



AGENDA

Regular City Commission Meeting

6:00 PM - Thursday, March 17, 2022 - City Hall

INVOCATION

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE
2. APPROVAL OF MINUTES
 - 2.1 March 3, 2022 - Regular City Commission Meeting
[Staff Report #22-0068 - Html](#)
[03-03-2022 CC MIN - For Approval](#)
3. PRESENTATIONS
 - 3.1 Presentation regarding FDOT crosswalks and traffic calming
[Staff Report #22-0066 - Html](#)
4. AUDIENCE TO BE HEARD
5. CONSENT AGENDA
 - 5.1 Resolution Number 22-20: Authorizing a Memorandum of Understanding for participation in the Central Florida Internet Crimes Against Children Task Force
[Staff Report #22-0063 - Html](#)
[Staff Report - Resolution Number 22-20](#)
[Resolution Number 22-20](#)
[Central FL ICAC MOU](#)
 - 5.2 Resolution Number 22-21: Approving a Memorandum of Understanding between the Eustis Police Department and Flock Group, Inc.
[Staff Report #22-0064 - Html](#)
[Staff Report - Resolution Number 22-21](#)
[Resolution Number 22-21](#)
[Flock MOU](#)
 - 5.3 Resolution Number 22-22: Purchase of aerial fire truck and begin Wastewater Treatment Plant project with America Rescue Plan Act funds
[Staff Report #22-0058 - Html](#)
[Staff Report - Res 22-22](#)
[Resolution 22-22](#)
 - 5.4 Resolution Number 22-23: Amending Fiscal Year 2021-22 Library Contribution Fund Budget for additional expenditures accessing previously accumulated fund balance.
[Staff Report #22-0059 - Html](#)
[Staff Report Budget Amendment 22-23](#)
[Resolution 22-23](#)

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

SECOND READING

- 6.1 Ordinance Number 22-06: Conditional Use Permit for the operation of a bakery retail/restaurant use in the Residential/Office Transitional (RT) land use district at 320 South Grove Street

[Staff Report #22-0062 - Html](#)

[Staff Report Ordinance 22-06](#)

[Ordinance 22-06](#)

FIRST READING

- 6.2 Explanation of Ordinances for Property located west of County Road 44B (2022-CPLUS-01):
Ordinance Number 22-07 - Voluntary Annexation
Ordinance Number 22-08 - Comprehensive Plan Amendment changing future land use designation
Ordinance Number 22-09 - Design District Assignment

[Staff Report #22-0060 - Html](#)

[Staff Report Ordinance 22-07, 22-08, 22-09 Mosteller Annex FLU DD](#)

[Ordinance 22-07 Annexation](#)

[Ordinance 22-08 FLUM](#)

[Ordinance 22-09 Design District](#)

7. OTHER BUSINESS

- 7.1 Eustis Codes Pertaining to Signage and Littering

[Staff Report #22-0065 - Html](#)

[Section 115-11 Signage - Land Development Regulations](#)

[Section 115-6.2 Central business district-urban center building design standards LDRs](#)

[Chapter 34 Article III Littering - Code of Ordinances](#)

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

Staff Report

TO: Eustis City Commission
FROM: Mary Montez, City Clerk
DATE: March 17, 2022
RE: MARCH 3, 2022 - REGULAR CITY COMMISSION MEETING

Introduction:

This item is for consideration of the minutes of the March 3, 2022, regular City Commission meeting.

Attachments:

[03-03-2022 CC MIN - For Approval](#)

Reviewed by:



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, March 3, 2022 - City Hall

INVOCATION: A MOMENT OF SILENCE WAS HELD

PLEDGE OF ALLEGIANCE: VICE MAYOR LEE

CALL TO ORDER: 6:12 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

2. APPROVAL OF MINUTES

2.1 February 17, 2022 - Regular City Commission Meeting

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve the Minutes as submitted. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

3. PRESENTATIONS

3.1 Presentation by Lake Economic Area Development Partnership (LEAD)

Mandy Wettstein reviewed the history of the Lake Economic Area Development Corporation and the intent to privatize economic development and cited the Marion Ocala CEP (Chamber Economic Partnership). She explained they have been successful in getting workforce age people (ages 30 - 38) to move to their county and they are greatly partnered in matters of workforce housing. She commented on the lack of workforce housing in Lake County. She stated that the Marion Ocala CEP was able to create 17,000 measurable jobs during the pandemic with an average wage of \$68,000. She explained Lake 100's intent to partner with the Marion Ocala CEP and noted they have been to every city in the County and indicated that only Mascotte and Minneola have not committed to joining the organization.

Ron English gave a presentation regarding the program. He explained they will be signing a contract with Ocala Marion County CEP to manage the Lake County program with the office to be located in Leesburg at the airport. He indicated that the Chambers will not be involved in the program. He stated they have met with all of the County Commissioners and they are trying to get funding for \$10,000 in

the current fiscal year and for \$500,000 in the next fiscal year. He also stated they will be also asking for \$150,000 from the County in the current fiscal year. He added they are asking each City to put in their next fiscal year budget \$2 per resident and then annually. He stated they would also be asking for some funds in advance.

The Commissioner questioned how the program will help the citizens of Eustis.

Mr. English responded that economic development in all of the cities helps everyone to win throughout the County by providing jobs.

The Commission also questioned how much control Lake County would have over the program.

Ms. Wettstein explained that the Ocala program is 80% private funded and 20% government funded. Currently, the Lake County program will be about 50/50 with the intent to shrink the government portion. The Board will consist of representatives from the member cities and the County Manager, not an elected official.

The Commission asked the connection with the Chambers with Ms. Wettstein responding they have none.

Mr. English stated they will be working with the Chambers once they are up and running.

3.2 Presentation by EHS Future Business Leaders of America - Sonya White

Sonja White, FBLA Advisor, thanked the Commission for allowing them to present. She provided a report to the Commission regarding the club's activities and their participation in the State conference. She cited the need for more mentors and financial donations to assist the club. She also cited the need to have individuals allow a member to job shadow. She introduced a number of students that would be participating at the State conference.

4. AUDIENCE TO BE HEARD

4.1 James Tilquist addressed the Commission and thanked them for how the City is looking.

Tonya Wilder addressed the Commission regarding the need for additional lighting on Palmetto near Selene. She commented on an encounter she had with a police officer at 4:00 a.m. on a weekday and her experience with the officers in question.

Mayor Holland asked her to speak with Chief Capri about her experience.

Daniel DiVenanzo addressed the Commission regarding the City Manager vacancy and expressed support for undergoing a comprehensive search.

Gail Isaac Thomas thanked the City and Commission for the Thomas McClary concert during Georgefest.

5. CONSENT AGENDA

- 5.1** Resolution Number 22-16: Vacation of unimproved right-of-way platted as Green Lake Drive in Lake Eustis Place Subdivision Plat
- 5.2** Resolution Number 22-17: Approving Multiple Annual Purchases in Excess of \$50,000 for Manhole Repairs and Rehabilitation
- 5.3** Lake County Library Advisory Board appointment
- 5.4** Historic Preservation Annual Report

Moved by Vice Mayor Lee, seconded by Commissioner Cobb, to approve the Consent Agenda as submitted. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

- 6.1** Resolution Number 22-18: Bay State South utilities agreement

Derek Schroth, City Attorney, announced Resolution Number 22-18: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; approving a utility agreement between the City of Eustis and Bay State South Community Association, Inc.; and authorizing the City Manager to execute the agreement and all other documents associated therewith.

Tom Carrino, Interim City Manager, provided a history of the Bay State South infrastructure and explained that the City has never taken over the system. He indicated the Bay State South Homeowners' Association has approached the City regarding taking over the system. He explained that the City will undertake an internal camera survey of the system to determine if there are any deficiencies. He stated the survey will be paid for by Bay State South (BSS) at a cost of approximately \$10,000. He indicated that, if there are no deficiencies, then the City would take over most of the system. He stated the City would not take over the mains and laterals adjacent to the lots on Park Street until those are relocated by BSS to a location acceptable to the City. He then explained that all of the water service lines (the lines that run from the mains to the meter) would be replaced by BSS at a cost of \$73,600; after which the City will own and maintain the lines. He stated the mains would continue to be owned and maintained by Bay State South until they are replaced at their cost. Once they are replaced to a standard acceptable to the City, ownership will transfer to the City.

Mr. Carrino then explained that the agreement provides a total payment from Bay State South of \$82,600 with half due upon signing and the remaining half financed over five years at no interest. Payments of \$8,360 would be due each January 1st for five years. He indicated that Bay State South has also agreed to provide a surety bond guaranteeing the City will be paid the balance. He concluded stating that the City is protected since the City will review the system before taking ownership and then they will be guaranteed payment through the surety bond and the significant downpayment.

The Commission asked if there are deficiencies found during the review what

would happen with Mr. Carrino stating the City would not bear those costs for repairs so it would have to come back for an addendum. He reviewed concerns that the Public Works Department has regarding the lines adjacent to the lots on Park Street due to them being either close to buildings or even under the buildings; therefore, Public Works will not accept them. He indicated that, if there are serious deficiencies, Public Works will decline to accept them.

Mark Huling, President of HOA, confirmed that Bay State South is comfortable with the agreement and ready to move forward.

Mr. Schroth opened the public hearing at 6:49 p.m.

An unidentified gentleman confirmed the amount of the downpayment noting that half would be \$41,300 not \$41,800.

There being no further public comment, the hearing was closed at 6:50 p.m.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve Resolution Number 22-18. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

6.2 Resolution Number 22-19: Agreement to cure deficiencies and abate foreclosure litigation - Colonial Inn Motel LLC

Mr. Schroth announced Resolution Number 22-19: A Resolution by the City Commission of the City of Eustis, Lake County, Florida; approving an agreement to cure deficiencies and abate foreclosure litigation; authorizing the City Manager to execute the agreement and all other documents associated therewith; and establishing an effective date.

Mr. Schroth explained the agreement with Colonial Inn Motel, Inc. provides them with 30 days to cure the deficiencies and, to the City's satisfaction, develop an interconnected fire alarm system and install the surveillance cameras on the outside. He stated the only action required at that time would be to abate the foreclosure until the Commission instructs him otherwise. He explained that, once the deficiencies are cured, it will come back to the Commission and they can refer it back to the Code Enforcement Board for a recommendation on reducing the fines and then it will come back to the Commission for final approval.

The Commission questioned whether or not the 30 days was reasonable with Mr. Schroth stating that, if necessary, they can come back and request an extension.

Mr. Schroth opened the public hearing at 6:51 p.m. There being no public comment, the hearing was closed at 6:51 p.m.

Moved by Commissioner Hawkins, seconded by Commissioner LeHeup-Smith, to approve Resolution Number 22-19. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

6.3 Ordinance Number 22-05: Planned Unit Development Overlay and Planned Unit Development Master Plan for Pine Meadows Reserve - Second Reading

Mr. Schroth read Ordinance Number 22-05 by title on final reading: An Ordinance of the City Commission of the City of Eustis, Florida; approving a Planned Unit Development (PUD) Overlay for Pine Meadows Reserve pursuant to Section 102-29 and 109-2.8 of the Land Development Regulations; approving a planned unit development (PUD) master plan for a 548-lot mixed-product single family residential subdivision on 240.43 gross acres on the north and south sides of Pine Meadows Golf Course Road, establishing permitted uses and development standards, providing for a phasing plan, providing for conditions of approval, providing for severability and an effective date.

Mr. Schroth opened the public hearing at 6:53 p.m.

The following individuals addressed the Commission in opposition to the ordinance with the following issues of too many homes, possible flooding, affect on the wildlife, overcrowding in the schools, increasing crime, building in the 100-year floodplain: 1) Terri Roher; 2) Cindy Newton; 3) Patricia Klancer; 4) Jill Neland; 5) Rebecca Polin; 6) William Peacock; 7) Nathan Hicks; 8) Jessica Smith; 9) Paine Luce; 10) Amanda Hall; 11) Sean Jenness; 12) Walter Gross; 13) Unidentified male; 14) Jessica Causden; 15) Bethany Reichwein; and 16) Unidentified male. It was suggested that individuals with larger tracts could provide space for the displaced animals.

Eileen Tramontano, Trout Lake Nature Center, requested that the City make sure the developer maintains the connection to the trail to the Nature Center.

The following individuals addressed the Commission in support of the project: 1) Daniel DiVenanzo who cited the need for affordable retail housing for workers. He also stated there is a ten-year housing shortage in Florida. 2) Stephanie Carder who also commented on Lake County trying to get rid of the Lake County Water Authority; 3) Pam Rivas who also expressed the need for workforce housing; 4) George Asbate who stated the development actually offers a variety of products and cited the need for more realistically priced homes.

Ben Sneider, Hanover Land Company, stated that the maximum that could have been allowed was 741 so the requested number is significantly lower at 548. He indicated that the buildout will not be for 7 to 9 years.

There being no further public comment, the hearing was closed at 7:39 p.m.

The Commission asked how many entrances and exits would the project have with Ayman As-Saidi, traffic engineer for the project, stating there would be one off CR 44 and one entrance off Pine Meadows Golf Course Road.

The Commission asked the estimated traffic with Mr. As-Saidi responding that the peak hour traffic is 133 per hour entering and 79 exiting. He explained the analysis is based off the morning peak and the afternoon peak.

The Commission confirmed there would only be one entrance off of CR 44 with

Mr. As-Saidi indicating there would be two lanes coming out and one lane going in. He also confirmed that the Pine Meadows entrance would be one lane in and one lane out.

Commissioner Cobb noted that 21 years ago the County had stated they would install a traffic signal which has not been done. She asked if that has been discussed.

Mr. Sneider responded that FDOT and the County requires that a study has to indicate that a light is warranted before they can install a light. He explained a light cannot be installed, even if they want to, if the study does not warrant it.

Mr. As-Saidi explained how a signal warrant study is conducted and what is required for a light.

The Commissioner confirmed that 52% of the land will not be developed with Mr. Sneider explaining they are actually only required to provide 25% open space and no development is occurring within the wetlands.

The Commission confirmed there has not been a lot of crime in that area and asked Chief Swanson about the impact of the anticipated traffic with Chief Swanson responding it would not have a significant impact.

The Commission then asked how they came to the number of houses proposed with Mr. Sneider explaining how it was determined. He stated they looked at how they wanted to develop the site and then backed into the number of homes. He then commented on the amount of amenities to be included with park space, trails and the wetlands.

The Commission asked about the possibility of flooding with Mr. Sneider commenting on their wetlands engineer and his expertise and how they will make sure each home will be protected from flooding during heavy rains.

The Commission asked about the possible impact on the wildlife with Mr. Sneider indicating there is a lot of space for the existing wildlife. He commented on the previous use of the site as a golf course and then a sod farm so there was probably not a lot of wildlife at that time.

The Commission confirmed the buildout would be seven to nine years with Mr. Sneider indicating it will probably be two years before they are ready to sell so probably 11 years until buildout. He indicated there is a mix of product within each phase.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to adopt Ordinance Number 22-05 on final reading. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

6.4 Ordinance Number 22-06: Conditional Use Permit for the operation of a bakery retail/restaurant use in the Residential/Office Transitional (RT) land use district at

320 South Grove Street.

Mr. Carrino introduced the new Deputy Director of Development Services Jeff Richardson.

Mr. Schroth read Ordinance Number 22-06 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; approving a Conditional Use Permit to allow the operation of a bakery retail/restaurant use in a residential office/transitional land use district at 320 South Grove Street.

Heather Croney, Senior Planner, reviewed the requested Conditional Use Permit for a bakery retail/restaurant use at 320 S. Grove Street. She stated the property has a future land use designation of RT (Residential Office Transitional) with an Urban Corridor design district. She explained that a bakery is not allowed in that designation by right only by conditional use. She provided an overview of the site and explained the need for an agreement to allow access to the bakery through the house driveway. She explained the regulations pertaining to a conditional use permit. She stated staff's recommendation for approval of the CUP with the following conditions: 1) Perpetual access easement with adjacent property; 2) Off-site parking will only occur where such parking is allowed in accordance with the City of Eustis laws and ordinances; 3) Site plan approval within six months; 4) Property building permits will be pulled as needed which may include a change of use building permit; 5) Permit approval prior to signage additions/modifications; 6) Business Tax Receipt approval; 7) All approvals and permits to be completed within one year; 8) Any CUP modifications will require City Commission approval; and 9) Recommended that the business address any deficiencies pertaining to accessibility.

The Commission asked where offsite parking would be located with Ms. Croney stating it would be on Ward Avenue or at the parking garage. She confirmed it is not specifically designated.

The Commission further asked about the parking with Ms. Croney explaining that the commercial parking will be based on the square footage.

The Commission asked what is planned for the retail portion with Dett Jolks responding that it is an authentic French bakery and they would offer French related items. He commented on the history of the previous uses of the property.

The Commission expressed concern regarding how the parking traffic will flow onto Grove Street and Ward.

The Commission questioned the restaurant use with Mr. Jolks explaining they have dropped the restaurant use to reduce the parking issue. He confirmed they would also be purchasing the house and confirmed there would not be any other activity in the building when they go on vacation.

Mr. Schroth opened the public hearing at 8:13 p.m.

The following individuals expressed support for the bakery: 1) Marie Aliberti; 2) Gail Isaac Thomas; 3) Dee Gretzler; 4) Nathan Hicks; and 5) Vicki Langerfeld.

David Porter expressed concern about the parking noting that the church members had parked across the street at the gas station.

There being no further public comment, the hearing was closed at 8:20 p.m.

Mr. Schroth asked Commissioner Hawkins if he would have a conflict of interest due to the proximity to property he owns with Commissioner Hawkins confirmed he would not have a conflict.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Hawkins, to approve Ordinance Number 22-06 on first reading. Motion carried by the following votes:

Ayes: Vice Mayor Lee, Commissioner LeHeup-Smith, Commissioner Cobb, Commissioner Hawkins and Mayor Holland

7. OTHER BUSINESS

- 7.1** Mayor Holland announced that the Fire Department had raised 32,258 pounds of food for Lake Cares Pantry. He noted a plaque the department received in recognition of raising the most food during the drive.

7.2 Presentation regarding Bates Avenue Wastewater Treatment Plant Expansion and ARPA Funding

Mr. Carrino reported on the award of the ARPA funds to the City and reviewed the criteria for use of the funds. He explained the original rule for use of the funds to replace lost revenue was extremely complicated so the federal government changed it to assume that each municipality lost at least \$10 million; however, it cannot be used to replace lowered taxes.

Rick Gierok, Public Works Director, provided a presentation regarding the planned expansion of the Bates Avenue Wastewater Treatment Plant (WWTP). He provided an overview of the wastewater treatment plant history. He stated that the plant serves all City residents with the eastern plant serving Red Tail and other developments outside the City to the east. He then provided a report on the planned expansion and the related RFP. He stated for a 20-year plan the estimated expansion need is for a 1 million MGD expansion. He then reviewed the project alternatives and the pros and cons of each as follows: 1) Meet the demand needs at the minimum price; and 2) Meet the 20 year demands in the most economical manner. He commented on the difficulty in estimating the construction costs. He then provided an overview of a third alternative which would provide a minimum 5,000,000 GBD expansion at \$7.8 million but would have some built-in flexibility. He stated there is currently \$7 million in the sewer fund. He commented on the possibility of either using a state revolving low interest loan or the ARPA funds for the project. He estimated the total cost at \$9.4 million.

Mike Sheppard, Finance Director, reviewed the City's current outstanding bonds and notes stating that the wastewater plant loan would double the City's indebtedness. He commented on the inflation rate and how much the annual interest rate might increase. He recommended the use of the ARPA funds for the plant to minimize the City's indebtedness. He commented on other projects that

were suggested for the funds. He emphasized the need for a new fire truck and explained the cost for the truck stating that a payment has to be made in March in order to capture the cost and order the truck. He stated that the fire truck would be eligible for the ARPA funds and explained the original cost of the truck was planned to be paid out \$290,000 per year over the next five years. He explained that, if the Commission agrees to the use of the ARPA funds for the truck, staff would bring back a resolution.

