissioner Karen LeHeup-Smith

1.0 WORKSHOP ITEM WITH COMMISSION DISCUSSION AND DIRECTION

1.0 Presentation of UCF Business Incubation Program

Tom Carrino, City Manager, announced that Economic Development Director Al Latimer would provide a presentation to the Commission regarding the proposed business incubation program which would be followed by a presentation by UCF.

Al Latimer, Economic Development Director for the City of Eustis, introduced the business incubation program concept as part of a comprehensive economic development strategy. He discussed the opportunity to partner with UCF to establish an incubator in Eustis. He stated that incubator programs rely on partnerships to leverage resources, knowledge, and strengths, and they also allow for sharing of costs and risks. He noted that UCF is nationally recognized for its incubation program. He provided an overview of the opportunity citing the reasons for starting a business incubator including the following: 1) Providing a resource to entrepreneurs who want to start a business; 2) Nurturing young businesses through the early growth stage; 3) Beginning more businesses in targeted sectors; 4) Creating diversity in the local economy; and 5) Creating jobs.

Mr. Latimer commented on the various funding models and possible reasons for failure of an incubator. He discussed short-term and long-term performance metrics with short-term results building towards a long-term platform. He discussed how a feasibility study could answer key questions for entrepreneurs and possible outcomes from the investment.

Rob Panepinto, Director of Strategy and Partnerships for the UCF Business Incubation System, and Carol Ann Logue, Director of Programs and Operations, presented the UCF Business Incubation Program “Unleashing Potential Together”. He noted that Mr. Latimer cited the strategic points that are included in UCF's assessment which was completed prior to presenting a

proposal to the City of Eustis. He stated their desire to implement the program as a piece of a larger puzzle. He commented on the program support services including mentorship, business development, business operations, capital, leadership development, and specialized space. He explained how each of those services benefit fledgling businesses.

Ms. Logue explained that the incubator does not subsidize low cost space. She added that the businesses will not be able to ever graduate if they are not used to paying market rate for their space.

Due to technical difficulties, the livestreaming started at approximately 5:12 p.m.

Mr. Panepinto stated that UCF has eight incubators in either innovation districts or regional business growth centers. He added his opinion that the City of Eustis would fall into a regional business growth center. He commented on the amount of intergovernmental cooperation in some of the incubators. He further commented on how expertise from the existing programs can be used to assist local businesses.

Ms. Logue commented on how the incubator would assist local businesses and how some assistance could be provided virtually. She cited the need to assist with financial management and legal issues pertaining to that. She explained the amount of service provided to their “traction clients” and cited some specific companies currently in one of their programs. She explained some companies come to them after having some rapid growth and needing assistance with how to move forward. She reviewed their Soft Landing program which focuses on businesses located outside of Florida but that are considering opening branches in Florida. She cited the differences with international companies looking to relocate to Orlando.

Ms. Logue then explained they track metrics and performance for each quarter from each of their client companies and cited some of the performance standards tracked. She provided a list of some of their funding partners and stated that for every public \$1 invested there is an economic impact of over \$10. She added that the economic development professional association does studies of the industry and consistently it has shown that incubation is the most effective job creation and economic development approach. She emphasized that a greater number of companies stay in the area that are supported by this type of program. She commented on the number of companies that fail within three to five years and emphasized how the incubation program reverses that trend with 90% of the program graduates still in business after five years.

Mr. Panepinto provided an overview of the program proposed for Eustis including the following: 1) One office to provide a dedicated resource to the area; 2) Meeting space for up to 40 participants to be provided by the City/Mega; 3) UCF full-time staff resource to engage with the community leaders who will build program awareness, identify prospect companies, build mentor and service provider networks and work with individual companies/entrepreneurs; 4) Leverage existing SBDC Lake County resources and existing

UCF resources; 5) Launch a virtual incubator to augment the fulltime staff; 6) Host a minimum of two Business Bootcamp programs to support existing small businesses. He explained what a Bootcamp would include.

Ms. Logue commented on the City of Kissimmee program and stated they have already renewed and increased the number of companies they can serve through that program. She cited a platform they utilize called Growthwheel and explained how it is used by the participant companies.

Mr. Panepinto then commented on how a physical incubator space might evolve into an incubator facility based on local needs and the types of industry. He then cited the funding anticipated to be needed from the City with Ms. Logue explaining how that funding level was determined based on the cost of existing similar programs.

Commissioner Cobb asked about the fee for “traction” companies with Ms. Logue responding it is \$300 per month for all services with Mr. Panepinto indicating that the traction program is typically for one year.

Commissioner Cobb cited the SBDC program in Lake County and noted issues with that program. She asked what their involvement would be in the program with Ms. Logue noting the SBDC has changed their program in the past two years. She indicated that they do refer clients to the SBDC to avoid overlap of services and cited specific services the SBDC offers. She also commented on the SCORE program as another resource.

Commissioner Cobb confirmed that the Bootcamp is a stand-alone program with Ms. Logue explaining it is typically \$400 and is a ten-week program in 2.5-hour sessions.

Discussion was held regarding what is included in the Bootcamp program, how it may incorporate private sponsorships and use of funding from the cities and counties.

Commissioner Hawkins inquired about how long it would take to get the program running. Ms. Logue responded the main time constraint would be locating the right person to run the program and locating the program space. She explained the type of person that they would look for and how the search would be conducted.

Commissioner Hawkins asked about the city and county partnerships and confirmed those were created at the outset of each of those programs.

Ms. Logue noted that, throughout the history of their program, only three incubators have been shut down and that was due to lack of sufficient funding. She commented that the dynamics of city/county partnerships work best.

Mr. Panepinto explained that a city/county relationship does not mean the county dictates what is done in the program.

Ms. Logue commented on the need for long term commitment and building infrastructure in order for companies to build and stay local.

Commissioner Hawkins asked if they have inquired into other Lake County cities with Ms. Logue responding they haven't sought out but they did receive a call from the city of Mount Dora and they are scheduled to meet with her regarding the program.

Commissioner Hawkins asked if they would give the City time to consider the program before they approach other cities with Mr. Panepinto and Ms. Logue responding they are there because the City asked for their assistance and they will assist any community that approaches them for assistance.

Vice Mayor Lee stated she is a member of the Lake Sumter State College Board of Trustees and asked how they would connect with Lake Sumter and Lake Tech.

Ms. Logue responded one of the metrics they track are how many of a company's employees are students at the local educational facilities.

Vice Mayor Lee asked where the fees go that are charged for the traction program and the Bootcamp program with Ms. Logue stating that they go to support the cost of staff time, materials and, sometimes, additional professional assistance. She commented on how someone appreciates the program more if they have paid into it.

Vice Mayor Lee asked if they annually assess their program's success and do more of their participants stay in the area rather than moving out of the area.

Ms. Logue responded they do regular assessment of the program and the progress of the individual participants. She added that the participants tend to be more likely to stay in the area. She also stated they meet regularly with the participants.

Mr. Panepinto noted they would provide reports at least once or twice a year to the Commission regarding the program's progress. He indicated they would also advise the City on retaining those businesses.

Vice Mayor Lee commented on the City's efforts to figure out "who they are" and asked if they could help the City with that and whether or not they could also work with the high school students.

Ms. Logue indicated that they have had some interaction with high schools and middle schools; however, that has been primarily where the School District has some type of entrepreneur program. She noted their closest relationship has been in Seminole County as part of their "pathways" program where they place students in summer internships.

Vice Mayor Lee reiterated her question regarding if they could assist with City's visioning process.

Ms. Logue stated they could contribute to that; however, their expertise is not in that area but they could participate as a component.

Commissioner Hawkins confirmed they would work with the City Manager and Economic Development Director to tailor the program to the City's needs.

Mayor Holland commented on the City's need to make a decision regarding the downtown properties and how they will need assistance for the businesses that will be in that area. He asked for a consensus for staff to work on the program and look at what funding may be available.

CONSENSUS: It was a consensus of the Commission for staff to move forward and bring it back for further consideration.

2.0 ADJOURNMENT: 6:05 P.M.

CHRISTINE HALLORAN
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner

These minutes reflect the actions are 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.



MINUTES

City Commission Town Hall Meeting

5:30 PM – Tuesday, October 18, 2022 – City Hall

CALL TO ORDER: 5:32 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. WORKSHOP ITEM WITH DISCUSSION, PUBLIC INPUT AND DIRECTION

Mayor Holland opened the meeting and explained it is a town hall meeting regarding the Sharp's Mobile Home Park. He laid ground rules for speaking noting they need to state their name and if they are a City resident and if they live in the park. He stated they will be limited to three minutes each and asked that speakers not repeat each other and keep it civil. He added the Commission wants to hear the residents' concerns and complaints.

Tom Carrino, City Manager, asked the Police Chief and Code Enforcement Supervisor to report on the status of the various code issues, filing of liens and pending foreclosures.

Craig Capri, Police Chief, commented on the current situation with Sharp's Mobile Home Park. He discussed various issues including trespassing, drug deals, squatters, health and safety issues, black mold, exposed wires and pipes, and issues with sewage. He stated the management has been unresponsive and absentee. He indicated that when residents have voiced their concerns they have gotten threatened. He noted that there are residents that have threatened other residents as well and he promised swift action if that continues. He commented on elderly residents who have gotten their rents increased significantly. He stated the park is a nuisance property more than just a code violation. He added that a fix will not be quick and emphasized that the owner and property manager need to be held accountable. He explained that the park is the Police Department and Code Enforcement's number one priority. He emphasized they have zero tolerance for the situation. He emphasized there is also a significant amount of police activity underway.

Eric Martin, Code Enforcement Supervisor, reported that day an issue with the lift station spraying sewage everywhere was reported to DEP (Department of Environmental Protection). He explained that fortunately a resident familiar with the lift station was able to shut the system down and the property manager has a repair underway. He stated his inspection of the property showed there are overgrown conditions, housing code violations, road and sidewalk issues. He cited 3 Sharp's Park as an unsafe structure and stated there is a pending demolition permit for tearing down that structure as well as Unit #5. He indicated that is waiting on a utility signoff from Duke Energy. He noted a housing code violation at Unit #26 that is unresolved. He cited various efforts by the owner to repair various issues. He commented on an electrical post in danger of falling that was replaced without a permit and added that the replacement caused other issues. He indicated that a Notice of Violation was going to be issued for that.

Chief Capri stated a multi-disciplinary investigation is underway including police, code enforcement and DEP.

The Commission confirmed that since February 2019, when the current owners bought the property, there have been 18 violations. They confirmed DEP can proceed on the property without the City's involvement. They asked how many times staff has talked with and emailed management and it was noted that staff had been unsuccessful in their attempts to contact the on-site property manager. Mr. Martin indicated he had spoken with the property manager regarding general grounds maintenance who responded that is the City's responsibility not theirs.

The Commission asked for a show of hands as to how many attendees own their homes in the park versus renting. It was determined that the majority own their homes. They asked about the repairs to the road with Mr. Martin indicating they are just doing patchwork. Chief Capri stated the park needs a major infrastructure overhaul.

Mr. Martin commented further on sewage issues and reported on a discussion he had with their project manager.

The Commission asked about the owners possibly relocating their mobile homes and were informed that the property owner cut all the tongues off so they couldn't be moved. It was also noted that, if a mobile home is older than 1983, it cannot be legally moved.

Mr. Carrino reviewed the process for assessing the violations. He explained that violations are presented to the Code Enforcement Board. If the violations are not corrected, then the owner is fined. If the violations are still not resolved, then the Board can place a lien against the property and 90 days after the lien is recorded, the City can foreclose. He further explained that the Board can authorize the City Attorney to foreclose on a lien at that time. Following that, the City Commission can act on the Board's action. He noted that the City has moved forward with foreclosure on one of the liens; however, there are other liens that may come before the Commission for foreclosure. He added that it can be a lengthy process but the City is moving forward.

The Commission confirmed that there have been active code violations since 2019 with Mr. Martin explaining they did initially get some response and removed two mobile homes and an unsafe freestanding structure. He explained that Hansel Rodriguez argued with the City about removing the homes due to the park exceeding the allowed density so they are reluctant to tear down anything they own as they will not be able to replace them.

The Commission asked about the tongues on the trailers being removed and questioned if that was legal and if they were doing it just to the ones they own or also to the ones that are privately owned.

Chief Capri advised the residents they need to continue paying their lot rent and document it for down the road. He emphasized they are trying to get the park into compliance.

Mayor Holland opened the floor to public comment at 5:53 p.m. and asked them to maintain civility and no cheering.

The following individuals addressed the Commission regarding the park's issues: 1) Vince Peterson on behalf of Debra Jones; 2) Daniel Baumgartner, whose sister purchased a home in the park, read a prepared statement; 3) Unknown speaker; 4) Amy Baker; and 5) Samantha Ellis.

Residents spoke about the following: 1) Manhole cover across from Mr. Peterson's mom's home and into which his aunt fell was being repaired with tar tape which is not a standard fix for a manhole cover; 2) Amount of dirt running up and down the road which created an issue for cars as well as a tripping hazard; 3) Thanked the Chief for his statements and Eric Martin for his efforts, commented on the treatment of the residents by the owner; 4)

Fire hazards in the park; 5) Lot rent doubling within a two-year period; 6) Cited a news article in the Gainesville Sun in December 2018 which indicated the increased lot rents would be used to improve the park and that has not occurred; 7) Need to assist the residents with relocation if park is foreclosed on; 8) Reason tongues were removed from the homes was for insurance purposes; 9) Many residents want to stay in the park; 10) Owner and property manager not caring about residents; 11) Sewage coming up through plumbing into tub and related issues; 12) Anything from the ground down supposed to be responsibility of property owner, not home owners; 13) Originally there were 219 homes in the park, now there are 191 occupied, 28 vacant; 14) Comments on how mobile homes are overseen in Florida by the Dept. of Health; 15) Concerns regarding passage of Resolution 22-68; 16) The number of residents that the Commission would be displacing if the property is foreclosed; and 17) Meetings among the residents regarding the resolution and its effect on the residents. Ms. Ellis emphasized that the majority of the residents were unaware of the legal action pending against the property owner.

The Commission cautioned that they will not be chastised by people they are trying to help. They emphasized the Commission cares about the residents and asked Ms. Ellis what she is doing to help the residents.

Commissioner Cobb explained she had met with Ms. Manning to try and assist her with relocating due to being evicted.

Derek Schroth, City Attorney, responded to Ms. Ellis who had asked if the City Commission knows how many residents they would be displacing. He stated that the City would not be displacing any residents.

Jacqueline True addressed the Commission regarding issues with residents being threatened with eviction regardless of them paying their lot rent; and the property manager going into people's personal mail boxes and marking them as vacant so they don't get their mail and submitting forms to the post office to have their mail forwarded to her (Allie Morales).

Chief Capri and the Commission confirmed they would institute an investigation into that as that is a federal offense.

Tristan Napian addressed the Commission regarding residents with health issues and low income being forced out due to increasing lot rents.

Public comment continued with the following residents speaking: Cathy Sernal; Tony Ortiz; and Dawn Napier.

The following additional comments were made by the residents: 1) Residents with health issues and low income being forced out due to increasing lot rents; 2) Issues with high water during rains; 3) Damage caused by storms and causing power outages not being repaired in a timely manner; 4) Difficulties in reaching the property manager; 5) Lack of rental contract; 6) Continuously increasing the lot rents; 7) Lot rents more than half of income; 8) Lack of paperwork for lot rentals; and 9) Number of residents fighting eviction.

An unknown Spanish-speaking resident questioned whether or not the residents are able to sell their mobile homes.

Mr. Schroth explained to the residents that they can legally sell their homes as the foreclosure only affects the underlying real property. He questioned whether or not someone would buy the home due to the sporadically increasing lot rents.

The Commission asked about the water shut offs and confirmed that the park is actually a master meter, not individual meters.

Mr. Carrino stated he was not sure if the park owner has ability to shut off individual homes' water service with the Commission asking staff to check on that.

Richard Sincere explained he just bought his mobile home at the end of June. He indicated he was still waiting on his lot lease. He explained he broke his femur on July 3rd so he was unable to leave his home to pay his lot rent. He expressed concern regarding the property owner not coming by to pick up the rent check. He noted that lawn maintenance was supposed to be included but he has received no break down about his charges.

James Lund questioned which side of the park the foreclosure would affect with Mr. Schroth explaining the lien attaches to both sides of the park due to it all being owned by the same entity. Mr. Lund then asked if the residents would be forced to leave with Mr. Schroth explaining the foreclosure only is on the underlying property, not the individually owned homes. He explained how the foreclosure could occur. He stated that, in the event that someone else purchases the property at the sale, the City would have a plan in place to help protect the residents and make sure the property is safe.

Mr. Schroth noted that the owner has hired an attorney who asked the City to postpone the foreclosure which the City Commission denied. They have not made any further contact nor have they resolved the lien.

Lisa LeSanta noted her husband has performed some of the repairs in the park. She explained that there is extreme flooding on her side of the park and her neighbor has water flowing into her home. She stated there is an electric pole in danger of falling near Unit #209 that is tied up with an orange rope. She questioned if that would be repaired.

Mr. Martin confirmed he would inspect the electric pole near Unit #209 the next day.

Ms. LeSanta asked if the residents would be homeless if the City forecloses on the property with Mayor Holland explaining they have not discussed what would occur after the foreclosure.

Lorraine Sugar stated she does not have a lot rent contract and her lot rent has been increased four times since February, when her home was purchased, from \$260 to over \$700 since February. She noted she was not notified of any of the increases just threatened with eviction.

Mr. Schroth asked if she purchased her home from the park owners and she indicated she purchased from the previous owner of the home.

Michael Compliester confirmed that no one in the park has a lot lease and stated that the manager states she does not know where the leases are. He commented on a lady who has flood water flowing into her home. He noted that the park manager refused to accept his lot payment unless he provided his phone number. He stated he was notified by phone that the water charge was being increase by \$79 per month. He commented on fecal water running down the street.

Ivan Gonzalez spoke with the assistance of Samantha Ellis who interpreted for him. He commented on a number of issues including problems with rats and garbage.

Scott Riley reported that he pulled a permit to remodel/demolition Lot #3 October 26, 2021 and he kept the permit valid for four months; however, he never received a check for the

work. He expressed concern about the owner not paying contractors. He noted he also had not received his mail since the first of May.

The Commission questioned whether or not the property manager has a master key to the mail boxes.

James Kale stated when he moved into the park in 2019 the lot rent was \$225 and now it has jumped to \$490 plus the maintenance and water bill of \$67 and a charge for last year's taxes of \$15. He explained that Section 8 Housing took over a program to assist people with paying their lot rent but to be eligible the resident must be at least one month behind in their rent. Therefore, you have to have a ledger from the landlord showing you are behind on your rent. He explained he decided to apply to the program and requested a ledger from the property manager which she provided; however, at the same time she gave him a notice of intent to evict with a date sooner than he could receive the assistance. He explained his problem with deciding whether or not to borrow money to pay the lot rent when that would make him ineligible for the program.

Mayor Holland indicated the Commission and City Attorney were taking notes regarding the lot rent issues.

Mr. Schroth asked if anyone had actually received a court summons regarding eviction, not just a letter from the park. At least one person had received a court summons.

The Commission asked for a show of hands regarding the number of residents who have received an eviction letter from the park.

Carl Loger reported he previously had to live in a motel room before moving into the park. He indicated he is a disabled veteran but still able to work part time. He commented on the flooding resulting in pests coming into his home. He noted he has had to call the police department about vagrants. He expressed concern regarding the possibility of his possessions being stolen. He stated he purchased the home through a real estate company. He also cited problems with speeding along Lakeshore Drive and how close the mobile homes are to the road. He emphasized he does not feel safe in his home but intends to put up some security cameras. Regarding the mail boxes, he stated he was told the boxes were being rekeyed so everyone would get new keys. He indicated that due to the problem with the mail boxes he went without his heart medication for a month and wound up in the hospital. He stated his intent to make some improvements to the home and then sell it and relocate.

Cathy, 30 Sharps Circle, noted the owner is a Limited Liability Company. She expressed concern regarding the condition of the park, the high cost of staying in the park, lack of a written lease and whether or not she can walk away noting that they can evict her with only 15 days' notice.

Mr. Schroth noted that, absent a lease, the landlord can give them 15 days' notice prior to eviction; however, the resident can also notify the park of their intent to no longer live there and would no longer be responsible for the lot rent after the 15 days. Cathy noted she would then be responsible for relocating the trailer.

The Commission asked the young man with the collapsed lung if anything in trailer contributed to his illness. He responded affirmatively noting they have evidence of mold.

Vince Peterson noted he had to recently cover part of his mother's lot rent noting that it increased from \$350/month to \$572 plus the utilities and other fees. He asked the City Attorney if they can legally set up an escrow account to pay the lot rent until the park owner makes the necessary repairs.

Mr. Schroth responded the residents could join together, hire a private attorney to file a class action lawsuit and file a motion with the court to deposit all of the rent with the court registry. He indicated that can be difficult. He then stated that, alternately, to defend against an eviction, they can pay their rent with the court registry. He indicated he did not think anyone had actually received a court summons. He explained that process.

Mr. Peterson noted that his mother received three letters from the park threatening eviction even though she wasn't late. He indicated she would try to pay the lot rent but no one would be in the office so she could pay it.

Mr. Schroth stated it appears the park has violated Chapter 723 repeatedly. He stated they are supposed to receive 90-day notice of any rate increases and the water is supposed to be pass through not a profit center. The property tax has to be a pass through. He questioned whether they have a homeowner's association which would be helpful.

Anthony Gerupe stated he was notified that he was 12 months behind on his lot rent; however, it was because he was never notified of an increase in the rent. The property owner also threatened him with eviction if he allows his ex-wife to come to his property to help him.

Mayor Holland asked him to allow the City Attorney to review his paperwork.

Marie Alberti, former commissioner for Eustis, commented on her previous ownership of a mobile home/RV park and how they handled the pass through of water, sewer and a few units for electric charges. She emphasized that they were told repeatedly that they could not use the utility charges as a revenue source. She asserted that it sounded like a lot of illegal activity is occurring by the property owner. She encouraged the residents to place their lot rents in the court registry.

Lisa LeSanta asked about the rent deposit account and if other residents were given a pin number to put their rent into that account. Another resident explained that was implemented by the new owner and there is an additional \$20 fee for anyone who chooses to use the online portal. He noted that, for some people, that is their only option for payment of their lot rent.

The resident from 136 Sharps Circle asked he can do anything about the trees and vines growing on his house as it is damaging his home. He indicated that he has been stonewalled by the property manager.

Mr. Carrino indicated that staff would look into it.

Joanne Mitchell explained that the park owns the mailboxes and that the office manager does have keys to all of the boxes. Mayor Holland noted that is still federal mail and it is illegal for them to go into their mailbox.

The Commission asked the City Attorney to sum up the issues with Mr. Schroth indicating that the foreclosure process is a lengthy process. He explained that the owner will likely hire legal counsel and fight the foreclosure. He stated that the Commission will have time to figure out what it wants to do should a foreclosure sale occur. He indicated his opinion that the owner will pay off the lien. He noted that it is a valuable piece of property even with its deficiencies since the lien is currently only \$68,000. He added that the Commission would have to decide what they would do if it does go to sale and if there are other bidders. He emphasized that no one will be taking the residents' homes. He recommended the residents hire a private legal counsel to potentially start a class action lawsuit under FSS 723 or, if they are individually facing an eviction action, they have the

ability to defend that in court. He stated they have the ability to pay their lot rent in the court registry if they are served with a summons for eviction. He added that the City is moving forward on the code enforcement violations and liens and explained, in the event that a violation consists of a life or safety issue that could cause imminent harm, the City has the ability to file an immediate or emergency injunction to compel them to cure the violation. He emphasized that the City is moving forward as best they can.

The Commission questioned if there is a remedy for the City to address the owner profiting off of City water. Mr. Schroth responded that what they are doing sounds like a violation of FSS 723. He indicated that the City does not have standing as they are not the individuals being damaged. The residents have a clear statutory remedy for what appears to be a clear violation based on the amount that's charged. He commented on the amount being charged over a year's time for the water charges alone.

The Commission asked about the process for addressing truth-in-lending and questioned what is the liability for the real estate agent or the owner for non-disclosure of the park being under foreclosure. Mr. Schroth stated there is a duty to disclose any material defect by either the realtor or seller and stated they would have a private cause of action if there has been misrepresentation.

The Commission then asked about the pass through of the property taxes with Mr. Schroth indicating they can pass through property taxes; however, the amount being passed through does not appear to be accurate. The Commission then asked if they can pass through back taxes with Mr. Schroth responding the problem with that would be that prior tenants would be the ones liable for that not the current tenants.

The Commission then questioned if they can rent without a contract. It was confirmed they can rent on a month-to-month basis with only a verbal contract. Mr. Schroth confirmed they must provide 90 days' notification of any prospective rental increase.

The Commission commented on the issues with mold and the sewer and asked if a complaint has been sent to the health department and other agencies. Mr. Schroth indicated that Chief Capri contacted DEP regarding the issues. He asked the residents for a show of hands to see if any of them had complained to the Health Department.

The Commission questioned whether or not the residents could pursue legal action against the property manager as it would appear she may have been profiting from the misconduct with Mr. Schroth affirming they could take action against the manager as well.

Commissioner LeHeup-Smith commented on the history of the park under the ownership of the Sharp family and how it has become a problem for the City and residents.

Commissioner Cobb stated she was appalled at the situation and emphasized how upsetting the comments have been. She stated she would not let it go.

Commissioner Hawkins expressed agreement and stated they are preying on people that need help the most and emphasized his anger at the situation. He encouraged the residents to get angry "in the right way" and take action. He emphasized the City's support for them.

Vice Mayor Lee agreed and said their families need to fight for them as well. She stated the City will do all it can to help them but they need to also fight for themselves. She thanked them for coming and sharing.

Mayor Holland thanked the residents for coming and stated they need to know the Commission cares or they would not be there. He emphasized that all of the

Commissioners spend most nights working for the City. He commented on his relationship with the former owner – the Sharps family – and stated that the current owner doesn't care about the community. He explained that the City Attorney could write an Executive Order and he could sign it to close park and declare it a health hazard; however, that would result in them being homeless. He stated he would ask the City Clerk to send copies of the minutes of the meeting to the City's State Senator and State Representative and to also send it to Michael Walsh and Daniel Webster's offices as well as the Governor. He stated that they may need to file a class action lawsuit to try and move forward more quickly.

The Commission asked if Mid-Florida Legal Services could assist them with Mr. Schroth stating they could assist the individuals defend themselves against eviction; however, they could not assist with the lawsuit.

