



AGENDA

Regular City Commission Meeting

6:00 PM - Thursday, June 3, 2021 - City Hall

INVOCATION: ELDER ELIJAH PERRY, CHURCH OF GOD BY FAITH

PLEDGE OF ALLEGIANCE: COMMISSIONER COBB

CALL TO ORDER

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

1. AGENDA UPDATE
2. APPROVAL OF MINUTES
 - 2.1 May 20, 2021 - Regular City Commission Meeting
[Staff Report #21-0135 - Html](#)
[05-20-2021 CC MIN - For Approval](#)
3. PRESENTATIONS
 - 3.1 Recognition of Senior Police Officer Wayne Perry upon his retirement
[Staff Report #21-0149 - Html](#)
4. APPOINTMENTS
 - 4.1 Appointment to Police Pension Board
[Staff Report #21-0139 - Html](#)
[BIRKHOFER APP PENSION BD Redacted](#)
[Bolton Application - Redacted](#)
[Bolton Request for Reappt](#)
[Chap 70 Article IV - Eustis Municipal Police Officers' Pension and Retirement System](#)
5. AUDIENCE TO BE HEARD
6. CONSENT AGENDA
 - 6.1 Resolution Number 21-31: Bates Avenue WWTP Expansion - Preconstruction Services
[Staff Report #21-0129 - Html](#)
[Resolution No. 21-31](#)
[Resolution No. 21-13.docx](#)
[Resolution No. 19-29](#)
 - 6.2 Resolution Number 21-35: Approving a Memorandum of Understanding between the Eustis Police Department and Lake County Sheriff for staffing an Interagency DUI Task Force
[Staff Report #21-0131 - Html](#)
[Resolution No 21-35](#)
[Eustis DUI Task Force MOU](#)

- 6.3 Resolution Number 21-37: Approving the assignment of a developer's agreement with Redtail Club Services to Deoworks, Inc.
[Staff Report #21-0137 - Html](#),[Staff Report #21-0137 - Html](#)
[Resolution No 21-37](#)
[Revised Assignment of Developer's Agreement](#)
- 6.4 Resolution Number 21-38: Approving Memorandum of Understanding between area cities to enter into the Mid-Florida Special Weapons and Tactics (SWAT) Team
[Staff Report #21-0132 - Html](#)
[Resolution No 21-38](#)
[MOU for SWAT Team Task Force ADA](#)
- 6.5 Resolution Number 21-39: Foreclosure Authorization - 1000 South Bay Street (Colonial Inn Motel), Code Enforcement Case 19-01297
[Staff Report #21-0133 - Html](#)
[Staff Report Res. No. 21-39](#)
[Resolution No. 21-39](#)
- 7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS
 - 7.1 Resolution Number 21-40: Approving the 3rd amendment to the agreement for sale and purchase of property between the City and SpenceTF, LLC
[Staff Report #21-0134 - Html](#)
[Staff Report Res 21-40 3rd Amendment Due Diligence Extension SpenceTF ADA](#)
[Resolution No 21-40](#)
[3rd Amendment to SpenceTF Purchase Agreement Time Extension ADA](#)

SECOND READING

- 7.2 Ordinance Number 21-06: Amending Chapter 42 Code of Ordinances requiring franchise agreements for textile recycling bins
Ordinance Number 21-07 Amending Chapter 34 Code of Ordinances establishing regulations for placement of textile recycling bins
[Staff Report #21-0140 - Html](#)
[Staff Report Donation Bins 3-18-21](#)
[Ord. No. 21-06 Amend Ch 42 Code of Ordinances Franchise Agreement for Textile Bins](#)
[Ord. No. 21-07 Amend Ch 34 Code of Ordinances Textile Bins](#)
- 7.3 Ordinance Number 20-32: Voluntary Annexation of property located on north side of CR 44A, east of East Eldorado Lake Drive
Ordinance Number 20-33: Comprehensive Plan amendment assigning future land use designation to above property
Ordinance Number 20-34: Assigning a design district designation to the above property
[Staff Report #21-0143 - Html](#)
[Staff Report 2nd Reading Ord. Nos. 20-32 20-33 20-34](#)
[Ordinance No. 20-32 Annexation](#)
[Ordinance No. 20-33](#)
[Ordinance No. 20-34](#)

- 7.4 Ordinance Number 20-35: Voluntary annexation of property located on the south side of CR 44A and west of Thrill Hill Road
Ordinance Number 20-36: Comprehensive Plan amendment assigning a future land use designation to the above property
Ordinance Number 20-37: Assigning a design district designation to the above property
[Staff Report #21-0142 - Html](#)
[Staff Report 2nd Reading Ord. Nos. 20-35 20-36 20-37](#)
[Ordinance No. 20-35 Annexation](#)
[Ordinance No. 20-36](#)
[Ordinance No. 20-37](#)
- 7.5 Ordinance Number 20-38: Voluntary annexation of property located on the east side of Thrill Hill Road and north of Reedy Road
Ordinance Number 20-39: Comprehensive Plan amendment assigning a future land use designation to the above property
Ordinance Number 20-40: Assigning a design district designation to the above property
[Staff Report #21-0141 - Html](#)
[Staff Report 2nd Reading Ord. Nos. 20-38 20-39 20-40](#)
[Ordinance No. 20-38 Annexation](#)
[Ordinance No. 20-39](#)
[Ordinance No. 20-40](#)

FIRST READING

- 7.6 Ordinance Number 21-09: Amendments to Chapters 110 and 115 of the Land Development Regulations
[Staff Report #21-0144 - Html](#)
[Staff Report Ordinance No. 21-09](#)
[Ordinance No. 21-09 LDR Amendment](#)
[Ordinance 21-09 Clean Copy of Amendments](#)
- 7.7 Ordinance Number 21-10: Comprehensive Plan Text Amendment
[Staff Report #21-0145 - Html](#)
[Ord. No. 21-10 Staff Report](#)
[Ordinance No 21-10 Comp Plan Text Amend](#)
[Exhibits A thru I Redline-Strikethru 1st Reading 5-6-21](#)
[Exhibits A thru I with Proposed Revisions](#)
[Exhibit J 2035 Future Land Use Map](#)
[Exhibit K Map 19 Proposed for Deletion](#)
- 7.8 Explanation of Ordinances for property located at the northeast corner of Fish Camp Road and Grand Island Shores Road
Ordinance Number 21-11: Voluntary Annexation
Ordinance Number 21-12: Comprehensive Plan Amendment
Ordinance Number 21-13: Design District Assignment
[Staff Report #21-0138 - Html](#)
[Staff Report Ord. Nos. 21-11 21-13 21-14](#)

[Ordinance No. 21-11 Annexation](#)
[Ordinance No. 21-12](#)
[Ordinance No. 21-13 Design Dist](#)

7.9 Ordinance Number 21-14: Establishing a fire assessment fee procedure

[Staff Report #21-0130 - Html](#)
[Staff Report - Ord 21-14 Fire Assessment](#)
[Ordinance 21-14 Fire Assessment Fee](#)

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: June 3, 2021
RE: MAY 20, 2021 - REGULAR CITY COMMISSION MEETING

Introduction:

This item is for consideration of the minutes of the May 20, 2021, regular City Commission meeting.

Attachments:

[05-20-2021 CC MIN - For Approval](#)

Reviewed by:



MINUTES

Regular City Commission Meeting

6:00 PM - Thursday, May 20, 2021 - City Hall

INVOCATION: BISHOP KELVIN COBARIS, EVERLASTING LIFE CHURCH OF GOD

PLEDGE OF ALLEGIANCE: COMMISSIONER LEHEUP-SMITH

CALL TO ORDER: 6:12 P.M.

ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE

Ron Neibert, City Manager, announced that, due to the action of the Local Planning Agency (LPA), Ordinances 21-09 and 21-10 would not be considered at that meeting.

2. APPROVAL OF MINUTES

- 2.1** May 6, 2021 - City Commission Workshop
May 6, 2021 - Regular City Commission Meeting

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

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

3. PRESENTATIONS

- 3.1** Proclamation recognizing Merry Jewelers on their 75th anniversary

Mayor Holland read a proclamation recognizing Merry Jewelers on its 75th anniversary and presented it to Guy "Smiley" Merry's great grandson.

- 3.2** Recognition of Capt. Ken Birkhofer upon his retirement

Mayor Holland introduced Police Chief Craig Capri who presented Capt. Birkhofer a commendation on his retirement after 30 years and with his service weapon.

Capt. Birkhofer expressed his thanks to his family, field training officers and former Chief Fred Cobb, and to his co-workers at the Eustis Police Department. He also recognized the City Manager and department heads for their teamwork and all of the City staff members and Commissioners. He cited the tough decisions facing the Commission including those about public safety. He thanked the residents of

the City for their support of the department.