Mr. Carrino stated that if the ARPA funds are used for the plant it will help hold down the utility rates. He stated that if the plan meets the approval of the Commission staff will bring back immediately a resolution for the fire truck with the wastewater treatment plant to come back later. He indicated that using the ARPA funds will also free up sales tax money for other projects.

Chief Swanson explained that the planned fire truck is a 100-foot aerial platform truck. He cited the number of taller buildings in the City and indicated that the existing 85-foot aerial truck is 22 years old and is being traded in due to the age and condition of the vehicle.

The Commission asked what the problem was with Alternative #2 with Mr. Gierok explaining it was primarily the budget. He stated that without approval to use the ARPA funds he did not have the budget to proceed with the plans. He confirmed that if the ARPA funds are approved, then it would be essentially Alternative #2 that would be used.

CONSENSUS: It was a consensus of the Commission to proceed with both projects using the ARPA funds.

7.3 Request for Direction on former Waterman site

Mayor Holland confirmed that the Commission wanted to continue with the agenda.

Mr. Carrino explained how the request for proposals may be prepared versus a request for qualifications and how the processes differ. He stated staff's recommendation that they utilize a request for qualifications process after going back to the CRA Board. He asked for Commission direction regarding how to proceed. He explained the benefit to utilize the RFQ process and then obtain more input from the stakeholders. He also explained that, if they receive multiple applicants and can't make a final decision, they could then issue an RFP that would only be open to the selected applicants.

Discussion was held regarding when the RFQ would go back to the CRA Board with Mr. Carrino indicating the first meeting in April due to his vacation in mid-March.

CONSENSUS: It was a consensus of the Commission for staff to bring back an RFQ to the CRA Board at the first meeting in April.

7.4 Eustis Codes Pertaining to Signage and Littering

CONSENSUS: It was a consensus of the Commission to postpone the discussion to the next meeting.

7.5 Discussion regarding City Manager Vacancy

Bill Howe, Human Resources Director, reminded the Commission that previously the Commission had decided to postpone the search for a new City Manager and provide adequate time for the Acting City Manager Tom Carrino to prove his ability to undertake the job. At that time, it was agreed that further discussion on the vacancy would occur after Georgefest. He stated staff is now asking for direction from the Commission regarding how to proceed. He explained the process that would be used if they decided to proceed with a search.

Discussion was held regarding what the cost would be for an executive search with Mr. Howe indicating the approximate cost would be \$20,000 and would take approximately six months.

Commissioner LeHeup-Smith expressed support for issuing an RFP for an executive search.

Commissioner Cobb asked Mr. Carrino if he is interested in staying in the City Manager seat or if he would prefer to return to Economic Development.

Mr. Carrino responded that he is enjoying what he is doing and willing to do whatever is requested. He acknowledged that he does not have extensive City Manager experience but willing to serve at the pleasure of the City Commission.

Commissioner Hawkins noted he had discussed with Mr. Carrino whether he can do the job and work with five "type A" Commissioners and be able to tell them "no" when necessary. He stated that Mr. Carrino indicated he could. He commented on how much work Mr. Carrino puts in and emphasized he needs to run the City, not the Commission.

Vice Mayor Lee commented on the process used by the trustees at the college in selecting a new president.

Mr. Carrino commented that, if the Commission is interested in hiring a manager with extensive City Manager experience, then they should use the RFP process but stated his willingness to stay in the position.

Vice Mayor Lee emphasized the need for Mr. Carrino to do the job of the manager the way he sees fit.

Commissioner Hawkins commented on Mr. Carrino's passion for the job.

Commissioner Cobb noted she spoke with him about continuing education once the other jobs are filled.

Commissioner LeHeup-Smith expressed concern about what the City is facing and Mr. Carrino having to learn by fire which is not always the best way to learn.

Mayor Holland stated he thinks Mr. Carrino sells himself short. He commented on the amount of effort he puts into the job. He expressed support for hiring Mr. Carrino as the permanent City Manager. He asked if Vice Mayor Lee would work with Mr. Schroth and Bill Howe on a contract.

Mr. Schroth noted the contract would need to address a timeframe for Mr. Carrino to move into the City.

CONSENSUS: It was a consensus of the Commission to appoint Mr. Carrino as the permanent City Manager and for HR to immediately begin the search for a new Economic Development Director.

8. FUTURE AGENDA ITEMS: NONE

9. COMMENTS

9.1 City Commission

Commissioner Hawkins asked if the City could get additional lighting installed in the dark area on Palmetto with Rick Gierok indicating he would drive through and look at it to make sure the intersection is lit.

Mayor Holland noted the park was not there when the last lighting study was done.

Commissioner Hawkins announced the Eustis High School Band would be holding a Jazz Revue in Ferran Park. He commented on the amount of use Ferran Park is receiving.

Mayor Holland asked for Mr. Carrino to check the Commission budget and see if they could purchase a table for the Jazz Revue at the cost of \$140.

Commissioner Hawkins asked to find out if the "mow to own" was ever awarded to a not-for-profit with it to be discussed at the CRA Review Committee meeting.

Commissioner Hawkins asked about the roadwork being done on Woodward with Mr. Gierok reporting that the City conducted the first phase and now the next phase is being done by the contractor and consists of the sewer, water and stormwater. He indicated they are two weeks behind schedule due to groundwater issues. He stated he would determine the projected end date and provide a report to all of the Commissioners.

Commissioner Hawkins noted the issues the Bay Street Players have had that they are working through and may have turned it around. He expressed support for the City to get more involved noting that he would be attending the "Play Your Part" fundraiser.

Mayor Holland indicated he would also be attending so the City Clerk needs to add it to the Commission's meeting notices.

Vice Mayor Lee asked to have on the next agenda a discussion about the blighted areas especially those in the County. She complimented the Eustis Community Alliance on their work at the resource center on Clifford Street. She mentioned that the funeral of Supervisor of Election Alan Hays' mother had been that day.

Commissioner LeHeup-Smith reported on the success of the "Spayghetti" dinner. She thanked Chris and James Tilquist for their assistance and George Asbate for

the auction. She noted the passing of John Harvison. She complimented everyone on how great Georgefest was. She thanked the Public Works and Public Safety employees for all of their work during the event.

Vice Mayor Lee also noted the success of the African American Heritage Festival.

Commissioner Cobb reported she is going to be meeting with County Commission Chair Sean Parks on Monday to drive him around and show him the blighted areas that are the County's responsibility.

9.2 City Manager

Mr. Carrino reported the County had expressed concern regarding an annexation application coming to the Commission on March 17th that may be creating an enclave. He stated City staff will be working with the County staff to review the application.

Commissioner Hawkins questioned how successful those meetings are with Mr. Carrino explaining that they work with County staff.

Mr. Carrino then asked if the Commission was interested in donating to Project Graduation with a consensus of the Commission to provide a donation.

Mr. Carrino noted that Vice Mayor Lee asked about a charette for Palmetto Plaza and stated he and Rick Gierok would be meeting with the original designer to discuss that. He then reminded the Commission that the CRA Review Committee would be meeting on March 10th and reported that staff met with FDOT regarding the issues at the 441 and 19 entrance and they have begun work on that.

9.3 City Attorney - None

9.4 Mayor

Mayor Holland complimented the African American Heritage Committee on a wonderful festival. He thanked staff and the vendors for a great Georgefest. He thanked the audience for staying throughout the meeting. He then announced the passing of Emogene Stegall, former Supervisor of Elections, at the age of 95 and asked for prayers for her family noting how long she served the citizens of Lake County.

10. ADJOURNMENT

**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 may be obtained from the office of the City Clerk for a fee.*

MARY C. MONTEZ
City Clerk

MICHAEL L. HOLLAND
Mayor/Commissioner



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 17, 2022
RE: PRESENTATION REGARDING FDOT CROSSWALKS AND TRAFFIC CALMING

Introduction:

At the request of the Commission, Public Works Director Rick Gierok will provide an update regarding the planned FDOT crosswalks and traffic calming.

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 11 Mar 2022

Approved - 11 Mar 2022



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 17, 2022
RE: RESOLUTION NUMBER 22-20: AUTHORIZING A MEMORANDUM OF UNDERSTANDING FOR PARTICIPATION IN THE CENTRAL FLORIDA INTERNET CRIMES AGAINST CHILDREN TASK FORCE

Introduction:

Resolution Number 22-20 approves the Memorandum of Understanding between the Eustis Police Department and the Central Florida Internet Crimes Against Children Task Force.

Background:

See attached Staff Report.

Attachments:

[Staff Report - Resolution Number 22-20](#)

[Resolution Number 22-20](#)

[Central FL ICAC MOU](#)

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 11 Mar 2022

Mary Montez, City Clerk

Approved - 11 Mar 2022



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, INTERIM CITY MANAGER

DATE: MARCH 17, 2022

RE: RESOLUTION NUMBER 22-20
APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE
EUSTIS POLICE DEPARTMENT AND THE OSCEOLA COUNTY
SHERIFF'S OFFICE TO OPERATE WITHIN THE CENTRAL FL INTERNET
CRIMES AGAINST CHILDREN TASK FORCE

Introduction:

Resolution Number 22-20 approves the Memorandum of Understanding between the Eustis Police Department and the Central Florida Internet Crimes Against Children Task Force.

Background:

The purpose of this memorandum of understanding is to formalize working relationships between participating agencies to work in a collaborative effort to combat technology-facilitated exploitation of children. The Internet Crimes Against Children Task Force will provide an infrastructure of technical assistance, equipment, training, and other funding opportunities to achieve these goals. Joining the task force promotes a coordinated effort investigating and prosecuting said crimes.

Recommended Action:

Staff recommends approval of the resolution.

Budget Impact:

None

Prepared by:

Pam Gordon, Police Support Coordinator

Reviewed by:

Craig Capri, Police Chief

RESOLUTION NUMBER 22-20

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AUTHORIZING AND DIRECTING THE CITY MANAGER AND POLICE CHIEF OF THE CITY OF EUSTIS TO ENTER INTO A MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF EUSTIS AND THE OSCEOLA COUNTY SHERIFF'S OFFICE PERTAINING TO PARTICIPATING IN THE CENTRAL FLORIDA INTERNET CRIMES AGAINST CHILDREN TASK FORCE

WHEREAS, the Osceola County Sheriff's Office operates the Central Florida Internet Crimes Against Children Task Force; and

WHEREAS, the Central Florida Internet Crimes Against Children Task Force is comprised of the Department of Justice, Office of Juvenile Justice and Delinquency Prevention, the Osceola County Sheriff's Office and other law enforcement agencies; and

WHEREAS, the City of Eustis Police Chief desires to participate in the Central Florida Internet Crimes Against Children Task Force by assigning sworn officers from the City of Eustis Police Department to the Central Florida Internet Crimes Against Children Task Force;

NOW, THEREFORE, BE IT RESOLVED the City Commission of the City of Eustis, Florida, directs and authorizes the City Manager and Police Chief to complete a Memorandum of Understanding with the Osceola County Sheriff's Office to allow participation within the Central Florida Internet Crimes Against Children Task Force.

DONE AND RESOLVED, this 17th day of March 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 17th day of March 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are 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 reliance of the Eustis City Commission.

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-20 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.

Mary C. Montez, City Clerk

CENTRAL FLORIDA INTERNET CRIMES AGAINST CHILDREN TASK FORCE MEMORANDUM OF UNDERSTANDING

I. PARTIES

The Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention, has selected the Osceola County Sheriff's Office as the Task Force Lead Agency for the Central Florida ICAC Task Force. The Osceola County Sheriff's Office utilizes this grant to administer and operate the Task Force enforcing laws regarding Internet Crimes Against Children (ICAC).

This Memorandum of Understanding (MOU) is entered between the Osceola County Sheriff's Office and the ~~Eustis~~ **Eustis Police Department**.

II. PURPOSE

The purpose of this MOU is to formalize working relationships between participating agencies who agreed to work in a collaborative effort to combat technology-facilitated exploitation of children in the State of Florida and nationwide. The ICAC provides an infrastructure of technical assistance, equipment, training and other funding opportunities to meet these goals. By signing this MOU, participants are agreeing to join the Central Florida ICAC Task Force for the purpose of promoting a coordinated effort investigating and prosecuting said crimes.

A. GOALS AND OBJECTIVES

The Central Florida ICAC Task Force aims to increase the awareness and response to technology-facilitated child exploitation.

The Central Florida ICAC Task Force, through partnership with affiliate agencies, looks to increase the investigative capabilities of law enforcement officers in regards to ICAC investigations, continue with the apprehension of ICAC offenders, conduct proactive investigations, follow up on cyber tips and increase the number of ICAC cases being prosecuted.

III. RESPONSIBILITIES OF THE PARTNERING AFFILIATE AGENCY

The actions and activities of the Central Florida ICAC Task Force will be governed by the Operational and Investigative Standards of the United States Department of Justice, Office of Juvenile and Delinquency Prevention. Affiliate agencies must understand and comply with the standards. These standards are proprietary to the Internet Crimes Against Children Task Force Program. A copy of the standards has been provided to each participating agency executing the agreement by the Osceola County Sheriff's Office.

While a part of the Central Florida ICAC Task Force, the undersigned agency agrees to perform the following actions.

A. ATTENDANCE

Attend regular meetings to include any quarterly affiliate meetings hosted by the Osceola County Sheriff's Office. Notice of Task Force meetings is provided through email.

B. INVESTIGATIONS

The cyber tip line is congressionally mandated as a reporting mechanism for crimes involving the sexual exploitation of children. Central Florida ICAC Task Force affiliate supervisors should be familiar with Case Management in the ICAC Operational and Investigative Standards. Central Florida ICAC Task Force supervisors are responsible for determining investigative priorities when assigning cyber tips to their respective detectives.

As the designated Central Florida Task Force lead agency, the Osceola County Sheriff's Office acts as a clearinghouse for cyber tips that occur in Central Florida and disseminate these tips to the appropriate agencies with jurisdiction.

Affiliates will investigate cyber tips and case referrals. After doing so, affiliates are to provide the Central Florida ICAC Task Force Commander with a final status of the assigned investigations. The final status update completed for each cyber tip or referral ensures assigned cases have been investigated.

C. REPORTING

Affiliate agencies must maintain a case log of ICAC related crimes, either through agency case management systems, or through one provided by ICAC. The chosen method must reflect both the investigative and prosecutorial process with timely accuracy.

All affiliates must submit their monthly activity to the Central Florida ICAC Task Force Commander by the 10th of each month using the ICAC Monthly Performance Measures Report or ICAC Monthly Data Report.

An absence of submissions will result in declination to fund any affiliate ICAC activity. Submission of data showing inactivity will not necessarily result in a declination of funding, although extended inactivity could result in the termination of this agreement by the Osceola County Sheriff's.

D. MENTAL HEALTH SERVICES

Affiliates should provide mental health services for any investigator or prosecutor involved in ICAC work. A particular frequency of preventative mental health screenings is not mandated; however, screenings are encouraged at an annual basis.

IV. RESTRICTIONS

A. CONFIDENTIAL INFORMATION

Any confidential information pertaining to investigations of ICAC crimes will be held in the strictest confidence, and will only be shared in manner consistent with protections afforded under federal or

Florida law, and with the approval of the agency that authored the record or produced the information or as otherwise required by federal or Florida law.

B. MEDIA RELATIONS

Individual members affiliated with the ICAC program may not speak on behalf of the ICAC Program as a whole, but may speak to members of the media about their own department's ICAC related activities.

Task Force members and agencies will coordinate press releases/announcements with all involved agencies pertaining to the specific investigation and any matters concerning ICAC operations shall not include information regarding confidential information.

C. FUNDING/REIMBURSEMENT OF ACTIVITIES

All ICAC funding of affiliate activities to include travel, lodging and tuition will be reimbursed upon successful conclusion of the activity.

ICAC computers, software and equipment purchased utilizing ICAC Grant funded monies shall be reserved for the exclusive use of agency designated ICAC personnel for ICAC investigations. All equipment, software and supplies shall remain under the ownership of the Osceola County Sheriff's Office. An inventory accountability audit shall be conducted at a minimum of every two (2) years to ensure proper policy is being followed regarding the possession, use, maintenance, operation, control and disposal of all ICAC related equipment. Designated ICAC agencies shall be subject to on-site inventories if selected.

All funding is dependent upon the Osceola County Sheriff's Office remaining the Task Force Agency for the Central Florida ICAC Task Force and funding being available for reimbursement by the Department of Justice, Office of Juvenile Justice and Delinquency Prevention.

V. LIABILITY

All affiliates acknowledge that the ICAC Task Force is a joint effort in which all agencies act as partners. The Osceola County Sheriff's Office ICAC Commander and/or Deputy Commander will act as a point of contact for supervisors and investigators from affiliate agencies.

Should any intended law enforcement activity conducted pursuant to this MOU conflict with any statute, regulation or agency policy, aforementioned statute, regulation or agency policy shall take precedence and ICAC shall be so notified.

This MOU is not intended and should not be construed to create any right or benefit, substantive or procedural, enforceable by law or otherwise by any third party against the parties, the United States, or the officers, employees, agents, or other associated personnel thereof.

VI. NOTICE AND CONTACT

Osceola County Sheriff's Office Representatives

Sergeant Kyle Glynn
CFICAC Task Force Commander
Osceola County Sheriff's Office
2601 East Irlo Bronson Memorial Highway
Kissimmee, Florida 34744
Work Cell 407-655-5812
Kyle.Glynn2@osceola.org

Detective Matthew Raymond
CFICAC Deputy Task Force Commander
Osceola County Sheriff's Office
2601 East Irlo Bronson Memorial Highway
Kissimmee, Florida 34744
Work Cell 407-785-0339
mray@osceola.org

VII. TERMS OF AGREEMENT

The term of this MOU shall become effective based on the signature date and will automatically renew each year thereafter.

Any affiliate agency may withdraw or cancel participation in this Task Force without liability to any other party by providing written notice of intent to the Osceola County Sheriff's Office no less than 30 days prior to thereto. Upon written notice of intent to withdraw from the Task Force, all equipment, software, hardware and/or supplies purchased from the federal grant shall be returned to the Osceola County Sheriff's Office prior to the effective date of cancellation.

An agency's participation in the MOU may be terminated by and upon the Osceola County Sheriff's Office giving written notice to the other participating agencies or in the event the federal grant funding ceases.

This MOU may be modified upon the mutual written agreement of the parties.

VIII. SIGNATURES

Signed on the 17th day of March, 2022.

Agency Representative (Signature)

Rank/Agency Representative (Printed Name)

Signed on the _____ day of _____, 2022.

Osceola County Sheriff's Office Representative (Signature)



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 17, 2022
RE: RESOLUTION NUMBER 22-21: APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE EUSTIS POLICE DEPARTMENT AND FLOCK GROUP, INC.

Introduction:

Resolution Number 22-21 approves the Memorandum of Understanding between the Eustis Police Department and the Flock Group, Inc.

Background:

See attached Staff Report.

Attachments:

[Staff Report - Resolution Number 22-21](#)

[Resolution Number 22-21](#)

[Flock MOU](#)

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 11 Mar 2022

Mary Montez, City Clerk

Approved - 11 Mar 2022



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, INTERIM CITY MANAGER

DATE: MARCH 17, 2022

RE: RESOLUTION NUMBER 22-21
APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE
EUSTIS POLICE DEPARTMENT AND FLOCK GROUP, INC. FOR LICENSE
PLATE READER DETECTION PLATFORM

Introduction:

Resolution Number 22-21 approves the Memorandum of Understanding between the Eustis Police Department and the Flock Group, Inc.

Background:

The purpose of this memorandum of understanding is to allow authorized users of the Eustis Police Department to access Flock Group, Inc's platform and dashboard. Such platform houses pictures and videos utilizing the software for automatic license plate reader detection which will be used for investigative purposes by the authorized users from the Eustis Police Department.

Recommended Action:

Staff recommends approval of the resolution.