2. ADJOURNMENT: 7:36 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: Derek A. Schroth, City Attorney
DATE: December 1, 2022
RE: RESOLUTION NUMBER 22-89: APPROVING EUSTIS CITY ATTORNEY SERVICES AGREEMENT

Introduction:

The City Attorney serves as chief legal advisor to the City Commission, the City Manager and all City departments and offices, represents the City in all legal proceedings, and performs all duties prescribed by the City Charter and as outlined in the Eustis City Attorney Agreement. Resolution Number 22-89 approves a new legal services agreement with City Attorney Sasha O. Garcia and Deputy City Attorney Derek A. Schroth.

Budget / Staff Impact:

There is no additional staff or budget impact as the financial terms of this Eustis City Attorney agreement are the same as the prior agreement.

Reviewed By: Tom Carrino, City Manager

RESOLUTION NUMBER 22-89

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, APPROVING THE EUSTIS CITY ATTORNEY AGREEMENT.

WHEREAS, the City appointed Derek A. Schroth as City Attorney effective February 1, 2008, and

WHEREAS, the City Attorney and the City approve the appointment of Sasha O. Garcia as City Attorney and Derek A. Schroth as Deputy City Attorney.

WHEREAS, the City Attorney serves as chief legal advisor to the City Commission, the City Manager and all City departments and offices, represents the City in all legal proceedings, and performs all duties prescribed by the City Charter and as outlined in the Eustis City Attorney Agreement.

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

Section 1. The City Commission hereby approves the attached Eustis City Attorney Agreement.

Section 2. The Mayor is hereby authorized to execute the Eustis City Attorney Agreement.

Section 3. This Resolution and the Eustis City Attorney Agreement shall take effect February 1, 2023.

DONE AND RESOLVED this 1st 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, by means of physical presence, this 1st 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 22-89 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

Eustis City Attorney Agreement

This Eustis City Attorney Agreement (“Agreement”) is effective this 1st day of February 2023, by and between Bowen|Schroth and the City of Eustis (“City”) who agree as follows:

I. City Attorney Appointment and Service.

The City appoints Sasha O. Garcia as the City Attorney and Derek A. Schroth as Deputy City Attorney. The City Attorney shall serve the City as requested by the City Commission or authorized City staff on all legal matters and shall perform all duties to the City as requested by the City pursuant to the Rules Regulating the Florida Bar and Article VII of the City of Eustis Charter. The City Attorney and Deputy City Attorney may defer work to other attorneys of Bowen|Schroth as they deem appropriate.

II. Duration.

This Agreement automatically renews each year unless written notice is provided by either party at least 60 days in advance of the renewal date that this Agreement will not be renewed.

III. Compensation and Description of Services.

A. The City shall pay Bowen|Schroth a retainer of \$3,500 per month. The monthly retainer is payment for the following services: (1) attorney availability to the City Commission and authorized City Staff at all hours every day, (2) any and all phone conferences with a City Commissioner or authorized City staff, and (3) attorney attendance at all regular City Commission meetings.

B. All other services and time spent by the City Attorney concerning City business will be billed at the hourly rate of \$250 an hour. Paralegal and Law Clerk time, if any, will be billed at \$135.00 per hour. All billings will be in increments of a quarter of an hour. The City is not obligated to provide any employment benefits or other benefits to the City Attorney or Deputy City Attorney at any time.

The City of Eustis

Bowen|Schroth

Michael L. Holland, Mayor

Sasha O. Garcia, Partner



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 1, 2022

RE: **2nd Reading** Ordinance Number 22-37: Planned Unit Development Overlay and Master Plan for the Taylor Morrison Planned Unit Development

Introduction:

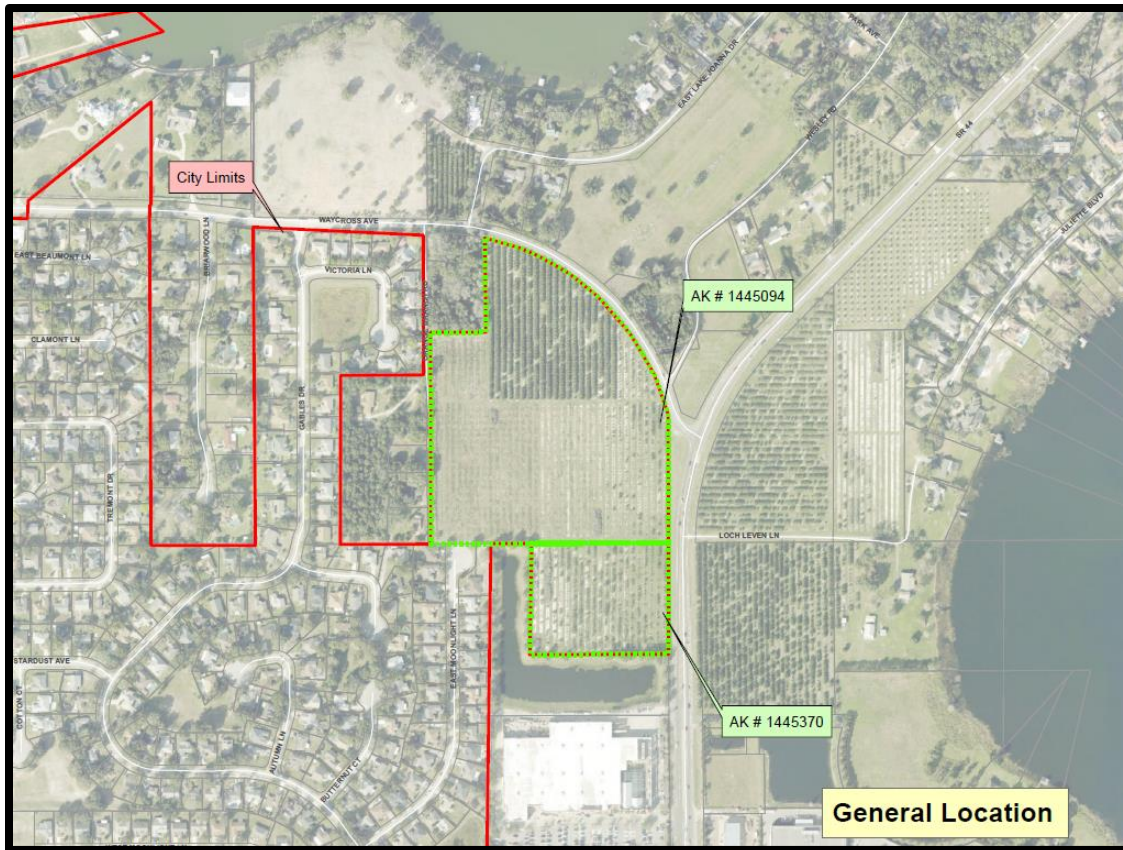
Ordinance Number 22-37 approves a Planned Unit Development (PUD) Overlay and PUD Master Plan for the Taylor Morrison Planned Unit Development, a 230-unit single-story multi-family project, on 24.94 gross acres on the south side of Waycross Avenue and the west side of State Road 44.

Background:

1. The site contains approximately 24.94 acres and is located within the Eustis Joint Planning Area. The site is currently vacant with vegetation in existence. *Source: Lake County Property Appraisers' Office Property Record Card Data.*
2. The property was annexed into the City on April 7 2022 with a Mixed Commercial Residential Future land Use and a Suburban Neighborhood Design District.

Surrounding properties have the following land use designations:

Site	Vacant	Mixed Commercial Residential	Suburban Neighborhood
North	Vacant	Urban Low (Lake County)	N/A
South	Stormwater Pond for Lowes'	Mount Dora	N/A
East	Vacant	Urban Low (Lake County)	N/A
West	Single Family Residence	Suburban Residential	Suburban Neighborhood



Applicant's Request:

The applicant is requesting Planned Unit Development Overlay and Planned Unit Development Master Plan approval for a 230-unit single-story multi-family project, including the establishment of permitted uses and development standards.

The Applicant has provided a narrative for the project which is included within the City Commission Agenda Packet.

The Applicant's proposed unique standards are as follows, with all other design and land use standards applying as found within the City of Eustis Land Development Regulations and Engineering and Design Standards Manual, as amended:

Permitted Uses:

Clubhouse/ Cabana	Construction Trailers (Temporary During Construction)
Detached Garages	Dog Park
Home Occupations	Maintenance Buildings
Model Homes	Parks
Pool	Public Service/ Facilities
Leasing/Management Office	Retention Ponds
Multi-Family Detached Residential	Multi-Family Attached Residential
Trails	

Design Standards Table

PUD	Proposed
Maximum Density	9.22 dwelling units/acre
Maximum Units	230
Minimum Living Area	600 SF (under air/heat)
Detached Garages	.35 garage spaces per unit Up to 5 individual garages can be attached. The minimum area for each garage is 214 square feet.
Minimum Building Separation	10'
Maximum Height	One Story
Lot Width	N/A
Lot Depth	N/A
Lot Size	N/A
Open Space	27% Minimum
Parking	2 Spaces Per Unit
Minimum Building Setbacks	
Eastern Boundary - SR 44	25'
Northern Boundary - Waycross Ave	25'
Western Boundary	25'
Southern Boundary	25'

Landscape Buffers:

Enhanced landscape buffers shall be provided, as shown on the PUD Master Plan and outlined below:

- A. Landscaping
 - 1. A 15-foot wide landscape buffer with enhanced plantings to be provided along the southern property line adjacent to E. Moonlight Lane (the 44 Gables neighborhood) and along the eastern boundary adjacent to Orange Branch Road (easement).
 - 2. A 15-foot wide landscape buffer with enhance plantings will be located along Waycross Avenue and SR 44.
- B. Wall/Fencing – a six-foot-tall fence or wall shall be included along the landscape buffer at the perimeter. The fence/wall shall be a decorative PVC fence or pre-cast type wall with decorative stone-finished columns and column caps (or similar) or some combination of the two materials. A six-foot-tall pre-cast type wall will be located within a 15-foot landscape buffer with enhanced plantings along E. Moonlight Lane (the 44 Gables neighborhood).

Recreational Amenities

- A. Dog Park - 0.20-acre
- B. Amenity Area – 0.74-acre

C. Park Space – 1.59-acres

Total - 2.53-acres

Sec. 102-29. - PUD overlay.

The intent and purpose of a planned unit development (PUD) overlay is to provide for a diversity of land uses to create a planned, sustainable community and provide an opportunity for flexibility and innovation. The objective is not simply to allow exceptions to otherwise applicable regulations, but to encourage a higher level of design and amenity than it is possible to achieve under the current regulations...

The applicants proposed Planned Unit Development Standards is intended to provide development standards that are a hybrid between traditional single-family and multi-family development forms. The current Design Districts do not provide for a direct parallel to match the development form proposed by the applicant. That form taking the shape of a single story residential complex constructed to purposefully be managed as a multi-family entity.

Analysis of Request According to Applicable Policies and Codes:

Section 102-29 PUD Overlay: The intent and purpose of a planned unit development (PUD) overlay is to provide for a diversity of land uses to create a planned, sustainable community and provide an opportunity for flexibility and innovation. The objective is not simply to allow exceptions to otherwise applicable regulations, but to encourage a higher level of design and amenity than it is possible to achieve under the current regulations. The city may impose specific conditions of approval upon any PUD. Such conditions shall be recommended for the purposes of assuring consistency with the comprehensive plan or elements thereof; offsetting or minimizing impacts upon public improvements, surrounding land uses, and significant environmental features; and assuring the adequacy of public services and facilities which will specifically serve the proposed planned unit development site. Conditions imposed upon an approved master planned unit development plan shall constitute the standards and guidelines against which the development of the planned unit development site, or any increment or phase thereof, shall be reviewed.

In order to approve a PUD, findings of fact shall be made to support the following conclusions:

- a. There are special physical or geographical conditions or objectives of development which warrant a departure from the standard land use and design district regulations.

The previously disturbed nature of the property (operating orange grove) subject to this request, and the unique development form and operating model being applied to the development, for which there is not a direct correlation with the City's design standards, create the opportunity and need for the City and the applicant to come to a reasonable agreement under the planned unit development process.

The following departures from the design district regulations represent minor development standard adjustments to accomplish a reasonable hybrid of Design District Standards to allow for the applicant unique development form.

Limitation of Permitted Uses

Permitted uses in the Suburban Residential land use district are provided for in Table 109-4 of the Land Development Regulations. To create a community with a higher level of

amenity and minimize impacts to the surrounding land uses, the applicant is prohibited by the limitation of permitted uses as follows:

Clubhouse/ Cabana	Construction Trailers (Temporary During Construction)
Detached Garages	Dog Park
Home Occupations	Maintenance Buildings
Model Homes	Parks
Pool	Public Service/ Facilities
Leasing/Management Office	Retention Ponds
Multi-Family Detached Residential	Multi-Family Attached Residential
Trails	

Lot Typologies

The proposed development form does not fully follow the residential lot typologies nor the applicable multi-family or apartment typologies. Therefore, working with City staff the applicant proposed the following standards.

PUD	Proposed
Maximum Density	9.22 dwelling units/acre
Maximum Units	230
Minimum Living Area	600 SF (under air/heat)
Detached Garages	.35 garage spaces per unit Up to 5 individual garages can be attached. The minimum area for each garage is 214 square feet.
Minimum Building Separation	10'
Maximum Height	One Story
Lot Width	N/A
Lot Depth	N/A
Lot Size	N/A
Open Space	27% Minimum
Parking	2 Spaces Per Unit
Minimum Building Setbacks	
Eastern Boundary - SR 44	25'
Northern Boundary - Waycross Ave	25'
Western Boundary	25'
Southern Boundary	25'

- b. The resulting development is consistent with the character of the surrounding area and the overall planning objectives of the city.

As designed, the project is consistent with the Development Framework and Planning Principals outlined in the Comprehensive Plan, Goal FLU 1, Objective FLU 1.1 and Policy 1.1.1.

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;**
- ☐ **Encouraging compact building design.**

- c. The existing or planned infrastructure is adequate to support the anticipated development.

The project proposes extension of water and wastewater utilities to serve the development, and capacity is available. The development proposes an internal pedestrian system providing walkable connectivity internal to the development.

- d. The development incorporates best management practices for stormwater management, "green" building, and water and energy efficiency.

The stormwater management system will be designed to meet the city's land development regulations and St. Johns River Water Management District regulations; post-development runoff shall not exceed predevelopment conditions.

- e. The development protects, preserves, and/or manages areas of significant natural resources.

The PUD Master Plan provides an internal passive park and walking trails. When combined with the amenity center, open space areas and landscape buffers, the plan provides above the minimum requirements for open space and park areas to support the development.

- f. The arrangement of proposed uses better integrates future development into the surrounding neighborhood.

Where new residential dwelling units are proposed in locations near existing residential developments, open space in the form of landscape buffers are provided along with fence line for visual and noise buffering as well as security for both existing residents and the residents of the proposed development.

- g. Each development phase can, together with any phases that preceded it, exist as an independent unit that meets all approval criteria and other applicable regulations even if no subsequent phase should ever be completed.

The PUD Master Plan complies.

Comprehensive Plan - Future Land Use Element Appendix; Land Development Regulations Section 109-2.6, 109-3, 109-4: 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...

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.

The Planned Unit Development Overlay provides for the proposed hybrid single story multi-family use type at a at a maximum density of 9.22 units per acre in a Mixed Commercial Residential land use district, which permits up to 12 dwelling units per acre.

Furthermore, Policy FLU 1.3.2: Maintain Residential Compatibility of the Eustis Comprehensive Plan indicates, "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 service/retail/employment activity, is permitted as an exception to this principle.”

The proposed development of 9.22 dwelling units per acre will be served with water and sewer. The property is located on the periphery of the City of Eustis Municipal boundary, however the property is in close proximity to the US Hy 441 corridor and is in an urbanized / urbanizing area between the meeting of the municipal borders of the City of Eustis with the City of Mount Dora.

In keeping with Florida Statute (FS) 163.3177, directing density to municipalities reduces the proliferation of sprawl thereby protecting true rural and agricultural lands. By directing development to municipalities, development pressure on outlying areas is reduced. The provision of cost-effective public services is not only provided for in Eustis’ Strategic Plan, but it is also an important factor in protecting natural resources, including groundwater. Greater densities are warranted and necessary for the cost-effective provision of public services where both water and sewer are provided. Compact service areas reduce per capita costs of public services.

The Planned Unit Development Overlay, consistent with the Comprehensive Plan and Land Development Regulations, provides for roadway, sidewalks, and residences equating to a maximum 40%. The plan provides 27% open space, exceeding the minimum 25% requirement. The proposed plan is consistent with the MCR land use per the Future Land Use Element Appendix of the Comprehensive Plan and the Land Development Regulations.

- c. Land Development Regulations – Design Districts Section 109-5.5. – Suburban development pattern intent statements.

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.

Suburban neighborhood.

Definition. Predominately residential uses with some neighborhood-scale commercial services.

Structure. Interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.

Form. Mix of detached residential uses with some neighborhood-supporting retail, parks and civic spaces as focal points in the neighborhoods.

The PUD plan meets the intent of the of the Suburban development pattern and Suburban Neighborhood design district.

- d. Land Development Regulations – Chapter 115 General Building and Site Design Standards

Section 115-3.2. addresses suburban districts and residential compatibility as follows:

Sec. 115-3.2. – Suburban districts.

Suburban residential compatibility. The maximum residential density permitted within any suburban design district shall be consistent with the maximum density of the applicable land use district assigned to each individual property.

When any suburban design district abuts an existing development in a suburban district, and proposed new residential lots will share a common boundary with existing or platted lots:

The width of the new lots may be no more than 150 percent of the width of the existing or platted lots, unless:

The property has a Mixed Commercial land use designation which permits a maximum of 12 dwelling units per acre. The proposed PUD is designed at 9.22 dwelling units per acre. The proposed development is not designed with individual lots (fee simple). The development plan depicts common areas between the units and the overall project boundary.

Recommended Action:

The administration recommends approval of Ordinance Number 22-37.

Policy Implications:

None

Alternatives:

1. Approve Ordinance Number 22-37
2. Deny Ordinance Number 22-37

Budget/Staff Impact:

None

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Reviewed By:

Mike Lane, AICP, Director, Development Services

ORDINANCE NUMBER 22-37

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PLANNED UNIT DEVELOPMENT (PUD) OVERLAY FOR TM MULTI-FAMILY PUD PURSUANT TO SECTION 102-29 AND 109-2.8 OF THE LAND DEVELOPMENT REGULATIONS; APPROVING A PLANNED UNIT DEVELOPMENT (PUD) MASTER PLAN FOR A 230-UNIT SINGLE-STORY MULTI-FAMILY PROJECT, ON 24.94 GROSS ACRES ON THE SOUTH SIDE OF WAYCROSS AVENUE AND WEST SIDE OF SR 44, ESTABLISHING PERMITTED USES AND DEVELOPMENT STANDARDS, PROVIDING FOR A PD MASTER PLAN, PROVIDING FOR CONDITIONS OF APPROVAL, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, TM BTR, LLC has made an application for a Planned Unit Development Overlay for a 230-unit single-story multi-family residential development on 24.94 gross acres on the south side of Waycross Avenue and west of SR 44, more particularly described as follows:

LCPA PARCEL ID# 19-19-27-0001-000-00100 and 18-19-27-0004-000-02000

A PARCEL OF LAND LYING IN SECTIONS 18 AND 19, TOWNSHIP 19 SOUTH, RANGE 27 EAST, LAKE COUNTY, FLORIDA, BEING MORE PARTICULARLY DESCRIBED AS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHEAST 1/4 OF SAID SECTION 18, ALSO BEING THE NORTHEAST CORNER OF SAID SECTION 19; THENCE RUN NORTH 89°57'52" WEST ALONG THE NORTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 19 AND THE SOUTH LINE OF THE SOUTHEAST QUARTER OF SAID SECTION 18 FOR A DISTANCE OF 633.02 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF STATE ROAD 44 / COUNTY ROAD 44B AS RECORDED IN MAP BOOK 13, PAGES 74 THROUGH 94 OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA AND THE POINT OF BEGINNING; THENCE DEPARTING SAID NORTH AND SOUTH LINE RUN SOUTH 00°18'56" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 429.04 FEET; THENCE DEPARTING SAID WEST RIGHT OF WAY LINE RUN NORTH 89°54'58" WEST FOR A DISTANCE OF 545.84 FEET; THENCE RUN NORTH 01°12'55" EAST FOR A DISTANCE OF 428.68 FEET TO A POINT ON THE AFORESAID NORTH AND SOUTH LINE OF SAID SECTIONS 19 AND 18; THENCE RUN NORTH 89°57'52" WEST ALONG SAID NORTH AND SOUTH LINE FOR A DISTANCE OF 385.03 FEET; THENCE DEPARTING SAID NORTH AND SOUTH LINE RUN NORTH 00°09'12" EAST FOR A DISTANCE OF 813.27 FEET; THENCE RUN SOUTH 89°57'53" EAST FOR A DISTANCE OF 201.97 FEET; THENCE RUN NORTH 00°20'24" EAST FOR A DISTANCE OF 363.61 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY LINE OF WAY CROSS AVENUE AS RECORDED IN MAP BOOK 5, PAGES 99 THROUGH 103 OF THE AFORESAID PUBLIC RECORDS BEING A POINT ON A NON TANGENT CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF

911.09 FEET, WITH A CHORD BEARING OF SOUTH 50°57'00" EAST AND A CHORD DISTANCE OF 838.88 FEET; THENCE RUN THE FOLLOWING COURSES ALONG SAID SOUTHWESTERLY RIGHT OF WAY LINE: SOUTHEASTERLY THROUGH A CENTRAL ANGLE OF 54°49'19" ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 871.75 FEET TO A POINT ON A NON TANGENT LINE; THENCE RUN NORTH 66°27'40" EAST FOR A DISTANCE OF 5.00 FEET TO A POINT ON A NON TANGENT CURVE, CONCAVE SOUTHWESTERLY HAVING A RADIUS OF 916.09 FEET, WITH A CHORD BEARING OF SOUTH 20°14'27" EAST AND A CHORD DISTANCE OF 105.41 FEET; THENCE RUN SOUTHEASTERLY THROUGH A CENTRAL ANGLE OF 06°35'46" ALONG THE ARC OF SAID CURVE FOR A DISTANCE OF 105.47 FEET TO A POINT ON A NON TANGENT LINE; THENCE RUN SOUTH 16°56'34" EAST FOR A DISTANCE OF 61.31 FEET TO THE INTERSECTION WITH THE WEST RIGHT OF WAY LINE OF STATE ROAD 44 / COUNTY ROAD 44B; THENCE RUN SOUTH 00°18'56" EAST ALONG SAID WEST RIGHT OF WAY LINE FOR A DISTANCE OF 493.27 FEET TO THE POINT OF BEGINNING.

CONTAINING 1,086,468 SQUARE FEET OR 24.94 ACRES, MORE OR LESS.

WHEREAS, Section 102-29 of the Eustis Land Development Regulations provides for a Planned Unit Development Overlay (PUD) to create planned sustainable communities, provide an opportunity for flexibility and innovation and to encourage a higher level of design and amenity than is possible to achieve under the current regulations; and

WHEREAS, the unique site characteristics of the TM Multi-family PUD property and the development objectives warrant a departure from the standard land use and design district regulations; and

WHEREAS, the proposed PUD complies with the density limitations under the assigned Mixed Commercial/Residential District (MCR) land use; and

WHEREAS, departures from the assigned Suburban Neighborhood design district regulations are necessary to address the desired PUD development standards to accomplish the development of the single-story multi-family development on a single lot, which differs from any of the City's current lot types and to provide a higher level of amenity and design; and

WHEREAS, the resulting development is consistent with the character of the surrounding area and the overall planning objectives of the city; and

WHEREAS, the existing and planned infrastructure is adequate to support the development; and

WHEREAS, the development incorporates best management practices for stormwater management and water and energy efficiency; and

WHEREAS, the development protects, preserves, and manages areas of significant natural resources; and

WHEREAS, the arrangement of the proposed use better integrates future development into the surrounding neighborhood; and

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

SECTION 1. PLANNED UNIT DEVELOPMENT OVERLAY

That the TM Multi-Family Planned Unit Development Overlay for 230-unit single-story multi-family residential project located on south side of Waycross Avenue and west of SR 44, with conditions provided for in Section 4.

SECTION 2. PLANNED UNIT DEVELOPMENT MASTER PLAN

That the TM Multi-Family Planned Unit Development Master Plan, attached hereto as Exhibit "A", is hereby approved with the following development standards:

Permitted Uses:

CLUBHOUSE/ CABANA
CONSTRUCTION TRAILERS
DETACHED GARAGES
DOG PARK
HOME OCCUPATIONS
MAINTENANCE BUILDINGS
MODEL HOMES
PARKS
POOL
PUBLIC SERVICE/ FACILITIES
LEASING/MANAGEMENT OFFICE
RETENTION PONDS
MULTI-FAMILY DETACHED RESIDENTIAL
MULTI-FAMILY ATTACHED RESIDENTIAL
TRAILS

Design Standards Table

PUD	Proposed
Maximum Density	9.22 dwelling units/acre
Maximum Units	230
Minimum Living Area	600 SF (under air/heat)
Detached Garages	.35 garage spaces per unit Up to 5 individual garages can be attached. The minimum area for each garage is 214 square feet
Minimum Building Separation	10'
Maximum Height	One Story
Lot Width	N/A
Lot Depth	N/A
Lot Size	N/A
Open Space	27% Minimum
Parking	2 Spaces Per Unit
Minimum Building Setbacks	
Eastern Boundary - SR 44	25'
Northern Boundary - Waycross	25'
Western Boundary	25'
Southern Boundary	25'

Landscape Buffers:

Enhanced landscape buffers shall be provided, as shown on the PUD Master Plan and outlined below:

- A. Landscaping
 1. A 15-foot wide landscape buffer with enhanced plantings to be provided along the southern property line adjacent to E. Moonlight Lane (the 44 Gables neighborhood) and along the eastern boundary adjacent to Orange Branch Road (easement).
 2. A 15-foot wide landscape buffer with enhance plantings will be located along Waycross Avenue and SR 44.
- B. Wall/Fencing – a six-foot-tall fence or wall shall be included along the landscape buffer at the perimeter. The fence/wall shall be a decorative PVC fence or pre-cast type wall with decorative stone-finished columns and column caps (or similar) or some combination of the two materials. A six-foot-tall pre-cast type wall will be located within a 15-foot landscape buffer with enhanced plantings along E. Moonlight Lane (the 44 Gables neighborhood).