3.3 Update regarding drive-in movie theater - Spencer Follmar

Spencer Follmar, SpenceTF LLC, provided an update on the progress for the drive-in movie theater. He announced that they have just concluded obtaining all the funding for the theater. He stated they have hired a site engineer, an architect and a surveyor and the surveying should begin the next week. He indicated he would be requesting to be placed on the agenda to make a request for an additional 120 day extension for submittal and approval of the site plan with the intent to break ground by the new year and to be open for business by the summer or fall of 2022.

The Commission confirmed that the final product will be the same as originally discussed with Mr. Follmar explaining the screens have been moved slightly so as not to intrude on the neighboring property. He explained they will build two screens first and then the remaining screens.

The Commission then confirmed they now have financing for the entire project with Mr. Follmar indicating they are working with a development company in Sanford called Flagship. He commented on how the drive-in theaters have become more popular during the pandemic with 30 new drive-ins built nationally in the past year.

Discussion was held regarding how soon the additional screens would be built.

The Commission expressed concern regarding how things have changed each time while the City has been holding the property all that time with Mr. Follmar explaining they now have the funding and have begun hiring and spending on hard costs. It was requested that he present something more tangible at his next presentation.

Mr. Neibert confirmed that he is requesting to have the extension request on the June 3rd agenda.

3.4 Presentation of Fire Assessment Fee Analysis Study by Government Services Group

Mike Sheppard, Finance Director, introduced Sandi Walker, Government Services Group.

Ms. Walker provided an overview of their fire assessment study. She explained what is a fire assessment stating the case law requirements as follows: 1) Special benefit to the property; and 2) Must be fairly and reasonably apportioned. She stated the purposes and goals for a fire assessment program. She assured the Commission that their methodology, known as historical demand methodology, is court tested and approved and is the most widely adopted. She explained the data components and what they look at to determine a reasonable fee. She then explained the five-year average assessable expenditures and reviewed what is included.

Ms. Walker then explained the cost apportionment and how they separate out the fire calls from the EMS calls and the parcel apportionment between residential and non-residential. She then reviewed the maximum rates the City could charge as \$179 per single-family, \$0.15 per sq. ft. for commercial, \$0.02 for

industrial/warehouse, and \$0.51 for institutional. She reviewed other levels of funding as follows: At 75% - \$135 per dwelling unit, \$0.12 for commercial, \$0.02 for industrial/warehouse and \$0.38 for institutional for a total revenue of approximately \$1,750,000. She further explained that the City can establish a policy decision to exempt government property; however, since it will be placed on the tax bill there is a problem since government properties do not get a tax bill.

Ms. Walker stated their recommendation that the City exempt government and institutional properties and explained the City would have to buy down those fees as those fees cannot be shifted over to the other properties. She stated her belief that staff is going to recommend the 55% rate and stated those fees as follows: \$100 per dwelling unit, \$.09 for commercial, \$0.02 per industrial/warehouse and \$0.28 for institutional. She stated that would net approximately \$1,063,000 after the buy downs.

Ms. Walker then reviewed the implementation schedule if they decide to move forward. She explained a procedural ordinance would be required. She further explained it does not actually implement the assessment. She indicated adoption of the ordinance starts the process for notification of the property owners. She stated that would go out on the TRIM notice which would restrict when they hold their public hearing for the final adoption of the final assessment resolution which would have to be held between Sept. 6th and 14th. She added that whatever rates and exemptions are included is the maximum that can be levied. She then explained the determination for which institutional properties would be exempt.

Mr. Neibert indicated that the only decision tonight would be whether or not to place an ordinance on the June 3rd agenda for first reading.

The Commission discussed whether or not to proceed with the initiating ordinance.

CONSENSUS: It was a consensus of the Commission to have the ordinance on the agenda for first reading on June 3rd and to hold a workshop at 5:30 p.m. on June 3rd to discuss.

4. APPOINTMENTS

4.1 Appointment to Police Pension Board of Trustees - Diane Thomas

Diane Thomas introduced herself to the audience and noted she just finished a two-year term on the board.

Moved by Commissioner Cobb, seconded by Vice Mayor Lee, to approve the reappointment of Diane Thomas to the Eustis Police Officers Pension Board of Trustees. Motion carried by the following votes:

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

5. AUDIENCE TO BE HEARD

Lee Conger addressed the Commission regarding the proposed amendments to the Land Development Regulations. She noted there are no rural or agricultural designations

contained in the Comprehensive Plan.

Cindy Newton addressed the Commission regarding a development on Lake Lincoln and stated their debris is blowing on the neighboring property. She cited the need to maintain the rural and agricultural areas.

6. CONSENT AGENDA

6.1 Resolution Number 21-33: Bid Award for Construction Services for the Woodward Avenue Roadway and Utility Improvements Project

6.2 Resolution Number 21-34: A resolution supporting pursuit of a small matching grant from the Department of State, Division of Historical Resources

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

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

7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

FIRST READING

7.1 Explanation of Ordinances Regarding Textile Recycling (Clothing Donation) Bins: Ordinance Number 21-06 Amending Chapter 42 Code of Ordinances
Ordinance Number 21-07 Amending Chapter 34 Code of Ordinances

Derek Schroth, City Attorney, read Ordinance Number 21-06 by title only on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; amending Chapter 42, Franchises, of the City of Eustis Code of Ordinances, adding an additional article to provide for franchise agreements for textile recycling collection bins (clothing donation bins) located within the City limits; providing for repeal of conflicting ordinances; providing for codification, severability and effective date.

Mr. Schroth noted this previously came before the Commission and he worked with Lori Barnes to develop the ordinance as this seemed to be the best way to handle the issue.

The Commission confirmed that a current business tax receipt could be required on the property whether occupied or not and if the total number of bins allowed in the City could be limited.

Discussion was held regarding how many should be allowed. It was noted that some of the property owners have indicated that the bins just appeared and the companies did not have permission to place the bins.

Mr. Schroth suggested that he include a limitation of ten but allow a waiver process. Following further discussion, it was agreed to limit the number to four.

Mr. Schroth opened the public hearing at 7:13 p.m. There being no public comment, the hearing was closed at 7:13 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Commissioner Cobb, to approve Ordinance Number 21-06 on first reading with the addition of the requirement for a current business tax receipt and a citywide limitation of four. Motion carried by the following votes:

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

7.2 Ordinance Number 21-07 amending Chapter 34 Code of Ordinances

Mr. Schroth read Ordinance Number 21-07 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida; amending Chapter 34, Article II, by adding the regulation of textile recycling collection bins (clothing donation bins) to the Code of Ordinances; repealing all prior Eustis ordinances inconsistent herewith; and providing for codification, severability, and an effective date.

Mr. Schroth opened the public hearing at 7:14 p.m. There being no public comment, the hearing was closed at 7:14 p.m.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to approve Ordinance Number 21-07 on first reading. Motion carried by the following votes:

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

7.3 Ordinance Number 21-09: Amendments to Chapters 110 and 115 of the Land Development Regulations Ordinance Number 21-10: Comprehensive Plan Text Amendment

Mr. Schroth noted that the LPA had continued consideration of Ordinances Number 21-09 and 21-10 to June 3, 2021. He recommended that the Commission also postpone consideration of the ordinances to June 3rd so they would not need to be re-advertised.

Moved by Commissioner LeHeup-Smith, seconded by Vice Mayor Lee, to continue Ordinances 21-09 and 21-10 to the June 3, 2021, Commission meeting for first reading. Motion carried by the following votes:

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

8. OTHER BUSINESS

8.1 Discussion regarding progress by Joint City/County Planning Work Group and appointment of City representative to the Work Group

Mr. Neibert noted that Mayor Holland had resigned as the City's appointee to the working group; therefore, the Commission needs to appoint someone to serve on the working group.

Commissioner Cobb asked Mayor Holland to reconsider with Mayor Holland agreeing to continue serving on the working group if the Commission desired him to.

The Commission asked about the update on the working group with Mayor Holland noting that the City Clerk had sent everyone the notes from the two working group meetings.

Mr. Neibert stated his recollection that Development Services Director Lori Barnes would review the proposal presented at the last working group meeting and then the Commission would schedule a workshop for her to review that proposal with them and provide her input.

CONSENSUS: It was a consensus of the Commission to proceed as Mr. Neibert indicated.

Moved by Commissioner Cobb, seconded by Commissioner Hawkins, to approve the reappointment of Mayor Holland as the City's designee to the joint planning working group. Motion carried by the following votes:

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

9. FUTURE AGENDA ITEMS

- 9.1** Commissioner Cobb noted a program that the City of Tavares has called See - Click - Fix and asked to have a presentation to the Commission by Mark O'Keefe from Tavares. She asked about the United In Praise property with Mr. Neibert indicating he has not reached them yet. She then commented on the number of small stick-in signs around the City and asked what is the City's policy.

Mr. Neibert indicated they are not allowed, particularly in the right-of-way, and stated that staff typically pulls them up and throws them away. He indicated that enforcement is a problem since any enforcement would go back on the property owner instead. He stated staff could call the sign owner; however, normally they just pull them up and destroy them. He indicated they are an ongoing problem. He confirmed that placement on telephone poles is also illegal.