Budget Impact:

None

Prepared by:

Pam Gordon, Police Support Coordinator

Reviewed by:

Craig Capri, Police Chief

RESOLUTION NUMBER 22-21

**A RESOLUTION BY THE CITY COMMISSION OF THE
CITY OF EUSTIS, FLORIDA; AUTHORIZING AND
DIRECTING THE CITY MANAGER AND POLICE CHIEF
OF THE CITY OF EUSTIS TO ENTER INTO A
MEMORANDUM OF UNDERSTANDING BETWEEN THE
CITY OF EUSTIS AND FLOCK GROUP, INC FOR
LICENSE PLATE READER DETECTION**

WHEREAS, the Flock Group, Inc. maintains a platform and dashboard with pictures and videos from their license plate readers;

WHEREAS, the Flock Group, Inc. will allow the City of Eustis Police Department access to such platform and dashboard for investigative purposes:

WHEREAS, the City of Eustis Police Chief desires to have access to such platform and database and assigns authorized users to have access;

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, directs and authorizes the City Manager and Police Chief to complete a Memorandum of Understanding with the Flock Group, Inc to allow access to their platform and dashboard.

DONE AND RESOLVED, this 17th day of March 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 17th day of March 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are 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 Eustis City Commission.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-21 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.

Mary C. Montez, City Clerk

MEMORANDUM OF UNDERSTANDING

This Data Sharing Memorandum of Understanding (hereinafter "**MOU**") is entered into by and between Flock Group, Inc. with a place of business at 2588 Winslow Drive, Atlanta, GA 30305 ("**Flock**") and Eustis Police Department with a place of business at 51 E. Norton Ave. ("**Agency**") (each a "**Party**", and together, the "**Parties**").

Whereas, Agency desires to access Flock's technology platform and Flock Safety dashboard (together, the "**Flock Service**") for investigative purposes, in order to view and search photos and videos recorded by Flock ("**Recordings**") which are stored for no longer than thirty (30) days, utilizing its software for automatic license plate detection;

Whereas, Flock desires to share such Recordings and supplemental data with Agency pursuant to the following terms and conditions:

1. **Purpose.** To allow the Agency to utilize the Flock Services for the following purpose: to gain awareness with respect to the communities for which they serve to protect and facilitate investigations (the "Purpose").

2. **Access Rights to Flock Services.** Subject to the terms and conditions contained in this MOU, Flock hereby grants to Agency a non-exclusive, non-transferable right to access the features and functions of the Flock Service during the Term (as defined below), solely for use by Authorized Users in accordance with the terms and conditions herein. For purposes of this MOU, "Authorized Users" will mean employees, agents, or officers of Agency accessing or using the Flock Services for the Purpose. Agency acknowledges and agrees that, as between Agency and Flock, Agency shall be responsible for all acts and omissions of Authorized Users, and any act or omission by an Authorized User which would constitute a breach of this MOU, shall be deemed a breach of this MOU by Agency. Agency shall undertake reasonable efforts to make all Authorized Users aware of the provisions of this MOU as applicable to such Authorized User's use of the Flock Service, and shall cause Authorized Users to comply with such provisions.

3. **Restrictions on Use.** Agency will not, and will not permit any Authorized Users or any third party to, (i) copy or duplicate any of the Flock Service; (ii) decompile, disassemble, reverse engineer or otherwise attempt to obtain or perceive the source code from which any software component of any of the Flock Service is compiled or interpreted; (iii) modify, alter, or tamper with any of the Flock Service, or create any derivative product from any of the foregoing; (iv) interfere or attempt to interfere in any

manner with the functionality or proper working of any of the Flock Service; (v) remove, obscure, or alter any notice of any intellectual property or proprietary right appearing on or contained within any of the Flock Service; or (vi) assign, sublicense, sell, resell, lease, rent or otherwise transfer or convey, or pledge as security or otherwise encumber, Agency's rights under Sections 2. Agency may only access Recordings and Flock Service to perform the Purpose, as described in Section 1. Agency shall not use the Flock Service in any manner not permitted by appropriate governing Federal and State regulations or laws; Agency represents and warrants that, in receiving access to Flock Services, such Recordings and supplemental data shall be used solely for purposes authorized by law and described in this MOU.

4. Ownership. As between the Parties, subject to the rights granted in this MOU, Flock and its licensors retain all right, title and interest in and to the Flock Service, and its components and any Recordings or data provided by Flock through the Flock Service, and Agency acknowledges that it neither owns nor acquires any additional rights in and to the foregoing not expressly granted by this MOU. Agency further acknowledges that Flock retains the right to use the foregoing for any purpose in Flock's sole discretion. There are no implied rights.

5. Warranty. Flock and its licensors make no express or implied warranty as to the conditions of the Recordings, or fitness for a particular research, data, investigative purpose or resulting actions or omissions resulting from Recordings and supplemental data obtained by Agency through the use of Flock Services.

6. Financial Implications to Agency. No financial commitment by Agency is required to access the Flock Services or Recordings.

7. Term; Termination.

A. Term. This MOU will commence once executed by both parties and shall continue for a period of Five (5) years.

B. Termination. Prior to expiration of the Term, Flock may terminate this MOU for its convenience, and in its sole discretion, by providing Agency thirty (30) days prior written notice of termination. Agency may terminate this MOU for its convenience, and in its sole discretion, by providing Flock ninety (90) days prior written notice of termination. Either party may terminate this MOU upon written notice if the other party has breached a material term of this MOU and has not cured such breach within thirty (30) days of receipt of notice from the non-breaching party specifying the breach. Upon termination of this MOU, Agency will immediately cease all use of

Flock Services. This MOU is subject to termination without written notice after expiration of the Term.

8. Indemnification. Each Party to this MOU shall assume the responsibility and liability for the acts and omissions of its own employees, deputies, officers, or agents, in connection with the performance of their official duties under this MOU. Parties shall indemnify and hold harmless each other against any suits, claims, actions, complaints, or liability of any kind, which relate to the use of or reliance on Flock Service. For tort liability purposes, no participating Party shall be considered the agent of the other participating Party. Each Party to this MOU shall be liable (if at all) only for the torts of its own officers, agents, or employees that occur within the scope of their official duties. Under no circumstances shall this MOU be interpreted to create a partnership or agency relationship between the Parties.

9. Limitation of Liability.

A. Limitation on Direct Damages. TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW, IN NO EVENT SHALL FLOCK, ITS OFFICERS, DIRECTORS, AGENTS, EMPLOYEES OR REPRESENTATIVES BE LIABLE FOR ANY AMOUNT GREATER THAN THE FEES PAID TO FLOCK UNDER THIS MOU, OR \$100 IN UNITED STATES CURRENCY, WHICHEVER IS GREATER, WITHOUT REGARD TO WHETHER SUCH CLAIM IS BASED IN CONTRACT, TORT (INCLUDING NEGLIGENCE OR STRICT LIABILITY), PRODUCT LIABILITY OR OTHERWISE.

B. Waiver of Consequential Damages. IN NO EVENT SHALL FLOCK OR ITS LICENSORS OR SUPPLIERS BE LIABLE FOR ANY INDIRECT, SPECIAL, PUNITIVE OR CONSEQUENTIAL DAMAGES, INCLUDING, WITHOUT LIMITATION, LOSS OF DATA OR LOSS OF PROFITS, WITHOUT REGARD TO WHETHER SUCH CLAIM IS BASED IN CONTRACT, TORT (INCLUDING NEGLIGENCE), PRODUCT LIABILITY OR OTHERWISE, EVEN IF FLOCK HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

10. Confidentiality.

A. Obligations. During the performance of services and Agency's use of the Flock Service under this Agreement it may be necessary for a party to provide the other with certain information considered to be proprietary or confidential by the disclosing party. The disclosure of such confidential information shall be subject to the following terms and conditions.

i. The term "Agency Confidential Information" shall mean any material, data, systems, procedures and other information of or with respect to Agency that is not be accessible or known to the general public, including information concerning its hardware, software, business plans or opportunities, business strategies, finances, employees, and third-party proprietary or other information that Agency treats as confidential. Flock shall not use, publish or divulge any Agency Confidential Information except (i) in connection with Flock's provision of Software and services pursuant to this Agreement, (ii) to Flock's officers, directors, employees, agents and contractors who need to know such information to enable Flock to provide Software and services pursuant to this Agreement, or (iii) with the prior written consent of Agency, which consent Agency may withhold in its sole discretion.

ii. The term "Flock Confidential Information" means any material, data, systems, procedures and other information of or with respect to Flock that is not accessible to or known to the general public, including, without limitation, the software, object code, source code, formulae, algorithms, financial data, clients, employees, software development plans, software support third-party proprietary or other information that Flock treats as confidential. Agency shall not use, publish or divulge any Flock Confidential Information except (i) to its employees, agents and officers who need to know such information to enable Agency to use the Flock Services, or (ii) with the prior written consent of Flock, which consent Flock may withhold in its sole discretion.

iii. Each party shall protect the other's confidential information with the same degree of care normally used to protect its own similar confidential information, but in no event less than that degree of care that a reasonably prudent business person would use to protect such information. The obligations of each party to protect confidential information received from the other party shall not apply to information that is publicly known or becomes publicly known through no act or failure to act on the part of the recipient. All provisions of this MOU concerning the Confidentiality section herein, shall survive any termination of this MOU.

B. Exclusions. Confidential Information shall not include any information that is (i) already known to the receiving party at the time of the disclosure; (ii) publicly known at the time of the disclosure or becomes publicly known through no wrongful act or failure of the receiving party; (iii) subsequently disclosed to the receiving party on a non-confidential basis by a third-party not having a confidential relationship with the other party hereto that rightfully acquired such information; or (iv) communicated to a third party by the receiving party with the express written consent of the other party hereto. A disclosure of Confidential Information that is legally compelled to be disclosed pursuant to a subpoena, summons, order or other judicial or governmental

process or the Freedom of Information Act shall not be considered a breach of this MOU; provided the receiving party provides prompt notice of any such subpoena, order, or the like to the other party so that such party will have the opportunity to obtain a protective order or otherwise oppose the disclosure.

11. **Entire Agreement.** This MOU is complete and contains the entire understanding between the Parties relating to the sharing of Recordings and Confidential Data by and between Flock and Agency. This MOU supersedes any and all other agreements between the Parties. This Agreement is non-assignable by both Parties.

12. **Severability.** Nothing in this MOU is intended to conflict with or violate State or Federal laws, regulations, policies, etc. If a term or provision of this MOU is inconsistent with a law or authority, then that term or provision shall be invalid, but the remaining terms and provisions shall remain in full force and effect. If any provision of this MOU is found to be unenforceable, unlawful, or void, the provision shall be deemed severable from the MOU and shall not affect the validity of the remaining provisions.

13. **Miscellaneous.** All notices, requests, demands, or other communications required or permitted to be given hereunder must be in writing and must be addressed to the parties at their respective addresses set forth below and shall be deemed to have been duly given when (a) delivered in person; (b) sent by facsimile transmission To the facsimile number below and indicating receipt at the facsimile number where sent; (c) one (1) business day after being deposited with a reputable overnight air courier service; or (d) three (3) business days after being deposited with the United States Postal Service, for delivery by certified or registered mail, postage pre-paid and return receipt requested. This MOU shall be governed by the laws of the state in which the Agency is located, excluding its conflict of laws rules. The parties agree that the United Nations Convention for the International Sale of Goods is excluded in its entirety from this MOU.

IN WITNESS WHEREOF, Flock and the Agency have caused this MOU to be signed on the date set forth below and be effective on the last date specified below.

Flock Group Inc

Agency Name:

By:

By:

Name:

Name:

Title:

Title:

Date:

Date:



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 17, 2022
RE: RESOLUTION NUMBER 22-22: PURCHASE OF AERIAL FIRE TRUCK
AND BEGIN WASTEWATER TREATMENT PLANT PROJECT WITH
AMERICA RESCUE PLAN ACT FUNDS

Introduction:

Resolution Number 22-22 authorizes the purchase of the Pierce 100 foot aerial Ladder/Platform Fire Pumper Truck in the amount of \$1,358,316.00 with funds received from the American Recovery Plan Act (ARPA) funds distributed to the City of Eustis and begin the initial phase of the wastewater treatment plant project with those funds as well.

Attachments:

[Staff Report - Res 22-22](#)

[Resolution 22-22](#)

Reviewed by:

Tom Carrino, Interim City
Manager

Mary Montez, City Clerk

Approved - 11 Mar 2022

Approved - 11 Mar 2022



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, INTERIM CITY MANAGER

DATE: MARCH 17, 2022

RE: RESOLUTION NUMBER 22-22
AUTHORIZING PURCHASE OF AERIAL FIRE TRUCK AND BEGINNING
OF THE WASTE WATER TREATMENT PLANT PROJECT WITH
AMERICAN RESCUE PLAN ACT FUNDING

Introduction:

Resolution Number 22-22 authorizes the purchase of the Pierce 100 Foot Aerial Ladder/Platform Fire Pumper Truck in the amount of \$1,358,316.00 with funds received from the American Recovery Plan Act (ARPA) funds distributed to the City of Eustis and authorizes the initial phase of the wastewater treatment plant project to be funded through the ARPA funds as well.

Recommended Action:

Staff recommends approval of Resolution Number 22-22 using the monies received from the ARPA funding received by the City of Eustis.

Background:

Due to the mechanical failures and unreliability of Fire Tower 22, the replacement of this truck has been elevated to fiscal year 2022. The age of the current vehicle is over 20 years and maintenance and servicing of the unit has become an issue. It is in the City's best interest to begin the process of financing now with the lower interest rates and the expected delivery date of approximately 18 months is due to supply chain issues.

On January 6, 2022 Resolution 22-04 authorized the purchase of the Aerial Platform Fire Truck. The actual price was previously estimated at \$1,500,000 with a five-year financing of 5 years at 4% interest totaling \$120,000. The total estimated principal and interest cost was \$1,620,000.

The Final Rules for spending the ARPA funds now allows for the purchase of fire equipment. With this new understanding the City will no longer seek the leasing option previously explored. The payment will be made directly to Ten-8 who represents the Pierce manufacturing company. The payment will be made up front to the manufacturer and the manufacturer will provide a surety bond in the event they do not provide the

merchandise. The City also is aware of supply chain issues and the likely possession of the vehicle is estimated to be in November 2023.

An additional budget adjustment is being made to move the entire funding from the Water and Sewer Fund to the Water & Sewer Renewal and Replacement Fund.

In order to accomplish this transaction, the following budget amendment is necessary:

Amendments W&S Fund 40:

Revenue Increase:

040-0000-331-35-01 Federal Grants – Wastewater ARPA Funding	\$5,334,842
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Expenditure Increase:

040-8100-536-91-02 Fund Transfers – Trans To Gen Fund (Additional)	\$1,358,316
--	-------------

040-8100-536-91-03 Fund Transfers – Trans to W&SR&R Fd. (Additional)	\$3,976,526
--	-------------

Amendments W&S R&R Fund 42:

042-0000-381-40-11 Interfund Tran In/Trans Fr W&S Fund (Additional)	\$3,676,526
---	-------------

042-8600-535-66-86 Main WWTP Expansion	\$3,676,526
--	-------------

Amendments General Fund 01:

Revenue Increase:

001-0000-381-40-01 Interfund Transfer In/ Trans Fr W&S Fd. (Additional)	\$1,358,316
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Expenditure Increase:

001-2220-522-60-64 Machinery & Equipment	\$1,358,316
--	-------------

Alternatives:

- a. Approve Resolution Number 22-22 to provide for the amendment to the General Fund budget for Fiscal Year 2021-2022.
- b. Reject Resolution Number 22-22, and provide further direction to staff.

Prepared by:

Mike Sheppard, Finance Director

RESOLUTION NUMBER 22-22

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; AMENDING THE 2021-22 BUDGET TO PURCHASE DESIGNATED ITEMS IN THE AMOUNT OF \$5,334,842 ACQUIRING A PIERCE 100 FOOT AERIAL LADDER/PLATFORM FIRE TRUCK AND BEGINNING THE WASTEWATER TREATMENT PLANT PROJECT DESIGNATED FOR USE WITH THE AMERICAN RESCUE PLAN ACT (ARPA) FUNDING, PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Eustis provided direction using the ARPA funding to purchase the Pierce 100 Foot Aerial Ladder/Platform Fire Truck; and

WHEREAS, the original first half of the total funding was received in October of 2021 in the amount of \$5,334,842 and recorded as income in the W&S Revenue Fund 40; and

WHEREAS, the money will be moved to the General Fund to pay for the fire truck and the Water & Sewer Renewal & Replacement Fund to start on the main Waste Water Treatment Plant improvements; and

WHEREAS, the budget in the W&S Fund 40 will be amended in the FY 2021-2022 Budget by increasing the revenue and the expenditures as follows:

Revenue

040-0000-331-35-01 Federal Grants ARPA	\$5,334,842
--	-------------

Expenditures

040-8100-536-91-02 Transfer to General Fund	\$1,358,316
040-8100-535-91-03 Transfer to W&S R&R Fund	\$3,976,526

and;

WHEREAS, the budget in the W&S R&R Fund 42 will be amended in the FY 2021-2022 Budget by increasing the revenue and the expenditures as follows:

Revenue

042-0000-381-40-11	Transfer In From W&S	\$3,976,526
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Expenditures

042-8600-535-66-86	Main WWTP Expansion	\$3,976,526
--------------------	---------------------	-------------

and;

WHEREAS, the budget in the General Fund 01 will be amended in the FY 2021-2022 Budget by increasing the revenue and the expenditures as follows:

Revenue

001-0000-381-40-01	Transfer In From W&S	\$1,358,316
--------------------	----------------------	-------------

Expenditures

001-2220-522-60-64	Machinery & Equipment	\$1,358,316
--------------------	-----------------------	-------------

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

Section 1

That the Fiscal Year 2021-2022 Final Budget is hereby amended in the total amount of \$5,334,842, as described in the body of the resolution attached hereto and made a part hereof.

Section 2

That the Finance Director of the City of Eustis is hereby authorized to amend the FY 2021-2022 Budget as required.

Section 3

That this Resolution shall take effect immediately upon its adoption.

DONE AND RESOLVED this 17th day of March, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, 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 17th day of March, 2022, by the Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-22 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.

Mary C. Montez, City Clerk



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 17, 2022
RE: RESOLUTION NUMBER 22-23: AMENDING FISCAL YEAR 2021-22 LIBRARY CONTRIBUTION FUND BUDGET FOR ADDITIONAL EXPENDITURES ACCESSING PREVIOUSLY ACCUMULATED FUND BALANCE.

Introduction:

Resolution Number 22-23 amends the FY 2021-22 Library Contribution Fund Budget to provide funding for the purchase of a new copier as well as digitizing the microfilmed materials.

Background:

See attached Staff Report.

Attachments:

[Staff Report Budget Amendment 22-23](#)
[Resolution 22-23](#)

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 11 Mar 2022
Approved - 11 Mar 2022



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, INTERIM CITY MANAGER

DATE: MARCH 17, 2022

RE: RESOLUTION NUMBER 22-23
AMENDING FISCAL YEAR 2021-2022 LIBRARY CONTRIBUTION FUND
BUDGET FOR ADDITIONAL EXPENDITURES

Introduction:

Resolution Number 22-23 amends the FY 2021-22 Library Contribution Fund Budget to provide funding for the purchase of a new copier as well as digitizing the microfilmed materials.

Recommended Action:

Approval of Resolution 22-23 authorizes the City Manager to utilize \$19,500 from previous donations accumulated and available to be expended. The expendable undesignated fund balance available as of 9-30-2021 is \$38,963.

Background:

The copier in the Staff Assistant office is over 12 years old. The service calls on it have been more than one a month in the last 6 months. The copier repair person informed us that they can no longer find parts to repair it. This copier is used for all financials in the library including payroll, invoices, and all administrative paperwork. It is also the copier that allows scanning and sending documents to all City departments. The estimated cost is approximately \$10,000 and would be purchased off state contract through Purchasing.