Recreational Amenities

- A. Dog Park - 0.20-acre
- B. Amenity Area – 0.74-acre
- C. Park Space – 1.59-acres
- Total - 2.53-acres

SECTION 3. TERM

The term of this Planned Unit Development Overlay shall be ten (10) years from the effective date.

SECTION 4. CONDITIONS

That a Site Plan approval and Final Engineering/Construction Plan approval shall be consistent with the Land Development Regulations, except as provided for herein.

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 _____ day of _____ 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 ____ day of _____, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

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

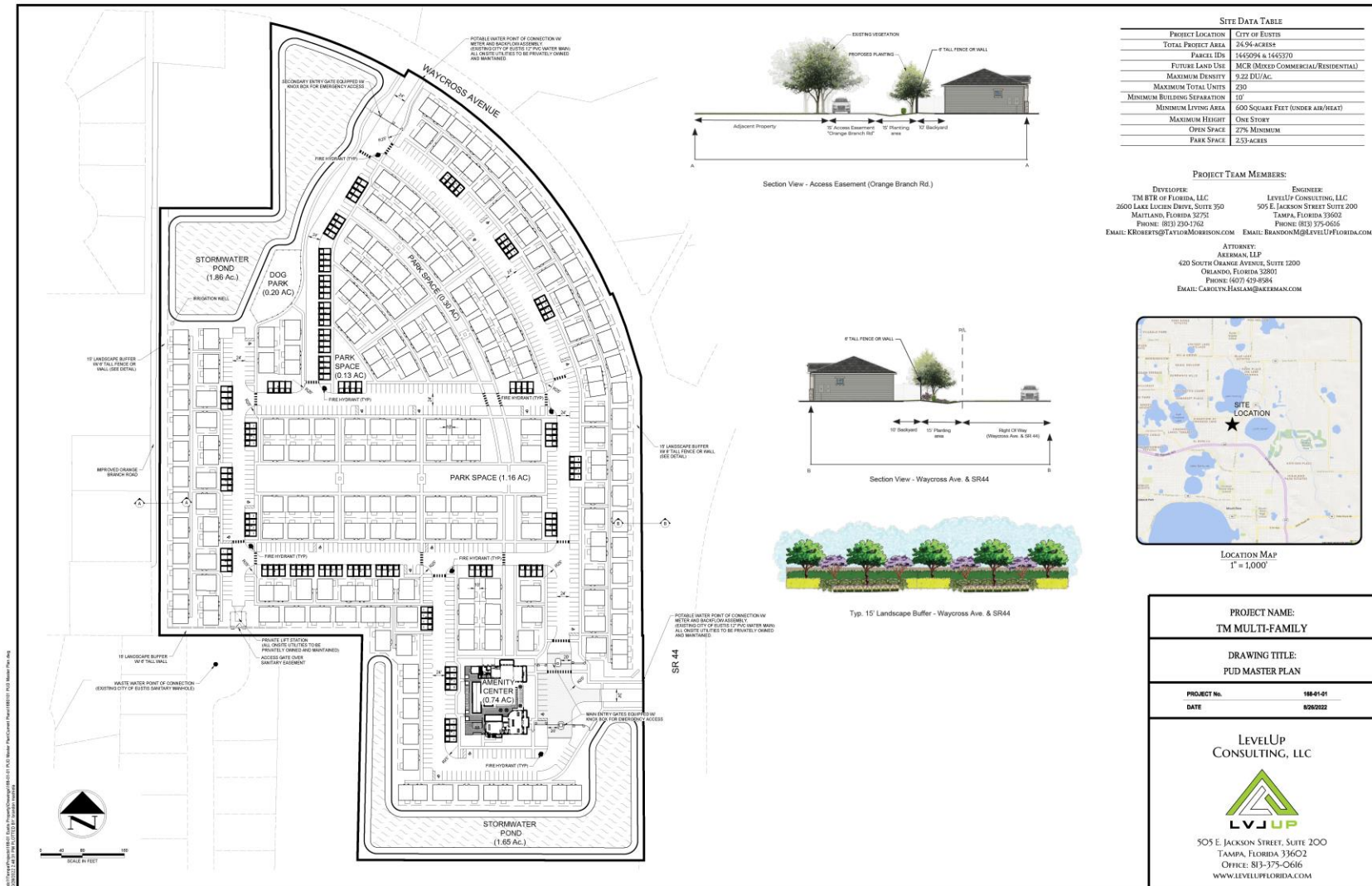
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-37 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 – PUD Master Plan



TM Multi-Family PUD Overlay – Statement of Development Characteristics

Context

The project site includes two parcels totaling +/- 24.94 acres directly to the west of the intersection of SR 44 and Waycross Avenue. Parcel 1445094, the larger of the two parcels, is located to the north, and Parcel 1445370, the smaller parcel, is located to the south and abuts an L-shaped pond for Lowes Home Improvement. The entire site is upland and has historically consisted of a citrus grove. No plant species listed as threatened or endangered by state or federal agencies were identified on the subject site during an assessment conducted by the project biologist. The site is within the Wekiva Study Area but does not have applicable vegetative species.



Although the scale resembles a single-family detached and attached villa-type design, the proposed community is multi-family and will be owned and managed by a single entity that will ensure high-quality and professional maintenance of public and private spaces. Amenities will include a pool/clubhouse, gardens, and informal and formal open spaces like a dog park. Each home is single-story and consists of a private yard. The project will connect to City water and sewer and the irrigation supply will be provided by an onsite well. Water conservation concepts include the use of native Florida-Friendly plantings that require less irrigation and pervious paving (where feasible) in parks and similar spaces. The primary access will be off SR 44 with secondary access located off Waycross Avenue and entrances are planned to be gated. Two ponds frame the project in the north and south.

The proposed PUD demonstrates consistency with the Mixed Commercial/Residential District (MCR) Future Land Use Designation and Suburban Neighborhood Design District Designation. The maximum density will be 9.22 dwelling units to the acre or 230 multi-family units, which is significantly less than the maximum 12 units to acre allowable in the MCR District. The Plan minimizes the number of access points and does not provide for cut-through traffic into existing established neighborhoods. A substantial design emphasis is placed on private community spaces that foster interaction and vibrancy.

Given the scale and massing of the attached and detached one-story unit homes, the development fits well with adjacent development. Pond sites are strategically located in the north and south to frame the community. As shown in the PUD Master Plan, a six-foot-tall pre-cast type wall or decorative fence will be located within a 15-foot landscape buffer with enhanced plantings along Orange Branch Road (easement), Waycross Avenue, and SR 44. A six-foot-tall pre-cast type wall will be located within a 15-foot landscape buffer with enhanced plantings along E. Moonlight Lane (the 44 Gables neighborhood). The Master Plan also provides graphics depicting buffer details.

The PUD is consistent with Goal FLU 1 (Development Framework) and Objective FLU 1.1 (Development Framework Implementation), as the project protects residential neighborhoods and discourages urban sprawl. The property has frontage on two public streets and infrastructure is readily available. Consistent with Policy FLU 1.1.1 (Planning Principles), the project will expand the range of housing opportunities and choices in a format that is compact and pedestrian scale.

Lot Typology

Allowable lot typologies in the Suburban Neighborhood Design District in Section 109 of the City's Code do not currently envision the type of multi-family that is proposed, which is a single-story attached and detached villa style units on one large lot. This Planned Development promotes a cohesive, integrated, and walkable community that is consistent with the Future Land Use Plan and compatible with surrounding development. Accordingly, the PUD proposes the following design standards as noted in the table below:

PUD	Proposed
Maximum Density	9.22 dwelling units/acre
Maximum Total Units	230
Minimum Living Area	600 square feet (under air/heat)
Detached Garages	.35 garage spaces per unit Up to 5 individual garages can be attached. The minimum area for each garage is 214 square feet.
Minimum Building Separation	10-Feet
Maximum Height	One Story
Lot Width	N/A
Lot Depth	N/A
Lot Size	N/A

Representative Elevation – Craftsman – Two Bedroom Detached Home



FRONT ELEVATION
CRAFTSMAN 1/4" = 1'-0"

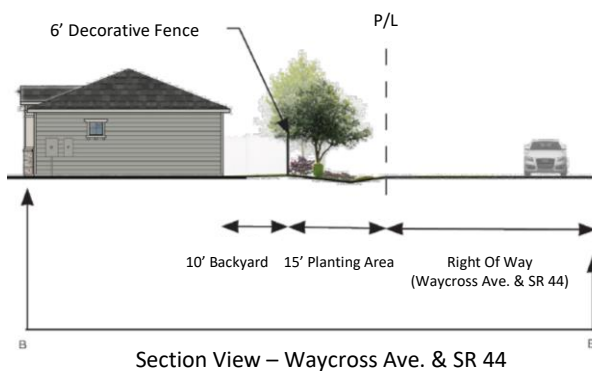


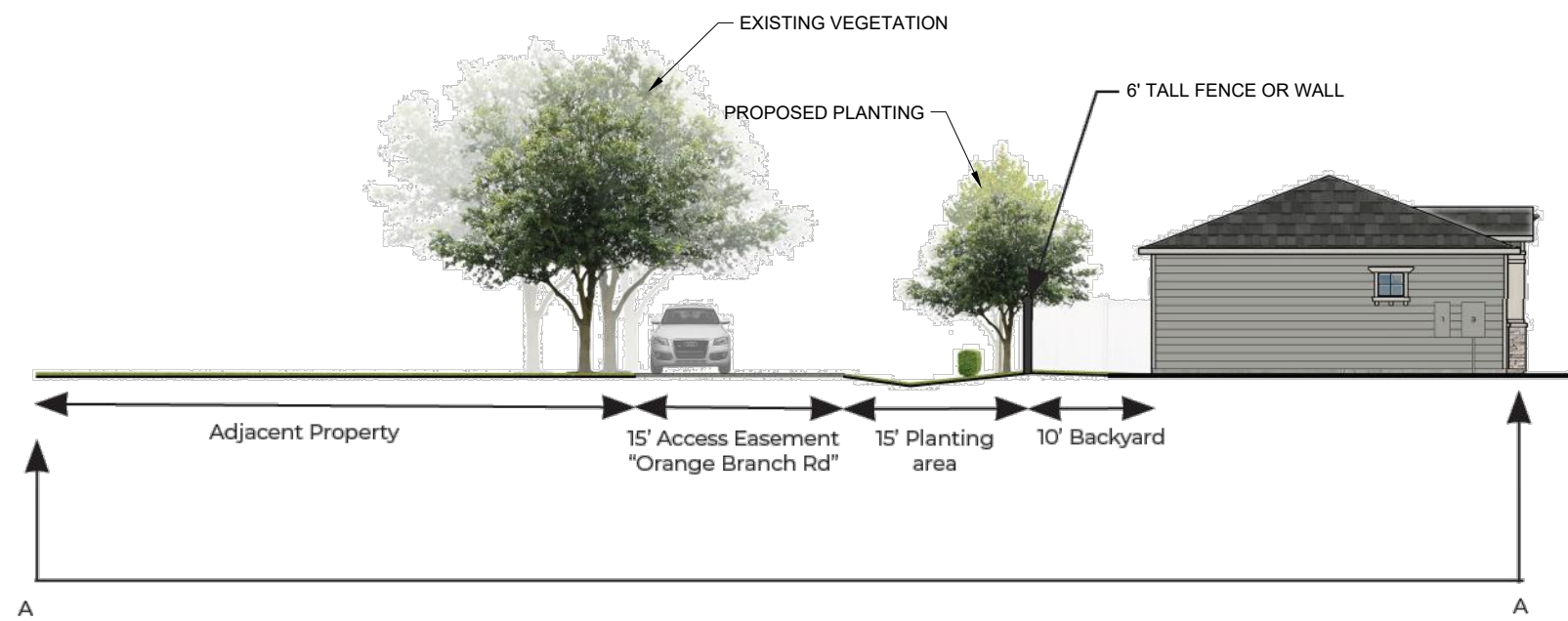
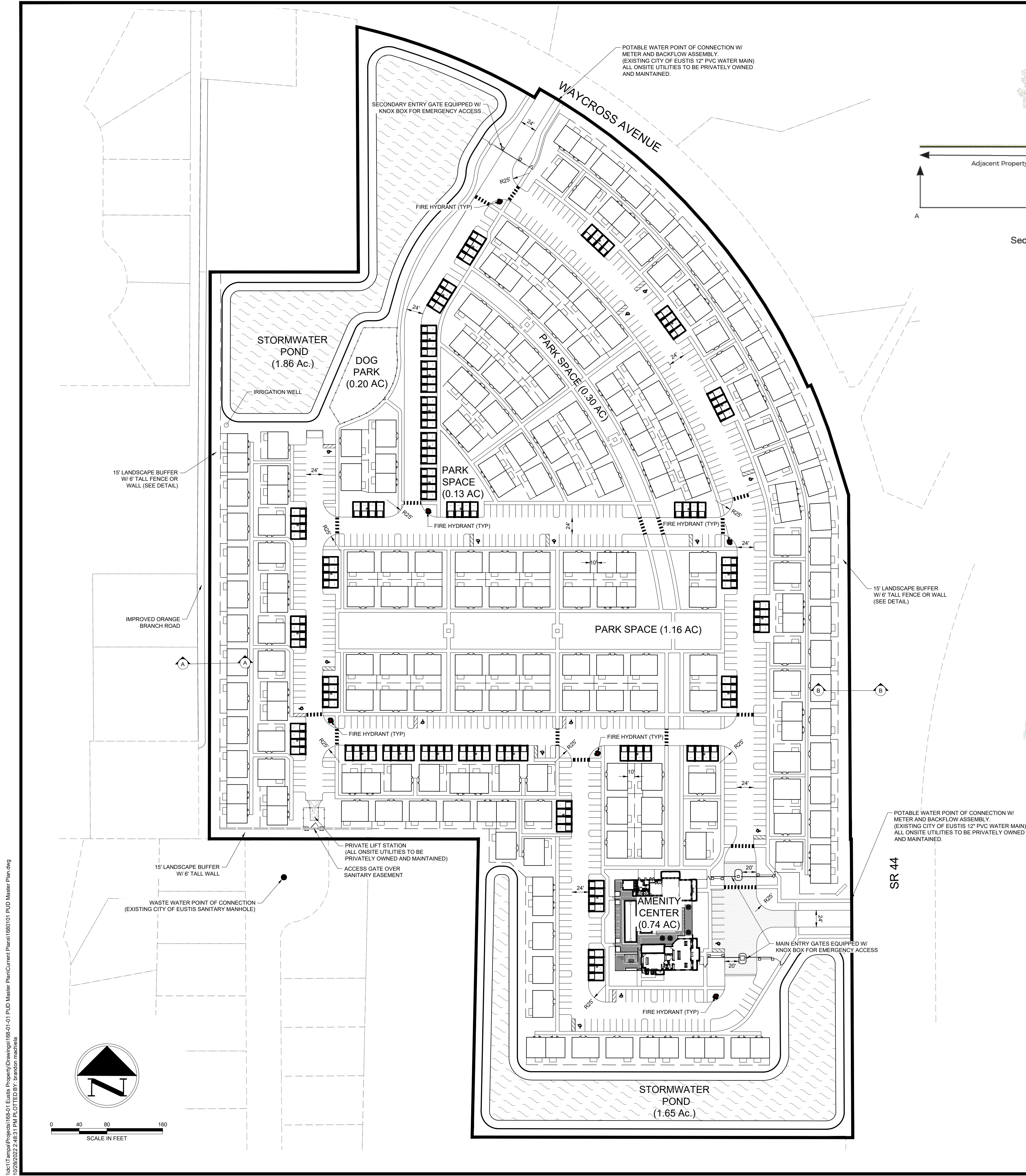
FRONT ELEVATION
CRAFTSMAN 1/4" = 1'-0"

TM Multi-Family PUD Overlay – Illustrative Site Plan

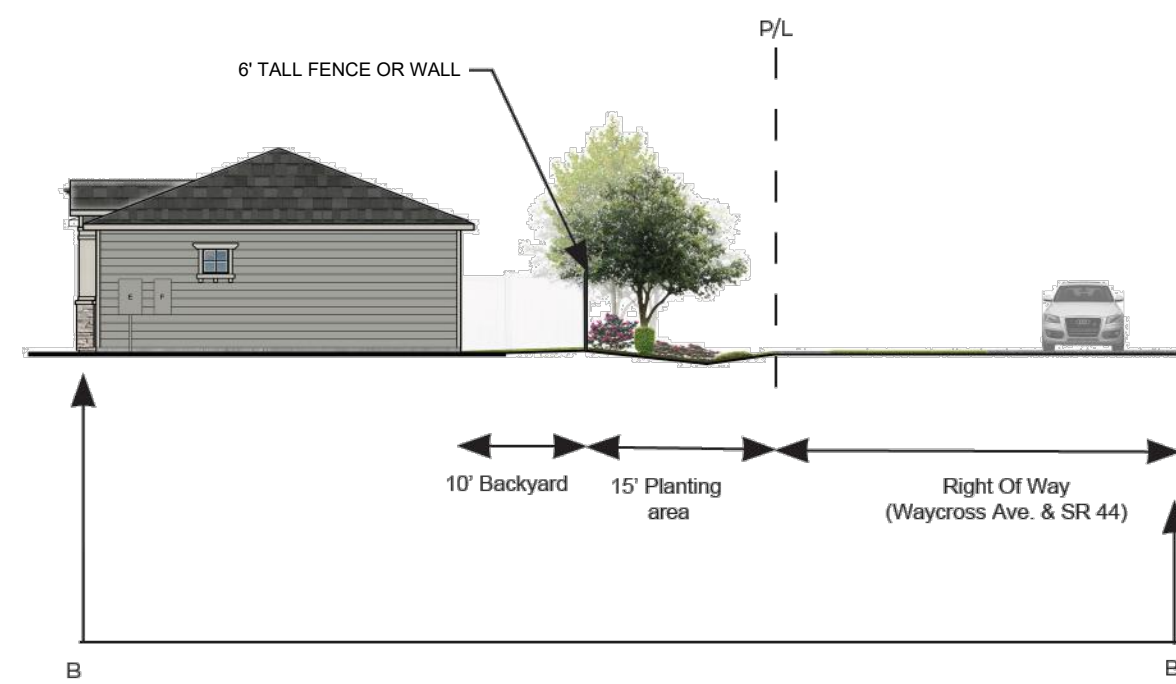


Waycross Avenue and SR 44 Landscape Buffer





Section View - Access Easement (Orange Branch Rd.)



Section View - Waycross Ave. & SR44



Typ. 15' Landscape Buffer - Waycross Ave. & SR44

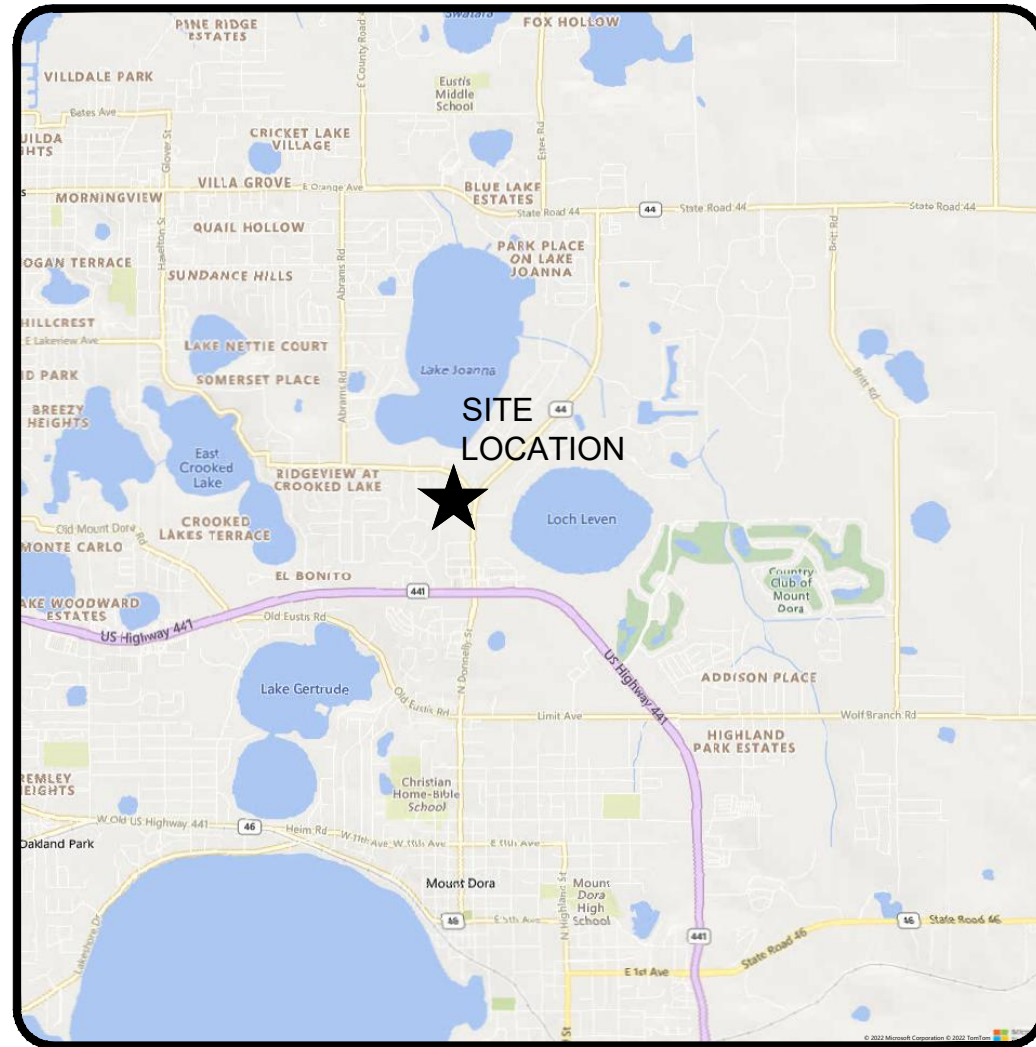
SITE DATA TABLE	
PROJECT LOCATION	CITY OF EUSTIS
TOTAL PROJECT AREA	24.94-ACRES±
PARCEL IDS	1445094 & 1445370
FUTURE LAND USE	MCR (MIXED COMMERCIAL/RESIDENTIAL)
MAXIMUM DENSITY	9.22 DU/AC.
MAXIMUM TOTAL UNITS	230
MINIMUM BUILDING SEPARATION	10'
MINIMUM LIVING AREA	600 SQUARE FEET (UNDER AIR/HEAT)
MAXIMUM HEIGHT	ONE STORY
OPEN SPACE	27% MINIMUM
PARK SPACE	2.53-ACRES

PROJECT TEAM MEMBERS:

DEVELOPER: TM BTR OF FLORIDA, LLC
2600 LAKE LUCIEN DRIVE, SUITE 350
MAITLAND, FLORIDA 32751
PHONE: (813) 230-1762
EMAIL: KROBERTS@TAYLORMORRISON.COM

ENGINEER: LEVELUP CONSULTING, LLC
505 E. JACKSON STREET SUITE 200
TAMPA, FLORIDA 33602
PHONE: (813) 375-0616
EMAIL: BRANDONM@LEVELUPFLORIDA.COM

ATTORNEY: AKERMAN, LLP
420 SOUTH ORANGE AVENUE, SUITE 1200
ORLANDO, FLORIDA 32801
PHONE: (407) 419-8584
EMAIL: CAROLYN.HASLAM@AKERMAN.COM



LOCATION MAP
1" = 1,000'

PROJECT NAME:
TM MULTI-FAMILY

DRAWING TITLE:
PUD MASTER PLAN

PROJECT No. 168-01-01
DATE 8/26/2022

LEVELUP
CONSULTING, LLC



505 E. JACKSON STREET, SUITE 200
TAMPA, FLORIDA 33602
OFFICE: 813-375-0616
WWW.LEVELUPFLORIDA.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 1, 2022

RE: Consideration of Ordinances for certain real property located along Lake Lincoln Lane (19621 Lake Lincoln Lane, Alternate Key Numbers 1814367 and 2880228)
Ordinance Number 22-23 – Voluntary Annexation
Ordinance Number 22-24 – Comprehensive Plan Map Amendment
Ordinance Number 22-25 – Design District Assignment

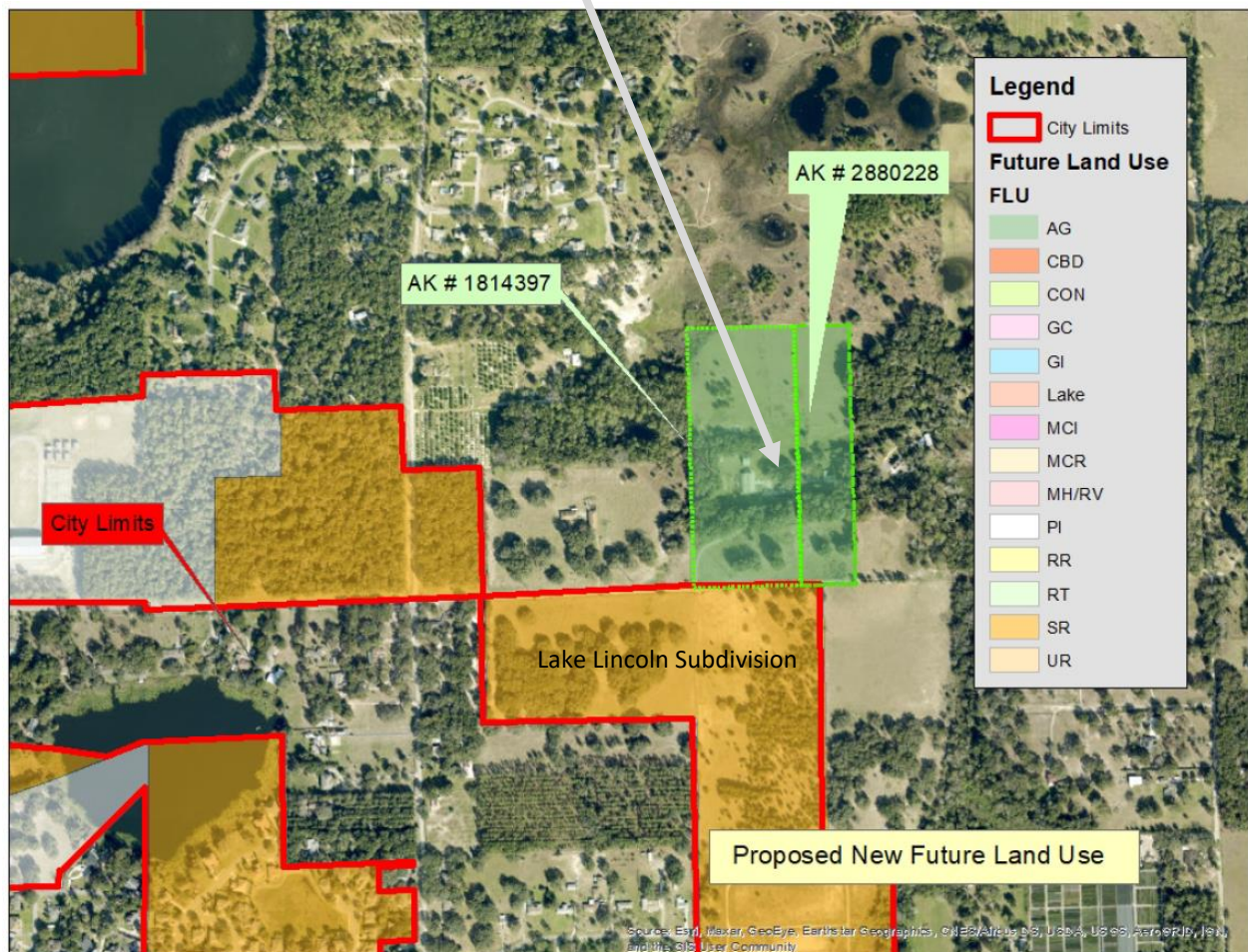
Introduction:

Ordinance Number 22-23 provides for the voluntary annexation of approximately 24.55 acres located on the north side of Lake Lincoln Lane at 19621 Lake Lincoln Lane (Alternate Key Numbers 1814367 and 2880228). Provided the annexation of the subject property is approved, Ordinance Number 22-24 would change the future land use designation from Rural Transition in Lake County to Agriculture (AG) in the City of Eustis, and Ordinance Number 22-25 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 22-23 is denied, then there can be no consideration of Ordinance Numbers 22-24 and 22-25.