Commissioner Hawkins suggested putting code enforcement under the police department with Mr. Neibert indicating that is an administrative policy decision and that he would be discussing that with the Police Chief. Mr. Hawkins then expressed concern regarding the traffic around the schools and on Bates Avenue. He noted someone speeding on Bates Avenue who hit a tree. He asked about the monitors for the dais with Mr. Neibert indicating that is included in the Commission Room renovations.

Vice Mayor Lee commented on all of the issues facing the City and asked the residents to understand the Commission is doing its best to make good decisions. She asked everyone to try to work together and put any animosity behind them. She cited the need for the Commission, residents and County to work together to find the right development for Eustis.

10. COMMENTS

10.1 City Commission

Commissioner Cobb commented on her efforts to get Mahindra to film a national commercial in Lake County. She stated they filmed instead in St. Augustine and Palatka; however, they used Lake County residents and children. She indicated they paid approximately \$25,000 to those residents. She noted a child from 4-H was in the commercial and just shot her first Marco's Pizza commercial.

Commissioner Hawkins complimented Police Chief Craig Capri on his work in the community.

Commissioner LeHeup-Smith noted the passing of Marcia Arnold, a former City staff member. She also noted the passing of James Calvin from Eustis.

Vice Mayor Lee encouraged everyone to attend the grand re-opening of the Eustis Resource Center on Saturday, May 22nd. She stated it will be operated by the Eustis Community Alliance and commented on the number of programs they have planned.

10.2 City Manager

Mr. Neibert reported that Cardinal Lane is on the schedule to be repaved between Bates and Orange Avenue in the next fiscal year.

10.3 City Attorney

Mr. Schroth explained for egregious situations on homestead property that the City does have the ability to get an injunction.

10.4 Mayor

Ann Ivey, Library Director, reported there is another week of the Food for Fines program. She added they also allow people to just donate food and waive someone else's fines. She noted she had distributed to the Commissioners information on all of their summer programs. She stated they have already had to expand the passport program. She announced that Gatorland will be coming to Ferran Park on June 11th and cited other upcoming outdoor programs.

Craig Dolan, Parks & Recreation Director, announced two staff members have been certified to teach archery. He indicated they are expanding the summer program from 45 slots to 55. He reported on other recent and upcoming programs.

Vice Mayor Lee asked about the Golden Seniors with Mr. Dolan indicating the building is already used one Tuesday per month but they could do three Tuesdays per month during the summer at the Woman's Club facility.

Fire Chief Mike Swanson reported on the Covid 19 vaccination program. He added that the City location vaccinated approximately 3000 people. He indicated anyone seeking a vaccine can contact him and he will help them find a location. He noted that the Health Department will be doing vaccinations at the First Friday

events.

Mayor Holland extended his condolences to Kevin Saxton on the loss of his mother. He thanked Chief Capri for keeping him informed about incidents in the City.

Police Chief Craig Capri commented on programs they have planned for summer. He emphasized they will be coming down hard on anyone committing gun violence in the City. He cited the upcoming bike ride with the Chief. He complimented the City on its great teamwork.

The Commission complimented Chief Capri on his communication skills and thanked him for keeping them informed.

Mayor Holland announced that the Eustis High School's (EHS) girls' softball team won that day 2-0 and would be playing for the state championship the next day. He congratulated the EHS Class of 2021 and noted graduation would be the following Friday. He expressed thanks to the Commission and staff.

11. ADJOURNMENT: 7:45 P.M.

These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to www.eustis.org and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording or verbatim transcript of the meeting can 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: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: RECOGNITION OF SENIOR POLICE OFFICER WAYNE PERRY UPON HIS RETIREMENT

Introduction:

Senior Police Officer Wayne Perry is retiring from the Eustis Police Department after 35 years of service to the community. Police Chief Craig Capri and the Mayor will present Senior Officer Perry with his retirement commendation and service weapon.

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 28 May 2021
Approved - 28 May 2021



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: APPOINTMENT TO POLICE PENSION BOARD

Introduction:

This item is for consideration of two applicants for appointment or reappointment to the Police Officers' Pension Board for a two year term that will expire March 2023.

Background:

According to Section 70-115(a) of the City's Code of Ordinances, the Police Pension Board shall consist of five members: two police officers who are members of the plan and elected by members of the City Police Department who are eligible to participate in the fund; two members appointed by the City Commission and one member appointed by the members of the board and confirmed by the City Commission. The non-police officer members must be residents of the City.

Previously, Ken Birkhofer was elected by the members of the fund as one of their elected representatives on the Pension Board. However, he had to vacate that seat due to his recent retirement from the department making him ineligible to serve as an elected member. Adam Bolton was appointed to one of the two City appointed positions in March 2019 and that term has now expired.

Ken Birkhofer has subsequently submitted an application to be considered for appointment as one of the City's two appointees. The remaining members of the board are Sgt. Nicole Hagstrom, elected position; Diane Thomas, other City appointed position; and Capt. Gary Winheim, ratified appointee.

The Commission needs to decide whether to reappoint Adam Bolton to the Board or appoint Ken Birkhofer to that seat instead. Regardless of which individual is selected, the term will expire March 2021.

Attachments

Adam Bolton reappointment request letter
Adam Bolton board application

Ken Birkhofer board application

Chapter 70, Article IV - Eustis Municipal Police Officers' Pension and Retirement System

Attachments:

[BIRKHOFFER APP PENSION BD_Redacted](#)

[Bolton Application - Redacted](#)

[Bolton Request for Reappt](#)

[Chap 70 Article IV - Eustis Municipal Police Officers' Pension and Retirement System](#)

Reviewed by:

Ronald Neibert, City Manager

Approved - 28 May 2021

Mary Montez, City Clerk

Approved - 28 May 2021

CITY OF EUSTIS

109-A East Orange Avenue

P.O. Drawer 68

Eustis, FL 32727-0068

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

Phone - 352-483-5472

FAX - 352-483-0492

VOLUNTEER/COMMUNITY SERVICES APPLICATIONDate: May 19, 2021

MAY 19 2021

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

1. Police Pension Board
2. _____
3. _____
4. _____

NAME: Kenneth D. Birkhofer

Telephone #: _____

PRESENT ADDRESS: _____

Street/P.O. Box

City

State

Zip

How long have you lived at this address? 26 yearsE-Mail Address: kbirkhofer@comcast.netHave you filed an application here before? ☒ Yes ☐ No If yes, when? June 1991Have you ever worked for the City of Eustis? ☒ Yes ☐ No If yes, when? September 1991 to May 2021Are you currently employed? ☐ Yes ☒ No May we contact you at work? ☐ Yes ☒ No

What number can we reach or leave a message for you during the day? Phone #: _____

Are you available: ☐ Full Time ☒ Part Time ☐ TemporaryWhen are you able to volunteer? ☐ Nights ☐ Weekends ☒ OtherDo you possess a valid Fla. Driver's License or I.D.? ☒ Yes ☐ NoAre you legally eligible for employment in the United States of America? ☒ Yes ☐ NoHave you ever been convicted, pled guilty or no contest to, had prosecution deferred or adjudication withheld on a felony or first degree misdemeanor in any jurisdiction? ☐ Yes ☒ No If yes, when: _____Explain: N/A

(Nature, severity and date of offense in relation to the position for which you are volunteering are considered.)

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

Are you able, physically or otherwise, to perform the job functions of the position for which you are volunteering?

☒ Yes ☐ No If no, please explain: _____

Please list the names of friends or relatives working for the City and their relationship to you: In my 29 years, 8 months working with the City of Eustis I have developed many friends who still work for the city. No relatives work for the City of Eustis.

PER 051-15

EQUAL OPPORTUNITY EMPLOYER

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

Name & Address of Organization:

City of Eustis Police Department
51 East Norton Ave., Eustis, FL 32726
Job Title: Police Captain

From 09/1991 to 05/2021
Month/Year Month/Year

Supervisor's E-mail: CapriC@ci.eustis.fl.us

Describe the work you did: Managed/supervised various operational divisions of the police department and the personnel assigned to those divisions. Protect and serve the residents and visitors of the City of Eustis.

Reason for leaving: Retirement.

Name & Address of Organization:

Lake Tech Institute of Public Safety
1565 Lane Park Cutoff Rd., Tavares, FL 32778
Job Title: Adjunct instructor

From 04/2001 to 01/2020
Month/Year Month/Year

Supervisor's E-mail: mike.bond@lcso.org

Describe the work you did: Teach police recruits and out of state officers the fundamentals of law enforcement and preparing them to be certified police officers in Florida.

Reason for leaving: Resigned after 19 years to provide more opportunities to junior and new instructors.