The Library's microfilm reader has not been able to print anything for the last 18 months. The cost of a new printing system that works with the current system is equal to the price quoted to convert all of our current microfilm to a digital format. This format would convert these microfilm reels of historical newspapers into a searchable PDF format that would allow easy access and printing without purchasing any additional equipment. The patrons of the Eustis Memorial Library would be able to access a computer in the library and search historic newspapers and print out articles as needed. This is an enhanced customer service and a long-term resolution for archiving these resources. The estimated cost is approximately \$9,500.

The Budget amendment proposed is as follows:

Reduce Fund Balance

006-0000-271-00-00	Fund Balance	\$19,500
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Increase Expenditure

006-7110-571-60-64	Machinery & Equipment	\$10,000
006-7110-571-30-34	Other Contractual Services	\$ 9,500

Alternatives:

1. Approve Resolution Number 22-23 and authorize the Finance Director to amend the FY 2021-2022 budget as indicated.
2. Deny Resolution Number 22-23 and provide direction to staff on how they would prefer to properly budget for the necessary expenditures.

Budget/Staff Impact:

Budget will increase the expenditure in the amount of \$19,500 and reduce the Fund Balance which has accumulated through 9-30-21.

Prepared by:

Mike Sheppard, Finance Director

RESOLUTION NUMBER 22-23

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; AMENDING THE 2021-2022 LIBRARY CONTRIBUTION FUND BUDGET TO REFLECT UNANTICIPATED EXPENDITURES RELATED TO CONVERSION OF IMAGES ON MICROFILM TO DIGITAL AND PURCHASE OF A REQUIRED COPY MACHINE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Eustis has unassigned Fund Balance in the Library Contribution Fund which is available to access previously unanticipated expenditures in the amount of \$19,500; and

WHEREAS, the City of Eustis has a need to digitize microfilm files making them accessible to the public in the amount of \$9,500; and

WHEREAS, the City of Eustis has a need to replace a copy machine which has reached its useful life expectancy in the amount of \$10,000; and

WHEREAS, Generally Accepted Accounting Principles necessitate these adjustments be made as amendments to the FY 2021-2022 budget; and

WHEREAS, the City Commission of the City of Eustis, Florida authorizes the Finance Director to amend the Library Contribution Fund Budget for FY 2021-2022.

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

Section 1

The Fiscal Year 2021-2022 Library Contribution Fund Expenditure Budget is amended to recognize additional unanticipated expenditures totaling \$19,500 for Contractual Services and Machinery and Equipment.

Section 2

That the Finance Director of the City of Eustis is hereby authorized to amend the FY 2021-2022 Budget as required for said expenditures.

Section 3

That this Resolution shall take effect immediately upon its adoption.

DONE AND RESOLVED this 17th day of March, 2022, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, 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 17th day of March, 2022, by the Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 22-23 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.

Mary C. Montez, City Clerk

Resolution Number 22-23



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 17, 2022
RE: ORDINANCE NUMBER 22-06: CONDITIONAL USE PERMIT FOR THE OPERATION OF A BAKERY RETAIL/RESTAURANT USE IN THE RESIDENTIAL/OFFICE TRANSITIONAL (RT) LAND USE DISTRICT AT 320 SOUTH GROVE STREET - SECOND READING

Introduction:

Ordinance Number 22-06 approves a Conditional Use Permit for allowance of a bakery, retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District located at 320 South Grove Street.

Background:

1. The subject property is approximately 0.2 acres located on the northwest corner of East Ward Avenue and South Grove Street.
2. The property contains a two-story 2,267 square foot building originally constructed in 1950.
3. Under current land development regulations, the City Commission can approve a bakery, retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District via Conditional Use Permit.
4. The site and adjacent properties on all sides have a future land use designation of Residential/Office Transitional (RT), and the design district designation is Urban Corridor. Surrounding uses include a residence to the north and west, residence and car wash to the south, and a church and multifamily residence to the east.

Recommended Action:

The administration recommends approval of Ordinance Number 22-06.

Alternatives:

1. Alternative 1 approves the request for a Conditional Use Permit.

Advantages:

- a. A new business will be operating near the Eustis downtown area.
- b. New building use may provide a more vibrant business thus a more attractive economic atmosphere for future business in the downtown area.

Disadvantages:

- a. The proposed use is of higher intensity than previously established on the property.
 - b. Overflow parking may occur on adjacent Ward Street and need to be addressed depending on demand.
2. Alternative 2 denies the Conditional Use Permit.

Advantages:

- a. There are no advantages to denying the ordinance.

Disadvantages:

The City could lose the opportunity of having this business open in the city limits.

Budget Impact:

There would be no direct costs to the City. There will be no additional staff time beyond the normal review process.

Attachments:

[Staff Report Ordinance 22-06](#)
[Ordinance 22-06](#)

Reviewed by:

Tom Carrino, Interim City
Manager
Mary Montez, City Clerk

Approved - 11 Mar 2022

Approved - 11 Mar 2022



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: TOM CARRINO, INTERIM CITY MANAGER
DATE: FEBRUARY 25, 2022
RE: ORDINANCE NUMBER 22-06
CONDITIONAL USE PERMIT FOR THE OPERATION OF A BAKERY
RETAIL/RESTAURANT USE IN A RESIDENTIAL OFFICE/TRANSITIONAL
LAND USE DISTRICT AT 320 SOUTH GROVE STREET

Introduction:

Ordinance Number 22-06 approves a Conditional Use Permit for allowance of a bakery retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District located at 320 South Grove Street.

Recommendation:

The administration recommends approval of Ordinance Number 22-06.

Background:

1. The subject property is approximately 0.2 acres located on the northwest corner of East Ward Avenue and South Grove Street.
2. The property contains a two-story 2,267 square foot building originally constructed in 1950.
3. Under current land development regulations, the City Commission can approve a bakery retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District via Conditional Use Permit.
4. The site and adjacent properties on all sides have a future land use designation of Residential/Office Transitional (RT), and the design district designation is Urban Corridor. Surrounding uses include a residence to the north and west, residence and car wash to the south, and a church and multifamily residence to the east.

Applicant's Request

The applicant requests a Conditional Use Permit to allow a bakery retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District located at 320 South Grove Street.

Analysis:

The standards of review must show the conditional use is consistent with the City's Comprehensive Plan, Land Development Regulations and City Code. Accordingly, staff has reviewed this conditional use request with consideration of the following:

Section 109-4 (Use Regulations Table) allows commercial, food and beverage, restaurant, and retail uses with a conditional use permit approval in the Residential/Office Transitional (RT) District land use district.

Section 102-30 (Conditional Uses) of the Land Development Regulations (LDRs) provides for uses that are generally compatible with the use characteristics of a future land use district, but which require individual review of:

“Location, design, intensity, configuration, and public facility impact in order to determine the appropriateness of the use of any particular site in the district and their compatibility with adjacent uses.”

The Conditional Use review affords the City Commission the opportunity to attach conditions, limitations and requirements to a conditional use permit in order to prevent or minimize adverse effects upon other property in the neighborhood. These conditions can include limitations on size, intensity of use, bulk and location, landscaping, lighting, provision of adequate ingress and egress, duration of the permit, and hours of operation.

Location: The subject property is located at a visible intersection in downtown Eustis. The existing building was developed seventy-two years ago, and has been occupied over the years with a custom stained-glass business that also sells antiques and various items.

Design: The concept plan submitted with this application provides for a design that is utilizing the existing site’s structures and development.

Intensity: The proposed use and its intensity are relatively greater than the existing use of the property.

Configuration: The proposed use will utilize the existing structure and development that is on the property. The proposed site plan works with the existing conditions to provide for an active business venue.

Public Facility Impact: This use should have a negligible effect on public facilities.

Staff Recommendation:

In order to ensure consistency with the City’s policies and regulations, Staff recommends approval of this Conditional Use Permit with the following conditions (included in draft ordinance):

1. A perpetual access easement must be recorded to allow site access and parking utilization from the adjacent, connecting residential property.
2. Off-site parking will only occur where such parking is allowed in accordance with the City of Eustis Laws and Ordinances.
3. Site plan approval must be obtained from Development Services within six months of this approval.
4. Building permits must be obtained before any additions or modifications to the site structures.

5. A Change of Use building permit may be required based on structure modifications or Increases in Occupant Load.
6. Sign permit approval must be obtained prior to addition or modification of signage.
7. Business Tax Receipt must be obtained prior to business operation.
8. The above must be completed within one year of this Conditional Use approval.
9. Modifications to the business use as approved herein will require City Commission approval via a CUP modification.
10. It is recommended that the business address any deficiencies to accessible parking, the accessible route and accessible entrance to the business.

Applicable Policies and Regulations:

- FLU 1: Development Framework
 - Promote diversified economic development;
 - Protect and enhance residential neighborhoods;
 - Ensure services and facilities available;
 - Discourage urban sprawl;
 - Value natural resources;
 - Respect private property rights.
- FLU 1.1.1 Planning Principals
 - Create a range of housing choices;
 - Create walkable neighborhoods;
 - Making development decisions predictable, fair and cost effective;
 - Allow a mix of land uses;
 - Encourage compact design.
- FLU 1.2.4 Development Patterns:
 - To discourage sprawl, the City shall implement regulations to encourage a mix of uses in specific areas.
- FLU 1.3.2 Maintain Residential Compatibility:
 - Provide standards and predictable measures by creating compatibility through landscapes, buffer, natural areas or transitional development practices to lessen impacts and integrate development along edges where different land use/densities exist, screen undesirable views, preserve tree canopy, facilitate safe traffic/pedestrian movement.
- Sec. 109-5.3: Urban Development Pattern:
 - The urban development pattern relies primarily on a system of interconnected street grids that prioritizes pedestrians and transit features. A mix of building typologies with a defined center characterizes this pattern.

- The Urban Corridor Design District is predominately single-use areas that may include a mix of uses, retail, and residential. This design district is typically Linear concentrations of typically commercial uses, predominately auto-oriented uses. The parcel size is primarily shallow in nature, compatible with the adjacent neighborhoods.
- FLU Appendix: Residential/Office Transitional (RT):
 - This land use designation applies to older residential areas having residential character, which are located adjacent to non-residential development. The purpose is to provide for establishment of business and professional offices and limited retail and service businesses while maintaining residential character or compatibility. The concept is that many older residences are impacted by traffic or adjacent non-residential uses and are no longer economically viable as dwellings. Allowance of limited commercial use is a means of making these areas more productive while maintaining a residential-type character.
 - This category accommodates residential uses; professional and business offices in certain predominantly residential areas near major traffic arteries and adjacent to commercial areas; outdoor recreation; and schools. Public and utility services and facilities that are 2 acres or less in size are also permitted.
 - Residential densities may not exceed 12 dwelling units per net buildable acre.
 - up to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations.

Alternatives:

1. Approve Ordinance Number 22-06.
2. Deny Ordinance Number 22-06.

Discussion of Alternatives:

1. Alternative 1 approves the request for a Conditional Use Permit.

Advantages:

- a. A new business will be operating near the Eustis downtown area.
- b. New building use may provide a more vibrant business thus a more attractive economic atmosphere for future business in the downtown area.

Disadvantages:

- a. The proposed use is of higher intensity than previously established on the property.
- b. Overflow parking may occur on adjacent Ward Street and need to be addressed depending on demand.

2. Alternative 2 denies the Conditional Use Permit.

Advantages:

- a. There are no advantages to denying the ordinance.

Disadvantages:

- a. The City could lose the opportunity of having this business open in the city limits.

Budget / Staff Impact:

There would be no direct costs to the City. There will be no additional staff time beyond the normal review process.

Community Input:

The proper legal advertisements have been placed in the newspaper; surrounding properties within 500 feet have been notified; and the property has been posted. To date, one inquiry has been received from a member of the public, which asked questions and stated no indication of support or opposition.

Prepared by: Heather Croney, Senior Planner

Reviewed by: Jeff Richardson, AICP, Deputy Development Services Director

Attachments

- Legal Advertisement
- Surrounding Property Owner Notice
- Ordinance Number 22-06 w/Exhibit A: Site Plan

Legal Advertisement

**NOTICE OF PUBLIC HEARING
ORDINANCE NUMBER 22-06**

Notice is hereby given that the Eustis City Commission will conduct a Public Hearing for the first reading of Ordinance 22-06 on **Thursday, March 3, 2022, at 6:00 p.m.** and the second reading on **Thursday, March 17, 2022 at 6:00 p.m.**, or as may be continued at their discretion, in the Commission Room, City Hall, 10 N. Grove St., Eustis, FL, to consider:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A BAKERY RETAIL/RESTAURANT USE IN A RESIDENTIAL OFFICE/TRANSITIONAL LAND USE DISTRICT AT 320 SOUTH GROVE STREET.

The case file, complete legal description of the property, and proposed ordinance will be available beginning approximately five working days before the hearing from 8:00 a.m. to 5:00 p.m. at Development Services, 4 N. Grove St., the Office of the City Clerk, 10 N. Grove St., or at www.eustis.org. Please contact our office at 352- 483-5460 if you have any questions.

If a person decides to appeal any decision made by the commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings and that, for such purposes, he/she may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105). Persons with disabilities needing assistance to participate in these proceedings should contact the City Clerk at 352-483-5430 at least 48 hours before the hearing date.

Heather Croney, Senior Planner,
City of Eustis, FL
2/17/2022

Surrounding Property Owner Notice

Notice of Public Hearing

You are receiving this notice because you own property within 500 feet of a land development request (see below). This is part of the City's notification process to inform the public of this request. If you have questions regarding this request, please contact us at 352-483-5460. If you have no questions or do not wish to attend the meeting, you may disregard this notice. No action is required of you.

To: Surrounding Property Owners
From: Heather Croney, Senior Planner, City of Eustis
Date: February 3, 2022
Re: Notice of Quasi-Judicial Public Hearing: Ordinance Number 22-06

Notice is hereby given for the following public hearings to be held in the City Commission Room, City Hall, 10 North Grove Street, Eustis, Florida, regarding:

ORDINANCE NUMBER 22-06: AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A BAKERY RETAIL/RESTAURANT USE IN A RESIDENTIAL OFFICE/TRANSITIONAL LAND USE DISTRICT AT 320 SOUTH GROVE STREET.

The Eustis City Commission will conduct a Quasi-Judicial Public Hearing on **March 3, 2022 at 6:00 pm**, or as may be continued at their discretion, regarding the first reading **Ordinance Number 22-06**.

The second reading of **Ordinance Number 22-06** will be held on **March 17, 2022 at 6:00 pm**, or as may be continued at the discretion of the City Commission.

A Location Map is provided on the reverse side.

The case file, complete legal description of the property and proposed ordinance will be available for examination beginning approximately five working days before the hearing from 8:00 a.m. to 5:00 p.m. at Development Services, 4 N. Grove St., the Office of the City Clerk, 10 N. Grove St., or at www.eustis.org. Please contact our office at (352) 483-5460 or planner@eustis.org if you have any questions.

If a person decides to appeal any decision made by the commission with respect to any matter considered at such meeting or hearing, he/she will need a record of the proceedings and that, for such purposes, he/she may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105).

PERSONS WITH DISABILITIES NEEDING ASSISTANCE TO PARTICIPATE IN THESE PROCEEDINGS SHOULD CONTACT THE CITY CLERK AT 352-483-5430 AT LEAST 48 HOURS BEFORE THE HEARING DATE.

File Number: 2022-CU-01

Notice of Public Hearing

LOCATION MAP



File Number: 2022-CU-01

ORDINANCE NUMBER 22-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CONDITIONAL USE PERMIT TO ALLOW THE OPERATION OF A BAKERY RETAIL/RESTAURANT USE IN A RESIDENTIAL OFFICE/TRANSITIONAL LAND USE DISTRICT AT 320 SOUTH GROVE STREET.

WHEREAS, The Lilliput Company DBA A Wish Or Two Ago has applied for a Conditional Use Permit to allow a bakery retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District located at 320 South Grove Street; and

WHEREAS, the subject property has a Land Use Designation of Residential/Office Transitional (RT) and a Design District Designation of Urban Corridor; and

WHEREAS, the request for a Conditional Use Permit was properly Noticed for a Quasi- Judicial Public Hearing before the City Commission; and

WHEREAS, on March 3, 2022, the City Commission held the 1st Public Hearing to consider the Conditional Use Permit; and

WHEREAS, on March 17, 2022, the City Commission held the 2nd Public Hearing to consider the Conditional Use Permit; and

WHEREAS, the proposed conditional use is consistent with City's Land Development Regulations, Comprehensive Plan and Code of Ordinances; and

WHEREAS, the applicant has presented evidence to establish the following:

1. That the proposed use is desirable at the particular location.
2. That the proposed conditional use will not have an undue adverse effect upon nearby property.
3. That such use will not be detrimental to the health, safety, or general welfare of the citizens residing in the area.
4. That the proposed use will comply with all Regulations and Conditions specified in the City Code for such use.
5. That the proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

WHEREAS, the following conditions must be met following this Conditional Use Permit Approval and before the business may open and commence operations:

1. A perpetual access easement must be recorded to allow site access and parking utilization from the adjacent, connecting residential property.
2. Off-site parking will only occur where such parking is allowed in accordance with the City of Eustis Laws and Ordinances.
3. Site plan approval must be obtained from Development Services within six months of this approval.
4. Building permits must be obtained before any additions or modifications to the site structures.
5. A Change of Use building permit may be required based on structure modifications or Increases in Occupant Load.
6. Sign permit approval must be obtained prior to addition or modification of signage.
7. Business Tax Receipt must be obtained prior to business operation.
8. The above must be completed within one year of this Conditional Use approval.
9. Modifications to the business use as approved herein will require City Commission approval via a CUP modification.

WHEREAS, it is recommended that the business address any deficiencies to accessible parking, the accessible route and accessible entrance to the business.

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

SECTION 1.

That a Conditional Use Permit is granted to allow a bakery retail and restaurant business use in the Residential/Office Transitional (RT) Future Land Use District located at 320 South Grove Street, as shown on Exhibit A attached hereto and more particularly described as:

Alternate Key Number: 1189535

Parcel Number: 11-19-26-0100-085-00700

EUSTIS, LOTS 7, 8 BLK 85, E 1/2 OF VACATED ALLEY LYING W'LY OF LOTS
PB 1 PG 79 ORB 1034 PG 1905

SECTION 2.