Background:

The property owners (TLC OB Properties, LLC Attention to Andrew Orosz) have requested Voluntary Annexation through Major Stacy, P.E. with Avian Engineering as their applicant agent. The properties consist of approximately 24.55 acres, and are located within the Eustis Joint Planning Area. The properties are currently improved pastures for hay, ornamental nursery, homesite, and wetland. *Source: Lake County Property Appraisers' Office Property Record Card Data.*

The properties are contiguous to the City on its southern boundary along Lake Lincoln Lane. The property would be consistent with Florida Statutes regarding contiguity, as the adjacency across Lake Lincoln Lane covers most of the property frontage on Lake Lincoln Lane. The properties are currently designated with a Rural Transition land use in unincorporated Lake County. Approval of Ordinance Number 22-23 would change the land use designation to Agriculture (AG) in the City of Eustis.



The Rural Transition future land use designation assigned by Lake County allows for base densities of 1 dwelling unit per 5 acres, with additional density incentives by utilizing the Lake County Rural Conservation Subdivision policies and regulations. The City of Eustis Agriculture future land use designation also allows for densities of 1 dwelling unit per 5 acres. The proposed future land use within the City of Eustis and the Lake County Rural Transition future land use are compatible.

Analysis of Annexation Request (Ordinance Number 22-23)

1. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:
 “The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law.....The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

The subject property is located within the Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested future land use designation.

2. Florida Statutes Voluntary Annexation - Chapter 171.044(1):
 “The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”

The Joint Planning Area boundaries define the reasonably compact area where the City may provide services effectively and efficiently. The subject property lies within that planning area; it is contiguous to the City limits on the southern boundary; and the owner has petitioned for annexation.

3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):
 “...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town...”

Development Services has caused to be published, public notice of this annexation in the Daily Commercial in accordance with the requirements on November 18, 2022, and December 2, 2022.

4. Florida Statutes Voluntary Annexation - Chapter 171.044(5):
 “Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

Annexation of the subject property does not create an enclave.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(6):
 “Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located...”

Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 22-24)

In accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

1. Low-Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

This indicator does not apply. The densities requested equate to existing unincorporated densities.

2. Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This indicator does not apply. The properties will not receive a change in density from the existing densities in Unincorporated Lake County, therefore no change is occurring.

3. Strip or Isolated Development:

Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

This indicator does not apply. There is no change in allowable densities from the status in Unincorporated Lake County. The proposed designation is consistent with the character of the surrounding area.

4. Natural Resources Protection:

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

This indicator does not apply. The subject property is subject to floodplain and wetlands, however, the property is not proposed for development with the future

5. Agricultural Area Protection:

Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This indicator does not apply. The future land use designation assigned with the annexation allows for the continuation of agricultural use of the property. The densities to be assigned with the Agriculture (AG) land use are consistent with agricultural uses.

6. Public Facilities:

Fails to maximize the use of existing public facilities and services.

This indicator does not apply. City water is available to serve the property. Sanitary sewer lines may be available to serve the site, any on-site septic systems may continue to be utilized.

7. Cost Effectiveness and Efficiency of Public Facilities:

Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

This indicator does not apply. Adequate capacity is available to serve existing and future development within the area.

8. Separation of Urban and Rural:

Fails to provide a clear separation between rural and urban uses.

This indicator does not apply. The land use assigned to the properties is Agriculture.

9. Infill and Redevelopment:

Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This indicator does not apply.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply.

12. Open Space:

Results in the loss of significant amounts of functional open space.

This indicator does not apply. The site does not contain functional open space and is not connected to regionally important open space.

13. Urban Sprawl:

The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

a. Direction of Growth:

Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

The action for the property is a continuation of existing uses.

b. Efficient and Cost-Effective Services:

Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Water service is already available. Sanitary sewer is available to the south.

c. Walkable and Connected Communities:

Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

Not applicable as the properties are having their use altered.

d. Water and Energy Conservation:

Promotes the conservation of water and energy.

No Change from current uses on the property.

e. Agricultural Preservation:

Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

Agricultural use of the property and homestead will continue with the annexation and assigned future land use.

f. Open Space:

Preserves open space and natural lands and provides for public open space and recreation needs.

This is not applicable. The site does not provide functional open space or natural areas.

g. Balance of Land Uses:

Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

This does not apply. The proposed change is a continuation of existing agricultural uses.

h. Urban Form Densities and Intensities:

Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Not applicable.

In accordance with the Comprehensive Plan Future Land Use Element Appendix: All applications for a Plan amendment relating to the development patterns described and supported within the Plan 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.

Major Categories of Plan Policies:

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

1. 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.

a. *Emergency Services Analysis:*

Continuation of the use of the property for agriculture and homestead under the City's AG land use does not increase the impact on Emergency Services.

b. *Parks & Recreation:*

Not applicable

c. *Potable Water & Sanitary Sewer:*

Water is available to serve the subject property.

Sanitary sewer, to serve the properties, is available to the south of Lake Lincoln Lane, should the property choose to avail themselves of the service.

- d. Schools:
No change
- e. Solid Waste:
No change.
- f. Stormwater:
No change
- g. Transportation Network Analysis:
No Change

2. 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. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

- a. Groundwater recharge areas:
No change
- b. Historical or archaeological sites:
No Change
- c. Flood zones:
The subject property is in a partial floodplain; however, the requested annexation, land use, and design district pose no change from the current use.
- d. Soil and topography:
With this application for annexation, comprehensive plan land use assignment, and design district assignment, there is no change in the use of the property proposed.

3. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describes 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.

Existing Land Use According to the Lake County Comprehensive Plan:

“The Rural Transition Future Land Use Category is intended to address —edgell conditions where Rural Future Land Use Categories abut Urban Future Land Use Categories. These edges represent areas where lower rural densities may be increased for Rural Conservation Subdivisions that utilize clustering techniques. This Future Land Use Category provides for residential development at densities equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate...”

Proposed Land Use According to the Eustis Comprehensive Plan:

“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..."

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

4. Transportation:

Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

5. 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.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

In accordance with Chapter 102-16(f), Land Development Regulations

Standards for Review:

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

a. *Consistent with Comprehensive Plan:*

Whether the proposed amendment is consistent with all expressed policies the comprehensive plan.

The proposed amendment is consistent with the Comprehensive Plan.

b. *In Conflict with Land Development Regulations:*

Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.

The proposed amendment is not in conflict with the Land Development Regulations.

c. *Inconsistent with Surrounding Uses:*

Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

There is no proposed change in the use of the property.

d. *Changed Conditions:*

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. The actual use of the property is not proposed to change.

e. *Demand on Public Facilities:*

Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure, and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

f. *Impact on Environment:*

Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The site contains no apparent natural resources and is not connected to significant open space.

g. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

h. *Public Interest and Intent of Regulations:*

Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

The purpose and intent of the Land Development Regulations is as follows:

“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare

and enforce and implement the city's comprehensive plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and life style”

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

i. Other Matters:

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

No other matters.

Analysis of Design District Request (Ordinance Number 22-25):

Form-Based Code:

The City’s Land Development Regulations are a form-based code. Design districts are unique to form-based codes. Lake County still uses traditional Euclidean zoning, so there are no design districts for parcels in unincorporated Lake County. When a parcel annexes into the City of Eustis, the City must assign a consistent design district that follows the urban, suburban and rural transect

1. Standards for Review:

The Land Development Regulations include the following standards for review of an amendment to the Design District Map. In approving a change in the designation, the City Commission shall consider: Whether the amendment is in conflict with any applicable provisions of the Code.

- a. Section 102-17(a) “...Section 109-3 Design Districts:*
identifies the definition, structure, and form of each design district. The assignment of design district must follow the district pattern and intent.”

The requested amendment assigns a newly annexed parcel a designation that meets the district pattern and intent (Rural Neighborhood). There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

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.
- d.

This is the current development pattern for the area north of Lake Lincoln Land and East of Estes Road. For this property, there is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

- b. Section 102-17(a)

The following guidelines must be followed when proposing the reassignment of design district:

Compatible intensities should face across streets. Changes in design districts should occur along rear alleys or lanes or along conservation edges.

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property; the proposed design district is compatible with the surrounding design districts.

- c. Consistent with Comprehensive Plan:

Whether the proposed amendment is consistent with all elements of the comprehensive plan.

The requested amendment is consistent with the Future Land Use element (including Policy FLU 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

- d. Consistent with Surrounding Uses:

Whether, and the extent to which, the proposed design district is consistent with existing and proposed land uses.

The Rural Neighborhood definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Agriculture (AG) future land use designation.

- e. Changed Conditions:

Whether there have been changed conditions that justify amending the design district.

The subject property is proposed for annexation and a design district assignment is necessary. There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

f. *Public Facilities.*

Whether, and the extent to which, the proposed redistricting would result in demands on public facilities, and whether, or to the extent to which, the proposed change would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

A redistricting is not proposed. This amendment will not change the demand for public facilities. Assigning a design district to an annexation property will not change the demand for public facilities.

g. *Impact to Environment:*

Whether, and the extent to which, the redistricting would result in significant impacts on the natural environment.

The proposed Design District designation for this property does not change the development potential of the parcel. Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity, and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. As building permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

h. *Property Values:*

Whether, and the extent to which, the proposed redistricting would affect the property values in the area.

Redistricting is not being proposed; a Eustis design district designation must be assigned to the annexed property. This request should not affect property values, because the proposed Design District designation is consistent with the surrounding development patterns and design districts.

i. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed redistricting would result in an orderly and logical development pattern.

The request is the assignment of a design district to an annexation parcel, not redistricting. There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis, therefore the Rural Neighborhood Design District is most appropriate.

j. *Public Interest and Intent of Regulations:*

Whether the proposed redistricting would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

The request is the assignment of a design district to an annexation parcel, not redistricting. The proposed Design District is not in conflict with the public interest and reflects the purpose and intent of the regulations.

k. Other Matters:

Any other matters that may be deemed appropriate by the city commission, in review and consideration of the proposed redistricting.

The request is the assignment of a design district to an annexation parcel, not redistricting. The City's Land Development Regulations are a form-based code. The Design District designations define the development form, but not the types of land use, densities, intensities or required open space. The districts, therefore, must be consistent and follow the urban, suburban, and rural transects. This request assigns a Rural Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Findings Summary:

The proposed annexation is not in conflict with Florida Statutes. The proposed Future Land Use for the subject property is found to be consistent with the City of Eustis Comprehensive Plan and Land Development Regulations. The change of land use to the City of Eustis Agriculture (AG) designation, as associated with the voluntary annexation, is found to be consistent and equivalent to the current Lake County Future land Use designation. The Rural Design District is compatible with and compliments the Agriculture (AG) Future Land Use District.

Recommended Action:

Providing recommendations for approval of Ordinance Numbers 22-23, 22-24, and 22-25.

Policy Implications:

None

Alternatives:

1. Approval of Ordinance Numbers 22-23 (Annexation), 22-24 (Comp. Plan Amendment), and 22-25 (Design District Designation).
2. Deny of Ordinance Number Ordinance Numbers 22-23 (Annexation). Then Ordinance Numbers 22-24 (Comp. Plan Amendment) and 22-25 (Design District Designation) become void.

Budget/Staff Impact:

None

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Reviewed By:

Mike Lane, AICP, Director, Development Services

ORDINANCE NUMBER 22-23

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 24.55 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1814367 AND 2880228, ON THE NORTH SIDE OF LAKE LINCOLN LANE, EAST OF ESTES ROAD.

WHEREAS, Major Stacy of Appian Engineering, LLC made an application for voluntary annexation of approximately 24.55 acres of real property located on the North side of Lake Lincoln Lane, East of Estes Road, more particularly described as:

Alternate Key Numbers: 1814367 and 2880228

Parcel Numbers: 05-19-27-0004-000-00400 and 05-19-27-0004-000-00402

BEG AT SW COR OF SW 1/4 OF SE 1/4, RUN S 89-31-15 E 542.82 FT, N 0-0-31 W 1306.87 FT TO N LINE OF SW 1/4 OF SE 1/4, N 89-19-20 W TO NW COR OF SW 1/4 OF SE 1/4, S 0-02-59 E 1308.76 FT TO POB ORB 2058 PG 1604 ORB 3157 PG 818 ORB 4013 PG 1718 ORB 5819 PG 1341

AND

FROM SW COR OF SW 1/4 OF SE 1/4 RUN S 89-31-15 E 542.82 FT FOR POB, RUN N 0-0-31 W 1306.87 FT TO N LINE OF SW 1/4 OF SE 1/4, S 89-19-20 E 275.03 FT TO NE COR OF W 1/4 OF E 1/2 OF SW 1/4 OF SE 1/4, S 0-0-31 E 1305.92 FT, N 89-31-15 W ALONG SAID S LINE 275 FT TO POB ORB 1728 PG 1510 ORB 2058 PG 1604 ORB 3157 PG 818 ORB 3566 PG 1919 ORB 4013 PG 1720

WHEREAS, the subject property is reasonably compact and contiguous; and

WHEREAS, the annexation of this property will not result in the creation of enclaves; and

WHEREAS, the subject property is located within the City of Eustis Planning Area, and water service is available to the property; and

WHEREAS, on December 1, 2022, the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Public Hearing to consider the voluntary annexation of the property contained herein

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

SECTION 1.

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 24.55 acres of real property, as described above.

A map depicting the location of the annexed property described above is attached hereto as Exhibit "A".

SECTION 2.

That the Director of Development Services shall be authorized to amend the City of Eustis Boundary Map to incorporate the change described in Section 1.

SECTION 3.

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

SECTION 4.

That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida, and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

SECTION 5.

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 6.

That this Ordinance shall become effective upon passing.

SECTION 7.

That the property annexed in this Ordinance is subject to the Future Land Use Element of the Lake County Comprehensive Plan until the City adopts the Comprehensive Plan Amendment to include the annexed parcel in the City Comprehensive Plan.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____ 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 _____ day of _____, 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

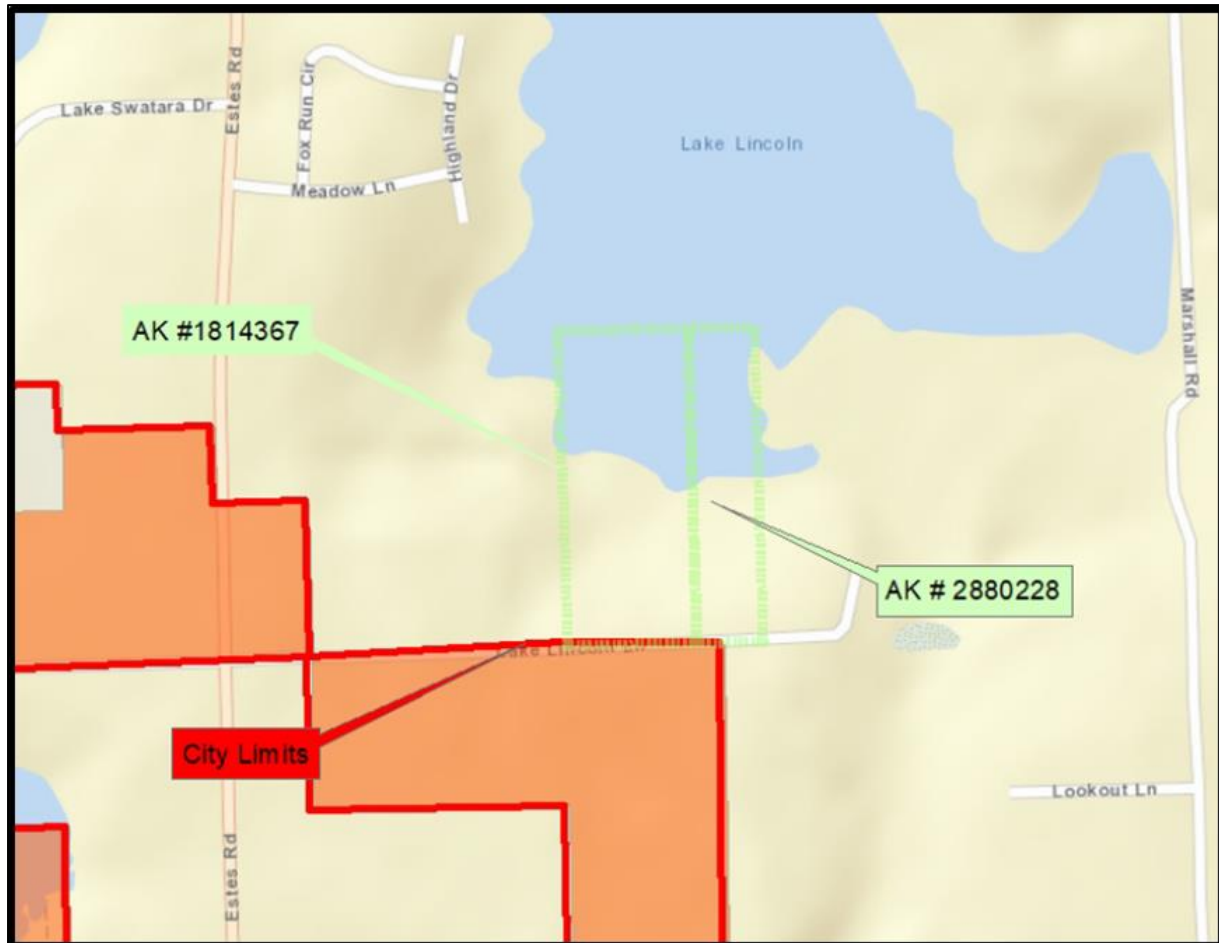
 Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-37 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



ORDINANCE NUMBER 22-25

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 24.55 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1814367 AND 2880228, ON THE NORTH SIDE OF LAKE LINCOLN LANE, EAST OF ESTES ROAD.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Rural Neighborhood to approximately 24.55 acres of recently annexed real property further described below, and

WHEREAS, on December 1, 2022, 2022, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real property described below and shown on Exhibit A shall be Suburban Neighborhood:

Alternate Key Numbers: 1814367 and 2880228

Parcel Numbers: 05-19-27-0004-000-00400 and 05-19-27-0004-000-00402

BEG AT SW COR OF SW 1/4 OF SE 1/4, RUN S 89-31-15 E 542.82 FT, N 0-0-31 W 1306.87 FT TO N LINE OF SW 1/4 OF SE 1/4, N 89-19-20 W TO NW COR OF SW 1/4 OF SE 1/4, S 0-02-59 E 1308.76 FT TO POB ORB 2058 PG 1604 ORB 3157 PG 818 ORB 4013 PG 1718 ORB 5819 PG 1341

AND

FROM SW COR OF SW 1/4 OF SE 1/4 RUN S 89-31-15 E 542.82 FT FOR POB, RUN N 0-0-31 W 1306.87 FT TO N LINE OF SW 1/4 OF SE 1/4, S 89-19-20 E 275.03 FT TO NE COR OF W 1/4 OF E 1/2 OF SW 1/4 OF SE 1/4, S 0-0-31 E 1305.92 FT, N 89-31-15 W ALONG SAID S LINE 275 FT TO POB ORB 1728 PG 1510 ORB 2058 PG 1604 ORB 3157 PG 818 ORB 3566 PG 1919 ORB 4013 PG 1720

Section 2. Map Amendment

That the Director of Development Services shall be authorized to amend the Design District Map to incorporate the change described in Section 1.

Section 3. Conflict

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

Section 4. Severability

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. Effective Date

That this Ordinance shall become effective upon annexation of the subject property through approval of Ordinance Number 22-25.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____ 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 _____ day of _____, 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.

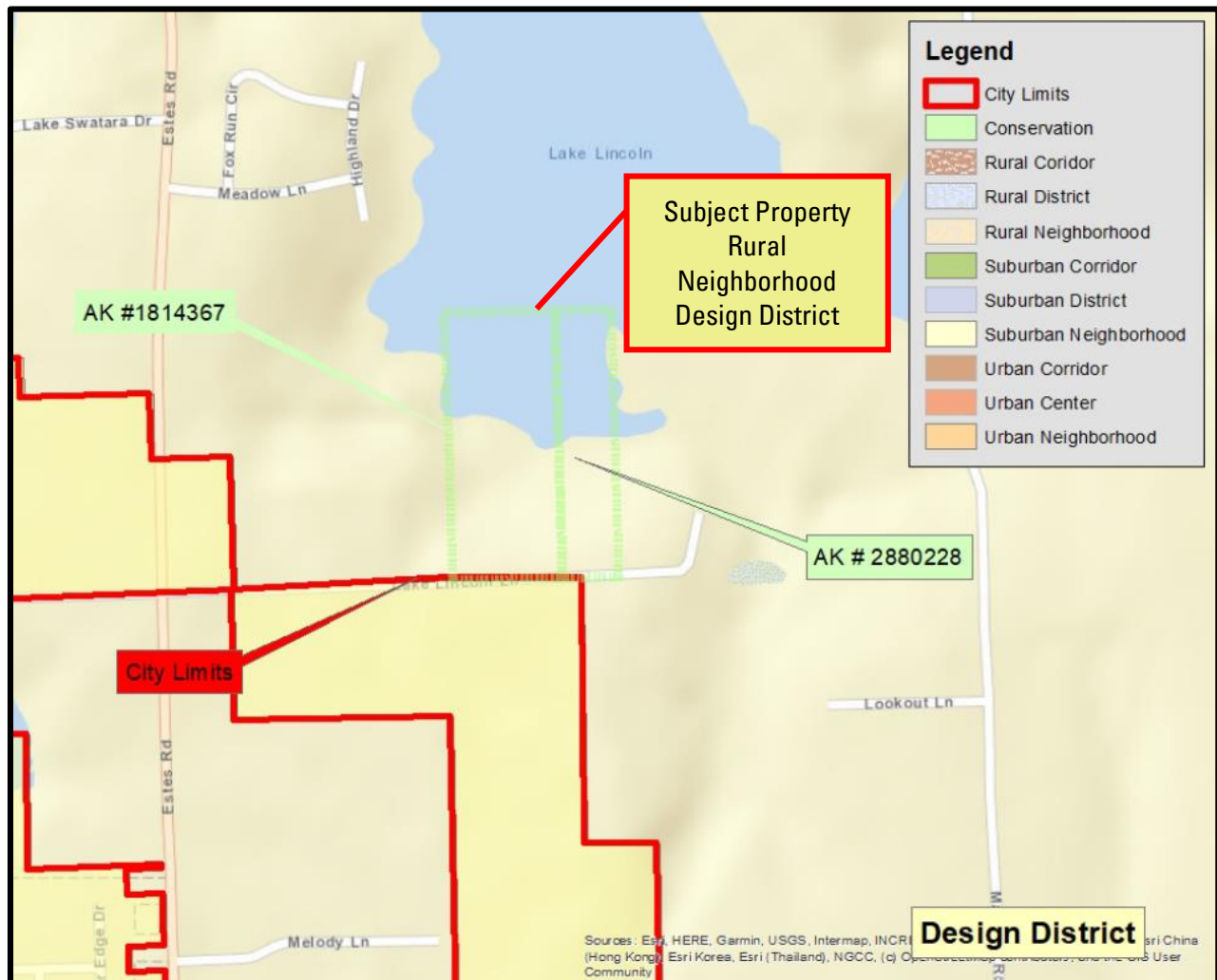
City Attorney's Office

Date**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 22-25 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, CMC, City Clerk

Exhibit A



ORDINANCE NUMBER 22-24

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 24.55 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBERS 1814367 AND 2880228, ON THE NORTH SIDE OF LAKE LINCOLN LANE, EAST OF ESTES ROAD FROM RURAL TRANSITION IN LAKE COUNTY TO AGRICULTURE IN THE CITY OF EUSTIS.

WHEREAS, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

WHEREAS, State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 24.55 acres of real property located on the North side of Lake Lincoln Lane, East of Estes Road, and more particularly described herein; and

WHEREAS, on December 1, 2022, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on December 1, 2022, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below shall be changed from Rural Transition in Lake County to Agriculture within the City of Eustis:

Alternate Key Numbers: 1814367 and 2880228

Parcel Numbers: 05-19-27-0004-000-00400 and 05-19-27-0004-000-00402

BEG AT SW COR OF SW 1/4 OF SE 1/4, RUN S 89-31-15 E 542.82 FT, N 0-0-31 W 1306.87 FT TO N LINE OF SW 1/4 OF SE 1/4, N 89-19-20 W TO NW COR OF SW 1/4 OF SE 1/4,

S 0-02-59 E 1308.76 FT TO POB ORB 2058 PG 1604 ORB 3157 PG 818 ORB 4013 PG 1718 ORB 5819 PG 1341

AND

FROM SW COR OF SW 1/4 OF SE 1/4 RUN S 89-31-15 E 542.82 FT FOR POB, RUN N 0-0-31 W 1306.87 FT TO N LINE OF SW 1/4 OF SE 1/4, S 89-19-20 E 275.03 FT TO NE COR OF W 1/4 OF E 1/2 OF SW 1/4 OF SE 1/4, S 0-0-31 E 1305.92 FT, N 89-31-15 W ALONG SAID S LINE 275 FT TO POB ORB 1728 PG 1510 ORB 2058 PG 1604 ORB 3157 PG 818 ORB 3566 PG 1919 ORB 4013 PG 1720

SECTION 2.