Name & Address of Organization:

Seminole County Sheriff's Office
100 Eslinger Way, Sanford, FL 32773
Job Title: Comm Spec I

From 07/89 to 08/91
Month/Year Month/Year

Supervisor's E-mail: Unknown- Donna Capshaw has retired

Describe the work you did: 911 operator, radio dispatcher, and teletype operator. Received both 911 calls and non-emergency calls and would dispatch law enforcement services to the requested location.

Reason for leaving: To be a police officer with the City of Eustis.

Name & Address of Organization:

Cumberland Farms
11025 W Burleigh Blvd., Leesburg, FL 34788
Job Title: Cashier/Clerk

From 01/1989 to 06/1989
Month/Year Month/Year

Supervisor's E-mail: Toni Deland- Unknown email

Describe the work you did: Cashier, restocked groceries, and janitorial work to keep store clean.

Reason for leaving: To begin a career in law enforcement with the Seminole County Sheriff's Office.

EDUCATION AND SPECIALIZED TRAINING:

Circle Highest Grade Completed

GRAMMAR AND HIGH SCHOOL:

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

COLLEGE:

13 14 15 16

GRADUATE:

17 18 19 20

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

Name of High School(s): American Preparatory Institute	City and State: Killeen, Tx		
Name of College: Columbia Southern University	City and State: Orange Beach, AL	Major: Criminal Justice Admin.	Degree Received: Bachelor of Science
Name of Graduate School:	City and State:	Major:	Degree Received:
Other Trade, Technical, Etc:	City and State:	Major:	Degree Received:
Foreign Language Skills:		☐ Read ☐ Write ☐ Speak	

OTHER PROFESSIONAL MEMBERSHIPS OR SKILLS:

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

- Florida Public Pension Trustees Association,
1. Certified Public Pension Trustee
- _____
- _____
- _____
- _____
- _____

REFERENCES:

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

Name Pam Gordon	Phone # 352-308-6264	Name David Carney	Phone # 352-602-1939
Address (Street, City, State, Zip) 51 East Norton Ave., Eustis, FL 32726		Address (Street, City, State, Zip) 51 East Norton Ave., Eustis, FL 32726	
E-mail Address GordonP@ci.eustis.fl.us		E-mail Address CarneyD@ci.eustis.fl.us	
Employer City of Eustis	Phone # 352-483-5400	Employer City of Eustis	Phone # 352-483-5400
Occupation Police Administrative Coordinator		Occupation Police Captain	
Name Gary Winheim	Phone # 352-455-9089	Name Kenneth Toler	Phone # 352-874-0807
Address (Street, City, State, Zip) 51 East Norton Ave., Eustis, FL 32726		Address (Street, City, State, Zip) 51 East Norton Ave., Eustis, FL 32726	
E-mail Address WinheimG@ci.eustis.fl.us		E-mail Address TolerK@ci.eustis.fl.us	
Employer City of Eustis	Phone # 352-483-5400	Employer City of Eustis	Phone # 352-483-5400
Occupation Police Captain		Occupation Police Captain	

HOURS AVAILABLE TO VOLUNTEER:

What days and hours are you available for work? I am available on Wednesdays for the pension meetings, I

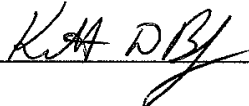
too am available for special meetings and educational classes required for the position.

CERTIFICATE OF APPLICANT:

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

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

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

SIGNATURE OF APPLICANT:  Date: May 19, 2021

CONSENT OF PARENT OR LEGAL GUARDIAN

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

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

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

Signature of Parent or Legal Guardian: _____ Date: _____

[Close Window](#)**VOLUNTEER POLICE PENSION BOARD MEMBER**Rating:

Date Submitted: 3/11/2019 3:28:19 PM

Job Application

Adam L Bolton

CURRENT INFO

[REDACTED]

abolton@umatillfl.org

PREVIOUS INFO

[REDACTED]

EMPLOYMENT INFOWill Work: Part Time
Times: , Other
Date Available: 3/19/2019Hours Available: as needed
Travel: Yes**SKILLS**

Foreign languages spoken fluently:

Skill	Skill Level	Last Used	Experience
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EXPERIENCE**Chief of Police**
Umatilla Police Department03/2005 - current
251 n central ave
umatilla, 32784
3526693561

Supervisor Name: Scott Blankenship

Police Chief

Salary: 64,000

Hours Worked: 40

Reason for leaving: Currently employed.

Number Supervised: 12

EDUCATION

Do you have a high school diploma or GED? Yes

HighSchool General education
St. Cloud High School

St. Cloud /FL

High School

Associate General education
St. Petersburg College

St. Petersburg /FL

Certification Police Academy
Daytona State College

Daytona Beach /FL

REFERENCES**Gary Calhoun, Chief of Police**
51 W Norton Ave, Eustis FL, 32726City of Eustis
352-357-4121**MISCELLANEOUS**

1. Have you ever been convicted, plead guilty or no contest to, had prosecution deferred or adjudication withheld on a felony or first-degree misdemeanor in any jurisdiction? No
2. Do you have any pending criminal charges? No
3. Are you legally eligible for employment in the United States of America? Yes
4. Have you ever been discharged for any reason from any job? Yes
5. Have you ever been employed by the City of Eustis? No
6. Are any members of your family or relatives employed by the City of Eustis? No
7. Maiden or other names under which you may have worked or gone to school: Yes

3/13/2019

Application Review : Human Resources

8. Do you possess a current, VALID Florida driver license?
9. Which driver license do you possess: E,
10. Other driver license endorsement:
11. Construction Vehicles/Equipment you can operate:
NA
12. Active licenses, certificates or registrations:
NA
13. Organizations which you belong to that are relevant to the job:
NA
14. Have you ever been arrested, received a notice to appear, charged, convicted, pled nolo contendere or pled guilty to any criminal violation, regardless if the record was sealed or expunged? N/A
(For Sworn Police applications only)
- Comments:
I was fired from Winn Dixie when I was 17.

VETERANS' PREFERENCE

Do you wish to claim Veteran's Preference? No

Veteran Type:

City of Eustis
P.O Drawer 68
10 North Grove Street
Eustis, Florida 32727

RE: Reappointment Status (Please check the appropriate box, fill in the remaining information, and sign below)

Dear Sir or Madam:

☐ I no longer wish to serve on the following Board.
Effective Date: _____

☒ Please accept this form as a request for reappointment to the following Board.
Your consideration is appreciated.

Board: Police Pension Board

Name: Adam L. Bolton

Address: 1016 Pine Meadows Golf Course Rd Eustis FL

Telephone Number: 3523086936

Email Address: abolton@umatillafl.org

Upcoming Commission Meeting Dates I Can Attend: As soon as needed

Sincerely,

Signature:  Digitally signed by Adam L. Bolton
Date: 2021.05.18 15:59:45 -04'00' Date: 05/18/2021

ARTICLE IV. - CITY OF EUSTIS MUNICIPAL POLICE OFFICERS' PENSION AND RETIREMENT SYSTEM^[3]

Footnotes:

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Editor's note— Ord. No. 18-15, § 1, adopted Oct. 18, 2018, repealed Art. IV §§ 70-101—70-145 in its entirety and reenacted a new article §§ 70-101—70-145, as set out herein. The former Art. IV pertained to similar subject matter and derived from Code 1959, §§ 15-31—15-37, 15-40—15-43; Ord. No. 94-15, §§ 1—3, adopted May 19, 1994; Ord. No. 94-35, § 1(2), adopted Dec. 1, 1994; Ord. No. 96-34, § 1, adopted Sept. 9, 1996; Ord. No. 00-07, §§ 1—3, 5—9, adopted April 6, 2000; Ord. No. 01-12, §§ 1, 2, adopted May 17, 2001; Ord. No. 03-65, §§ 1—5, adopted Nov. 6, 2003; Ord. No. 04-41, § 1, adopted Aug. 5, 2004.

Sec. 70-101. - Established.

- (a) There is established in the city a pension and retirement system for paid police officers of the police department of the city (police officers' pension trust fund) pursuant to the Charter and F.S. ch. 185. Except as specifically provided in this article to the contrary, the local law plan requirements of F.S. ch. 185 shall be applicable.
- (b) The city police officers' pension trust fund is a local pension plan as allowed by F.S. § 185.35. Pursuant to such law, the plan shall meet the requirements of F.S. § 185.35.

(Ord. No. 18-15, § 1, 10-18-2018)

Sec. 70-102. - Contributions.