That the conditions of approval, enumerated above, must be met following approval of the Conditional Use Permit and require that the development meet all other applicable provisions of the Land Development Regulations and the City Code of Ordinances.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

That this Ordinance shall become effective upon passing.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 17th day of March, 2022.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, 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 17th day of March, 2022, by the Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are 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, but I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

Date

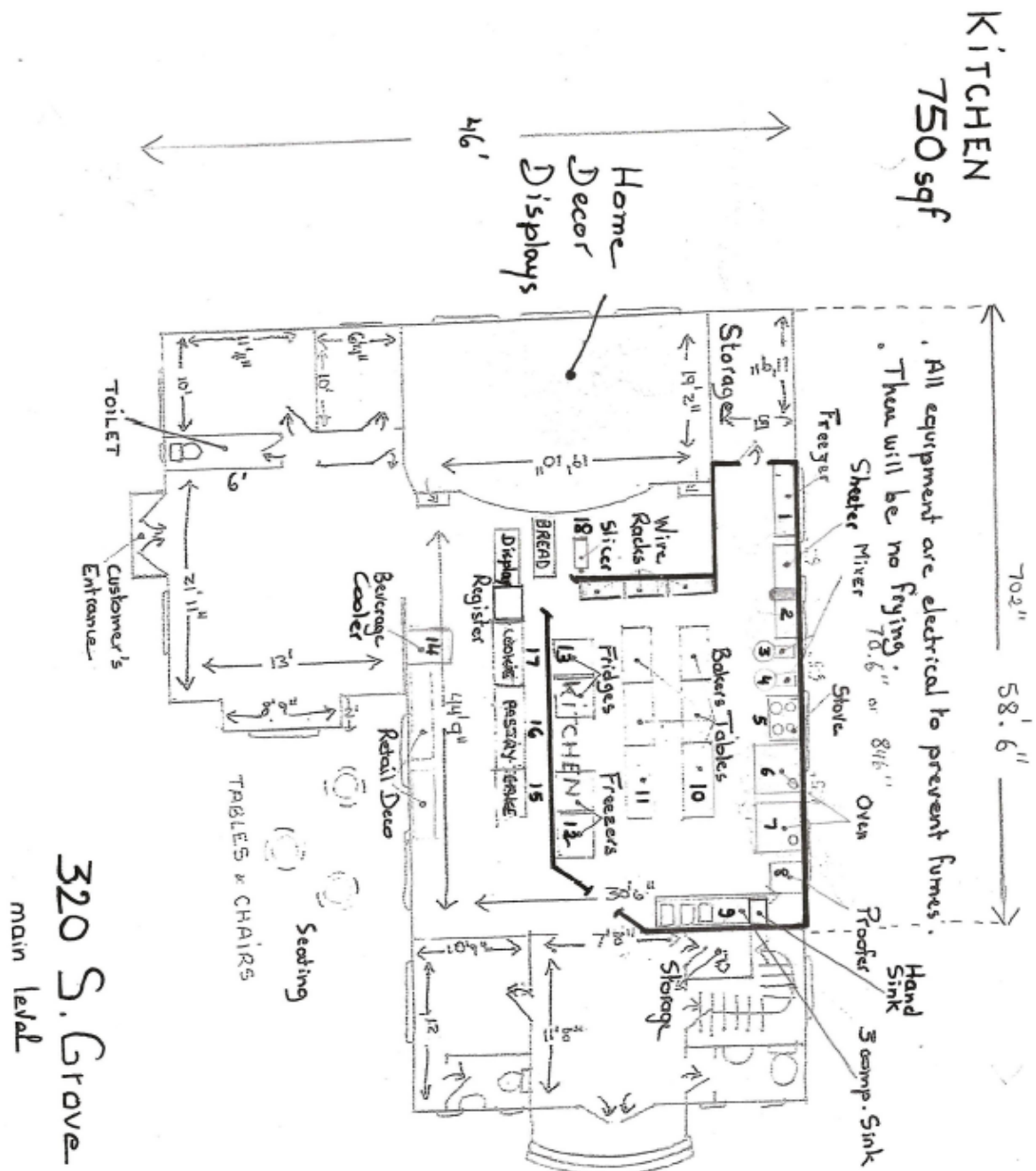
CERTIFICATE OF POSTING

The foregoing Ordinance Number 22-06 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.

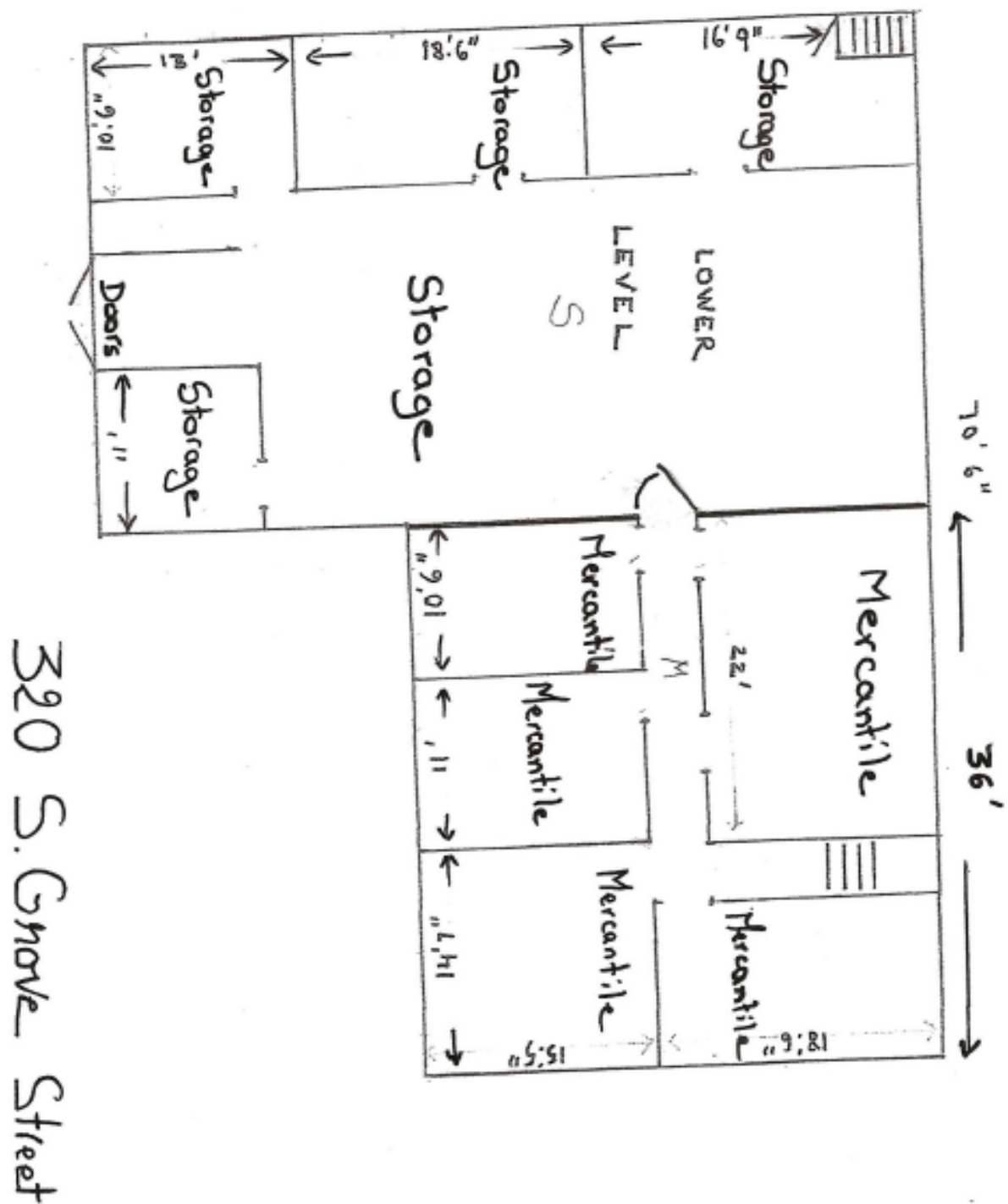
Mary C. Montez, City Clerk

320 S. Grove St.
Eustis





Ordinance Number 22-06
CUP Use Allowance in RT
320 South Grove Street
A Wish Or Two Ago French Bakery and Market
Page 6 of 7



Ordinance number 22-00
 CUP Use Allowance in RT
 320 South Grove Street
 A Wish Or Two Ago French Bakery and Market
 Page 7 of 7



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 17, 2022
RE: EXPLANATION OF ORDINANCES FOR PROPERTY LOCATED WEST OF
COUNTY ROAD 44B (2022-CPLUS-01):
ORDINANCE NUMBER 22-07 - VOLUNTARY ANNEXATION
ORDINANCE NUMBER 22-08 - COMPREHENSIVE PLAN AMENDMENT
CHANGING FUTURE LAND USE DESIGNATION
ORDINANCE NUMBER 22-09 - DESIGN DISTRICT ASSIGNMENT

Introduction:

Ordinance Number 22-07 provides for the voluntary annexation of approximately 24.94 acres located west of CR 44B (Alternate Key Numbers 1445370 and 1445094). Provided the annexation of the subject property is approved, Ordinance Number 22-08 would change the future land use designation from Urban Low in Lake County to Mixed Commercial/Residential (MCR) in the City of Eustis, and Ordinance Number 22-09 would assign the subject property a design district designation of Suburban Neighborhood (SN). If Ordinance Number 22-07 is denied, then there can be no consideration of Ordinance Numbers 22-08 and 22-09.

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 western property boundary of the site is contiguous to the City.
 3. The site has a Lake County land use designation of Urban Low, but approval of Ordinance Number 22-08 would change the land use designation to Mixed Commercial/Residential (MCR) in the City of Eustis.
- For additional information, see attached Staff Report.

Recommended Action:

The administration recommends approval of Ordinance Numbers 22-07, 22-08, and 22-09.

Alternatives:

1. Approve Ordinance Numbers 22-07 (Annexation), 22-08 (Comprehensive Plan Amendment), and/or 22-09 (Design District Designation).
2. Deny Ordinance Numbers 22-07, 22-08 and 22-09.

Budget Impact:

[Based on the current assessment and millage rate, the City can anticipate approximately \\$95 annually in ad-valorem revenue](#) (predevelopment). There would be no direct costs to the City beyond the normal City services. There would be no additional staff time beyond the normal review process.

Attachments:

[Staff Report Ordinance 22-07, 22-08, 22-09 Mosteller Annex FLU DD](#)

[Ordinance 22-07 Annexation](#)

[Ordinance 22-08 FLUM](#)

[Ordinance 22-09 Design District](#)

Reviewed by:

Jeff Richardson, Deputy
Development Services Director

Approved - 10 Mar 2022

Tom Carrino, Interim City
Manager

Approved - 11 Mar 2022

Mary Montez, City Clerk

Approved - 11 Mar 2022



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: TOM CARRINO, CITY MANAGER
DATE: MARCH 17, 2022
RE: **EXPLANATION OF ORDINANCES FOR 2022-CPLUS-01: PROPERTY LOCATED WEST OF CR 44B (ALTERNATE KEY NUMBERS 1445370 AND 1445094)**

Ordinance Number 22-07 – Voluntary Annexation

Ordinance Number 22-08 – Comprehensive Plan Amendment

Ordinance Number 22-09 – Design District Assignment

Introduction

Ordinance Number 22-07 provides for the voluntary annexation of approximately 24.94 acres located west of CR 44B (Alternate Key Numbers 1445370 and 1445094).

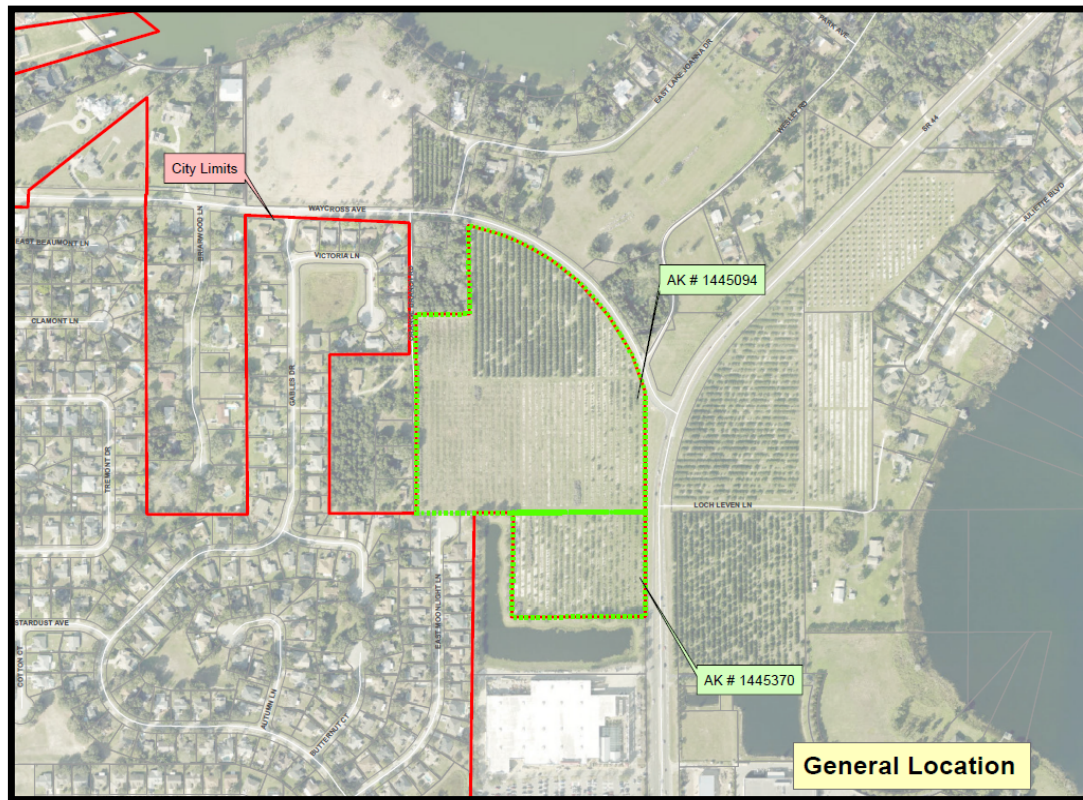
Provided the annexation of the subject property is approved, Ordinance Number 22-08 would change the future land use designation from Urban Low in Lake County to Mixed Commercial/Residential (MCR) in the City of Eustis, and Ordinance Number 22-09 would assign the subject property a design district designation of Suburban Neighborhood (SN). If Ordinance Number 22-07 is denied, then there can be no consideration of Ordinance Numbers 22-08 and 22-09.

Recommended Action

The administration recommends approval of Ordinance Numbers 22-07, 22-08, and 22-09.

Background/Pertinent Site Information

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 western property boundary of the site is contiguous to the City.
3. The site has a Lake County land use designation of Urban Low, but approval of Ordinance Number 22-08 would change the land use designation to Mixed Commercial/Residential (MCR) in the City of Eustis.



Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
Site	Vacant	Urban Low (Lake County)	N/A
North	Vacant	Urban Low (Lake County)	N/A
South	Lake	Urban Low (Lake County)	N/A
East	Vacant	Urban Low (Lake County)	N/A
West	Single Family Residence	Suburban Residential	Suburban Neighborhood

Applicant's Request

The property owner, Ernest C. Mosteller and applicant, TM BTR of Florida, LLC, wishes to annex the property, change the future land use to Mixed Commercial/Residential (MCR), and assign a design district of Suburban Neighborhood.

2022-A-01 and 2022-CPLUS-01
Ordinance Numbers 22-07, 22-08, and 22-09
Ernest C. Mosteller – West of CR 44B AK's 1445370 and 1445094
Page 2 of 23

The current Lake County land use designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses up to four (4) dwelling units per one net buildable acre in addition to civic, institutional, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use.

The property owner has requested the MCR land use designation within the City of Eustis. The MCR land use provides for a mix of residential, commercial, office, institutional, and schools. Public and utility services that are 5 acres or less in size are also permitted. Residential densities may not exceed twelve (12) dwelling units per net buildable acre and intensities are limited to 2.5 FAR subject to restrictions in Section 109-3 of the Land Development Regulations. Individual properties may develop residentially or commercially, provided that all applicable criteria set forth herein are met.

Analysis of Annexation Request (Ordinance Number 22-07)

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 MCR future land use designation. (See public facilities and services analysis under item 5 below).

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 could provide services effectively and efficiently. The subject property lies within that planning area; the subject property is contiguous to the City limits on the western boundary; and the owner 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...”

The department published notice of this annexation in the Daily Commercial in accordance with the requirements on March 3, 2022 and March 10, 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...”

The department provided notice to the Lake County Board of County Commissioners on February 15, 2022.

Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 22-08)

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 requested MCR future land use will provide for a higher density (12 du/acre) under the county FLU (4 du/acre) allows.

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 site is adjacent to existing suburban style residential development to the west, a Lowes and Publix to the south and CR 44B to the east. The subject property is located less than 3 miles from the downtown Eustis core.

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. The site is adjacent to existing residential and commercial development and will provide a transition between those uses. 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 not in a floodplain nor does it contain wetlands. Building permit approval is required before development may begin. The Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

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. This site when developed will not fail to adequately protect adjacent agricultural areas and activities. The site is not prime farmland, per the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS).

6. Public Facilities:

Fails to maximize use of existing public facilities and services.

This indicator does not apply. City water is available to the property. Development of this parcel will maximize the use and efficiency of City water service. The developer will be required to extend sewer lines to serve the site.

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 the existing and future development consistent with the requested MCR future land use designation. The City provides these services to other properties in the area, so efficiency will improve. The property will utilize existing water service already provided to other properties in the area increasing efficiency and cost effectiveness. Additionally, this site fronts CR 44B.

8. Separation of Urban and Rural:

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

This indicator does not apply. No adjacent properties contain active agricultural. The minimal area of agricultural uses is separated by CR 44B. The surrounding area is mostly developed. These developments have densities and intensities that are clearly suburban uses.

9. Infill and Redevelopment:

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

This indicator does not apply. This property is a logical extension of development for the city. Infill development is occurring in the city, mostly on existing platted lots. The MCR future land use and Suburban Neighborhood design district are compatible and consistent with the existing development pattern and will not in any way inhibit infill development or redevelopment.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. The site is surrounded by single-family development on the west and southwest and commercial to the south (Lowes and Publix). The MCR land use category provides for a mix of uses.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The Land Development Regulations include provisions to provide adequate accessibility among linkages or related uses. Additionally, this site fronts CR 44B allowing for connectivity to the surrounding uses.

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 site is adjacent to existing urban/suburban development patterns and is a logical extension of the urban development boundary. The Comprehensive Plan and Land Development Regulations have provisions to protect natural resources and ecosystems at time of site plan approval.

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. This property using existing water service will increase the efficiency and cost effectiveness of these services.

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.

At time of development, the site must meet the City's Land Development Regulations. the MCR land use category provides for a more compact development, at a higher intensity and density and which allows for options in the type of housing / commercial mix for the community.

d. **Water and Energy Conservation:**

Promotes conservation of water and energy.

The development of the site must meet City development and Florida Building Code standards that will require energy and water efficient appliances.

e. **Agricultural Preservation:**

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

The site is not prime farmland, and per the United States Department of Agriculture Natural Resources Conservation Service (USDA NRCS), contains Myakka, wet,

sands, 0 to 2 percent slopes. The site is currently has active or partially active orange grove.

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.

The MCR land use category provides for additional residential and commercial development opportunities that will be able to serve the existing community as well as grow the population. Existing commercial and residential development exists proximate to the site.

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. This is infill development consistent and compatible with existing surrounding development.

In Accordance with 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:

The subject property is located approximately 3.0 miles from the downtown core. Eustis emergency services already provide emergency response to other properties in the area. Additionally, fire service (Eustis Fire Station 22) is located within approximately 2.8 miles of the subject property. Any development consistent with the SR future land use designation would not have a significant negative impact on the operations of Eustis emergency services.

b. Parks & Recreation:

The current City population based on the 2020 census is 23,189. The City's Level of Service for Parks & Recreation is 3.00 acres of Neighborhood and Community Parks per thousand population. Based on 2.6 persons per household countywide at maximum density for the MCR land use category for this annexation area the total additional population will be approximately 780 persons. This would create the need for 2.3 acres of parks.

Park and recreation facilities within the City total 453.76 acres. Given the City's current population and that of the proposed annexation area (when developed) the total parks requirement is 71.9 acres. The existing surplus is therefore 381.86 acres.

c. Potable Water & Sanitary Sewer:

Water is available to the subject property. The following outlines the water and wastewater demand based on a maximum development potential scenario.

***Potential Residential Demand
220 Dwelling Units***

Water – 5 x 351 GPD = 1,755 GPD

According to the City of Eustis Public Works Department, water capacity is available to serve up to and including the maximum development potential.

The developer will be required to connect to sewer.

d. Schools:

The proposed change will not negatively impact schools. The School Impact Analysis for the proposed future development will be performed at a later date.

e. Solid Waste:

The City contracts with Waste Management for hauling of solid waste. The company already services properties in the general area of the subject property. Serving this property will increase efficiency in delivery of services.

f. Stormwater:

The Comprehensive Plan and Land Development Regulations include level of service standards to which new development must adhere. Projects designed to meet these standards will not negatively affect the existing facilities and services.

g. Transportation Network Analysis:

This potential added residential development is considered to have no negative impacts on the existing transportation system. At this time, the adjacent transportation network (CR 44B) has the capacity to serve the proposed MCR property, even at a maximum development standard, without negatively affecting the adopted level of service.

Prior to development of the property, site plan approval amongst other approvals will be required. As part of the site plan review, a traffic study will be required to evaluate traffic impacts.