Map Amendment and Notification: That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

SECTION 3.

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

SECTION 4.

Severability: 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.

Effective Date: 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 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 _____ day of _____ 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 _____ day of _____, 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

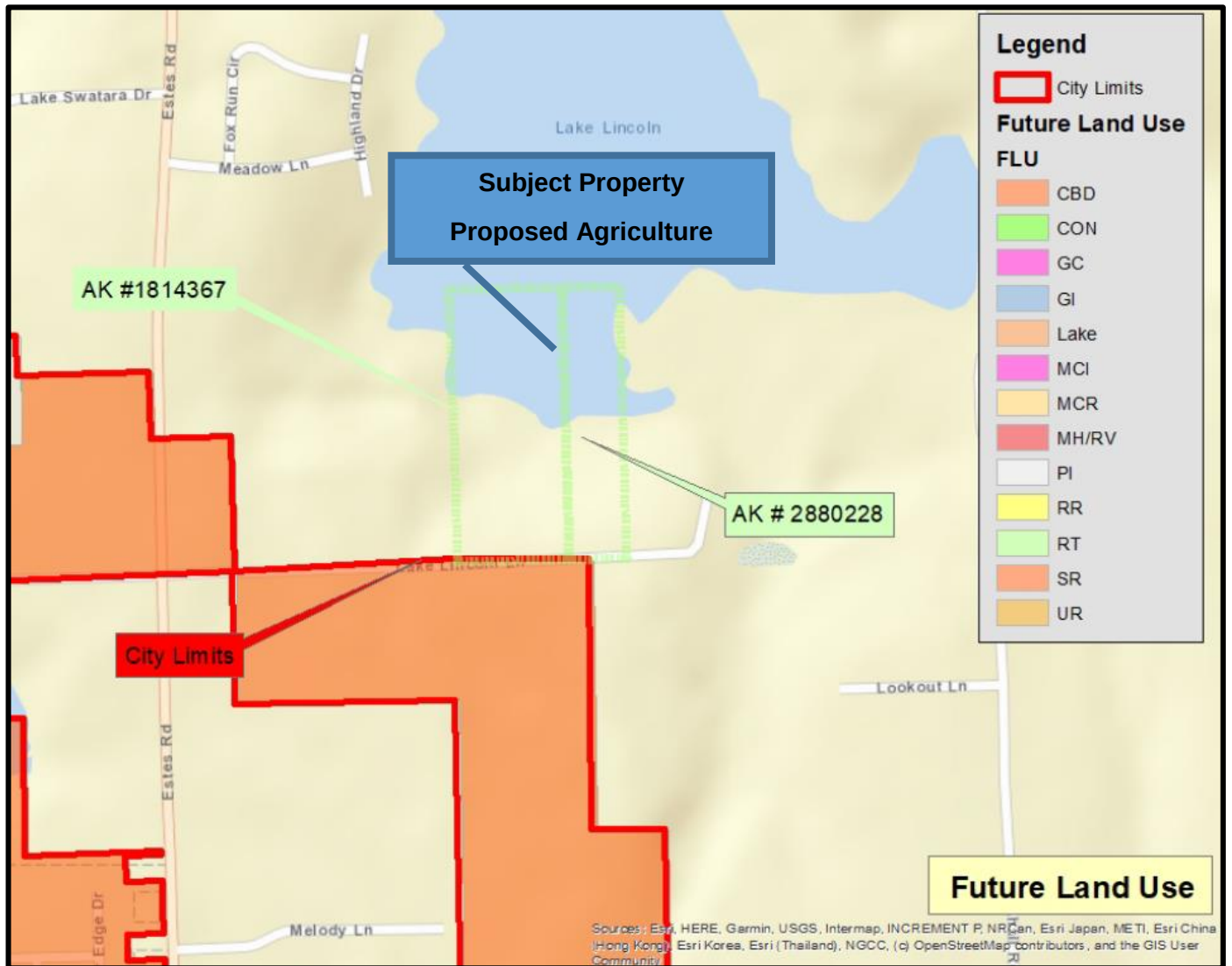
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-24 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, CMC, City Clerk

Exhibit A





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 1, 2022

RE: Consideration of Ordinances for certain real property located along Lake Lincoln Lane (19703 Lake Lincoln Lane, Alternate Key Number 2869348)
 Ordinance Number 22-26 – Voluntary Annexation
 Ordinance Number 22-27 – Comprehensive Plan Map Amendment
 Ordinance Number 22-28 – Design District Assignment

Introduction:

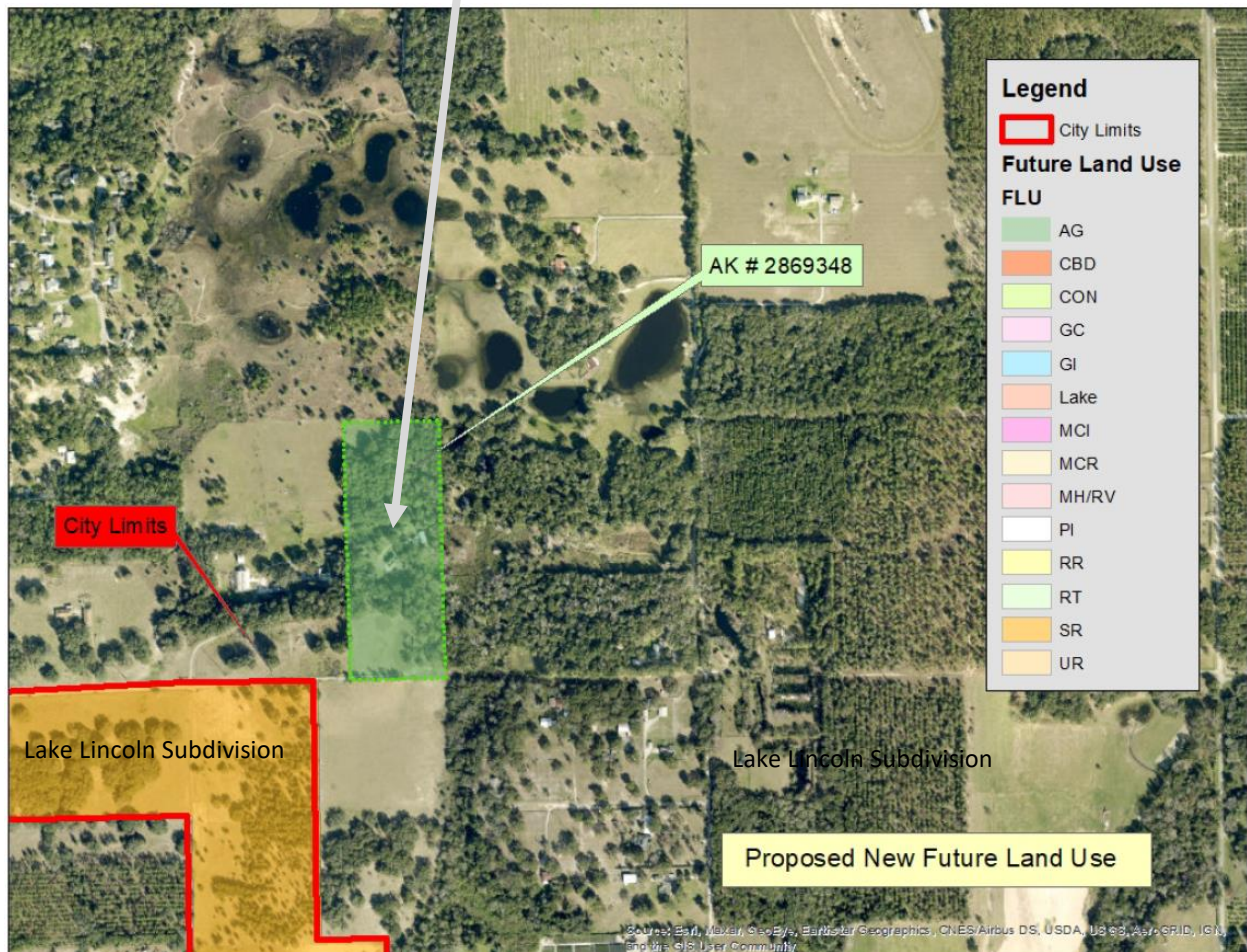
Ordinance Number 22-26 provides for the voluntary annexation of approximately 15 acres located on the north side of Lake Lincoln Lane at 19703 Lake Lincoln Lane (Alternate Key Number 2869348). Provided the annexation of the subject property is approved, Ordinance Number 22-27 would change the future land use designation from Rural Transition in Lake County to **Agriculture (AG) in the City of Eustis**, and Ordinance Number 22-28 would assign the subject property a **design district designation of Rural Neighborhood**. If Ordinance Number 22-26 is denied, then there can be no consideration of Ordinance Numbers 22-27 and 22-28.

Background:

The property owners (Mark and Kathleen Draper) have requested Voluntary Annexation through Major Stacy, P.E. with Avian Engineering as their applicant agent. The properties consist of approximately 15 acres and are located within the Eustis Joint Planning Area. The properties are currently improved pastures for hay and homesite. *Source: Lake County Property Appraisers' Office Property Record Card Data.*

The property is not currently contiguous to the City of Eustis boundary; however, it becomes contiguous with the approval of the property to the west being annexed. The property to the west is proposed for annexation, comprehensive plan land use assignment, and design district assignment under Ordinances 22-23, 22-24, and 22-25. Provided that Ordinances 22-23, 22-24, and 22-25 are adopted, the property would be consistent with Florida Statutes regarding contiguity. The property is currently designated with a Rural Transition land use in unincorporated Lake County. Approval of Ordinance Number 22-26 would change the land use designation to Agriculture (AG) in the City of Eustis.

The analysis of this proposed request is conducted under the assumption of City Commission approval and adoption of Ordinance Numbers 22-23, 22-24, and 22-25.



The Rural Transition future land use designation assigned by Lake County allows for base densities of 1 dwelling unit per 5 acres, with additional density incentives by utilizing the Lake County Rural Conservation Subdivision policies and regulations. The City of Eustis Agriculture future land use designation also allows for densities of 1 dwelling unit per 5 acres. The proposed future land use within the City of Eustis and the Lake County Rural Transition future land use are compatible.

Analysis of Annexation Request (Ordinance Number 22-26)

1. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:
 “The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law.... The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

The subject property is located within the Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested future land use designation.

2. Florida Statutes Voluntary Annexation - Chapter 171.044(1):
 “The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”

The Joint Planning Area boundaries define the reasonably compact area where the City may provide services effectively and efficiently. The subject property lies within that planning area; it is contiguous to the City limits on the southern boundary, and the owner has petitioned for annexation.

3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):
 “...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town...”

Development Services has caused to be published, public notice of this annexation in the Daily Commercial in accordance with the requirements on November 18, 2022, and December 2, 2022.

4. Florida Statutes Voluntary Annexation - Chapter 171.044(5):
 “Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

Annexation of the subject property does not create an enclave.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(6):
 “Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located...”

Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 22-27)

In accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

1. Low-Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

This indicator does not apply. The densities requested equate to existing unincorporated densities.

2. Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This indicator does not apply. The properties will not receive a change in density from the existing densities in Unincorporated Lake County, therefore no change is occurring.

3. Strip or Isolated Development:

Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

This indicator does not apply. There is no change in allowable densities from the status in Unincorporated Lake County. The proposed designation is consistent with the character of the surrounding area.

4. Natural Resources Protection:

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

This indicator does not apply. The subject property is subject to a partial floodplain, however, the property is not proposed for development with the

future land use change not increasing the allowable Unincorporated Lake County densities.

5. Agricultural Area Protection:

Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This indicator does not apply. The future land use designation assigned with the annexation allows for the continuation of agricultural use of the property. The densities to be assigned with the Agriculture (AG) land use are consistent with agricultural uses.

6. Public Facilities:

Fails to maximize the use of existing public facilities and services.

This indicator does not apply. City water is available to serve the property. Sanitary sewer lines may be available to serve the site, any on-site septic systems may continue to be utilized.

7. Cost Effectiveness and Efficiency of Public Facilities:

Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

This indicator does not apply. Adequate capacity is available to serve existing and future development within the area.

8. Separation of Urban and Rural:

Fails to provide a clear separation between rural and urban uses.

This indicator does not apply. The land use assigned to the properties is Agriculture.

9. Infill and Redevelopment:

Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This indicator does not apply.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply.

12. Open Space:

Results in the loss of significant amounts of functional open space.

This indicator does not apply. The site does not contain functional open space and is not connected to regionally important open space.

13. Urban Sprawl:

The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

a. Direction of Growth:

Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

The action for the property is a continuation of existing homestead and agricultural uses.

b. Efficient and Cost-Effective Services:

Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Water service is already available. Sanitary sewer is available to the south.

c. Walkable and Connected Communities:

Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

Not applicable as the properties are having their use altered.

d. Water and Energy Conservation:

Promotes the conservation of water and energy.

No Change from current uses on the property.

e. Agricultural Preservation:

Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

Agricultural use of the property and homestead will continue with the annexation and assigned future land use.

f. Open Space:

Preserves open space and natural lands and provides for public open space and recreation needs.

This is not applicable. The site does not provide functional open space or natural areas.

g. Balance of Land Uses:

Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

This does not apply. The proposed change is a continuation of existing agricultural and homestead uses.

h. Urban Form Densities and Intensities:

Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Not applicable.

In accordance with the Comprehensive Plan Future Land Use Element Appendix: All applications for a Plan amendment relating to the development patterns described and supported within the Plan 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.

Major Categories of Plan Policies:

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

1. 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.

a. *Emergency Services Analysis:*

Continuation of the use of the property for agriculture and homestead under the City's AG land use does not increase the impact on Emergency Services.

b. *Parks & Recreation:*

Not applicable

c. *Potable Water & Sanitary Sewer:*

Water is available to serve the subject property.

Sanitary sewer, to serve the properties, is available to the south of Lake Lincoln Lane, should the property choose to avail themselves of the service.

- d. Schools:
No change
- e. Solid Waste:
No change.
- f. Stormwater:
No change
- g. Transportation Network Analysis:
No Change

2. 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. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

- a. Groundwater recharge areas:
No change
- b. Historical or archaeological sites:
No Change
- c. Flood zones:
The subject property is in a partial floodplain; however, the requested annexation, land use, and design district pose no change from the current use.
- d. Soil and topography:
With this application for annexation, comprehensive plan land use assignment, and design district assignment, there is no change in the use of the property proposed.

3. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describes 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.

Existing Land Use According to the Lake County Comprehensive Plan:

"The Rural Transition Future Land Use Category is intended to address —edgell conditions where Rural Future Land Use Categories abut Urban Future Land Use Categories. These edges represent areas where lower rural densities may be increased for Rural Conservation Subdivisions that utilize clustering techniques. This Future Land Use Category provides for residential development at densities equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate..."

Proposed Land Use According to the Eustis Comprehensive Plan:

“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...”

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

4. Transportation:

Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

5. 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.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

In accordance with Chapter 102-16(f), Land Development Regulations

Standards for Review:

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

a. Consistent with Comprehensive Plan:

Whether the proposed amendment is consistent with all expressed policies in the comprehensive plan.

The proposed amendment is consistent with the Comprehensive Plan.

b. In Conflict with Land Development Regulations:

Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.

The proposed amendment is not in conflict with the Land Development Regulations.

c. *Inconsistent with Surrounding Uses:*

Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

There is no proposed change in the use of the property.

d. *Changed Conditions:*

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. The actual use of the property is not proposed to change.

e. *Demand on Public Facilities:*

Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure, and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

f. *Impact on Environment:*

Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The site contains no apparent natural resources and is not connected to significant open space.

g. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

h. *Public Interest and Intent of Regulations:*

Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

The purpose and intent of the Land Development Regulations is as follows:

“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare

and enforce and implement the city's comprehensive plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and life style”

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

i. Other Matters:

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

No other matters.

Analysis of Design District Request (Ordinance Number 22-28):

Form-Based Code:

The City’s Land Development Regulations are a form-based code. Design districts are unique to form-based codes. Lake County still uses traditional Euclidean zoning, so there are no design districts for parcels in unincorporated Lake County. When a parcel annexes into the City of Eustis, the City must assign a consistent design district that follows the urban, suburban, and rural transect

1. Standards for Review:

The Land Development Regulations include the following standards for review of an amendment to the Design District Map. In approving a change in the designation, the City Commission shall consider: Whether the amendment is in conflict with any applicable provisions of the Code.

- a. Section 102-17(a) “...Section 109-3 Design Districts:*
identifies the definition, structure, and form of each design district. The assignment of design district must follow the district pattern and intent.”

The requested amendment assigns a newly annexed parcel a designation that meets the district pattern and intent (Rural Neighborhood). There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

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.

This is the current development pattern for the area north of Lake Lincoln Land and East of Estes Road. For this property, there is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

- b. *Section 102-17(a)*

The following guidelines must be followed when proposing the reassignment of design district:

Compatible intensities should face across streets. Changes in design districts should occur along rear alleys or lanes or along conservation edges.

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property; the proposed design district is compatible with the surrounding design districts.

- c. *Consistent with Comprehensive Plan:*

Whether the proposed amendment is consistent with all elements of the comprehensive plan.

The requested amendment is consistent with the Future Land Use element (including Policy FLU 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

- d. *Consistent with Surrounding Uses:*

Whether, and the extent to which, the proposed design district is consistent with existing and proposed land uses.

The Rural Neighborhood definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Agriculture (AG) future land use designation.

- e. *Changed Conditions:*

Whether there have been changed conditions that justify amending the design district.

The subject property is proposed for annexation and a design district assignment is necessary. There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

f. *Public Facilities.*

Whether, and the extent to which, the proposed redistricting would result in demands on public facilities, and whether, or to the extent to which, the proposed change would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

A redistricting is not proposed. This amendment will not change the demand for public facilities. Assigning a design district to an annexation property will not change the demand for public facilities.

g. *Impact to Environment:*

Whether, and the extent to which, the redistricting would result in significant impacts on the natural environment.

The proposed Design District designation for this property does not change the development potential of the parcel. Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity, and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. As building permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should conditions at the time of development warrant such protection.

h. *Property Values:*

Whether, and the extent to which, the proposed redistricting would affect the property values in the area.

Redistricting is not being proposed; a Eustis design district designation must be assigned to the annexed property. This request should not affect property values, because the proposed Design District designation is consistent with the surrounding development patterns and design districts.

i. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed redistricting would result in an orderly and logical development pattern.

The request is the assignment of a design district to an annexation parcel, not redistricting. There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis, therefore the Rural Neighborhood Design District is most appropriate.

j. *Public Interest and Intent of Regulations:*

Whether the proposed redistricting would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

The request is the assignment of a design district to an annexation parcel, not redistricting. The proposed Design District is not in conflict with the public interest and reflects the purpose and intent of the regulations.

k. Other Matters:

Any other matters that may be deemed appropriate by the city commission, in review and consideration of the proposed redistricting.

The request is the assignment of a design district to an annexation parcel, not redistricting. The City's Land Development Regulations are a form-based code. The Design District designations define the development form, but not the types of land use, densities, intensities, or required open space. The districts, therefore, must be consistent and follow the urban, suburban, and rural transects. This request assigns a Rural Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Findings Summary:

The proposed annexation is not in conflict with Florida Statutes. The proposed Future Land Use for the subject property is found to be consistent with the City of Eustis Comprehensive Plan and Land Development Regulations. The change of land use to the City of Eustis Agriculture (AG) designation, as associated with the voluntary annexation, is found to be consistent and equivalent to the current Lake County Future land Use designation. The Rural Design District is compatible with and compliments the Agriculture (AG) Future Land Use District.

Recommended Action:

Providing recommendations for approval of Ordinance Numbers 22-26, 22-27, and 22-28.

Policy Implications:

None

Alternatives:

1. Approval of Ordinance Numbers 22-26 (Annexation), 22-27 (Comp. Plan Amendment), and 22-28 (Design District Designation).
2. Deny of Ordinance Number Ordinance Numbers 22-26 (Annexation). Then Ordinance Numbers 22-27 (Comp. Plan Amendment) and 22-28 (Design District Designation) become void.

Budget/Staff Impact:

None

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Reviewed By:

Mike Lane, AICP, Director, Development Services

ORDINANCE NUMBER 22-27

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 15 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBER 2869348, ON THE NORTH SIDE OF LAKE LINCOLN LANE, EAST OF ESTES ROAD FROM RURAL TRANSITION IN LAKE COUNTY TO AGRICULTURE IN THE CITY OF EUSTIS.

WHEREAS, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

WHEREAS, State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 24.55 acres of real property located on the North side of Lake Lincoln Lane, East of Estes Road, and more particularly described herein; and

WHEREAS, on December 1, 2022, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on December 1, 2022, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small-Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below shall be changed from Rural Transition in Lake County to Agriculture within the City of Eustis:

Alternate Key Number: 2869348

Parcel Number: 05-19-27-0004-000-00401

Legal Description: E 3/4 OF E 1/2 OF SW 1/4 OF SE 1/4 ORB 1992 PG 0421

SECTION 2.

Map Amendment and Notification: That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

SECTION 3.

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

SECTION 4.

Severability: 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.

Effective Date: 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 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 _____ day of _____, 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

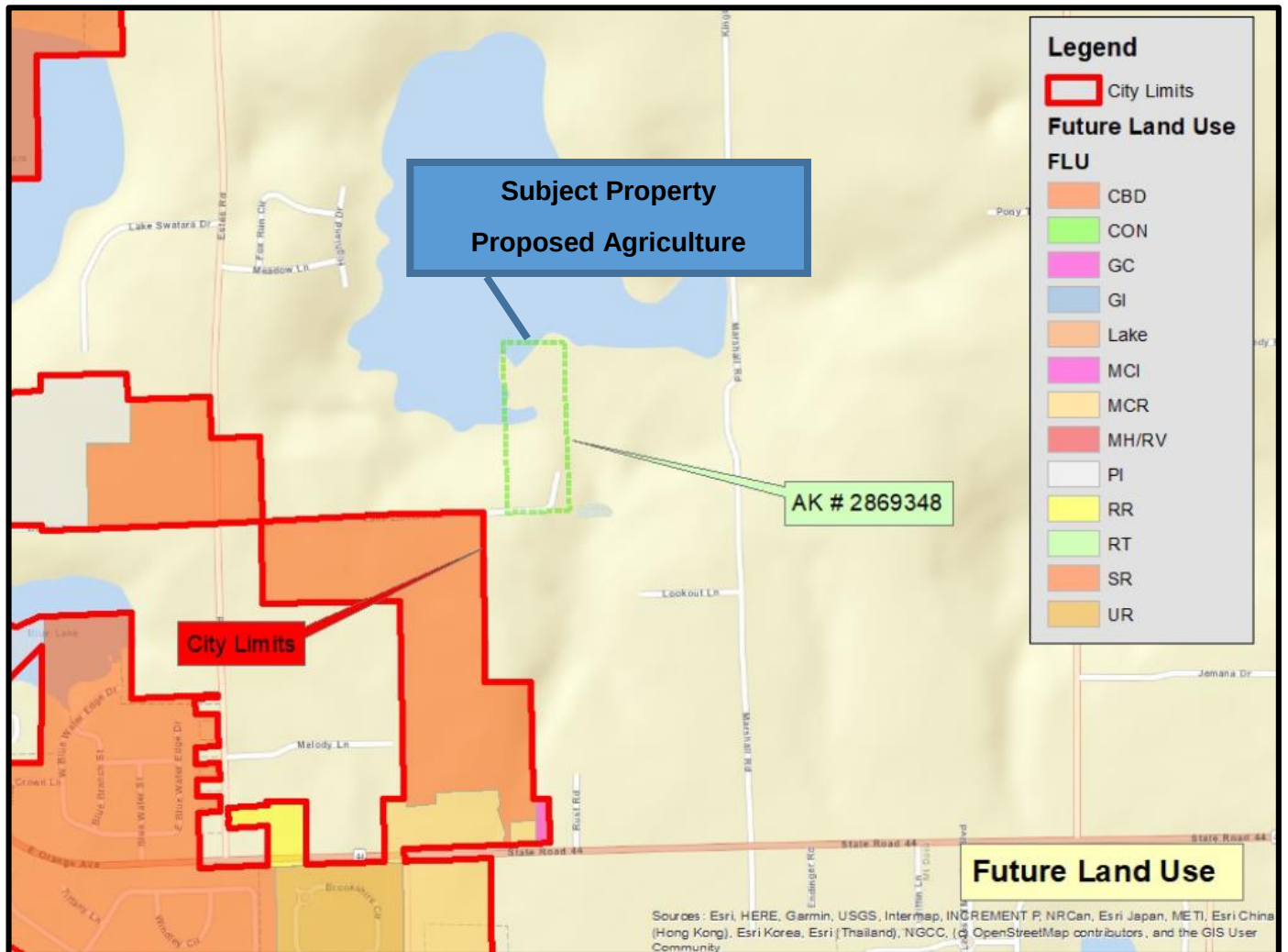
 Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-27 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, CMC, City Clerk

Exhibit A



ORDINANCE NUMBER 22-28

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 15 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBER 2869348, ON THE NORTH SIDE OF LAKE LINCOLN LANE, EAST OF ESTES ROAD.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Rural Neighborhood to approximately 15 acres of recently annexed real property further described below, and

WHEREAS, on December 13, 2022, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real property described below and shown on Exhibit A shall be Rural Neighborhood:

Alternate Key Number: 2869348

Parcel Number: 05-19-27-0004-000-00401

Legal Description: E 3/4 OF E 1/2 OF SW 1/4 OF SE 1/4 ORB 1992
PG 0421

Section 2. Map Amendment

That the Director of Development Services shall be authorized to amend the Design District Map to incorporate the change described in Section 1.