- (a) *Contributions by the city to the police officers' pension trust fund.* The city shall contribute to the police officers' pension trust fund annually an amount which, together with the contributions from the police officers and the amount derived from the premium tax and other sources allowed by law, will be sufficient to meet the normal cost of the police officers' pension trust fund and to fund the actuarial deficiency as set out in F.S. ch. 112.
- (b) *Contributions by the police officers to the police officers' pension trust fund.* The city shall pay into the police officers' pension trust fund an amount not less than one percent nor more than five percent of the salary of each police officer who is a member of the police department and eligible for inclusion in the police officers' pension trust fund, which one to five percent shall be deducted by the city from the compensation due the police officer. Currently, the police officer contribution is four percent of annual compensation. Should periodic actuary studies reveal that city's contribution to the police officers' pension trust fund could be reduced to a level below that of the police officers' level of contribution to the police officers' pension trust fund at the time of the study and still maintain actuarial soundness, and the city does lower its annual contribution to an amount less than the officer's contribution, then city shall by ordinance reduce the amount of the police officers' contribution to the police officers' pension trust fund to a level that is equal to the city's contribution, but which does not exceed four percent of annual compensation. It being the intent of this subsection that in no event shall the police officer contribution exceed the city's contribution to the police officers' pension trust fund. No police officer shall have any right to the money so paid into the police officers' pension trust fund except as provided by law and the police officers' pension trust fund. Member contributions withheld by the city on behalf of the member shall be deposited with the board immediately after each pay period. The contributions made by each member to the fund shall be designated as employer contributions pursuant to § 414(h) of the Code. Such designation is

contingent upon the contributions being excluded from the members' gross income for Federal Income Tax purposes. For all other purposes of the system, such contributions shall be considered to be member contributions.

- (c) *State contributions.* Any monies received or receivable by reason of laws of the State of Florida, for the express purpose of funding and paying for retirement benefits for police officers of the city shall be deposited in the fund comprising part of this system immediately and under no circumstances more than five days after receipt by the city.
- (d) *Other.* Private donations, gifts and contributions may be deposited to the fund, but such deposits must be accounted for separately and kept on a segregated bookkeeping basis, funds arising from these sources may be used only for additional benefits for members, as determined by the board, and may not be used to reduce what would have otherwise been required city contributions.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-103. - Participation in plan mandatory; designation of beneficiary.

- (a) Any police officer of the city who is eligible for inclusion into the police officers' plan must join this fund as a prerequisite to employment in the police department. Any police officer that meets that definition found in F.S. § 185.02(16) is eligible for inclusion in the plan. Provided, however the police chief shall have the option to participate or not participate in the plan pursuant to F.S. § 185.02(16).

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-104. - Reserved.

Sec. 70-105. - Custodial agreements authorized.

The board of trustees in administering the retirement system may enter into custodial agreements with any bank or trust company licensed to do business in the state.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-106. - Effect of article; insurance to implement systems.

Nothing in this article shall be construed to repeal, rescind or replace any existing system of pension or retirement to which any police officer is a member, but may be coordinated with such system in its continuation.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-107 - Monthly retirement income for police officers.

- (a) *Normal retirement benefit.* A member retiring hereunder on or after his normal retirement date shall receive a monthly benefit which shall commence on the first day of the month coincident with or next following his retirement and be continued thereafter during member's lifetime, ceasing upon death, but with 120 monthly payments guaranteed in any event. The amount of retirement income payable to a police officer of the city who retires on or after his normal retirement date shall be in an amount equal to the number of years of credited service multiplied by 2½ percent of his average final compensation for those years of service completed prior to January 1, 1989, and three percent of his average final compensation for those years of service completed subsequent to January 1, 1989. Provided however, in no event may a police officer receiving benefits from the police officers'

pension trust fund receive a monthly retirement income in excess of 100 percent of such police officers' average final compensation.

- (b) *Early retirement benefit.* In the event of early retirement at the age provided in section 70-110 (b), payment of retirement income shall be governed as follows: The monthly amount of retirement income payable to a police officer who retires prior to his or her normal retirement date shall be in the amount computed as described in subsection (a), taking into account the police officer's credited service to his or her date of actual retirement and final monthly compensation as of such date, such amount of retirement income to be actuarially reduced to take into account the police officer's younger age and the earlier commencement of retirement income benefits. The amount of monthly income payable in the event of early retirement will be paid in the same manner as in subsection (a). In no event shall the early retirement reduction exceed three percent for each year by which the member's age at retirement preceded the member's normal retirement age based upon completed service at termination of employment, as provided in subsection 70-110 (a).
- (c) *Required distribution date.* The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains age 70 ½ or the calendar year in which the member terminates employment with the city.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-107.5. - Optional forms of benefits.

- (a) In lieu of the amount and form of retirement income payable in the event of normal or early retirement as specified herein, a member, upon written request to the board, may elect to receive a retirement income or benefit of equivalent actuarial value payable in accordance with one of the options set forth in F.S. § 185.161, subject to the conditions and limitations set forth therein.
- (b) Except where the retiree's joint pensioner is his spouse, the payments to the joint pensioner as a percentage of the payments to the retiree shall not exceed the applicable percentage provided for in the applicable table in the Treasury regulations. (See Q&A-2 of 1.401(a)(9)-6).
- (c) Upon change of a retiree's joint pensioner in accordance with this section, the amount of the retirement income payable to the retiree shall be actuarially predetermined to take into account the age of the former joint pensioner, the new joint pensioner and the retiree and to ensure that the benefit paid is the actuarial equivalent of the present value of the retiree's then-current benefit at the time of the change. Any such retiree shall pay the actuarial recalculation expenses. Each request for a change will be made in writing on a form prepared by the board and on completion will be filed with the board. In the event that no designated beneficiary survives the retiree, such benefits as are payable in the event of the death of the retiree subsequent to his retirement shall be paid as provided in section 70-118.
- (d) The member's benefit under this section must begin to be distributed to the member no later than April 1 of the calendar year following the later of the calendar year in which the member attains age 70 ½ or the calendar year in which the member terminates employment with the city.
- (e) A retiree may not change his retirement option after the date of cashing or depositing his first retirement check.
- (f) Notwithstanding anything herein to the contrary, the board in its discretion, may elect to make a lump sum payment to a member or a member's beneficiary in the event that the total commuted value of the monthly income payments to be paid do not exceed \$1,000.00. Any such payment made to any person pursuant to the power and discretion conferred upon the board by the preceding sentence shall operate as a complete discharge of all obligations under the system with regard to such member and shall not be subject to review by anyone, but shall be final, binding and conclusive on all persons.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-108. - Cost of living adjustment.

- (a) The purpose of this section is to provide cost-of-living adjustments to the monthly benefits payable to plan participants employed on or after October 1, 2003.
- (b) As used in this section, "initial benefit" means the first monthly benefit payable to a plan participant in accordance with the laws governing the determination of such benefit at the time of retirement or earlier death.
- (c) Commencing October 1, 2003, the benefit of each plan participant employed on or after October 1, 2003, shall be adjusted on each October 1 thereafter, as follows, for those plan participants who receive a cost-of-living adjustment under this section, the adjusted monthly benefit shall be the amount of the monthly benefit being received on September 30 immediately preceding the adjustment date plus an amount equal to three percent of this benefit.
- (d) The initial benefit of a plan participant who elected an optional form of benefit payment which provided for a percentage of the benefit to be continued to a beneficiary after his or her death shall be reduced at the death of the plan participant by application of the stated percentage.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-109. - Vesting.

- (a) All police officers who are first employed as qualified law enforcement employees with the city on or after October 1, 2003, shall be vested in the police officers' retirement plan after completion of ten years of service.
- (b) All police officers who are qualified law enforcement employees with the city on January 1, 1989, and all those first employed as qualified law enforcement employees with the city after January 1, 1989, but prior to October 1, 2003, shall be vested in the police officers' retirement plan after completion of five years of qualified service.
- (c) All police officers who terminated employment as qualified law enforcement employees with the city prior to January 1, 1989, and were not reemployed on or after January 1, 1989, as qualified law enforcement employees with the city shall be vested in this retirement plan only if ten years of qualified service had been completed prior to January 1, 1989.
- (d) If a member terminates his employment as a police officer, either voluntarily or by discharge, and is not eligible for any other benefits under this system, the member shall be entitled to the following:
 - (1) If the member is not vested upon termination, the member shall be entitled to a refund of his accumulated contributions or the member may leave it deposited with the fund. If a member who is not vested is not reemployed as a police officer with the Police department within five years, his accumulated contributions, if \$1,000.00 or less shall be returned without interest. If a member who is not vested is not reemployed within five years, his accumulated contributions, if more than \$1,000.00, will be returned without interest upon the written request of the Member and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated.
 - (2) If the member is vested upon termination, the member shall be entitled to a monthly retirement benefit, determined in the same manner as for normal or early retirement and based upon the member's credited service, average final compensation and the benefit accrual rate as of the date of termination, payable to him commencing at the member's otherwise normal or early retirement date based upon completed service at termination of employment, provided he does not elect to withdraw his accumulated contributions and provided the member survives to his otherwise normal or early retirement date. If the member does not withdraw his accumulated

contributions and does not survive to his otherwise normal or early retirement date, his designated beneficiary shall be entitled to a benefit as provided herein for a deceased member, vested or eligible for retirement under pre-retirement death. If a vested member leaves the employ of the police department, his accumulated contributions will be returned only upon his written request and upon completion of a written election to receive a cash lump sum or to rollover the lump sum amount on forms designated by the board. Upon return of a member's accumulated contributions, all of his rights and benefits under the system are forfeited and terminated.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-110. - Retirement age.