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 the 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. Ground water recharge areas:

The site is not within a high recharge area, nor a wellhead protection area. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map.

- b. Historical or archaeological sites:

The City does not have any record of Florida Master Site Files related to this property and no known historical or cultural resources exist.

- c. Flood zones:

The subject property is not located within a flood zone. Source - Lake County GIS - 2012 Flood Zones.

- d. Soil and topography:

The site soils are Myakka-Myakka, wet, sands, 0 to 2 percent slopes. Myakka soils are very deep, very poorly or poorly drained, moderately rapid or moderately permeable soils.

The depth to a restriction feature or the water table is at 80 inches or more below the surface. Permeability is rapid. This 24.94-acre site is surrounded by existing/approved residential and commercial development and not suited to agriculture.

As building permit approval must be obtained before redevelopment can begin, the Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

3. Comprehensive Plan Review:

Additional criteria and standards are also included in the Plan that describe when, where and how development is to occur. Plan development policies will be used to evaluate the appropriateness of the compatibility of the use, intensity, location, and timing of the proposed amendment.

Existing Land Use According to the Lake County Comprehensive Plan:

"The Urban Low Density Future Land Use Category provides for a range of residential development at a maximum density of four (4) dwelling units per net buildable acre in addition to civic, institutional, commercial, and office uses at an appropriate scale and intensity to serve this category. Limited light industrial uses may only be allowed as a conditional use.

This category shall be located on or in proximity to collector or arterial roadways to minimize traffic on local streets and provide convenient access to transit facilities. Within this category any residential development in excess of 10 dwelling units shall be required to provide a minimum 25% of the net buildable area of the entire site as common open space.

The maximum intensity in this category shall be 0.25, except for civic institutional uses which shall be 0.35. The maximum Impervious Surface Ratio shall be 0.60.”

Proposed Land Use According to the Eustis Comprehensive Plan:

Mixed Commercial / Residential (MCR)

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

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

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

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

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

Residential: 15% - 25% of total MCR acreage

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

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

Special Provisions:

(1) Future amendments to designate areas as MCR shall be permitted only along arterial and collector roads and in certain neighborhoods which meet the following conditions:

a. where the arterial road frontage is generally undeveloped, residential development may be feasible and will be encouraged;

- b. strip commercial development shall be minimized, including actions that would extend or expand existing strip development;*
- c. the arterial road frontage contains an existing mix of viable commercial and residential uses;*
- d. the clustering of viable commercial businesses within or adjacent to residential neighborhoods is determined to not have a detrimental visual or operational impact on such adjacent or nearby residential uses;*

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

Comparison of Lake County Development Conditions

The existing Lake County future land use designation of the property is Urban Low, which provides for a range of residential development in addition to civic, commercial and office uses at an appropriate scale and intensity to serve this category. Allowable density and intensity in Urban Low is a maximum of 4 dwelling units per acre and intensity of 0.25 to 0.35 floor area ratio, with the sum of residential density and non-residential intensity not exceeding 100%.

Residential: Lake County limits residential development to 4 du/acre while the MCR would allow 12 du/acre.

Proposed Residential Land Uses.

The City shall limit these uses adjacent to incompatible commercial or industrial lands unless sufficient mitigation, such as buffering and setbacks is provided and available, which lessens the impact to the proposed residences.

Not applicable. The area already includes a mix of uses including single-family residential and commercial. This proposed development would be adequately distanced from the commercial to the south.

Proposed Non-Residential Land Uses.

The City shall generally not permit new industrial uses to be located adjacent to existing or planned residentially designated areas.

Not applicable.

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.

This potential added residential development is considered to have no negative impacts on the existing transportation system. At this time, the adjacent transportation network (CR 44B) has the capacity to serve the proposed MCR property, even at a maximum development standard, without negatively affecting the adopted level of service.

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.

City water service and other services are available. Refer to 1.c above for more information. The City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available.

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. See analysis above under items 1 and 2.

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. At the time of development there will be further review for compliance.

c. *Inconsistent with Surrounding Uses:*

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

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. Upon annexation, the subject property will have a full array of municipal services, including central water. These changed conditions warrant a change in the land use designation.

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.

City water and sewer services is available and in close proximity to the site. Adequate capacity is available to serve future development consistent with the requested Mixed Commercial/Residential future land use designation.

Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation. The City provides these services to other properties in the area, so efficiency will improve.

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.

The site is contiguous to the City limits. The annexation would create a logical development pattern as it extends the City limits to a more natural boundary in this area (CR 44B). This would further the eventual goal of a Eustis area under one local government jurisdiction.

The requested MCR future land use designation, coupled with a Suburban Neighborhood design district designation, provides for a consistent development transect.

The requested land use provides for a transition in density and intensity from City of Eustis Suburban Residential to the west.

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.”

The requested designation of MCR land use will provide for orderly growth and development. This designation would advance the public interest by potentially providing additional housing or commercial options, and application of the LDRs to the future development will ensure consistency with the community character and lifestyle of the city.

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 21-09):

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 includes 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 (Suburban Neighborhood). The Suburban development pattern and intent, and the Suburban neighborhood

definition, structure and form description are stated below. The assignment of a Suburban Neighborhood design district designation is appropriate due to the established and proposed development patterns in the area.

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

c. *Mixed commercial/residential district (MCR).* This land use designation is intended to regulate the character and scale of commercial and residential uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby land uses, and provide for mixed use development.

The development pattern statement above indicates that residential uses may be provided at higher densities. The proposed development will follow the district pattern and intent outlined in the Land Development Regulations, and will be consistent with the proposed transect in the area.

- c. 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.

- d. 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.

- e. Consistent with Surrounding Uses:

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

The Suburban Neighborhood definition, structure and form are compatible with the existing uses and any proposed uses permitted under the Suburban Residential future land use designation. The proposed development would allow a transition between the single-family residential to the west and the commercial to the south.

f. *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. The conditions have changed from land located in unincorporated Lake County without central services to a site within the City of Eustis with municipal services.

g. *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 to Suburban Neighborhood is proposed. This amendment would not negatively affect the demand on public facilities. The Future Land Use designation controls the density and intensity permitted on the site, so the Design District map amendment would not result in impacts beyond that already anticipated. Also see analysis of public facilities in above sections of this report.

h. *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 changes 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, in and of itself, 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 protection of environmentally sensitive lands that would apply should conditions at time of development warrant such protection.

i. *Property Values:*

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

Redistricting Suburban Neighborhood is being proposed; a Eustis design district designation must be assigned to annexed property. This request should not affect negatively property values, but the proposed Design

District designation is consistent with the current surrounding design district.

j. Orderly Development Pattern:

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

The site is contiguous to the City limits. The annexation would create a logical development pattern as it extends the City limits to a more natural boundary in this area (CR 44B). This would further the eventual goal of a Eustis area under one local government jurisdiction.

The requested MCR future land use designation, coupled with a Suburban Neighborhood design district designation, provides for a consistent development transect.

k. 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 requested designation of Suburban Neighborhood design district will provide for orderly growth and development. This designation would advance the public interest by providing additional housing options, and application of the LDRs to the future development will ensure consistency with the community character and lifestyle of the city.

l. 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 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 uses, densities, intensities or required open space. The districts, therefore, must be consistent and follow the urban, suburban and rural transect. This request assigns a Suburban Neighborhood design district designation to an annexation parcel, which is consistent with the existing transect.

Applicable Policies and Codes

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.”

2. Florida Statutes Chapter 171.044: Voluntary Annexation:
 - a. “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.”
 - b. “Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”
3. Comprehensive Plan – Mixed Commercial/Residential (MCR): *This land use designation is intended to regulate the character and scale of commercial uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby residential uses.*

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

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

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

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

Residential: 15% - 25% of total MCR acreage

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

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

Special Provisions:

(1) Future amendments to designate areas as MCR shall be permitted only along arterial and collector roads and in certain neighborhoods which meet the following conditions:

a. where the arterial road frontage is generally undeveloped, residential development may be feasible and will be encouraged;

- b. strip commercial development shall be minimized, including actions that would extend or expand existing strip development;*
- c. the arterial road frontage contains an existing mix of viable commercial and residential uses;*
- d. the clustering of viable commercial businesses within or adjacent to residential neighborhoods is determined to not have a detrimental visual or operational impact on such adjacent or nearby residential uses;*

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

- 4. Land Development Regulations Section 109-5.5(b)(2): The Suburban Neighborhood Design District has predominately residential uses with some neighborhood scale commercial services with interconnected trails, bikeways and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.
- 5. Land Development Regulations Section 109-2.6(c): *Mixed commercial/residential district (MCR)*. This land use designation is intended to regulate the character and scale of commercial and residential uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby land uses, and provide for mixed use development.

Fiscal Impact:

The current just value of the subject property is \$496,296. Based on the current millage rate of 7.581, annexation of the property could increase annual operating revenues by as much as \$8,573 before development.

Alternatives:

- 1. Approve Ordinance Numbers 22-07 (Annexation), 22-08 (Comprehensive Plan Amendment), and/or 22-09 (Design District Designation).
- 2. Deny Ordinance Numbers 22-07, 22-08 and 22-09.

Discussion of Alternatives:

Alternative 1 approves the Ordinances.

Advantages:

- The action would be consistent with the expansion plans for the City in accordance with the adopted Eustis Planning Area.
- Annexation would, if developed as proposed, allow an additional housing option.
- The City would have a more compact service area for utilities, police, and fire to increase efficiency and level of service. A more compact service area can reduce the overall per capita cost of providing urban services.

- Annexation would increase the tax base of the City and increase the annual operating revenues.
- The land use change and design district assignment are consistent with the proposed use of the property as a transition between the single-family residential to the west and commercial to the south.
- The action could encourage additional development and/or annexations in that area.

Disadvantages:

- There are no disadvantages.

Alternative 2 denies the Ordinances.

(If Ordinance Number 22-07 is denied, the Commission cannot approve Ordinance Numbers 22-08 and 22-09.)

Advantages:

- The City would not have to provide services to the subject property.
- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation would create a gap in the City's natural growth boundary as defined by the Eustis Planning Area.
- The action would eliminate the potential for increased operating revenue and the subject property would continue to receive the indirect benefits of City services that are provided to adjacent properties without paying City taxes.
- The City would continue to experience gaps in its service area causing service inefficiency and confusion regarding City boundaries.
- The City could lose an economic development opportunity.

Community Input

The department has notified surrounding property owners within 500 feet of the site; placed the proper legal advertisements in the newspaper; and the applicant posted the site. As of March 10, 2022, the City has received an inquiry from the Lake County Board of County Commissioners with a request to coordinate transportation and infrastructure elements associated with this. One member of the public has emailed and stated opposition to this proposed annexation. Additional opportunity for public input will be provided at the March 17 and April 7, 2022 City Commission meetings.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$95 annually in ad-valorem revenue (predevelopment). There would be no direct costs to the City beyond the normal City services. There would be no additional staff time beyond the normal review process.

Prepared By:

Alex A. David, AICP

Calvin, Giordano & Associates

Reviewed By:

Heather Croney, Senior Planner, Development Services

Jeff Richardson, AICP, Deputy Director, Development Services

Attachments:

Ordinance Number 22-07, Exhibit A: Location

Ordinance Number 22-08, Exhibit A: Land Use Map

Ordinance Number 22-09, Exhibit A: Design District Map

ORDINANCE NUMBER 22-07

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA,
VOLUNTARILY ANNEXING APPROXIMATELY 24.94 ACRES OF REAL PROPERTY
LOCATED ON THE WEST SIDE OF CR 44B (ALTERNATE KEY NUMBERS 1445370
AND 1445094).**

WHEREAS, Ernest C. Mosteller, the legal owner of record, has made application for voluntary annexation of approximately 24.94 acres of real property located on the west side of CR 44B, more particularly described as:

Parcel Alternate Key: 1445370

Parcel Identification Number: 19-19-27-0001-000-00100

AND

Parcel Alternate Key: 1445094

Parcel Identification Number: 18-19-27-0004-000-02000

Legal Description: Exhibit "A"

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 March 17, 2022 the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on April 7, 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 24.94 acres of real property, as described above.

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

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 7th day of April, 2022.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

Ordinance Number 22-07
Annexation 2022-A-01
Page 2 of 5

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 7th day of April, 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are 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 Eustis City Commission 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 22-07 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.

Mary C. Montez, City Clerk

EXHIBIT "A"

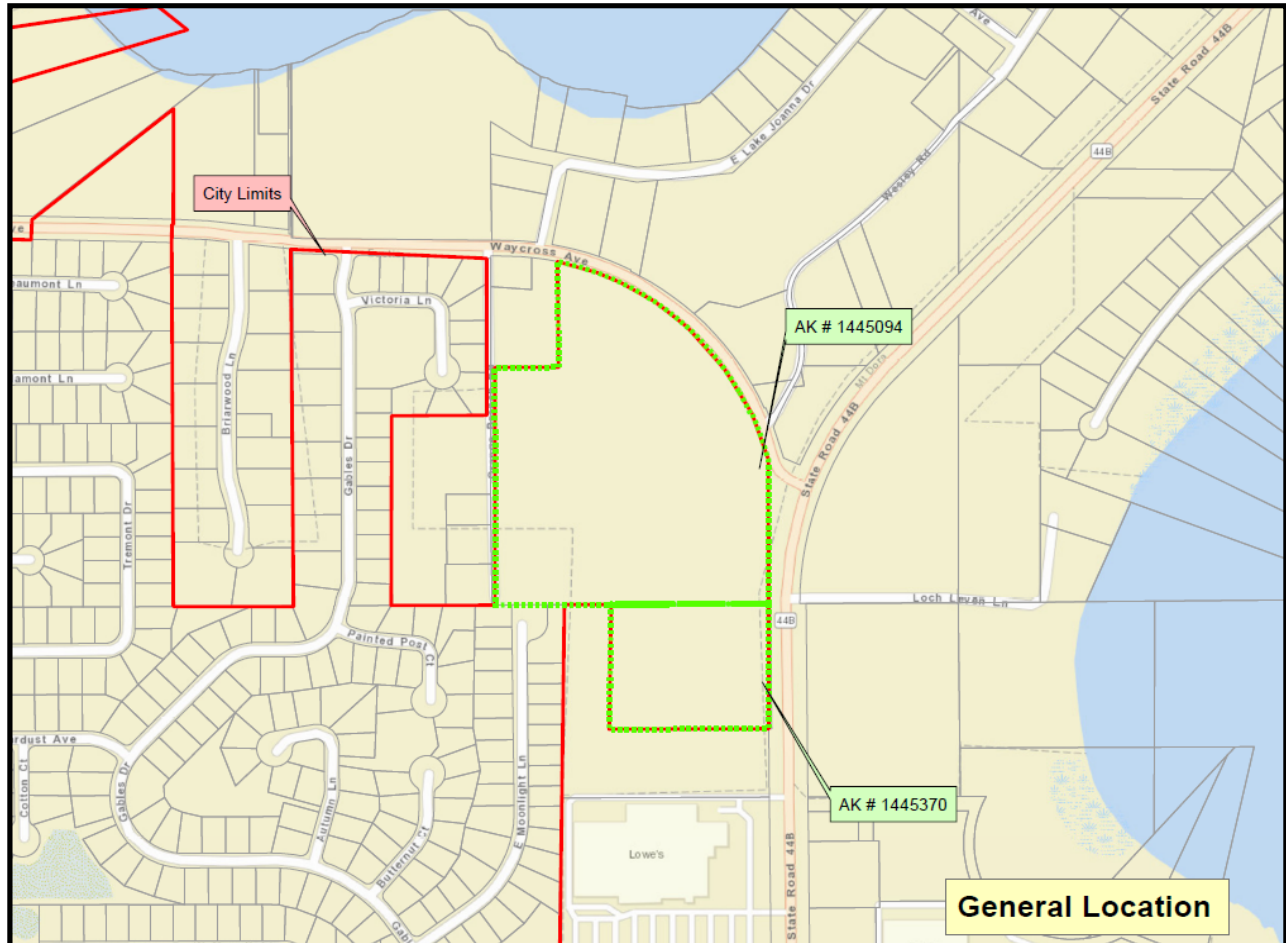
LEGAL DESCRIPTION:

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.

EXHIBIT "B"
GENERAL LOCATION MAP



ORDINANCE NUMBER 22-08

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 24.94 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE WEST SIDE OF 44B (ALTERNATE KEY NUMBERS 1445370 AND 1445094) FROM URBAN LOW IN LAKE COUNTY TO MIXED COMMERCIAL/RESIDENTIAL (MCR) 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 24.94 acres of real property located on the west side of CR 44B (Alternate Key Numbers 1445370 and 1445094), and more particularly described herein as Exhibit "A"; and

WHEREAS, on March 17, 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 March 17, 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 April 7, 2022, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small-Scale Future Land Use Amendment contained herein as Exhibit "B";

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 Urban Low in Lake County to Mixed Commercial/Residential (MCR) within the City of Eustis:

Parcel Alternate Key: 1445370

Parcel Identification Number: 19-19-27-0001-000-00100

AND

Parcel Alternate Key: 1445094

Parcel Identification Number: 18-19-27-0004-000-02000

Legal Description: Exhibit "A"

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 7th day of April, 2022.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 7th day of April, 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are 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 Eustis City Commission 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 22-08 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.

Mary C. Montez, City Clerk

EXHIBIT "A"

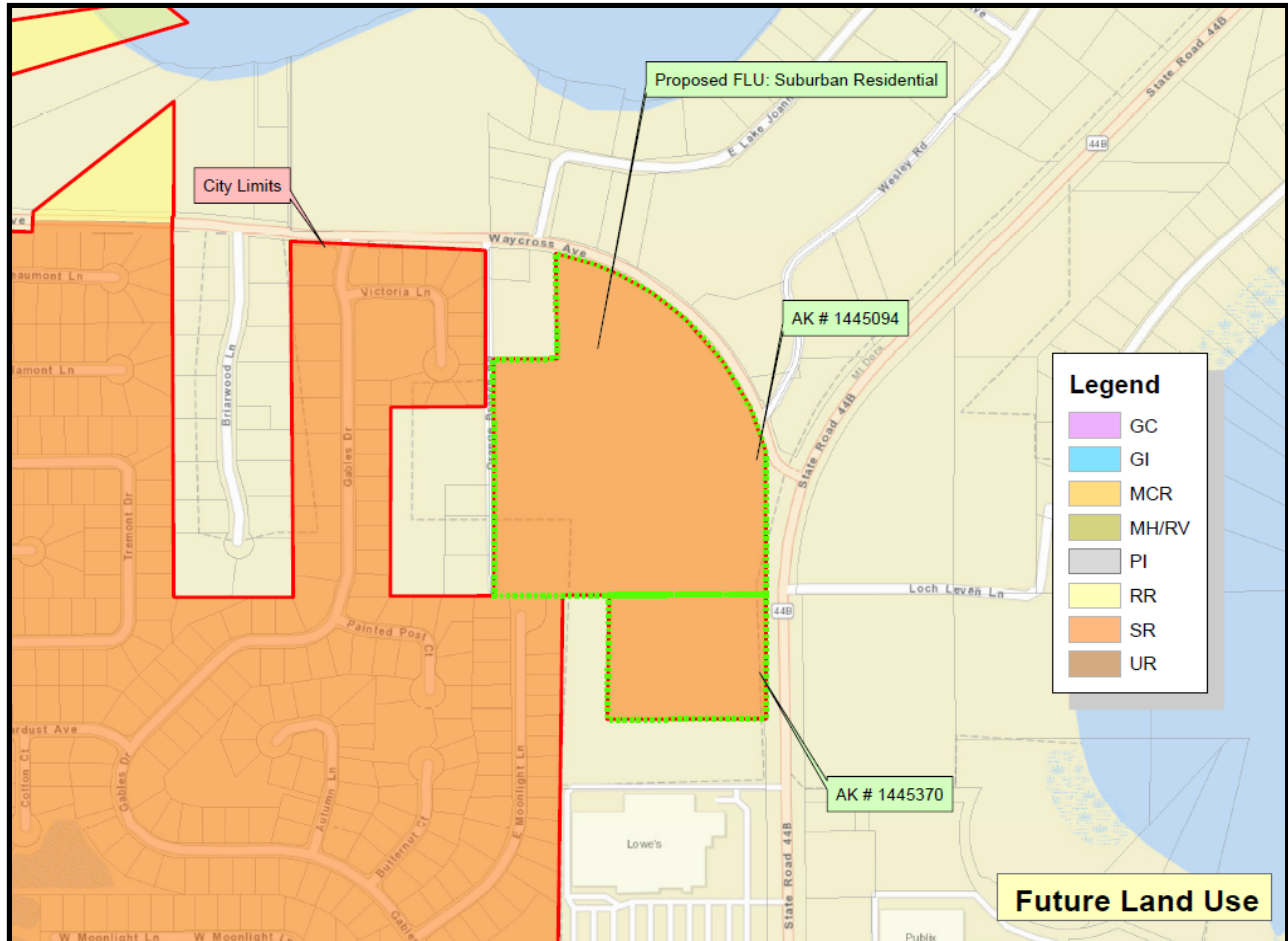
LEGAL DESCRIPTION:

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.