Section 3. Conflict

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

Section 4. Severability

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. Effective Date

That this Ordinance shall become effective upon annexation of the subject property through approval of Ordinance Number 22-26.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____ 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 _____ day of _____, 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

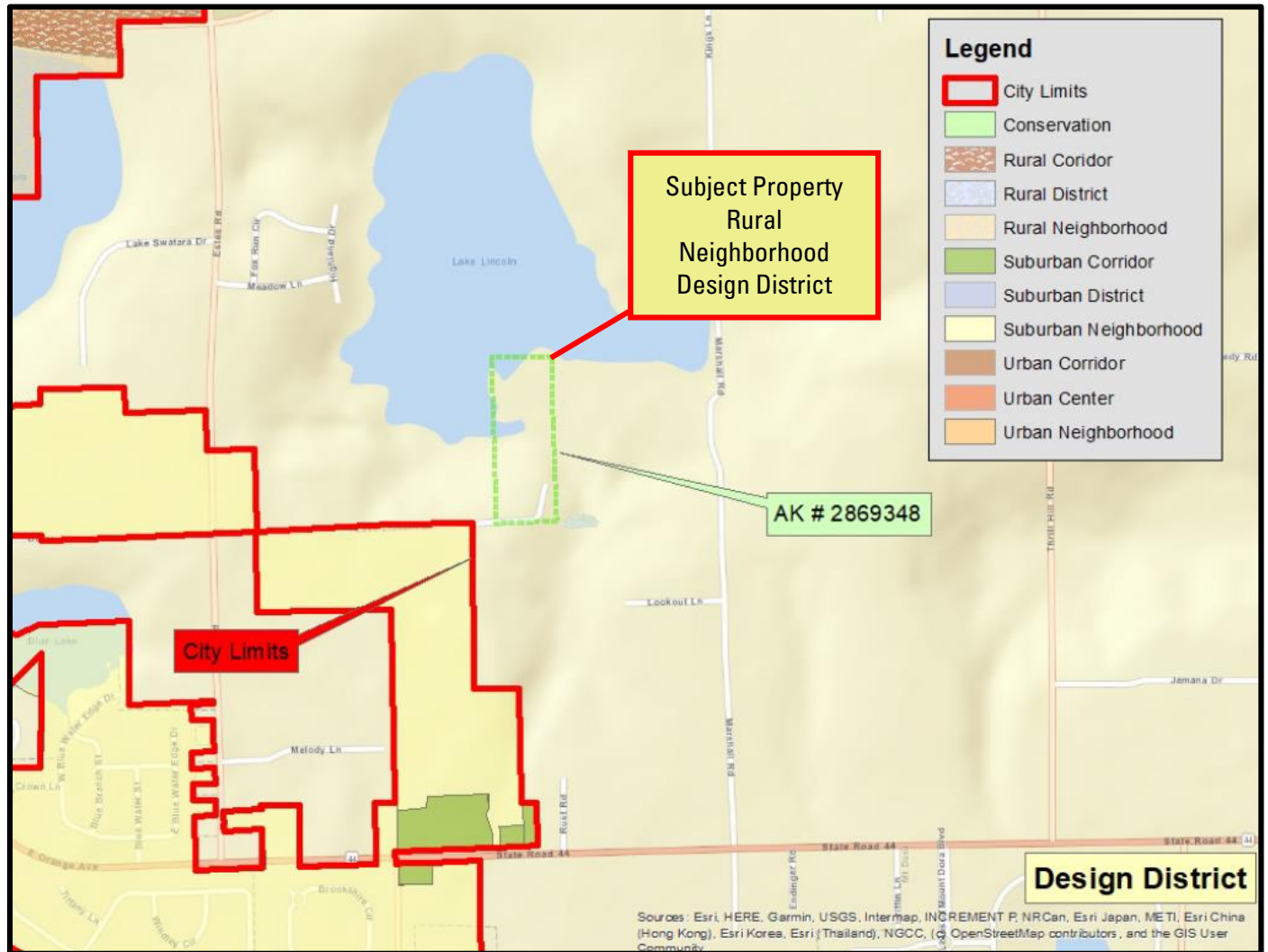
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-28 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



ORDINANCE NUMBER 22-26

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 15 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBER 2869348, ON THE NORTH SIDE OF LAKE LINCOLN LANE, EAST OF ESTES ROAD.

WHEREAS, Major Stacy of Appian Engineering, LLC made an application for voluntary annexation of approximately 15 acres of real property located on the North side of Lake Lincoln Lane, East of Estes Road, more particularly described as:

Alternate Key Number: 2869348

Parcel Number: 05-19-27-0004-000-00401

Legal Description: E 3/4 OF E 1/2 OF SW 1/4 OF SE 1/4 ORB 1992 PG 0421

WHEREAS, the subject property is reasonably compact and contiguous; and

WHEREAS, the annexation of this property will not result in the creation of enclaves; and

WHEREAS, the subject property is located within the City of Eustis Planning Area, and water service is available to the property; and

WHEREAS, on December 1, 2022, the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Public Hearing to consider the voluntary annexation of the property contained herein

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

SECTION 1.

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 24.55 acres of real property, as described above.

A map depicting the location of the annexed property described above is attached hereto as Exhibit "A".

SECTION 2.

That the Director of Development Services shall be authorized to amend the City of Eustis Boundary Map to incorporate the change described in Section 1.

SECTION 3.

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

SECTION 4.

That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida, and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

SECTION 5.

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 6.

That this Ordinance shall become effective upon passing.

SECTION 7.

That the property annexed in this Ordinance is subject to the Future Land Use Element of the Lake County Comprehensive Plan until the City adopts the Comprehensive Plan Amendment to include the annexed parcel in the City Comprehensive Plan.

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 Number:

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

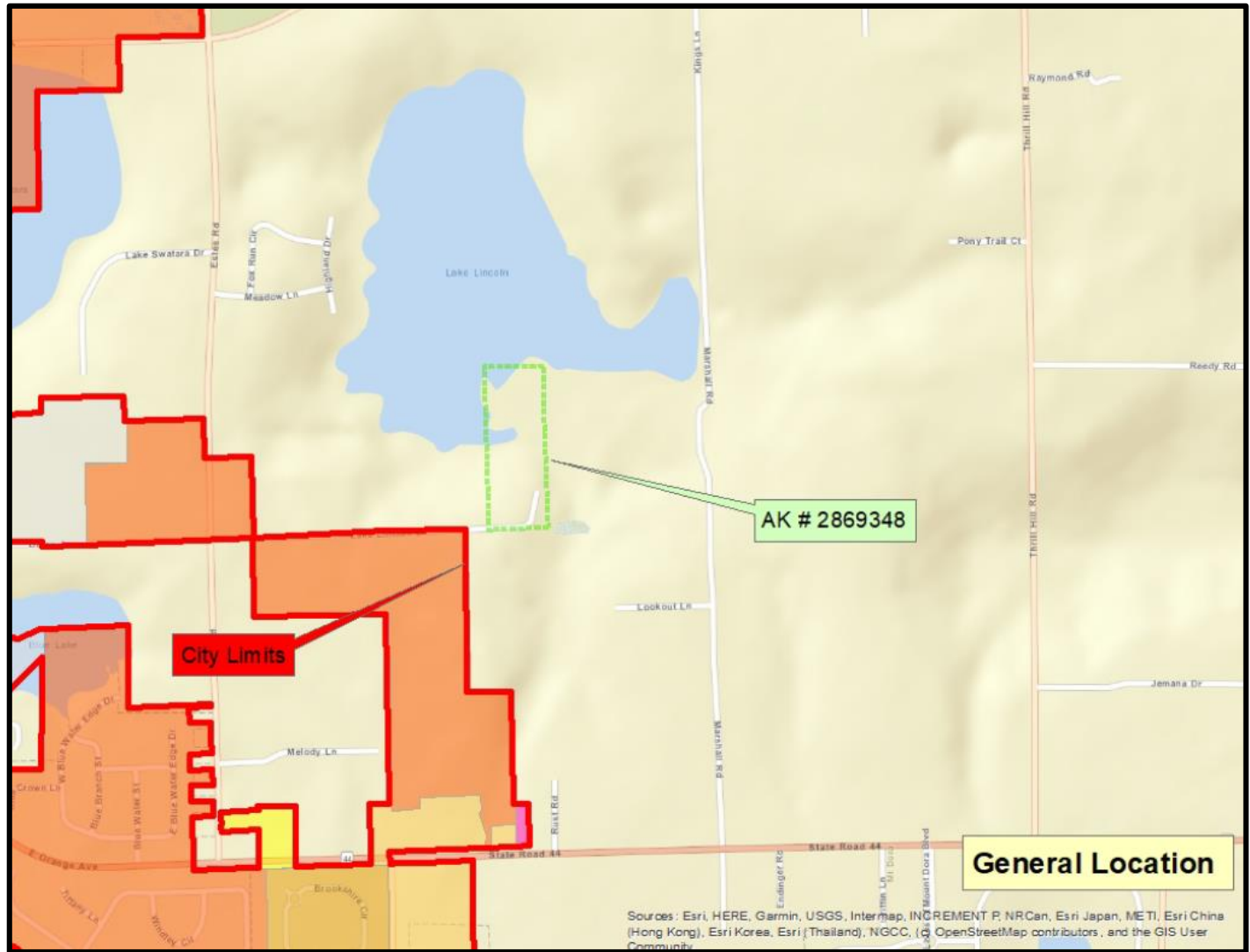
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-26 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





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 1, 2022

RE: Consideration of Ordinances for certain real property located along Lake Lincoln Lane (35145 Marshall Rd, Alternate Key Number 1123232)
 Ordinance Number 22-29 – Voluntary Annexation
 Ordinance Number 22-30 – Comprehensive Plan Map Amendment
 Ordinance Number 22-31 – Design District Assignment

Introduction:

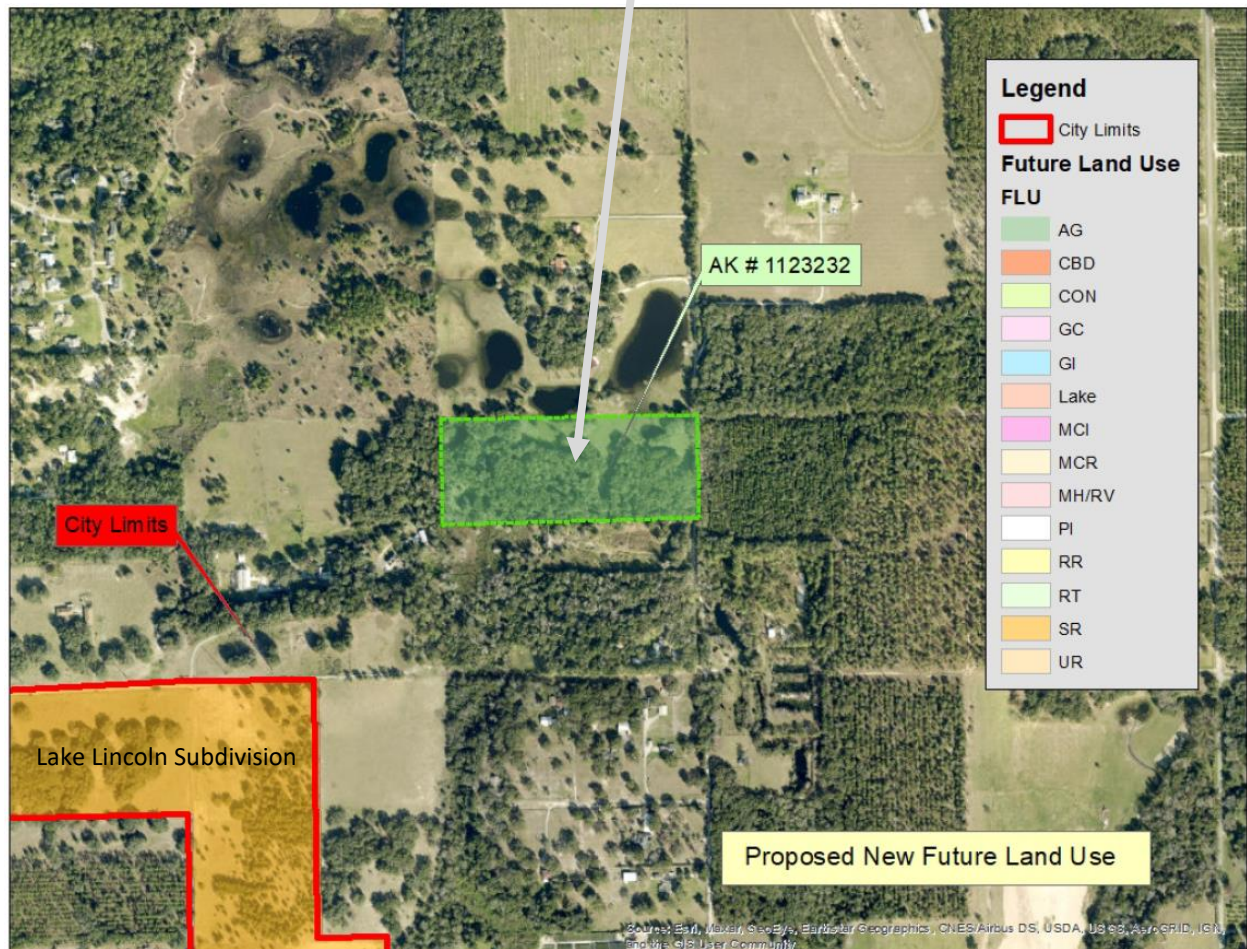
Ordinance Number 22-29 provides for the voluntary annexation of approximately 16.82 acres located on the north side of Lake Lincoln Lane at 35145 Marshall Rd (Alternate Key Number 1123232). Provided the annexation of the subject property is approved, Ordinance Number 22-30 would change the future land use designation from Rural Transition in Lake County to **Agriculture (AG) in the City of Eustis**, and Ordinance Number 22-31 would assign the subject property a **design district designation of Rural Neighborhood**. If Ordinance Number 22-29 is denied, then there can be no consideration of Ordinance Numbers 22-30 and 22-31.

Background:

The property owners (Nikko-Cesar and Adrienne Blanco) have requested Voluntary Annexation through Major Stacy, P.E. with Avian Engineering as their applicant agent. The properties consist of approximately 16.82 acres and are located within the Eustis Joint Planning Area. The properties are currently improved pastures for hay and homesite. *Source: Lake County Property Appraisers' Office Property Record Card Data.*

The property is not currently contiguous to the City of Eustis boundary; however, it becomes contiguous with the approval of the properties to the west being annexed. The properties to the west are also proposed for annexation, comprehensive plan land use assignment, and design district assignment under Ordinance Numbers 22-23, 22-24, and 22-25 and Ordinance Numbers 22-26, 22-27, and 22-28. The property would be consistent with Florida Statutes regarding contiguity provided that the previously listed Ordinances are adopted.

The analysis of this proposed request is conducted under the assumption of City Commission approval and adoption of Ordinance Numbers 22-23, 22-24, and 22-25 and Ordinance Numbers 22-26, 22-27, and 22-28



The property is currently designated with a Rural Transition land use in unincorporated Lake County. Approval of Ordinance Number 22-30 would change the land use designation to Agriculture (AG) in the City of Eustis.

The Rural Transition future land use designation assigned by Lake County allows for base densities of 1 dwelling unit per 5 acres, with additional density incentives by utilizing the Lake County Rural Conservation Subdivision policies and regulations.

The City of Eustis Agriculture (AG) future land use designation also allows for densities of 1 dwelling unit per 5 acres. The proposed future land use within the City of Eustis and the Lake County Rural Transition future land use are compatible.

Analysis of Annexation Request (Ordinance Number 22-29)

1. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:
 “The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law.... The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

The subject property is located within the Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested future land use designation.

2. Florida Statutes Voluntary Annexation - Chapter 171.044(1):
 “The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”

The Joint Planning Area boundaries define the reasonably compact area where the City may provide services effectively and efficiently. The subject property lies within that planning area; it is contiguous to the City limits on the southern boundary, and the owner has petitioned for annexation.

3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):
 “...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town...”

Development Services has caused to be published, public notice of this annexation in the Daily Commercial in accordance with the requirements on November 18, 2022, and December 2, 2022.

4. Florida Statutes Voluntary Annexation - Chapter 171.044(5):
 “Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

Annexation of the subject property does not create an enclave.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(6):

"Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located..."

Development Services provided notice to the Lake County Board of County Commissioners via email (unofficial notice) on November 5, 2022, and via USPS Certified Mail (official notice) on November 7, 2022.

Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 22-30)

In accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

1. Low-Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

This indicator does not apply. The densities requested equate to existing unincorporated densities.

2. Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This indicator does not apply. The property will not receive a change in density from the existing densities in Unincorporated Lake County, therefore no change is occurring.

3. Strip or Isolated Development:

Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

This indicator does not apply. There is no change in allowable densities from the status in Unincorporated Lake County. The proposed designation is consistent with the character of the surrounding area.

4. Natural Resources Protection:

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

This indicator does not apply. The subject property is subject to a partial floodplain, however, the property is not proposed for development with the future land use change not increasing the allowable Unincorporated Lake County densities.

5. Agricultural Area Protection:

Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This indicator does not apply. The future land use designation assigned with the annexation allows for the continuation of agricultural use of the property. The densities to be assigned with the Agriculture (AG) land use are consistent with agricultural uses.

6. Public Facilities:

Fails to maximize the use of existing public facilities and services.

This indicator does not apply. City water is available to serve the property. Sanitary sewer may be available to serve the site, if unavailable any on-site septic systems may continue to be utilized.

7. Cost Effectiveness and Efficiency of Public Facilities:

Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

This indicator does not apply. Adequate capacity is available to serve existing and future development within the area.

8. Separation of Urban and Rural:

Fails to provide a clear separation between rural and urban uses.

This indicator does not apply. The land use assigned to the properties is Agriculture.

9. Infill and Redevelopment:

Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This indicator does not apply.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply.

11. *Accessibility among Uses:*

Results in poor accessibility among linked or related land uses.

This indicator does not apply.

12. *Open Space:*

Results in the loss of significant amounts of functional open space.

This indicator does not apply. The site does not contain functional open space and is not connected to regionally important open space.

13. *Urban Sprawl:*

The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

a. *Direction of Growth:*

Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

The action for the property is a continuation of existing homestead and agricultural uses.

b. *Efficient and Cost-Effective Services:*

Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Water service is potentially available from Lake Lincoln Lane. Sanitary sewer is also potentially available to the south from Lake Lincoln Subdivision.

c. *Walkable and Connected Communities:*

Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

Not applicable as the properties are having their use altered.

d. *Water and Energy Conservation:*

Promotes the conservation of water and energy.

No Change from current uses on the property.

e. *Agricultural Preservation:*

Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

The allowed agricultural use of the property and the existing homestead will continue with the annexation and assigned future land use.

- f. Open Space:
Preserves open space and natural lands and provides for public open space and recreation needs.

This is not applicable. The site does not provide functional open space or natural areas.

- g. Balance of Land Uses:
Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

This does not apply. The proposed change is a continuation of agricultural and existing homestead uses.

- h. Urban Form Densities and Intensities:
Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Not applicable.

In accordance with the Comprehensive Plan Future Land Use Element Appendix: All applications for a Plan amendment relating to the development patterns described and supported within the Plan 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.

Major Categories of Plan Policies:

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

1. 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.

- a. *Emergency Services Analysis:*
Continuation of the use of the property for agriculture and homestead under the City's AG land use does not increase the impact on Emergency Services.
- b. *Parks & Recreation:*
Not applicable
- c. *Potable Water & Sanitary Sewer:*
Water is potentially available to serve the subject property.
Sanitary sewer, to serve the properties, is available to the south of Lake Lincoln Lane, should the property choose to avail themselves of the service.
- d. *Schools:*
No change
- e. *Solid Waste:*
No change.
- f. *Stormwater:*
No change
- g. *Transportation Network Analysis:*
No Change

2. 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. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

- a. *Groundwater recharge areas:*
No change
- b. *Historical or archaeological sites:*
No Change
- c. *Flood zones:*
The subject property is in a partial floodplain; however, the requested annexation, land use, and design district pose no change from the current use.
- d. *Soil and topography:*
With this application for annexation, comprehensive plan land use assignment, and design district assignment, there is no change in the use of the property proposed.

3. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describes 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.

Existing Land Use According to the Lake County Comprehensive Plan:

"The Rural Transition Future Land Use Category is intended to address —edgell conditions where Rural Future Land Use Categories abut Urban Future Land Use

Categories. These edges represent areas where lower rural densities may be increased for Rural Conservation Subdivisions that utilize clustering techniques. This Future Land Use Category provides for residential development at densities equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate...”

Proposed Land Use According to the Eustis Comprehensive Plan:

“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...”

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

4. Transportation:

Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

5. 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.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

In accordance with Chapter 102-16(f), Land Development Regulations

Standards for Review:

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

a. *Consistent with Comprehensive Plan:*

Whether the proposed amendment is consistent with all expressed policies in the comprehensive plan.

The proposed amendment is consistent with the Comprehensive Plan.

- b. *In Conflict with Land Development Regulations:*
Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.

The proposed amendment is not in conflict with the Land Development Regulations.

- c. *Inconsistent with Surrounding Uses:*
Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

There is no proposed change in the use of the property.

- d. *Changed Conditions:*
Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. The actual use of the property is not proposed to change.

- e. *Demand on Public Facilities:*
Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure, and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

- f. *Impact on Environment:*
Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The site contains no apparent natural resources and is not connected to significant open space.

- g. *Orderly Development Pattern:*
Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

- h. *Public Interest and Intent of Regulations:*
Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

The purpose and intent of the Land Development Regulations is as follows:

“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare and enforce and implement the city's comprehensive plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and life style”

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

i. Other Matters:

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

No other matters.

Analysis of Design District Request (Ordinance Number 22-31):

Form-Based Code:

The City's Land Development Regulations are a form-based code. Design districts are unique to form-based codes. Lake County still uses traditional Euclidean zoning, so there are no design districts for parcels in unincorporated Lake County. When a parcel annexes into the City of Eustis, the City must assign a consistent design district that follows the urban, suburban, and rural transect

1. Standards for Review:

The Land Development Regulations include the following standards for review of an amendment to the Design District Map. In approving a change in the designation, the City Commission shall consider: Whether the amendment is in conflict with any applicable provisions of the Code.

- a. Section 102-17(a) "...Section 109-3 Design Districts:***
identifies the definition, structure, and form of each design district. The assignment of design district must follow the district pattern and intent.”

The requested amendment assigns a newly annexed parcel a designation that meets the district pattern and intent (Rural Neighborhood). There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

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.

This is the current development pattern for the area north of Lake Lincoln Land and East of Estes Road. For this property, there is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

b. Section 102-17(a)

The following guidelines must be followed when proposing the reassignment of design district:

Compatible intensities should face across streets. Changes in design districts should occur along rear alleys or lanes or along conservation edges.

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property; the proposed design district is compatible with the surrounding design districts.

c. Consistent with Comprehensive Plan:

Whether the proposed amendment is consistent with all elements of the comprehensive plan.

The requested amendment is consistent with the Future Land Use element (including Policy FLU 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. Consistent with Surrounding Uses:

Whether, and the extent to which, the proposed design district is consistent with existing and proposed land uses.

The Rural Neighborhood definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Agriculture (AG) future land use designation.

e. Changed Conditions:

Whether there have been changed conditions that justify amending the design district.

The subject property is proposed for annexation and a design district assignment is necessary. There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

f. Public Facilities.

Whether, and the extent to which, the proposed redistricting would result in demands on public facilities, and whether, or to the extent to which, the proposed change would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

A redistricting is not proposed. This amendment will not change the demand for public facilities. Assigning a design district to an annexation property will not change the demand for public facilities.

g. Impact to Environment:

Whether, and the extent to which, the redistricting would result in significant impacts on the natural environment.

The proposed Design District designation for this property does not change the development potential of the parcel. Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity, and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. As building permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should conditions at the time of development warrant such protection.

h. Property Values:

Whether, and the extent to which, the proposed redistricting would affect the property values in the area.

Redistricting is not being proposed; a Eustis design district designation must be assigned to the annexed property. This request should not affect property values, because the proposed Design District designation is consistent with the surrounding development patterns and design districts.

i. Orderly Development Pattern:

Whether, and the extent to which, the proposed redistricting would result in an orderly and logical development pattern.

The request is the assignment of a design district to an annexation parcel, not redistricting. There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis, therefore the Rural Neighborhood Design District is most appropriate.

j. **Public Interest and Intent of Regulations:**

Whether the proposed redistricting would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

The request is the assignment of a design district to an annexation parcel, not redistricting. The proposed Design District is not in conflict with the public interest and reflects the purpose and intent of the regulations.

k. **Other Matters:**

Any other matters that may be deemed appropriate by the city commission, in review and consideration of the proposed redistricting.

The request is the assignment of a design district to an annexation parcel, not redistricting. The City's Land Development Regulations are a form-based code. The Design District designations define the development form, but not the types of land use, densities, intensities, or required open space. The districts, therefore, must be consistent and follow the urban, suburban, and rural transects. This request assigns a Rural Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Findings Summary:

The proposed annexation is not in conflict with Florida Statutes. The proposed Future Land Use for the subject property is found to be consistent with the City of Eustis Comprehensive Plan and Land Development Regulations. The change of land use to the City of Eustis Agriculture (AG) designation, as associated with the voluntary annexation, is found to be consistent and equivalent to the current Lake County Future land Use designation. The Rural Design District is compatible with and compliments the Agriculture (AG) Future Land Use District.

Recommended Action:

Providing recommendations for approval of Ordinance Numbers 22-29, 22-30, and 22-31.

Policy Implications:

None

Alternatives:

1. Approval of Ordinance Numbers 22-29 (Annexation), 22-30 (Comp. Plan Amendment), and 22-31 (Design District Designation).
2. Deny of Ordinance Number Ordinance Numbers 22-29 (Annexation). Then Ordinance Numbers 22-30 (Comp. Plan Amendment) and 22-31 (Design District Designation) become void.

Budget/Staff Impact:

None

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Reviewed By:

Mike Lane, AICP, Director, Development Services

ORDINANCE NUMBER 22-29

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 16.82 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBER 1123232, ON THE WEST SIDE OF MARSHALL ROAD, NORTH OF LAKE LINCOLN LANE.

WHEREAS, Major Stacy of Appian Engineering, LLC made an application for voluntary annexation of approximately 16.82 acres of real property located on the west side of Marshall Road, North of Lake Lincoln Lane, more particularly described as:

Alternate Key Number: 1123232

Parcel Number: 05-19-27-0004-000-00500

Legal Description: SE 1/4 OF SE 1/4--LESS S 765 FT-- ORB 5694 PG 2287

WHEREAS, the subject property is reasonably compact and contiguous; and

WHEREAS, the annexation of this property will not result in the creation of enclaves; and

WHEREAS, the subject property is located within the City of Eustis Planning Area, and water service is available to the property; and

WHEREAS, on December 1, 2022, the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Public Hearing to consider the voluntary annexation of the property contained herein

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

SECTION 1.

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 24.55 acres of real property, as described above.

A map depicting the location of the annexed property described above is attached hereto as Exhibit "A".

SECTION 2.

That the Director of Development Services shall be authorized to amend the City of Eustis Boundary Map to incorporate the change described in Section 1.

SECTION 3.

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

SECTION 4.

That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida, and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

SECTION 5.

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 6.

That this Ordinance shall become effective upon passing.

SECTION 7.