- (a) A member's normal retirement age is the earlier of the attainment of age 55 and vested status, or upon the attainment of age 52 and the completion of 25 years of credited service. Each member shall become 100 percent vested in his accrued benefit at normal retirement age. A member's normal retirement date shall be the first day of the month coincident with or next following the date the member retires from the city after attaining normal retirement age.
- (b) *Early retirement date.* A member may retire, with the consent of the city, on his early retirement date which shall be the first day of any month coincident with or next following the attainment of age 50 and vested status. Early retirement under the system is retirement from employment with the city on or after the early retirement date and prior to the normal retirement date.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-111. - Definitions.

- (a) As used herein, unless otherwise defined or required by the context, the following words and phrases shall have the meaning indicated:

Accumulated contributions means a member's own contributions without interest. For those members who purchase credited service with interest or at no cost to the system, any payment representing the amount attributable to member contributions based on the applicable member contribution rate, and any payment representing interest and any required actuarially calculated payments for the purchase of such credited service, shall be included in accumulated contributions.

Actuarial equivalent means a benefit or amount of equal value, based upon the RP-2000 Combined Healthy Unisex Mortality Table and an interest rate equal to the investment return assumption set forth in the last actuarial valuation report approved by the board. This definition may only be amended by the city pursuant to the recommendation of the board using assumptions adopted by the board with the advice of the plan's actuary, such that actuarial assumptions are not subject to city discretion.

Average final compensation for full-time police officers means one-twelfth of the average salary of the five best years of the last ten years of creditable service prior to retirement, termination or death.

Beneficiary means the person or persons entitled to receive benefits hereunder at the death of a member who has or have been designated in writing by the member and filed with the board. If no such designation is in effect, or if no person so designated is living, at the time of death of the member, the beneficiary shall be the estate of the member.

Board means the board of trustees, which shall administer and manage the system herein provided and serve as trustees of the fund.

City means city of Eustis, Florida.

Code means the Internal Revenue Code of 1986, as amended from time to time.

Credited service means the aggregate number of years of service and fractional parts of years of service of any police officer, omitting intervening years and fractional parts of years when such police officer may not have been employed by the municipality, subject to the following conditions:

- (1) A police officer may not receive credit for years or fractional parts of years of service if he or she has withdrawn his or her contributions to the fund for those years or fractional parts of years of service, unless the police officer repays into the fund the amount he or she has withdrawn, plus interest determined by the board. The member has at least 90 days after his or her reemployment to make repayment.
- (2) A police officer may voluntarily leave his or her contributions in the fund for five years after leaving the employ of the police department, pending the possibility of being rehired by the same department, without losing credit for the time he or she has participated actively as a police officer.
- (3) If the police officer is not reemployed as a police officer with the same department within five years, his or her contributions shall be returned without interest.
- (4) Credited service under this chapter shall be provided only for service as a police officer employed by the city or for military service and does not include credit for any other type of service.
- (5) The years or fractional parts of a year that a member performs "Qualified Military Service" consisting of voluntary or involuntary "service in the uniformed services" as defined in the Uniformed Services Employment and Reemployment Rights Act (USERRA) (P.L.103-353), after separation from employment as a police officer with the city to perform training or service, shall be added to his years of credited service for all purposes, including vesting, provided that:
 - a. The member is entitled to reemployment under the provisions of USERRA.
 - b. The member returns to his employment as a police officer within one year from the earlier of the date of his military discharge or his release from active service, unless otherwise required by USERRA.
 - c. The maximum credit for military service pursuant to this paragraph shall be five years.
 - d. This paragraph is intended to satisfy the minimum requirements of USERRA. To the extent that this paragraph does not meet the minimum standards of USERRA, as it may be amended from time to time, the minimum standards shall apply.

In the event a member dies on or after January 1, 2007, while performing USERRA Qualified Military Service, the beneficiaries of the member are entitled to any benefits (other than benefit accruals relating to the period of qualified military service) as if the member had resumed employment and then died while employed.

Beginning January 1, 2009, to the extent required by section 414(u)(12) of the Code, an individual receiving differential wage payments (as defined under section 3401(h)(2) of the Code) from an employer shall be treated as employed by that employer, and the differential wage payment shall be treated as compensation for purposes of applying the limits on annual additions under section 415(c) of the Code. This provision shall be applied to all similarly situated individuals in a reasonably equivalent manner. Leave conversions of unused accrued paid time off shall not be permitted to be applied toward the accrual of credited service either during each plan year of a member's employment with the city or in the plan year in which the member terminates employment. Effective date means the date on which this ordinance becomes effective.

Police officer means a person employed full-time solely by the Eustis Police Department who is certified or required to be certified as a law enforcement officer in compliance with F.S. § 943.1395, who is vested with authority to bear arms and make arrests, and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state. The term includes all certified supervisory and command personnel whose duties include, in whole or in part, the supervision, training, guidance, and management responsibilities of full-time law enforcement officers,

part-time law enforcement officers, or auxiliary law enforcement officers, but does not include part-time law enforcement officers or auxiliary law enforcement officers as those terms are defined in F.S. § 943.10. For the purposes of this chapter only, the term also includes a public safety officer who is responsible for performing both police and fire services.

Fund means the trust fund established herein as part of the system.

Member means an actively employed police officer who fulfills the prescribed membership requirements. Benefit improvements which, in the past, have been provided for by amendments to the system adopted by city ordinance, and any benefit improvements which might be made in the future shall apply prospectively and shall not apply to members who terminate employment or who retire prior to the effective date of any ordinance adopting such benefit improvements, unless such ordinance specifically provides to the contrary.

Plan year means the 12 month period beginning October 1 and ending September 30 of the following year.

Retiree means a member who has entered retirement status.

Retirement means a member's separation from city employment with eligibility for immediate receipt of benefits under the system or entry into the deferred retirement option plan.

Salary means the total compensation for services rendered to the city as a police officer reportable on the member's W-2 form plus all tax deferred, tax sheltered, or tax exempt items of income derived from elective employee payroll deductions or salary reductions. For noncollectively bargained service earned on or after July 1, 2011, or for service earned under collective bargaining agreements entered into on or after July 1, 2011, the term has the same meaning except that when calculating retirement benefits, up to 300 hours per year in overtime compensation may be included as specified in the plan or collective bargaining agreement, but payments for accrued unused sick or annual leave may not be included.

For service earned under collective bargaining agreements entered into on or after July 1, 2011 (the effective date of the first such agreement being the "effective date" for the purposes of this paragraph), salary shall not include more than 300 hours of overtime per calendar year and shall also not include payments for accrued unused sick or annual leave. Provided however, in any event, payments for overtime in excess of 300 hours per year or accrued unused sick or annual leave accrued as of the effective date and attributable to service earned prior to the effective date, may still be included in salary for pension purposes even if the payment is not actually made until on or after the effective date. In any event, with respect to unused sick leave and unused annual leave accrued prior to the effective date, salary will include the lesser of the amount of sick or annual leave time accrued on the effective date or the actual amount of sick or annual leave time for which the retiree receives payment at the time of retirement, regardless of whether the amount of sick or annual leave was, at some time prior to retirement, reduced below the amount on the effective date.

Compensation in excess of the limitations set forth in section 401(a)(17) of the Code as of the first day of the plan year shall be disregarded for any purpose, including employee contributions or any benefit calculations. The annual compensation of each member taken into account in determining benefits or employee contributions for any plan year beginning on or after January 1, 2002, may not exceed \$200,000.00, as adjusted for cost-of-living increases in accordance with Code section 401(a)(17)(B). Compensation means compensation during the fiscal year. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a member's contributions or benefits for the current plan year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period. The limitation on compensation for an "eligible employee" shall not be less than the amount which was allowed to be taken into account hereunder as in effect on July 1, 1993. "Eligible employee" is an individual who was a member before the first plan year beginning after December 31, 1995.

Spouse means the member's or retiree's spouse under applicable law at the time benefits become payable.

System means the City of Eustis Municipal Police Officers' Pension and Retirement System as contained herein and all amendments thereto.

- (b) *Masculine gender*. The masculine gender, where used herein, unless the context specifically requires otherwise, shall include both the feminine and masculine genders.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-112. - Police officer disability benefits.