EXHIBIT "B"



ORDINANCE NUMBER 22-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 24.94 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE WEST SIDE OF CR 44B (ALTERNATE KEY NUMBERS 1445370 AND 1445094).

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 Suburban Neighborhood to approximately 24.94 acres of recently annexed real property further described below, and

WHEREAS, on March 17, 2022, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on April 7, 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, FLORIDA, HEREBY ORDAINS:

Section 1. Design District Designation

That the Design District Designation of the real property described below, and more specifically in Exhibit "A", and shown in Exhibit "B" shall be Suburban Neighborhood:

Parcel Alternate Key: 1445370

Parcel Identification Number: 19-19-27-0001-000-00100

AND

Parcel Alternate Key: 1445094

Parcel Identification Number: 18-19-27-0004-000-02000

Legal Description: Exhibit "A"

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 22-07.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 7th day of April, 2022.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 7th day of April, 2022, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are 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 Eustis City Commission 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 22-09 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.

Mary C. Montez, City Clerk

EXHIBIT "A"

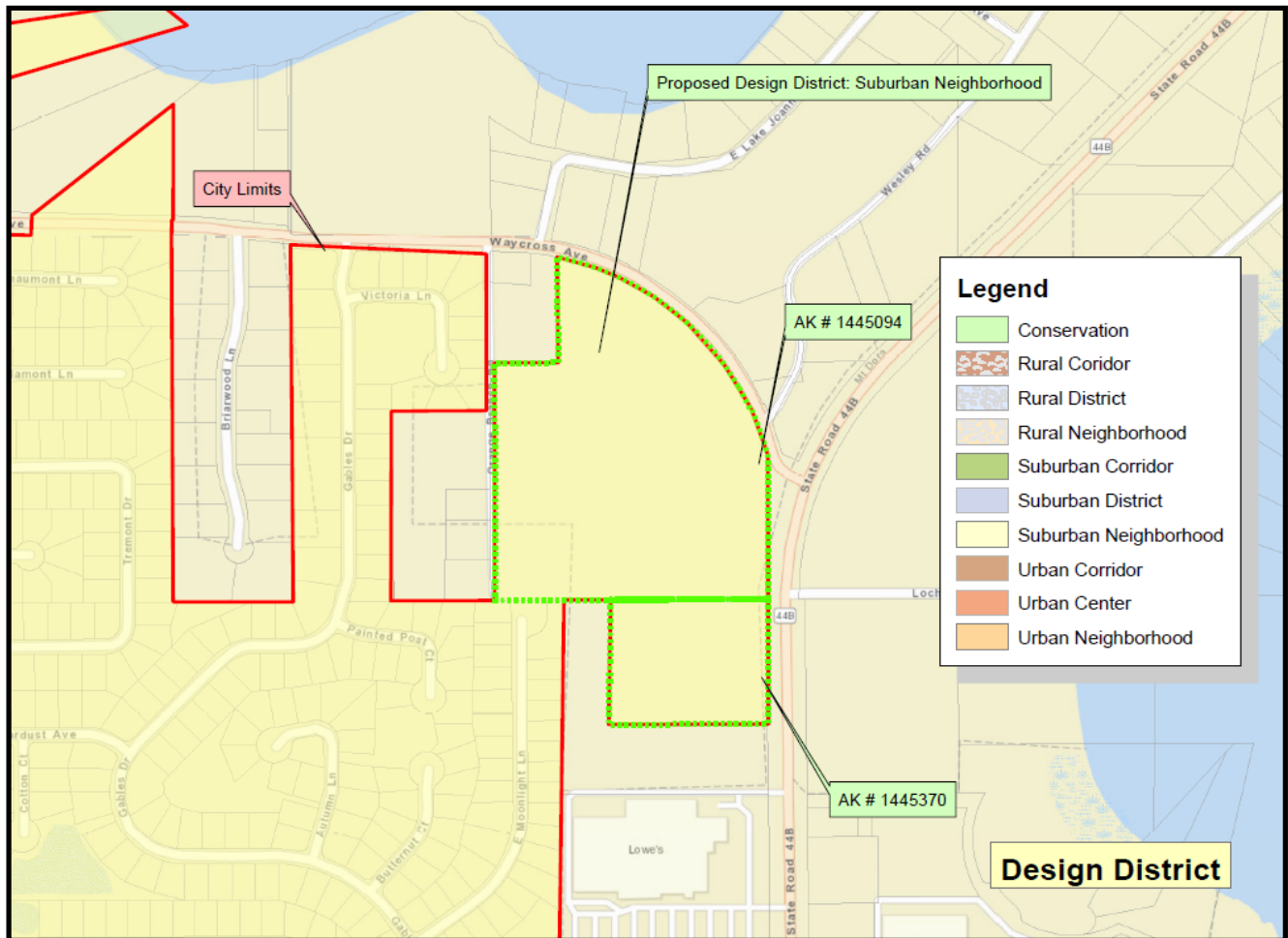
LEGAL DESCRIPTION:

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.

EXHIBIT "B"





City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Tom Carrino, Interim City Manager
DATE: March 17, 2022
RE: EUSTIS CODES PERTAINING TO SIGNAGE AND LITTERING

Introduction:

Commissioner Cobb requested a review of City codes related to signage and littering. Attached are those sections of City code for informational and discussion purposes.

Background:

This item was postponed from the February 17, 2022, Commission meeting due to time constraints at that meeting.

Attachments:

[Section 115-11 Signage - Land Development Regulations](#)

[Section 115-6.2 Central business district-urban center building design standards LDRs](#)

[Chapter 34 Article III Littering - Code of Ordinances](#)

Reviewed by:

Tom Carrino, Interim City
Manager

Approved - 11 Mar 2022

Mary Montez, City Clerk

Approved - 11 Mar 2022

Sec. 115-11. - Signage.

- (a) *Purpose and intent.* This section creates the legal framework for signage regulation that is intended to:
- (1) Properly protect the right of the public to engage in free speech;
 - (2) Provide for adequate business identification, advertising, and communication;
 - (3) Provide for the safety and welfare of the public;
 - (4) Ensure an attractive and well-maintained community appearance;
 - (5) Maintain the residential character of neighborhoods in Residential land use districts.
- (b) *Severability.* If any section, sentence, clause, phrase or word of this section is for any reason held, or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this section; and it shall be construed to have been the city commission's intent to adopt these regulations without such unconstitutional, invalid or inoperative part therein. If this section or any provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances or set of circumstances, such holding shall not affect the applicability thereof to any other person, property or circumstances.
- (c) *Substitution.* Signs containing noncommercial speech are permitted anywhere that advertising or business signs are permitted, subject to the same regulations applicable to such signs.
- (d) *General requirements.* All signage shall advertise only those products or services offered or carried on at the premises where the sign is located, except as specifically provided for herein. The use of signs visible from public rights-of-way shall be permitted, provided required permits are obtained and provided the signs are:
- (1) Compatible with their surroundings, of proper design and consistent with future land use and design district requirements;
 - (2) Meet the sign user's needs while at the same time promoting the quality environment desired by the general public;
 - (3) Designed, constructed, installed and maintained in such a manner that they do not endanger public safety or traffic safety;
 - (4) Legible, readable and visible in the circumstances in which they are used;
 - (5) Respectful of the reasonable rights of other advertisers whose messages are displayed.
 - (6) Not constructed so as to exhibit any of the following characteristics and/or functions:
 - a. Pose a danger or interfere with the peace, health, safety, or welfare of the public.
 - b. Cause an obstruction to free use of public streets or sidewalks.
 - c. Obstruct windows used for fire egress or fire escapes.
 - d. Be obscene, immoral or indecent in design, display, word, statement, character, or illustration.

- e. No private sign shall be so designed or located in any manner or any color combination so as to conflict with any authorized traffic signal, sign or device.
 - (e) *Structural requirements and construction standards.* All construction inspections and determinations shall be in accordance with chapter 118, construction standards, of this land development regulation.
 - (f) *Unsafe signs.* When a sign has been deemed unsafe or not properly constructed, the property owner shall be notified in writing of the deficiencies and required to take appropriate remedial action or remove the sign within 48 hours of notification.
- (Ord. No. 16-08, § 2(Exh. A), 4-7-2016; Ord. No. 16-31, 12-15-2016)

Sec. 115-6.2. - Central business district/urban center design district.

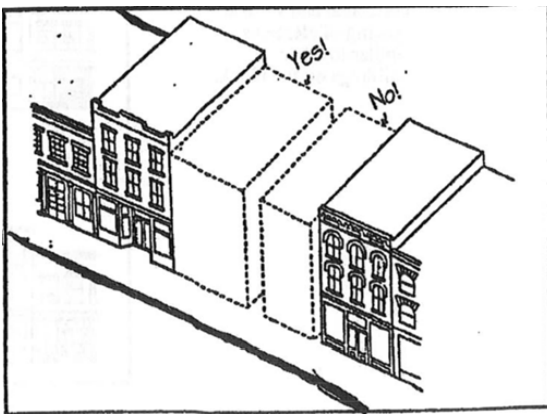
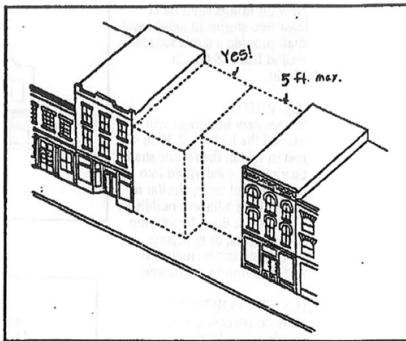
(a) *Building heights* .

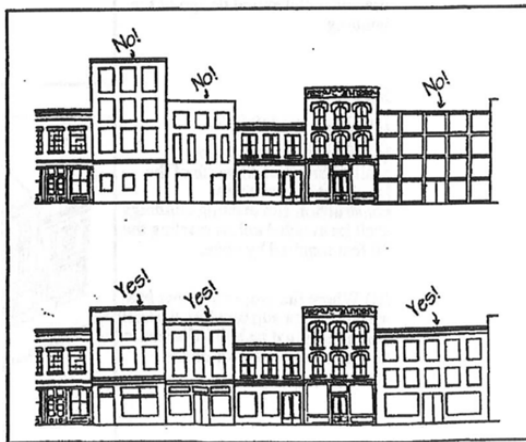
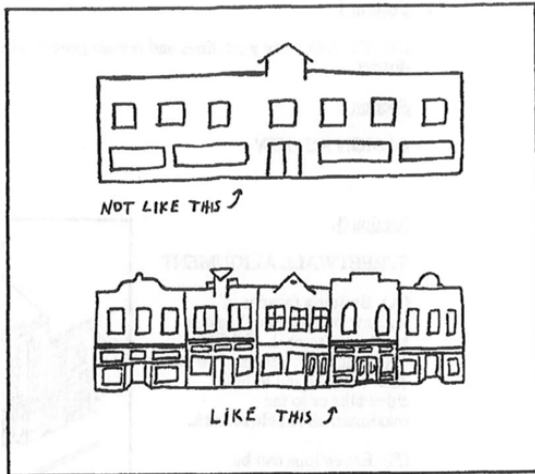
- (1) Within the central business district and urban center design district area, buildings shall a minimum of two stories (or provide the visual appearance of a two story building), regardless of lot typology provisions for minimum building height.
- (2) Buildings are adjacent to Lake Eustis, may not exceed three stories. One additional story for every 100 feet from the lake shall be permitted.

- (b) *Mixed-use buildings required* . In the central business district area identified with the yellow highlight below, residential uses are limited to the upper floors of buildings above ground-level commercial and office uses.

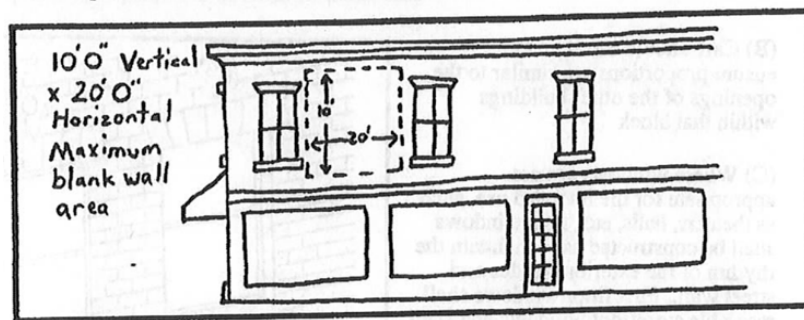


- (3) Where the property owner has several vacant adjacent lots, the infill building should be built adjacent to an existing structure or on the corner lot.
- (4) *Form and proportion* . New construction shall have massing and configuration similar to buildings in the traditional center of the district (Magnolia Avenue between Grove and Bay Streets.) Factors which effect a building's mass are height, width and roof lines.
- a. *Height* . New buildings shall be at least 2 stories in height and shall provide a street facade wall at least 28 feet in height.
- b. *Width* . Where new buildings will exceed the historical 30 to 40 feet in width, the facade shall be visually subdivided into proportional bays, similar in scale to the adjacent buildings. This can be done by varying roof heights, or applying vertical divisions, materials and detailing to the facade.
- c. *Proportion* . New construction and facade rehabilitation shall maintain horizontal and vertical spacing of elements similar to other buildings on the block.



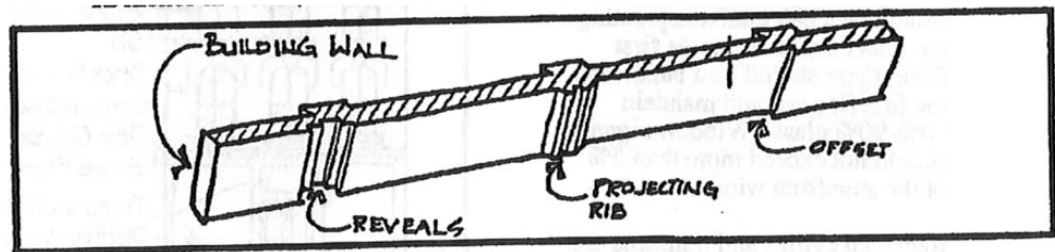


- (5) *Detail features*. The design elements in the following standards shall be integral parts of the building's exterior facade and shall be integrated into the buildings overall architectural style. These elements shall not consist solely of applied graphics or paint and shall apply to all facades visible from the public right-of-way. Blank wall areas shall not exceed 10 feet in vertical direction nor 20 feet in horizontal direction of any facade. Control and expansion joints within this area shall constitute blank wall area unless used as a decorative pattern and spaced at intervals of six feet or less. Relief and reveal work depth must be a minimum of one-half inch.



Building facades shall include a repeating pattern and shall include no less than three of the design elements listed below. At least one of these elements shall repeat horizontally. All design elements shall repeat at intervals of no more than 30 feet either horizontally or vertically.

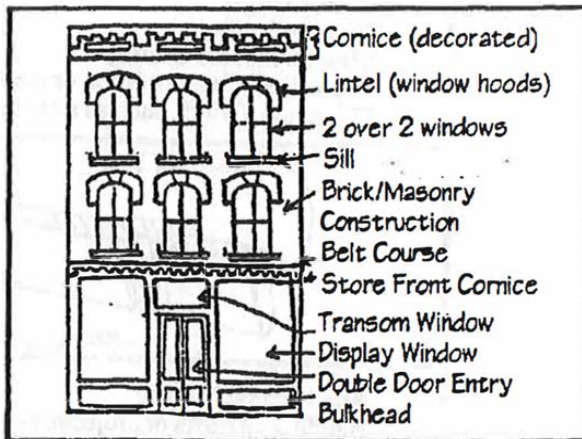
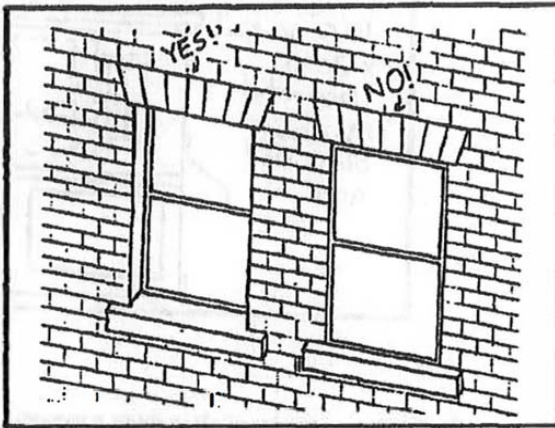
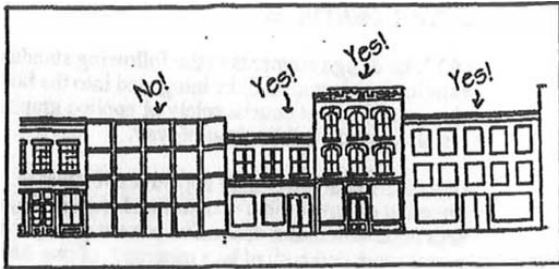
- a. Color change;
- b. Texture change;
- c. Material module change;
- d. Expression of architectural or structural bays, through a change in plane of no less than 12 inches in width, such as a reveal, an offset, or a projecting rib.
- e. Architectural banding.
- f. Building setbacks or projections, a minimum of three feet in width on upper level(s) or,
- g. Pattern change.



(6) *Windows*.

- a. *Upper story*. The openings above the first floor shall appear as "punched" openings within a solid wall, rather than as windows separated only by their frames or curtain wall as in the storefront. A solid wall must appear to be the structural element. For wood-frame construction, cornice and sill is an acceptable alternative; three inch minimum projection.
- b. Care should be taken to ensure proportions are similar to the openings of the other buildings within that block.
- c. Where windows are not appropriate for the intended use, such as theaters, halls, etc., faux windows shall be constructed as to maintain the rhythm of the exterior facades and street wall. First floor windows shall resemble storefront windows and shall retain the 80 percent coverage required. The interior backdrop shall be two to three feet back allowing for use as a display window for products, murals, etc. Second, third and fourth floor windows shall be made to resemble the existing window designs and rhythm in the surrounding historic building stock.
- d. *Storefront configurations*. New and existing storefronts shall include the basic features of a historic storefront. There should be a belt course separating the upper stories from the first floor; there should be a bulkhead; the first floor should maintain should not exceed more

than five percent of the storefront window area. Recessed entries and transoms are encouraged as historical elements.



Store Front Cornice Transom Window Display Window Double Door Entry

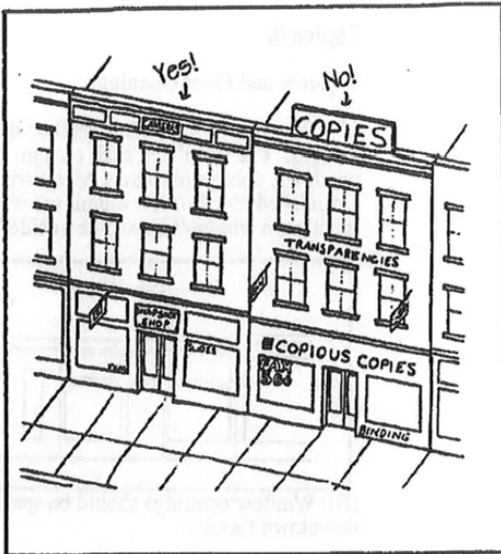
- (7) *Window and door openings*. Storefront components shall be designed to be consistent with existing historical storefront designs. The storefront shall contain a 80—90 percent glass area. Wood is strongly recommended for windows, doors and frames. Metal windows and doors finished in baked enamel are permitted. Unfinished metal or raw aluminum windows and doors should be avoided. Flush or snap-in muntins in windows should be avoided. Window openings should be spaced as to maintain the surrounding rhythm of the downtown facades.