That the property annexed in this Ordinance is subject to the Future Land Use Element of the Lake County Comprehensive Plan until the City adopts the Comprehensive Plan Amendment to include the annexed parcel in the City Comprehensive Plan.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____, 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 _____ day of _____, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

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

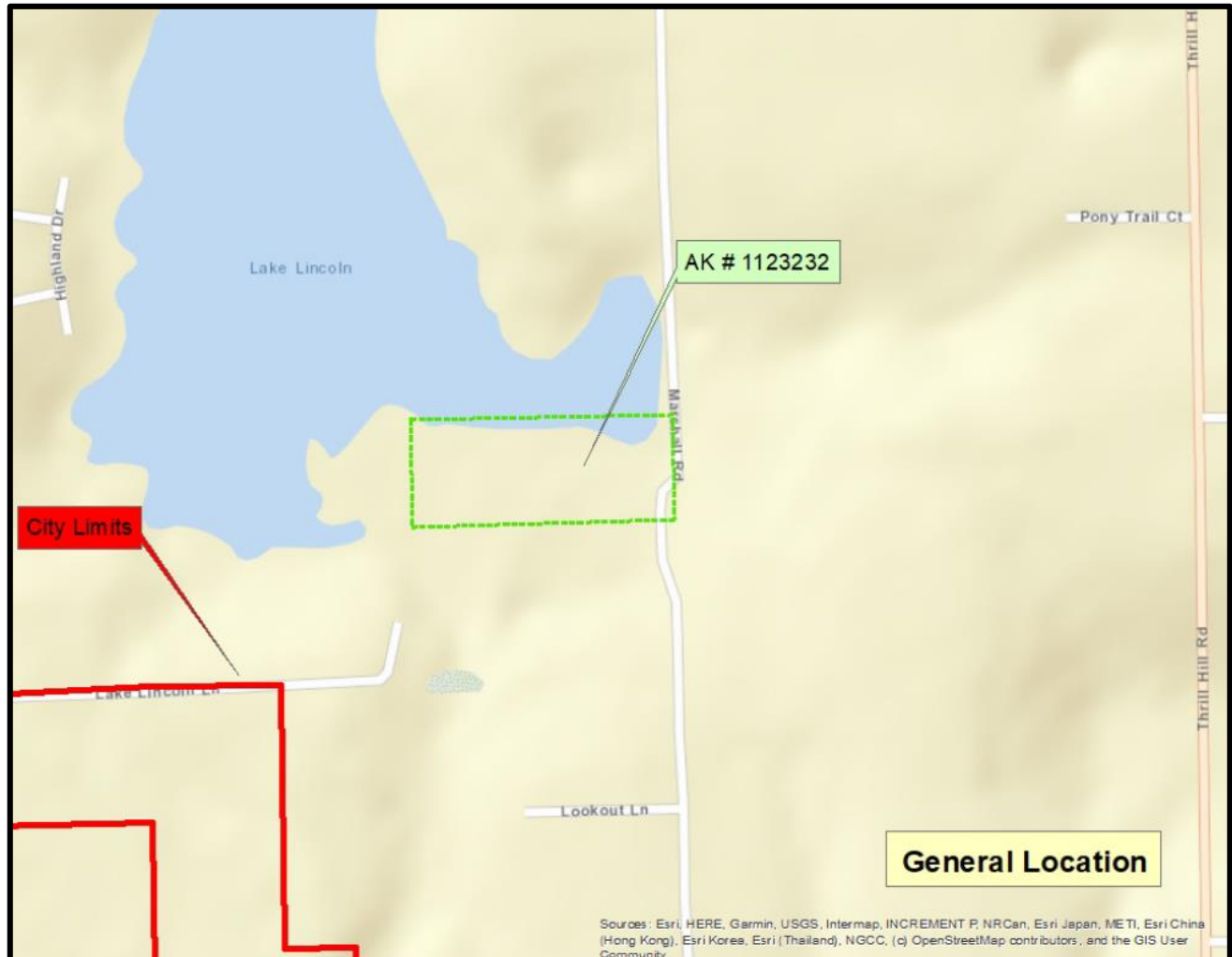
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-29 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



ORDINANCE NUMBER 22-30

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 16.82 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBER 1123232, ON THE WEST SIDE OF MARSHALL ROAD, NORTH OF LAKE LINCOLN LANE FROM RURAL TRANSITION IN LAKE COUNTY TO AGRICULTURE IN THE CITY OF EUSTIS.

WHEREAS, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

WHEREAS, State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 16.82 acres of real property located on the west side of Marshall Road, north of Lake Lincoln Lane, and more particularly described herein; and

WHEREAS, on December 1, 2022, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on December 1, 2022, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small-Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below shall be changed from Rural Transition in Lake County to Agriculture within the City of Eustis:

Alternate Key Number: 1123232

Parcel Number: 05-19-27-0004-000-00500

Legal Description: SE 1/4 OF SE 1/4--LESS S 765 FT-- ORB 5694 PG 2287

SECTION 2.

Map Amendment and Notification: That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

SECTION 3.

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

SECTION 4.

Severability: 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.

Effective Date: 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 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 _____ day of _____, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

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

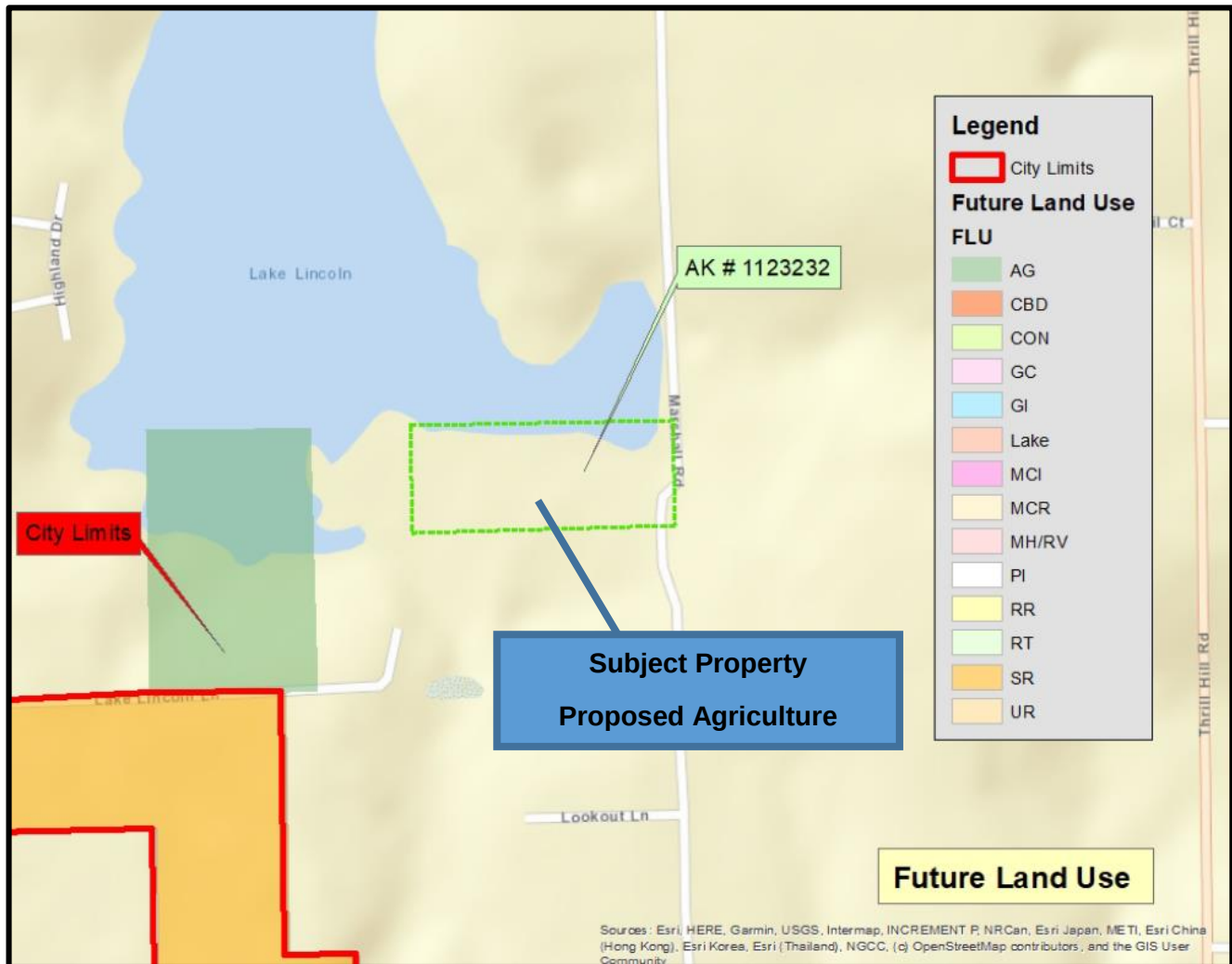
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-30 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



ORDINANCE NUMBER 22-31

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 16.82 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBER 1123232, ON THE WEST SIDE OF MARSHALL ROAD, NORTH OF LAKE LINCOLN LANE.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Rural Neighborhood to approximately 16.82 acres of recently annexed real property further described below, and

WHEREAS, on December 1, 2022, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real property described below and shown on Exhibit A shall be Rural Neighborhood:

Alternate Key Number: 1123232

Parcel Number: 05-19-27-0004-000-00500

Legal Description: SE 1/4 OF SE 1/4--LESS S 765 FT-- ORB 5694
PG 2287

Section 2. Map Amendment

That the Director of Development Services shall be authorized to amend the Design District Map to incorporate the change described in Section 1.

Section 3. Conflict

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

Section 4. Severability

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. Effective Date

That this Ordinance shall become effective upon annexation of the subject

property through approval of Ordinance Number 22-29.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____, 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 _____ day of _____, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

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

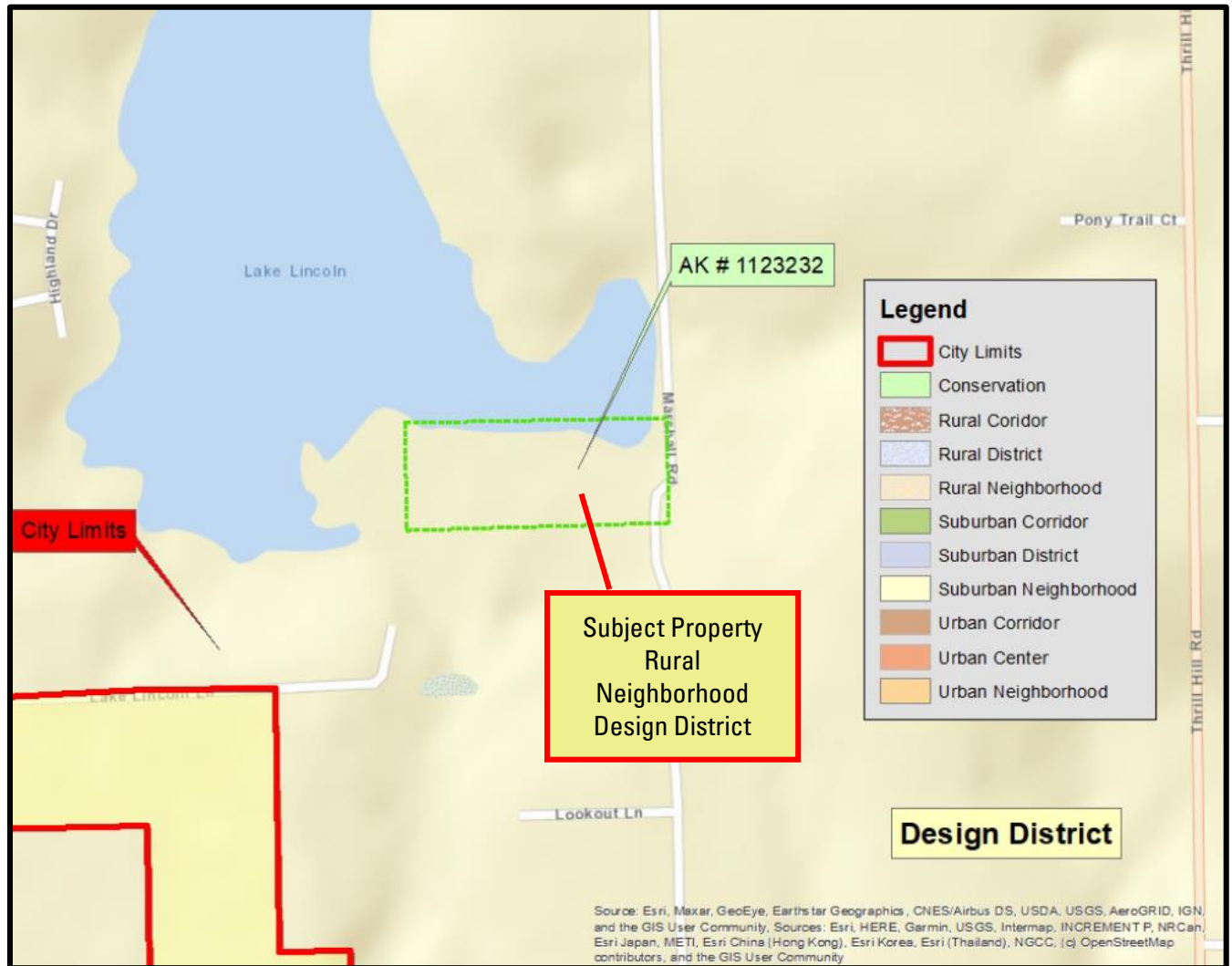
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-31 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





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 1, 2022

RE: Consideration of Ordinances for certain real property located along Lake Lincoln Lane (east side of Marshall Rd, Alternate Key Number 1039550)
Ordinance Number 22-32 – Voluntary Annexation
Ordinance Number 22-33 – Comprehensive Plan Map Amendment
Ordinance Number 22-34 – Design District Assignment

Introduction:

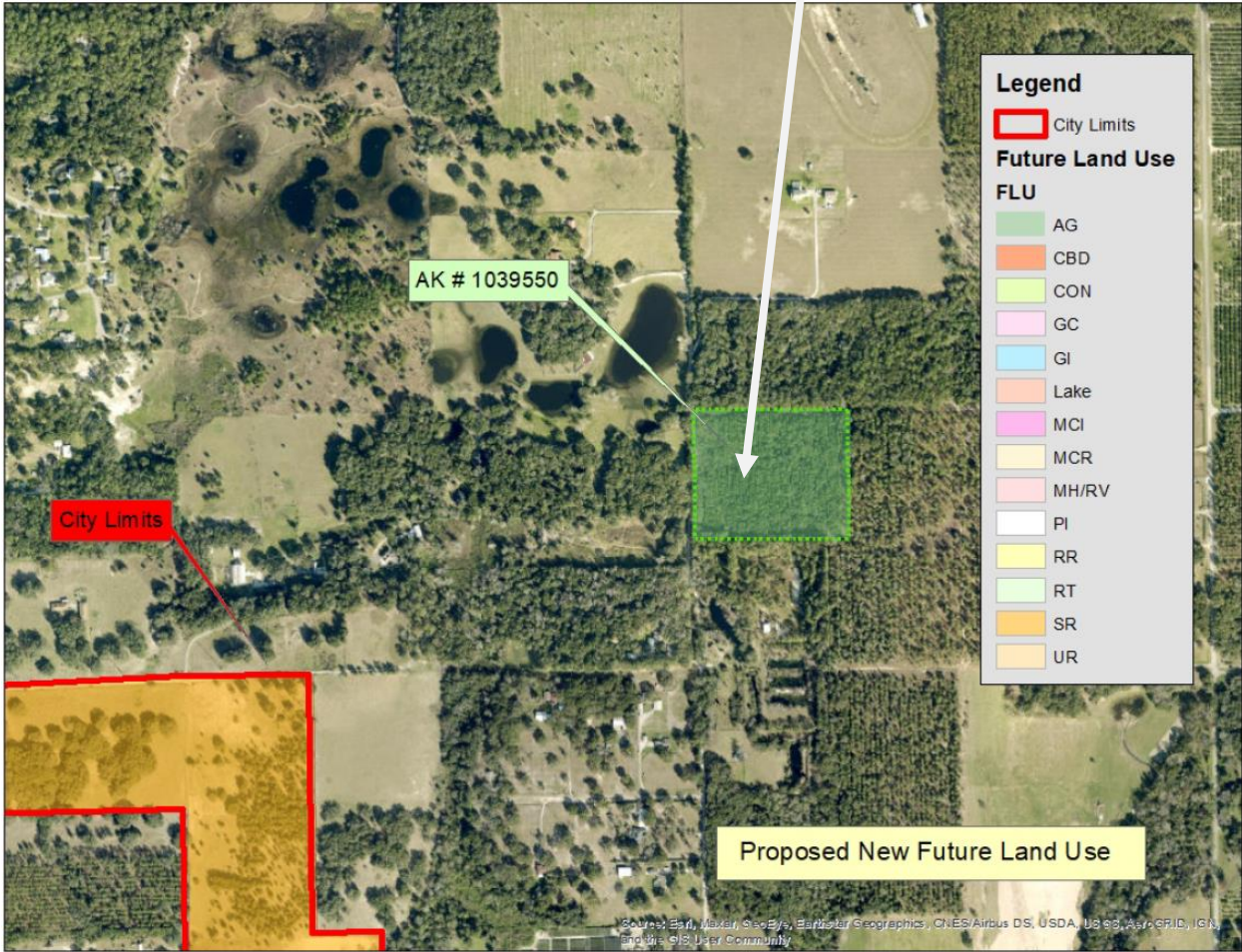
Ordinance Number 22-32 provides for the voluntary annexation of approximately 12 acres located on the east side of Marshall Road (Alternate Key Number 1039550). Provided the annexation of the subject property is approved, Ordinance Number 22-33 would change the future land use designation from Rural Transition in Lake County to **Agriculture (AG) in the City of Eustis**, and Ordinance Number 22-34 would assign the subject property a **design district designation of Rural Neighborhood**. If Ordinance Number 22-32 is denied, then there can be no consideration of Ordinance Numbers 22-33 and 22-34.

Background:

The property owners (Eustis Isles LLC) have requested Voluntary Annexation through Major Stacy, P.E. with Avian Engineering as their applicant agent. The property consists of approximately 12 acres and is located within the Eustis Joint Planning Area. The property is currently vacant timber and wetland. *Source: Lake County Property Appraisers' Office Property Record Card Data.*

The property is not currently contiguous to the City of Eustis boundary; however, it becomes contiguous with the approval of the properties to the west being annexed. The properties to the west are also proposed for annexation, comprehensive plan land use assignment, and design district assignment under Ordinance Numbers 22-23, 22-24, and 22-25, and; Ordinance Numbers 22-26, 22-27, and 22-28, and; Ordinance Numbers 22-29, 22-30, and 22-31. The property would be consistent with Florida Statutes regarding contiguity provided that the previously listed Ordinances are adopted.

The analysis of this proposed request is conducted under the assumption of the City Commission's approval and adoption of Ordinance Numbers 22-23, 22-24, and 22-25, and; Ordinance Numbers 22-26, 22-27, and 22-28, and; Ordinance Numbers 22-29, 22-30, and 22-31.



The property is currently designated with a Rural Transition land use in unincorporated Lake County. Approval of Ordinance Number 22-33 would change the land use designation to Agriculture (AG) in the City of Eustis.

The Rural Transition future land use designation assigned by Lake County allows for base densities of 1 dwelling unit per 5 acres, with additional density incentives by utilizing the Lake County Rural Conservation Subdivision policies and regulations. The City of Eustis Agriculture (AG) future land use designation also allows for densities of 1 dwelling unit per 5 acres. The proposed future land use within the City of Eustis and the Lake County Rural Transition future land use are compatible.

Analysis of Annexation Request (Ordinance Number 22-32)

1. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:
 “The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law.... The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

The subject property is located within the Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested future land use designation.

2. Florida Statutes Voluntary Annexation - Chapter 171.044(1):
 “The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”

The Joint Planning Area boundaries define the reasonably compact area where the City may provide services effectively and efficiently. The subject property lies within that planning area; it is contiguous to the City limits on the southern boundary, and the owner has petitioned for annexation.

3. Florida Statutes Voluntary Annexation - Chapter 171.044(2):
 “...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town...”

Development Services has caused to be published, public notice of this annexation in the Daily Commercial in accordance with the requirements on November 18, 2022, and December 2, 2022.

4. Florida Statutes Voluntary Annexation - Chapter 171.044(5):
 “Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

Annexation of the subject property does not create an enclave.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(6):

“Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located...”

Development Services provided notice to the Lake County Board of County Commissioners via email (unofficial notice) on November 5, 2022, and via USPS Certified Mail (official notice) on November 7, 2022.

Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 22-33)

In accordance with Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

1. Low-Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

This indicator does not apply. The densities requested equate to existing unincorporated densities.

2. Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This indicator does not apply. The properties will not receive a change in density from the existing densities in Unincorporated Lake County, therefore no change is occurring.

3. Strip or Isolated Development:

Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

This indicator does not apply. There is no change in allowable densities from the status in Unincorporated Lake County. The proposed designation is consistent with the character of the surrounding area.

4. Natural Resources Protection:

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge

areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

This indicator does not apply. The property is not proposed for development with the future land use change not increasing the allowable Unincorporated Lake County densities.

5. Agricultural Area Protection:

Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This indicator does not apply. The future land use designation assigned with the annexation allows for the continuation of agricultural use of the property. The densities to be assigned with the Agriculture (AG) land use are consistent with agricultural uses.

6. Public Facilities:

Fails to maximize the use of existing public facilities and services.

This indicator does not apply. City water is available to serve the property. Sanitary sewer may be available to serve the site, if not available, any on-site septic systems may continue to be utilized.

7. Cost Effectiveness and Efficiency of Public Facilities:

Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

This indicator does not apply. Adequate capacity is available to serve existing and future development within the area.

8. Separation of Urban and Rural:

Fails to provide a clear separation between rural and urban uses.

This indicator does not apply. The land use assigned to the properties is Agriculture (AG).

9. Infill and Redevelopment:

Discourages or inhibits infill development or the redevelopment of existing neighborhoods and communities.

This indicator does not apply.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply.

12. Open Space:

Results in the loss of significant amounts of functional open space.

This indicator does not apply. The site does not contain functional open space and is not connected to regionally important open space.

13. Urban Sprawl:

The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

a. Direction of Growth:

Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

The action for the property is a continuation of agricultural uses.

b. Efficient and Cost-Effective Services:

Promotes the efficient and cost-effective provision or extension of public infrastructure and services.

Water service is available. Sanitary sewer is available from Lake Lincoln Lane.

c. Walkable and Connected Communities:

Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

Not applicable as the properties are having their use altered.

d. Water and Energy Conservation:

Promotes the conservation of water and energy.

No Change from current uses on the property.

e. Agricultural Preservation:

Preserves agricultural areas and activities, including silviculture, and dormant, unique, and prime farmlands and soils.

The allowed agricultural use of the property will continue with the annexation and assigned future land use.

- f. Open Space:
Preserves open space and natural lands and provides for public open space and recreation needs.

This is not applicable. The site does not provide functional open space or natural areas.

- g. Balance of Land Uses:
Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

This does not apply. The proposed change is a continuation of agricultural uses.

- h. Urban Form Densities and Intensities:
Provides uses, densities, and intensities of use and urban form that would remediate an existing or planned development pattern in the vicinity that constitutes sprawl or if it provides for an innovative development pattern such as transit-oriented developments or new towns as defined in s. 163.3164.

Not applicable.

In accordance with the Comprehensive Plan Future Land Use Element Appendix: All applications for a Plan amendment relating to the development patterns described and supported within the Plan 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.

Major Categories of Plan Policies:

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

1. 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.

- a. *Emergency Services Analysis:*
Continuation of the allowable use of the property for agriculture and homestead under the City's AG land use does not increase the impact on Emergency Services.
- b. *Parks & Recreation:*
Not applicable
- c. *Potable Water & Sanitary Sewer:*
Water is available to serve the subject property.
Sanitary sewer, to serve the properties, is available to the south of Lake Lincoln Lane, should the property choose to avail themselves of the service.
- d. *Schools:*
No change
- e. *Solid Waste:*
No change.
- f. *Stormwater:*
No change
- g. *Transportation Network Analysis:*
No Change

2. 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. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

- a. *Groundwater recharge areas:*
No change
- b. *Historical or archaeological sites:*
No Change
- c. *Flood zones:*
No indication of designated flood zone
- d. *Soil and topography:*
With this application for annexation, comprehensive plan land use assignment, and design district assignment, there is no change in the use of the property proposed.

3. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describes 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.

Existing Land Use According to the Lake County Comprehensive Plan:

"The Rural Transition Future Land Use Category is intended to address —edgell conditions where Rural Future Land Use Categories abut Urban Future Land Use Categories. These edges represent areas where lower rural densities may be increased for Rural Conservation Subdivisions that utilize clustering techniques.

This Future Land Use Category provides for residential development at densities equal to or less than one (1) dwelling unit per five (5) net buildable acres, agricultural operations, civic uses compatible with a rural community, and Rural Support functions where appropriate...

Proposed Land Use According to the Eustis Comprehensive Plan:

“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...

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

4. Transportation:

Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

5. 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.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

In accordance with Chapter 102-16(f), Land Development Regulations

Standards for Review:

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

a. ***Consistent with Comprehensive Plan:***

Whether the proposed amendment is consistent with all expressed policies in the comprehensive plan.

The proposed amendment is consistent with the Comprehensive Plan.

b. ***In Conflict with Land Development Regulations:***

Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.

The proposed amendment is not in conflict with the Land Development Regulations.

c. Inconsistent with Surrounding Uses:

Whether, and the extent to which, the proposed amendment is inconsistent with existing and proposed land uses.

There is no proposed change in the use of the property.

d. Changed Conditions:

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. The actual use of the property is not proposed to change.

e. Demand on Public Facilities:

Whether, and the extent to which, the proposed amendment would result in demands on public facilities, and whether, or to the extent to which, the proposed amendment would exceed the capacity of such public facilities, infrastructure, and services, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

f. Impact on Environment:

Whether, and the extent to which, the proposed amendment would result in significant impacts on the natural environment.

The site contains no apparent natural resources and is not connected to significant open space.

g. Orderly Development Pattern:

Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

h. Public Interest and Intent of Regulations:

Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

The purpose and intent of the Land Development Regulations is as follows:

“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare and enforce and implement the city's comprehensive plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and life style”

There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

i. Other Matters:

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

No other matters.