- (a) Police officers shall be entitled to disability benefits as follows:

- (1) A police officer may retire from the service of the city under the plan if, prior to his normal retirement date, he becomes totally and permanently disabled in the line of duty as defined in subsection (2) of this section by reason of any cause other than a cause set out in subsection (3) of this section on or after the effective date of the plan.
 - (2) A police officer with ten years of continuance service may retire from the service of the city under the plan if, prior to his normal retirement date, the police officer becomes totally and permanently disabled not in the line of duty as defined in subsection (b) of this section by reason of any cause other than a cause set out in subsection (c) of this section on or after the effective date of the plan. Such retirement shall be referred to as "disability retirement."
 - (3) The affected police officer shall be entitled to the greater of his normal retirement benefits (if qualified) or disability benefits.
 - (4) Terminated persons, either vested or non-vested, are not eligible for disability benefits. Notwithstanding the previous sentence, if a member is terminated by the city for medical reasons, the terminated person may apply for a disability benefit if the application is filed with the board within 30 days from the date of termination. If a timely application is received, it shall be processed and the terminated person shall be eligible to receive a disability benefit if the board otherwise determines that he is totally and permanently disabled as provided for above.
 - (5) The board shall have the power and authority to make the final decisions regarding all disability claims.
- (b) A police officer will be considered totally disabled if, in the opinion of the board of trustees, he is wholly prevented from rendering useful and efficient service as a police officer; and a police officer will be considered permanently disabled if, in the opinion of the board of trustees, such police officer is likely to remain so disabled continuously and permanently from a cause other than is specified in subsection (c) of this section.
- (c) A police officer will not be entitled to receive any disability retirement income if the disability is a result of:
- (1) Excessive and habitual use by the police officer of drugs, intoxicants or narcotics.
 - (2) Injury or disease sustained by the police officer while willfully and illegally participating in fights, riots or civil insurrections, or while committing a crime.
 - (3) Injury or disease sustained by the police officer while serving in any armed forces.
 - (4) Injury or disease sustained by the police officer after his employment has terminated.
- (d) No police officer shall be permitted to retire under the provisions of this section until examined by a duly qualified physician or surgeon, to be selected by the board of trustees for that purpose, and is found to be disabled in the degree and in the manner specified in this section. The board shall not select the member's treating physician or surgeon for this purpose except in an unusual case where the board determines that it would be reasonable and prudent to do so.

- (e) Any retiree receiving disability benefits under provisions of this ordinance may be required by the board to submit sworn statements of his condition accompanied by a physician's statement (provided at the retiree's expense) to the board annually and may, at any time, be required by the board to undergo additional periodic re-examinations by a qualified physician or physicians and/or surgeon or surgeons who shall be selected by the board, to determine if such disability has ceased to exist. The cost of the physical examination and/or re-examination of the member claiming or the retiree receiving disability benefits shall be borne by the fund. All other reasonable costs as determined by the board incident to the physical examination, such as, but not limited to, transportation, meals and hotel accommodations, shall be borne by the fund.
- (f) *Benefits payable.*
 - (1) The benefit payable to a police officer, employed after October 1, 2003, regardless of vesting, who is totally and permanently disabled in the line of duty prior to his or her normal retirement date is the monthly income payable for ten years certain and life. The amount of his or her monthly benefit shall be the normal retirement benefit, but shall not be less than 65 percent of his or her average monthly salary as of his or her disability retirement date.
 - (2) The benefit payable to a vested police officer who is totally and permanently disabled other than in the line of duty prior to his or her normal retirement date is the monthly income payable for ten years certain and life. The amount of his or her monthly benefit shall be the early retirement benefit, but shall not be less than 25 percent of his or her average monthly salary as of his or her disability retirement date.
- (g) *Payment of benefits.*
 - (1) The monthly retirement income to which a police officer is entitled in the event of his disability retirement shall be payable on the first day of the first month after the board of trustees determines such entitlement. However, the monthly retirement income shall be payable as of the date the board determines such entitlement; and any portion due for a partial month shall be paid together with the first payment.
 - (2) The last payment will be:
 - a. If the police officer recovers from the disability prior to his normal retirement date, the payment due next preceding the date of such recovery; or
 - b. If the police officer dies without recovering from his disability or attains his normal retirement date while still disabled, the payment due next preceding his or her death or the 120th monthly payment, whichever is later.
 - (3) Any monthly retirement income payments due after the death of a disabled police officer shall be paid to the police officer's designated beneficiary.
- (h) If the board of trustees finds that a police officer who is receiving a disability retirement income is, at any time prior to his normal retirement date, no longer disabled, the board of trustees shall direct that the disability retirement income be discontinued. "Recovery from disability" means the ability of the police officer to render useful and efficient service as a police officer.
- (i) If the police officer recovers from disability and reenters as a police officer, his service shall be deemed to have been continuous; but the period beginning with the first month for which he received a disability retirement income payment and ending with the date he reentered service will not be considered as credited service for the purpose of the plan.
- (j) *Presumptions.*
 - (1) The presumption in general law set forth at F.S. § 185.34, which provides that certain medical conditions or impairments are presumed to have been accidental and suffered in the line of duty, subject to all limitations and conditions set forth therein, shall be applied to line-of-duty determinations in claims for disability retirement. To the extent that F.S. § 185.34, is amended from time to time, repealed, or replaced, such amendments, repeals, or replacements shall apply to line of duty determinations in disability claims hereunder unless they are inapplicable to

pension benefits. This subsection is not intended to expand the scope of the statutory presumption.

- (2) The presumption in general law set forth at F.S. § 112.181, which provides that a condition or impairment of health that is caused by hepatitis, meningococcal meningitis, or tuberculosis, that requires medical treatment, and that results in total or partial disability or death shall be presumed to have a disability suffered in the line-of-duty, subject to all limitations and conditions set forth therein, shall be applied to line of duty determinations in claims for disability retirement. To the extent that F.S. § 112.181, is amended from time to time, repealed, or replaced, such amendments, repeals, or replacements shall apply to disability claims hereunder unless they are inapplicable to pension benefits. This subsection is not intended to expand the scope of the statutory presumption.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-113. - Reentry of eligible participants into the police officers' pension fund.

If a participant who has withdrawn from the police pension plan is rehired and is eligible to be a participant in the plan within 24 months of withdrawal and termination, the police officer may reenter the plan at withdrawal level provided the participant repays to the plan the sum equal to the amount the participant withdrew at termination together with interest at the rate of actuarial assumption at the date of the last actuarial study. If the police officer has not withdrawn his money from the plan, the interest would not be assessed. The payment shall be made within 60 days of rehire or the privilege shall lapse, and the police officer will enter the plan as any other newly employed police officer. The provision of this section shall not be retroactive.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-114. - Direct transfers of eligible rollover distributions.

(a) Rollover distributions.

- (1) *Generally.* This section applies to distributions made on or after January 1, 2002. Notwithstanding any provision of the system to the contrary that would otherwise limit a distributee's election under this section, a distributee may elect, at the time and in the manner prescribed by the board, to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a direct rollover.
- (2) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Direct rollover means a payment by the plan to the eligible retirement plan specified by the distributee.

Distributee means an employee or former employee. It also includes the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse. Effective January 1, 2007, it further includes a nonspouse beneficiary who is a designated beneficiary as defined by Code section 401(a)(9)(E). However, a nonspouse beneficiary may rollover the distribution only to an individual retirement account or individual retirement annuity established for the purpose of receiving the distribution and the account or annuity will be treated as an "inherited" individual retirement account or annuity.

Eligible retirement plan means an individual retirement account described in section 408(a) of the Code; an individual retirement annuity described in section 408(b) of the Code; an annuity plan described in section 403(a) of the Code; effective January 1, 2002, an eligible deferred compensation plan described in section 457(b) of the Code which is maintained by an eligible employer described in section

457(e)(1)(A) of the Code and which agrees to separately account for amounts transferred into such plan from this plan; effective January 1, 2002, an annuity contract described in section 403(b) of the Code; a qualified trust described in section 401(a) of the Code; or effective January 1, 2008, a Roth IRA described in section 408A of the Code, that accepts the distributee's eligible rollover distribution. This definition shall also apply in the case of an eligible rollover distribution to the surviving spouse.

Eligible rollover distribution means any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include: any distribution that is one of a series of substantially equal periodic payments (not less frequently than annually) made for the life (or life expectancy) of the distributee or the joint lives (or joint life expectancies) of the distributee and the distributee's designated beneficiary, or for a specified period of ten years or more; any distribution to the extent such distribution is required under section 401(a)(9) of the Code and the portion of any distribution that is not includible in gross income. Effective January 1, 2002, any portion of any distribution which would be includible in gross income as after-tax employee contributions will be an eligible rollover distribution if the distribution is made to an individual retirement account described in section 408(a); to an individual retirement annuity described in section 408(b); to a qualified defined contribution plan described in section 401(a) or 403(a) that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of such distribution which is includible in gross income and the portion of such distribution which is not so includible; or on or after January 1, 2007, to a qualified defined benefit plan described in Code section 401(a) or to an annuity contract described in Code section 403(b), that agrees to separately account for amounts so transferred (and earnings thereon), including separately accounting for the portion of the distribution that is includible in gross income and the portion of the distribution that is not so includible.