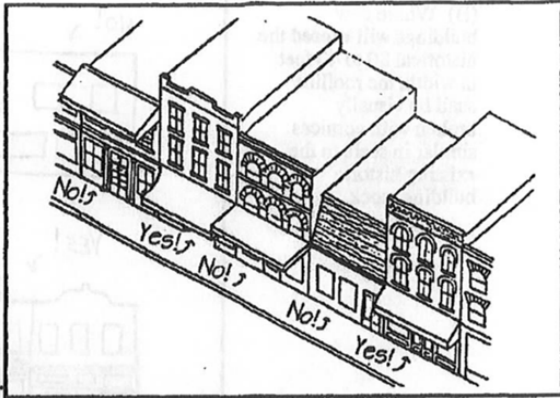
(8) *Signs.*

- a. Wall signs shall not exceed the height of the building cornice. On street facades signs and display ads shall not exceed ten percent of each main floor facade area. Wall signs should be flush-mounted or painted directly upon the flat surface of the building.
- b. Wall signs shall be placed in traditional locations in order to fit within architectural features, for example:
 - Above transoms
 - On cornice fascia boards
 - Below cornices
- c. Brackets for projecting signs shall be located under the second floor window sills or a maximum of 15 feet from the street level. Projecting signs shall be no larger than nine square feet.
- d. The use of sign symbols, logos, and cut-outs, particularly in projecting signs, is encouraged.
- e. Signage permanently painted on glass is encouraged when under five percent of glass area.
- f. Sign materials should be compatible with materials used in the building. Painted wood and metal are particularly encouraged because these materials convey durability. Individual letters, affixed directly to a sign frieze and back-lit or not, may be used.
- g. Signs shall be directly or indirectly illuminated, or shall have separately back-lit letters. Internally illuminated signs are prohibited. Neon may be used in building interiors. The use of neon on building exteriors is usually inappropriate.

- h. Spot lighting to draw attention to signs and architectural details is encouraged. Light spillage on properties is prohibited.
- i. Sign designs based upon designs in use earlier than the architectural style of the building are discouraged. Signs should be in the same style as the building.
- j. The use of the following, are prohibited in the central business district:
 - Internally lit and/or plastic awnings, with or without signs
 - Internally lit signs
 - Flashing signs
 - Pedestal signs and pole mounted signs
 - Ground mounted signs
 - Mass-produced blow molded plastic signs
 - Portable trailer signs
 - Historically incompatible canopies, awnings, and imitation mansard roofs made of metal, rough-sawn wood, plastic, shakes, or asphalt roofing.

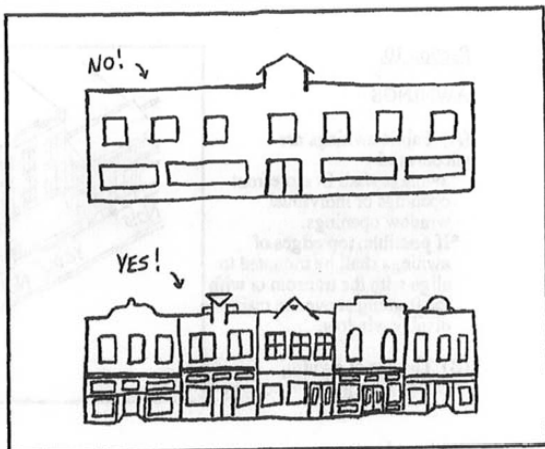
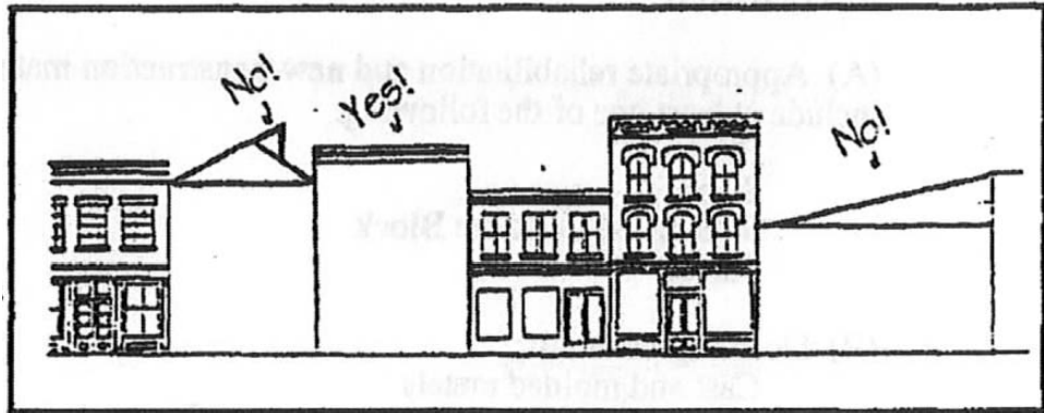


- (9) *Awnings* . Fabric awnings are encouraged. If possible, awnings shall fit storefront openings or individual window openings. Top edges of awnings shall be mounted to align with the transom or with the framing above the main display window. The use of awning valances for signs is encouraged.



(10) *Roof forms .*

- a. Roof lines of new construction shall be similar to those in adjacent buildings. Exotic roof shapes tend to disrupt the rhythm of the streetscape and must be avoided. Gable roof shapes are acceptable if parapet walls hide the end wall and water drainage is contained within the property. When original rooflines have been altered inappropriately, it is preferable to restore the original shape if feasible.



- b. Where new buildings will exceed the historical 30 to 40 feet in width, the roofline shall be

visually broken with cornices similar in scale to the existing historic building stock.

(11) *Materials* .

- a. Appropriate rehabilitation and new construction materials for all exposed surfaces shall include at least one of the following:

Brick

Stone

Split-faced concrete block

Stucco

- b. Detailing materials:

Cast and molded metals

Wood (treated pine, mahogany, and Cyprus is best for exterior applications)

Fiberglass replications

Gypsum detailing

Structural glass when replicating a pre-1940 storefront design

Architecturally detailed exterior insulation finish system (commonly known as Dryvit)

- c. The following materials are prohibited for visible surfaces:

Wood, vinyl or aluminum siding

Wood, asphalt or fiberglass shingles

Structural ribbed metal panels Corrugated metal panels

Plywood sheathing

Plastic sheathing

Structural glass, unless used to replicate a pre-1940 storefront design

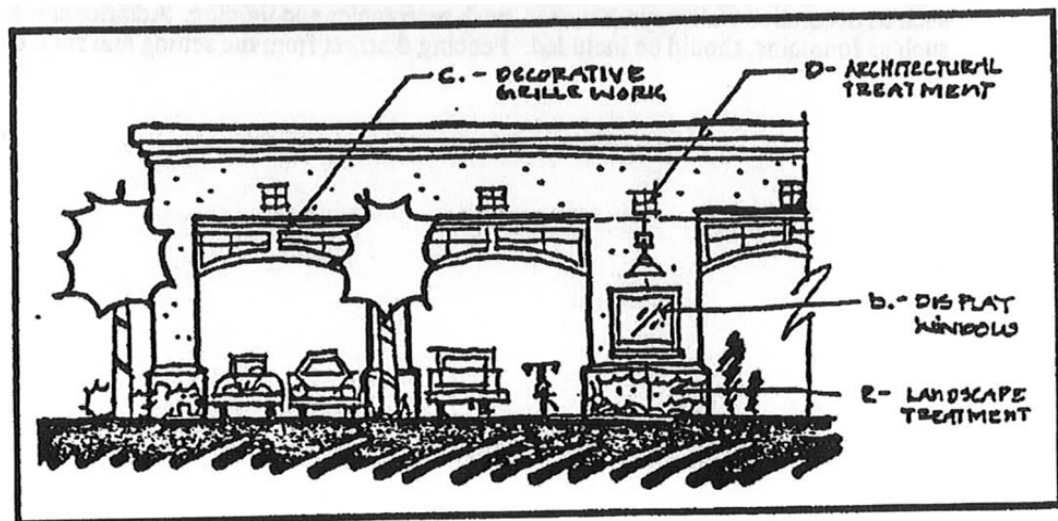
Reflective or moderate to high grade tinted glass

- d. Appropriate colors for exterior materials are colors found in natural materials such as browns, grays, deep reds and deep greens.

(12) *Parking structure standards* . Wherever practical, structured parking facilities shall be designed with retail, office or other permitted uses at the street level. Where this is not possible, the structure shall have an architecturally articulated facade designed to screen the parking areas of the structure, to encourage pedestrian scale activity, and to provide for urban open space.

Where automobile access is provided, two smaller openings are preferable to one large one. A minimum of 60 percent of any primary facade of a parking structure or covered parking facility shall incorporate two of the following:

- a. Transparent windows, with clear or lightly-tinted glass, where pedestrian oriented businesses located along the facade of the parking structure;
- b. Display windows:
- c. Decorative metal grille-work or similar detailing which provides texture and partially and/or fully covers the parking structure opening(s);
- d. Art or architectural treatment such as sculpture, mosaic, relief work or similar features; or,
- e. Vertical trellis or other landscaping or pedestrian plaza area.



(Ord. No. 16-31, 12-15-2016)

ARTICLE II. - LITTERING

Footnotes:

--- (2) ---

Cross reference— *Solid waste, ch. 78.*

DIVISION 1. - GENERALLY

Sec. 34-31. - Purpose.

- (a) It is hereby declared that the disposal of waste on public land in the City of Eustis and the failure to maintain clean and sanitary conditions on property in the city, threatens the health, safety and welfare of the citizens because of the potential for breeding disease, blight of the landscape and waterways, degradation of the city's natural resources, and increased taxpayer burdens.
- (b) It is the intent of this legislation to keep the City of Eustis a clean, safe and beautiful place to live and visit; to provide direction to the people in Eustis for the proper disposal of waste; and to provide city officials and law enforcement personnel with the means to enforce the purpose of this division.

(Ord. No. 19-30, § 1, 11-21-2019)

Sec. 34-32. - Definitions.

Dump means to dump, throw, discard, place, deposit or dispose of.

Litter means any garbage, waste, rubbish, trash, refuse, can, bottle, box, container, plastic, paper, tobacco product, tire, appliance, mechanical equipment or part, building or construction material, tool, machinery, wood, motor vehicle or motor vehicle part, electronics, televisions, tires, outboard motors, vessel, aircraft, farm machinery or equipment, sludge for a waste treatment facility, water supply treatment plant or air pollution control facility, or substance in any form resulting from domestic, industrial, commercial, mining, seafood, agricultural or governmental operations, or any similar substance.

Waterway means any water, lakes, canals, streams, lagoons or connecting waters, whether natural or man-made, partially or wholly within the boundaries of the city.

(Ord. No. 19-30, § 2, 11-21-2019)

Sec. 34-33. - Dumping of litter prohibited.

- (a) Dumping of litter is prohibited in or on any public highway, road, street, alley, or thoroughfare, including any portion of the right-of-way thereof, or any other public lands, except in containers

or areas lawfully provided.

(b) Dumping of litter is prohibited in or on any waterway.

(Ord. No. 19-30, § 3, 11-21-2019)

Sec. 34-34. - Penalty and enforcement.

- (a) Any person who violates any provision of this division for the first time is guilty of a noncriminal infraction, punishable by a fine up to \$500.00, plus court costs.
- (b) Any person who violates any provision of this division a second time is guilty of a misdemeanor of the second degree, punishable as provided in F.S. §§ 775.082 and 775.083, with a fine up to \$500.00.
- (c) Any person who violates any provision of this division for the third time is guilty of a misdemeanor of the first degree, punishable as provided in F.S. §§ 775.082 and 775.083, with a fine up to \$1,000.00.
- (d) Any person who violates any provision of this division for the fourth, or subsequent time, is guilty of a felony of the third degree, punishable as provided in F.S. §§ 775.082 and 775.083, with a fine up to \$5,000.00.
- (e) A court may enjoin a violation of this division.
- (f) The penalties provided by this division are cumulative.

(Ord. No. 19-30, § 4, 11-21-2019)

Sec. 34-35. - Posting of signs.

The City of Eustis is authorized to place signs within the city's limits, at such appropriate locations, indicating a fine will be imposed upon any person who violates this division. A sign within the immediate area is not required for the imposition of any fine under this division.

(Ord. No. 19-30, § 5, 11-21-2019)

Sec. 34-36. - Surveillance of waterways.

The City of Eustis is authorized to place cameras within the city, at such appropriate locations, including around waterways. The presence of cameras shall serve to prevent violations of this division and assist law enforcement in the event a violation of this division occurs. Video footage of a violation is not required to prove a violation.

(Ord. No. 19-30, § 6, 11-21-2019)

Sec. 34-37. - Enforcement of other regulations.

This section does not limit the authority of any state or local agency to enforce other laws, rules or ordinances relating to litter or solid waste management.

(Ord. No. 19-30, § 7, 11-21-2019)

Secs. 34-38—34-55. - Reserved.

DIVISION 2. - HANDBILLS

Footnotes:

--- (3) ---

Cross reference— *Businesses, ch. 18; handbill distributor, § 18-86 et seq.*

Sec. 34-56. - Definitions.

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Commercial handbill means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature which:

- (1) Advertises for sale any merchandise, product, commodity or thing;
- (2) Directs attention to any business, mercantile or commercial establishment or activity, for the purpose of either directly or indirectly promoting their interests by sales;
- (3) Directs attention to or advertises any meeting, theatrical performance, exhibition or event of any kind for which an admission fee is charged for the purpose of private gain or profits; or
- (4) Although containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes, or for the private benefit and gain of any person so engaged as advertiser or distributor.

Handbill means any printed or written matter, any sample or device dodger, circular, leaflet, pamphlet, booklet, or any printed or otherwise reproduced original or copies, which includes commercial or noncommercial handbills as defined in this section.

Newspaper means and includes any publication printed and published periodically once a week or more often, wholly or in large part in the English language, entered or qualified to be admitted and entered as second-class matter at a post office in the county where published, for sale to the public generally, available to the public generally for the publication of official or other notices and customarily containing information of a public character or of interest or of value to the residents or owners of property in the county where

published, or of interest or of value to the general public. In addition, the term shall mean and include any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.

Noncommercial handbill means and includes any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copy of any matter or literature not included in the definition of a commercial handbill or a newspaper.

Private premises means and includes any dwelling, house, building or other structure designed or used either wholly or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, vestibule or mailbox belonging or appurtenant to such dwelling, house, building or other structure.

Public place means and includes all streets, boulevards, avenues, lanes, alleys or other public ways, and all public parks, squares, spaces, plazas, grounds and buildings in the city.

(Code 1959, § 3-1; Ord. No. 92-18, § 1(LDR ch. 3), 8-27-1992)

Cross reference— Definitions generally, § 1-2.

Sec. 34-57. - Penalty; revocation of license upon conviction.

Any person violating the provisions of this article shall upon conviction be punished as provided in section 1-14. In addition the city clerk may revoke any license issued under the provisions of section 18-86 et seq. to such person, or to the employer of the agent or employee so convicted. Upon revocation of a license, the aggrieved party may appeal to the city manager for review of such revocation as provided in section 18-88(d).

(Code 1959, § 3-20)

Sec. 34-58. - Article inapplicable to mail and newspapers.

The provisions of this article shall not be deemed to apply to the distribution of mail by the United States, or to the distribution of newspapers.

(Code 1959, § 3-18)

Sec. 34-59. - Prohibited handbills.

It shall be unlawful for any person to post, hand out, distribute or transmit any sign or any handbill which violates state or federal law.

(Code 1959, § 3-17)

Sec. 34-60. - Information to be shown on commercial handbill.

It shall be unlawful for any person to distribute, hand out or circulate any commercial handbill in any place, under any circumstance, which does not have printed on its cover, front or back, the name and address of the following:

- (1) The person who printed, wrote, compiled or manufactured the handbill.
- (2) The person who caused the handbill to be distributed; however in the case of a fictitious person or club, in addition to the fictitious name, the true names and addresses of the owners, managers or agents of the person sponsoring such handbill.

(Code 1959, § 3-15; Ord. No. 92-18, § 1(LDR 8.16(C)), 8-27-1992)

Sec. 34-61. - Distributing or depositing in public place.

It shall be unlawful for any person to deposit, place, throw, scatter or cast any handbill in or upon any public place within this city. It shall be also unlawful for any person to hand out or distribute or sell any commercial handbill in any public place; however, it shall not be unlawful for any person to hand out or distribute, without charge to the receiver, any noncommercial handbill in any public place to any person willing to accept such noncommercial handbill.

(Code 1959, § 3-9; Ord. No. 92-18, § 1(LDR 8.16(B)(1)), 8-27-1992)

Sec. 34-62. - Distributing or depositing in automobiles.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in or upon any automobile or other vehicle. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any noncommercial handbill to the owner or other occupant of any automobile or other vehicle who is willing to accept the handbill.

(Code 1959, § 3-10; Ord. No. 92-18, § 1(LDR 8.16(B)(2)), 8-27-1992)

Cross reference— Traffic and vehicles, ch. 90.

Sec. 34-63. - Distributing or depositing on vacant or uninhabited premises.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill in or upon any private premises which are temporarily or continuously uninhabited or vacant.

(Code 1959, § 3-11; Ord. No. 92-18, § 1(LDR 8.16(B)(3)), 8-27-1992)

Sec. 34-64. - Distributing or depositing on posted property.

It shall be unlawful for any person to distribute, deposit, place, throw, scatter or cast any handbill upon any premises, if requested by anyone not to do so, or if there is placed on such premises in a conspicuous position near the entrance a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the owners or custodians of such premises do not desire to be molested or to have their right of privacy disturbed, or to have any handbills left upon the premises.

(Code 1959, § 3-12; Ord. No. 92-18, § 1(LDR 8.16(B)(4)), 8-27-1992)

Sec. 34-65. - Distributing or depositing on inhabited premises.

It shall be unlawful for any person, whether licensed under the provisions of section 18-86 et seq., or unlicensed, to distribute, deposit, place, throw, scatter or cast any handbill in or upon private premises which are inhabited, except by handing or transmitting such handbill directly to the owner, occupant or any other person then present in or upon such private premises; or, in case of inhabited private premises which are not posted as provided in section 34-64, unless permitted by someone lawfully upon the premises to place or deposit any handbill in or upon such inhabited private premises. The handbill so placed or deposited shall be secured to prevent the handbill from being blown or drifted about the premises or elsewhere. Mailboxes may not be so used when prohibited by federal postal laws or regulations.

(Code 1959, § 3-13; Ord. No. 92-18, § 1(LDR 8.16(B)(5)), 8-27-1992)

Sec. 34-66. - Posting on building or structure.

It shall be unlawful for any person to post any advertisement or handbill on a private house, building, wall or fence without the permission of the owner.

(Code 1959, § 3-14; Ord. No. 92-18, § 1(LDR 8.16(B)(5)), 8-27-1992)

Sec. 34-67. - Effect on provisions relative to canvassers, peddlers, etc.

This article shall not be deemed to repeal, amend or modify any provision of this Code either by prohibiting, regulating or licensing canvassers, hawkers, peddlers, transient merchants, or any person using the public streets or places for any private business or enterprises, or for commercial sales, not covered herein.

(Ord. No. 01-02, § 2-15-2001)

Editor's note— This section was moved from section 124-8(g) to this location during the 2006 republication of this Code.

2/9/22, 10:30 AM

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Secs. 34-68—34-95. - Reserved.