Analysis of Design District Request (Ordinance Number 22-34):

Form-Based Code:

The City's Land Development Regulations are a form-based code. Design districts are unique to form-based codes. Lake County still uses traditional Euclidean zoning, so there are no design districts for parcels in unincorporated Lake County. When a parcel annexes into the City of Eustis, the City must assign a consistent design district that follows the urban, suburban, and rural transect

1. Standards for Review:

The Land Development Regulations include the following standards for review of an amendment to the Design District Map. In approving a change in the designation, the City Commission shall consider: Whether the amendment is in conflict with any applicable provisions of the Code.

a. Section 102-17(a) "...Section 109-3 Design Districts:

identifies the definition, structure, and form of each design district. The assignment of design district must follow the district pattern and intent.”

The requested amendment assigns a newly annexed parcel a designation that meets the district pattern and intent (Rural Neighborhood). There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

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.

This is the current development pattern for the area north of Lake Lincoln Land and East of Estes Road. For this property, there is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

b. Section 102-17(a)

The following guidelines must be followed when proposing the reassignment of design district:

Compatible intensities should face across streets. Changes in design districts should occur along rear alleys or lanes or along conservation edges.

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property; the proposed design district is compatible with the surrounding design districts.

c. Consistent with Comprehensive Plan:

Whether the proposed amendment is consistent with all elements of the comprehensive plan.

The requested amendment is consistent with the Future Land Use element (including Policy FLU 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. Consistent with Surrounding Uses:

Whether, and the extent to which, the proposed design district is consistent with existing and proposed land uses.

The Rural Neighborhood definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Agriculture (AG) future land use designation.

e. Changed Conditions:

Whether there have been changed conditions that justify amending the design district.

The subject property is proposed for annexation and a design district assignment is necessary. There is no proposed change in the use of the

property from its current use status in unincorporated Lake County and after annexation into the City of Eustis.

f. Public Facilities.

Whether, and the extent to which, the proposed redistricting would result in demands on public facilities, and whether, or to the extent to which, the proposed change would exceed the capacity of such public facilities, including, but not limited to police, roads, sewage facilities, water supply, drainage, solid waste, parks and recreation, schools, and fire and emergency medical facilities.

A redistricting is not proposed. This amendment will not change the demand for public facilities. Assigning a design district to an annexation property will not change the demand for public facilities.

g. Impact to Environment:

Whether, and the extent to which, the redistricting would result in significant impacts on the natural environment.

The proposed Design District designation for this property does not change the development potential of the parcel. Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity, and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. As building permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should conditions at the time of development warrant such protection.

h. Property Values:

Whether, and the extent to which, the proposed redistricting would affect the property values in the area.

Redistricting is not being proposed; a Eustis design district designation must be assigned to the annexed property. This request should not affect property values, because the proposed Design District designation is consistent with the surrounding development patterns and design districts.

i. Orderly Development Pattern:

Whether, and the extent to which, the proposed redistricting would result in an orderly and logical development pattern.

The request is the assignment of a design district to an annexation parcel, not redistricting. There is no proposed change in the use of the property from its current use status in unincorporated Lake County and after annexation into the City of Eustis, therefore the Rural Neighborhood Design District is most appropriate.

j. Public Interest and Intent of Regulations:

Whether the proposed redistricting would be in conflict with the public interest, and in harmony with the purpose and intent of these regulations.

The request is the assignment of a design district to an annexation parcel, not redistricting. The proposed Design District is not in conflict with the public interest and reflects the purpose and intent of the regulations.

k. Other Matters:

Any other matters that may be deemed appropriate by the city commission, in review and consideration of the proposed redistricting.

The request is the assignment of a design district to an annexation parcel, not redistricting. The City's Land Development Regulations are a form-based code. The Design District designations define the development form, but not the types of land use, densities, intensities, or required open space. The districts, therefore, must be consistent and follow the urban, suburban, and rural transects. This request assigns a Rural Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Findings Summary:

The proposed annexation is not in conflict with Florida Statutes. The proposed Future Land Use for the subject property is found to be consistent with the City of Eustis Comprehensive Plan and Land Development Regulations. The change of land use to the City of Eustis Agriculture (AG) designation, as associated with the voluntary annexation, is found to be consistent and equivalent to the current Lake County Future land Use designation. The Rural Design District is compatible with and compliments the Agriculture (AG) Future Land Use District.

Recommended Action:

Providing recommendations for approval of Ordinance Numbers 22-32, 22-33, and 22-34.

Policy Implications:

None

Alternatives:

1. Approval of Ordinance Numbers 22-32 (Annexation), 22-33 (Comp. Plan Amendment), and 22-34 (Design District Designation).
2. Deny of Ordinance Number Ordinance Numbers 22-32 (Annexation). Then Ordinance Numbers 22-33 (Comp. Plan Amendment) and 22-34 (Design District Designation) become void.

Budget/Staff Impact:

None

Prepared By:

Jeff Richardson, AICP, Deputy Director, Development Services

Reviewed By:

Mike Lane, AICP, Director, Development Services

ORDINANCE NUMBER 22-32

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 12 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBER 1039550, ON THE EAST SIDE OF MARSHALL ROAD, NORTH OF LAKE LINCOLN LANE.

WHEREAS, Major Stacy of Appian Engineering, LLC made an application for voluntary annexation of approximately 12 acres of real property located on the east side of Marshall Road, North of Lake Lincoln Lane, more particularly described as:

Alternate Key Number: 1039550

Parcel Number: 04-19-27-0003-000-04500

Legal Description: NW 1/4 OF SW 1/4 OF SW 1/4, W 129 FT OF NE 1/4 OF SW 1/4 OF SW 1/4 ORB 5556 PG 2366

WHEREAS, the subject property is reasonably compact and contiguous; and

WHEREAS, the annexation of this property will not result in the creation of enclaves; and

WHEREAS, the subject property is located within the City of Eustis Planning Area, and water service is available to the property; and

WHEREAS, on December 1, 2022, the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Public Hearing to consider the voluntary annexation of the property contained herein

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

SECTION 1.

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 12 acres of real property, as described above.

A map depicting the location of the annexed property described above is attached hereto as Exhibit "A".

SECTION 2.

That the Director of Development Services shall be authorized to amend the City of Eustis Boundary Map to incorporate the change described in Section 1.

SECTION 3.

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

SECTION 4.

That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida, and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

SECTION 5.

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 6.

That this Ordinance shall become effective upon passing.

SECTION 7.

That the property annexed in this Ordinance is subject to the Future Land Use Element of the Lake County Comprehensive Plan until the City adopts the Comprehensive Plan Amendment to include the annexed parcel in the City Comprehensive Plan.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____, 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 ____ day of _____, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

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

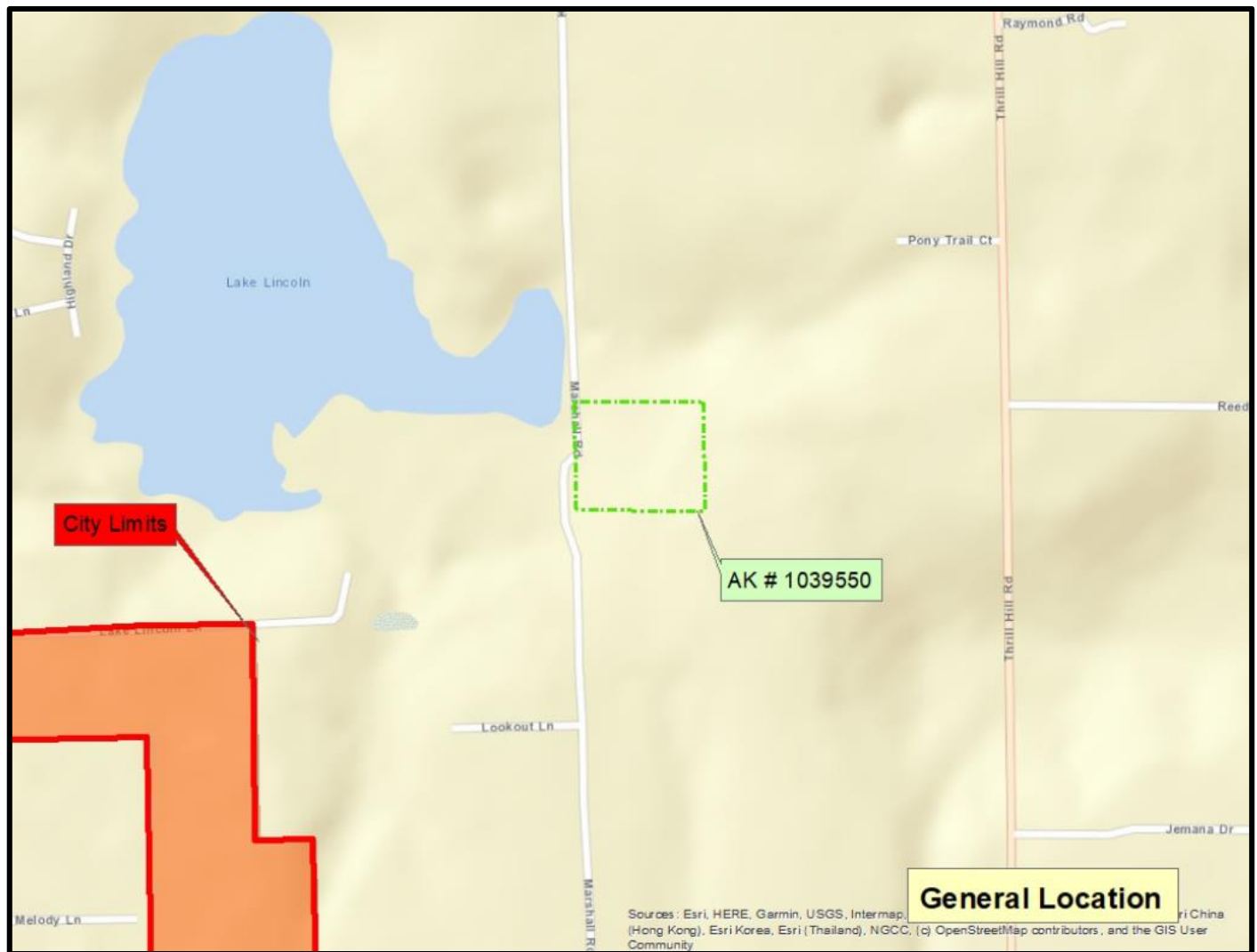
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-32 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



ORDINANCE NUMBER 22-33

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 12 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT ALTERNATE KEY NUMBER 1039550, ON THE EAST SIDE OF MARSHALL ROAD, NORTH OF LAKE LINCOLN LANE FROM RURAL TRANSITION IN LAKE COUNTY TO AGRICULTURE IN THE CITY OF EUSTIS.

WHEREAS, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

WHEREAS, State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 12 acres of real property located on the east side of Marshall Road, north of Lake Lincoln Lane, and more particularly described herein; and

WHEREAS, on December 1, 2022, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on December 1, 2022, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small-Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below shall be changed from Rural Transition in Lake County to Agriculture within the City of Eustis:

Alternate Key Number: 1039550

Parcel Number: 04-19-27-0003-000-04500

Legal Description: NW 1/4 OF SW 1/4 OF SW 1/4, W 129 FT OF NE 1/4 OF SW 1/4 OF SW 1/4 ORB 5556 PG 2366

SECTION 2.

Map Amendment and Notification: That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

SECTION 3.

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

SECTION 4.

Severability: 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.

Effective Date: 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 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 _____ day of _____, 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 ____ day of _____, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

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

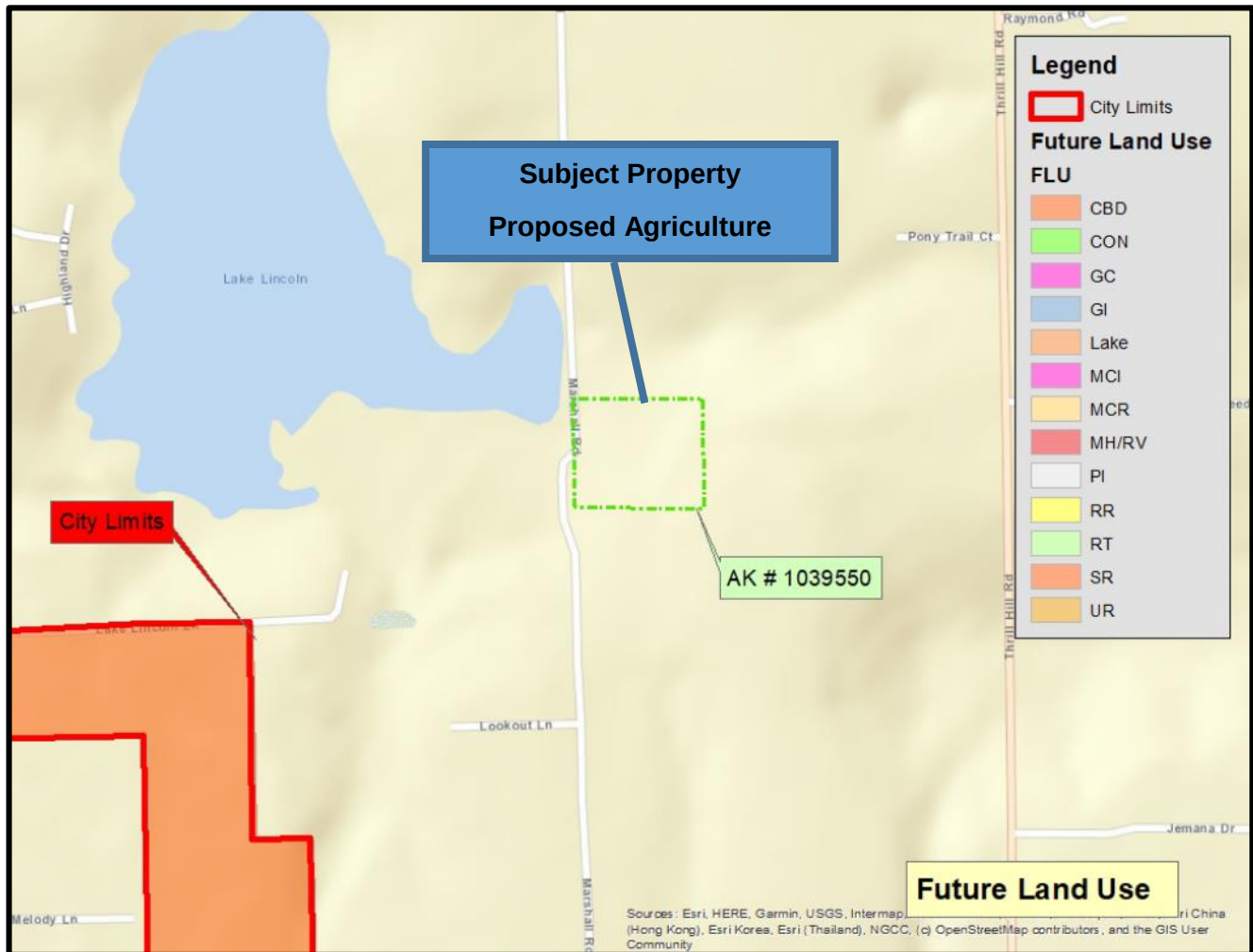
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-33 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



ORDINANCE NUMBER 22-34

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 12 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBER 1039550, ON THE EAST SIDE OF MARSHALL ROAD, NORTH OF LAKE LINCOLN LANE.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Rural Neighborhood to approximately 12 acres of recently annexed real property further described below, and

WHEREAS, on December 1, 2022, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 13, 2022, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real property described below and shown on Exhibit A shall be Rural Neighborhood:

Alternate Key Number: 1039550

Parcel Number: 04-19-27-0003-000-04500

Legal Description: NW 1/4 OF SW 1/4 OF SW 1/4, W 129 FT OF NE 1/4 OF SW 1/4 OF SW 1/4 ORB 5556 PG 2366

Section 2. Map Amendment

That the Director of Development Services shall be authorized to amend the Design District Map to incorporate the change described in Section 1.

Section 3. Conflict

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

Section 4. Severability

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. Effective Date

That this Ordinance shall become effective upon annexation of the subject property through approval of Ordinance Number 22-32.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of _____, 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 ____ day of _____, 2022, by Christine Halloran, City Clerk, who is personally known to me.

Notary Public - State of Florida
My Commission Expires:
Notary Serial Number:

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

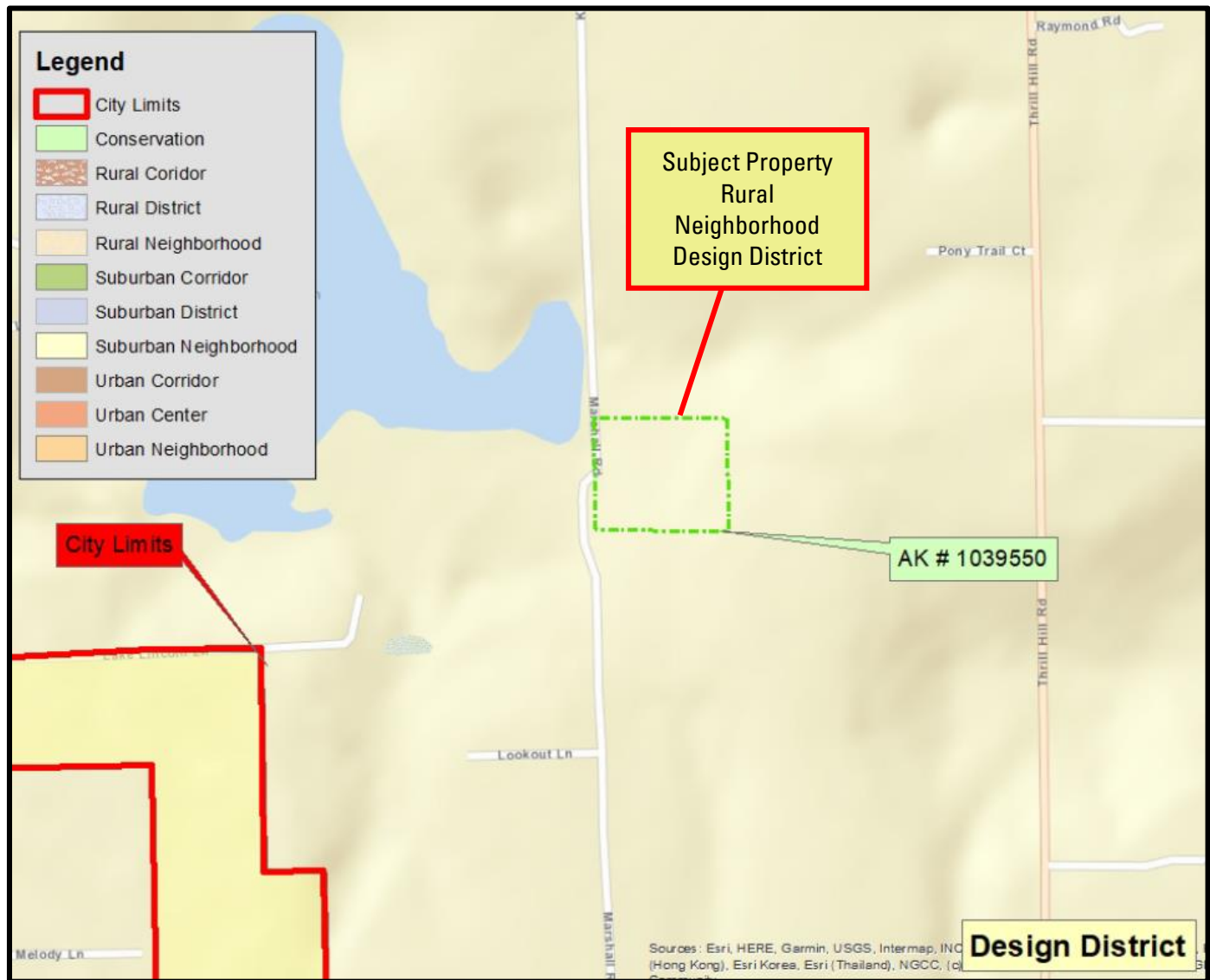
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-34 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





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 1, 2022

RE: Acceptance of 2022 City Commission Election Results

Introduction:

This item is to transmit to the City Commission for acceptance of the results of the Eustis City Commission election held on November 2, 2022, as certified by the Lake County Canvassing Board.

Background:

Attached is the Official Lake County Canvassing Board Certificate which shows Gary Ashcraft as the successful candidate for Seat #1. Commissioner-Elect Michael L. Holland for Seat #2 was unopposed for his seat.

Recommended Action:

Staff recommends acceptance of the certified election results.

Prepared By:

Christine Halloran, City Clerk

Reviewed By:

Tom Carrino, City Manager

*** Official Results ***
CERTIFICATE OF COUNTY CANVASSING BOARD
LAKE COUNTY

We, the undersigned, EMILY CURINGTON, County Court Judge, D. ALAN HAYS, Supervisor of Elections, JENNIFER HILL, BoCC Appointee, constituting the Board of County Canvassers in and for said County, do hereby certify that we met on the Eighteenth day of November, 2022 A.D., and proceeded publicly to canvass the votes given for the several offices and persons herein specified at the **Nonpartisan** held on the Eighth day of November, 2022 A.D., as shown by the returns on file in the office of the Supervisor of Elections. We do hereby certify from said returns as follows:

Retention of Justice Charles T. Canady of the Supreme Court	Yes	95,638 votes
	No	44,888 votes

Retention of Justice John D. Couriel of the Supreme Court	Yes	96,568 votes
	No	43,604 votes

Retention of Justice Jamie Grosshans of the Supreme Court	Yes	96,746 votes
	No	43,239 votes

Retention of Justice Jorge Labarga of the Supreme Court	Yes	91,003 votes
	No	48,367 votes

Retention of Justice Ricky Polston of the Supreme Court	Yes	89,373 votes
	No	49,637 votes

Retention of Judge Jay Cohen of the Fifth District Court of Appeal	Yes	89,012 votes
	No	48,943 votes

Retention of Judge James A. Edwards of the Fifth District Court of Appeal	Yes	100,047 votes
	No	37,311 votes

*** Official Results ***
CERTIFICATE OF COUNTY CANVASSING BOARD
LAKE COUNTY

Retention of Judge Brian D. Lambert of the Fifth District Court of Appeal

Yes	99,759 votes
No	38,100 votes

Retention of Judge Mary Nardella of the Fifth District Court of Appeal

Yes	96,511 votes
No	39,795 votes

Retention of Judge Dan Traver of the Fifth District Court of Appeal

Yes	96,134 votes
No	38,949 votes

Retention of Judge Carrie Ann Wozniak of the Fifth District Court of Appeal

Yes	96,000 votes
No	38,315 votes

For School Board, District 2, the whole number of votes cast was 132,416 of which

Tyler Brandeburg	received	76,275 votes
Jim Miller	received	56,141 votes

For Clermont City Council Seat 1, the whole number of votes cast was 14,515 of which

Michael Gonzalez	received	7,684 votes
Tod Howard	received	6,831 votes

For Clermont City Council Seat 3 (Mayor), the whole number of votes cast was 15,320 of which

Tim Murry	received	8,419 votes
Danielle "Dani" Page	received	6,901 votes

CERTIFICATE OF COUNTY CANVASSING BOARD
LAKE COUNTY

For Clermont City Council Seat 5, the whole number of votes cast was 14,627 of which

Chandra L. Myers	received	7,239 votes
Michele Barnard Pines	received	7,388 votes

For Eustis City Commissioner Seat 1, the whole number of votes cast was 6,432 of which

Gary Ashcraft	received	3,938 votes
Bruce Johnson	received	2,494 votes

For Groveland Council District 1 (Mayor), the whole number of votes cast was 6,449 of which

Mike Smith	received	2,849 votes
Evelyn A. Wilson	received	3,600 votes

For Groveland Council Member District 3, the whole number of votes cast was 1,599 of which

Barbara Gaines	received	911 votes
Tim Loucks	received	688 votes

For Groveland Council Member District 5, the whole number of votes cast was 1,121 of which

Dina Sweatt	received	593 votes
Randolph J. Waite Jr	received	528 votes

For Leesburg City Commissioner Seat 1, District 1, the whole number of votes cast was 898 of which

Allyson E. Berry	received	527 votes
Constance Poitier Christian	received	371 votes

For Leesburg City Commissioner Seat 2, District 2, the whole number of votes cast was 1,216 of which

Darel William Craine	received	375 votes
Alan Reisman	received	841 votes

CERTIFICATE OF COUNTY CANVASSING BOARD
LAKE COUNTY

For Mascotte City Council Seat 2, the whole number of votes cast was
1,243 of which

Meghan DeSoto	received	638 votes
Mandy Freeman	received	378 votes
Christopher Meeks	received	227 votes

For Mascotte City Council Seat 4, the whole number of votes cast was
1,236 of which

Brenda K. Brasher	received	537 votes
Jessica M. Bruno	received	699 votes

For Minneola Council Member Seat 4, the whole number of votes cast
was 4,036 of which

Paul F. Giacalone	received	1,554 votes
Erick Joel Hernandez	received	2,482 votes

For Mount Dora City Council District 3, the whole number of votes cast
was 1,047 of which

Dennis Patrick Dawson	received	552 votes
Mark Slaby	received	495 votes

For Tavares City Council Seat 1, the whole number of votes cast was
6,108 of which

Lou Buigas	received	2,980 votes
Bob Grenier	received	3,128 votes

For Tavares City Council Seat 3, the whole number of votes cast was
6,004 of which

Walter Price Sr	received	3,965 votes
James E. Sweezea	received	2,039 votes

For Arlington Ridge Community Development District, Seat 4, the whole
number of votes cast was 1,410 of which

Stephen J. Braun	received	634 votes
Ted O. Kostich	received	776 votes

*** Official Results ***
CERTIFICATE OF COUNTY CANVASSING BOARD
LAKE COUNTY

For Arlington Ridge Community Development District, Seat 5, the whole number of votes cast was 1,425 of which

Carol A. DiCicco	received	420 votes
Bob Hoover	received	1,005 votes

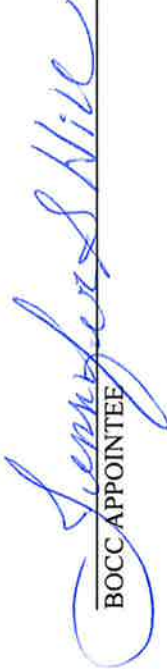
For Lake Soil and Water Conservation District, Group 1, the whole number of votes cast was 127,928 of which

Matthew Griffin	received	82,403 votes
Carlos Lugo	received	45,525 votes

We Certify that pursuant to Section 102.112, Florida Statutes, the canvassing board has compared the number of persons who voted with the number of ballots counted and that the certification includes all valid votes cast in the election.


COUNTY COURT JUDGE


SUPERVISOR OF ELECTIONS


BOCC APPOINTEE