- (b) *Rollovers or transfers into the fund.* On or after January 1, 2002, the system will accept, solely for the purpose of purchasing credited service to the extent permitted herein, permissible member requested transfers of funds from other retirement or pension plans, member rollover cash contributions and/or direct cash rollovers of distributions made on or after January 1, 2002, as follows:
 - (1) *Transfers and direct rollovers or member rollover contributions from other plans.* The system will accept either a direct rollover of an eligible rollover distribution or a member contribution of an eligible rollover distribution from a qualified plan described in section 401(a) or 403(a) of the Code, from an annuity contract described in section 403(b) of the Code or from an eligible plan under section 457(b) of the Code which is maintained by a state, political subdivision of a state, or any agency or instrumentality of a state or political subdivision of a state. The system will also accept legally permissible member requested transfers of funds from other retirement or pension plans.
 - (2) *Member rollover contributions from IRAs.* The system will accept a member rollover contribution of the portion of a distribution from an individual retirement account or annuity described in section 408(a) or 408(b) of the Code that is eligible to be rolled over.
- (c) *Elimination of mandatory distributions.* Notwithstanding any other provision herein to the contrary, in the event this plan provides for a mandatory (involuntary) cash distribution from the plan not otherwise required by law, for an amount in excess of \$1,000.00, such distribution shall be made from the plan only upon written request of the member and completion by the member of a written election on forms designated by the board, to either receive a cash lump sum or to rollover the lump sum amount.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-115. - Board of trustees.

- (a) The sole and exclusive administration of and responsibility for the proper operation of the system and for making effective the provisions of this ordinance is hereby vested in a board of trustees defined elsewhere herein as the board. The board is hereby designated as the plan administrator,

provided that it may delegate plan administration duties to a third-party plan administrator in its discretion.

- (b) The membership of the board shall consist of five members, two of whom, unless otherwise prohibited by law, must be legal residents of the city and must be appointed by the Eustis City Commission, and two of whom must be full-time police officers defined in F.S. § 185.02(16) who are elected by a majority of the active police officers who are members of such plan. The fifth member shall be chosen by a majority of the previous four members as provided herein, and such person's name shall be submitted to Eustis City Commission. Upon receipt of the fifth person's name, the Eustis City Commission shall, as a ministerial duty, appoint such person to the board. The fifth member shall have the same rights as each of the other four members, shall serve as trustee for a period of two years, and may succeed himself or herself in office. Each resident member shall serve as trustee for a period of two years, unless sooner replaced by the governing body at whose pleasure he or she serves, and may succeed himself or herself as a trustee. Each police officer member shall serve as trustee for a period of two years, unless he or she sooner leaves the employment of the municipality as a police officer, whereupon a successor shall be chosen in the same manner as an original appointment. Each police officer may succeed himself or herself in office. The board shall establish and administer the nominating and election procedures for each election. The board shall meet at least quarterly each year. The board shall be a legal entity with, in addition to other powers and responsibilities contained herein, the power to bring and defend lawsuits of every kind, nature, and description.
- (c) The trustees shall, by a majority vote, elect a chairman and a secretary. The secretary of the board shall keep a complete minute book of the actions, proceedings, or hearings of the board. The trustees shall not receive any compensation as such, but may receive expenses and per diem as provided by law.
- (d) Each trustee shall be entitled to one vote on the board. Three affirmative votes shall be necessary for any decision by the trustees at any meeting of the board. A trustee shall abstain from voting as the result of a conflict of interest and shall comply with the provisions of F.S. § 112.3143.
- (e) The board shall engage such actuarial, accounting, legal, and other services as shall be required to transact the business of the system. The compensation of all persons engaged by the board and all other expenses of the board necessary for the operation of the system shall be paid from the fund at such rates and in such amounts as the board shall agree. In the event the board chooses to use the city's legal counsel, actuary or other professional, technical or other advisors, it shall do so only under terms and conditions acceptable to the board.
- (f) The duties and responsibilities of the board shall include, but not necessarily be limited to, the following:
 - (1) To construe the provisions of the system and determine all questions arising thereunder.
 - (2) To determine all questions relating to eligibility and membership.
 - (3) To determine and certify the amount of all retirement allowances or other benefits hereunder.
 - (4) To establish uniform rules and procedures to be followed for administrative purposes, benefit applications and all matters required to administer the system.
 - (5) To distribute to members, at regular intervals, information concerning the system.
 - (6) To receive and process all applications for benefits.
 - (7) To authorize all payments whatsoever from the fund, and to notify the custodian, in writing, of approved benefit payments and other expenditures arising through operation of the system and fund.
 - (8) To have performed actuarial studies and valuations, at least as often as required by law, and make recommendations regarding any and all changes in the provisions of the system.
 - (9) To perform such other duties as are required to prudently administer the system.

(g) *Claims procedures.*

- (1) The board shall establish administrative claims procedures to be utilized in processing written requests ("claims"), on matters which affect the substantial rights of any person ("claimant"), including members, retirees, beneficiaries, or any person affected by a decision of the board.
- (2) The board shall have the power to subpoena and require the attendance of witnesses and the production of documents for discovery prior to and at any proceedings provided for in the board's claims procedures. The claimant may request in writing the issuance of subpoenas by the board. A reasonable fee may be charged for the issuance of any subpoenas not to exceed the fees set forth in Florida Statutes.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-116. - Finances and fund management. Establishment and operation of fund. Investment of retirement funds.

- (a) As part of the system, there is hereby established the fund, into which shall be deposited all of the contributions and assets whatsoever attributable to the system.
- (b) The actual custody and supervision of the fund (and assets thereof) shall be vested in the board. Payment of benefits and disbursements from the fund shall be made by the custodian but only upon written authorization from the board.
- (c) The board shall deposit the funds of the police officers' retirement trust fund in a qualified public depository as defined in F.S. § 280.02, which depository with regard to such funds shall conform to and be bound by all of the provisions of F.S. ch. 280. In order to fulfill its investment responsibilities as set forth herein, the board may retain the services of a custodian bank, an investment advisor registered under the Investment Advisors Act of 1940 or otherwise exempt from such required registration, an insurance company, or a combination of these, for the purposes of investment decisions and management. Such investment manager shall have discretion, subject to any guidelines as prescribed by the board, in the investment of all fund assets.
- (d) All funds and securities of the system may be commingled in the fund, provided that accurate records are maintained at all times reflecting the financial composition of the fund, including accurate current accounts and entries as regards the following:
 - (1) Current amounts of accumulated contributions of members on both an individual and aggregate account basis, and
 - (2) Receipts and disbursements, and
 - (3) Benefit payments, and
 - (4) Current amounts clearly reflecting all monies, funds and assets whatsoever attributable to contributions and deposits from the city, and
 - (5) All interest, dividends and gains (or losses) whatsoever, and
 - (6) Such other entries as may be properly required so as to reflect a clear and complete financial report of the fund.
- (e) An audit shall be performed annually by a certified public accountant for the most recent fiscal year of the system showing a detailed listing of assets and a statement of all income and disbursements during the year. Such income and disbursements must be reconciled with the assets at the beginning and end of the year. Such report shall reflect a complete evaluation of assets on both a cost and market basis, as well as other items normally included in a certified audit.
- (f) The board shall have the following investment powers and authority:
 - (1) The board shall be vested with full legal title to said fund, subject, however, and in any event, to the authority and power of the Eustis City Commission to amend or terminate this fund,

provided that no amendment or fund termination shall ever result in the use of any assets of this fund except for the payment of regular expenses and benefits under this system, except as otherwise provided herein. All contributions from time to time paid into the fund, and the income thereof, without distinction between principal and income, shall be held and administered by the board or its agent in the fund and the board shall not be required to segregate or invest separately any portion of the fund.

- (2) All monies paid into or held in the fund shall be invested and reinvested by the board and the investment of all or any part of such funds shall be subject to the following:
 - a. Notwithstanding any limitation provided for in F.S. ch. 185, to the contrary (unless such limitation may not be amended by local ordinance) or any limitation in prior city ordinances to the contrary, all monies paid into or held in the fund may be invested and reinvested in such securities, investment vehicles or property wherever situated and of whatever kind, as shall be approved by the board, including but not limited to common or preferred stocks, bonds, and other evidences of indebtedness or ownership. In no event, however, shall more than 25 percent of the assets of the fund at market value be invested in foreign securities.
 - b. The board shall develop and adopt a written investment policy statement setting forth permissible types of investments, goals and objectives of investments and setting quality and quantity limitations on investments in accordance with the recommendations of its investment consultants. The investment policy statement shall be reviewed by the board at least annually.
 - c. In addition, the board may, upon recommendation by the board's investment consultant, make investments in group trusts meeting the requirements of Internal Revenue Service Revenue Ruling 81-100, Revenue Ruling 2011-1 IRS Notice 2012-6 and Revenue Ruling 2014-24, or successor rulings or guidance of similar import, and operated or maintained exclusively for the commingling and collective investment of monies, provided that the funds in the group trust consist exclusively of trust assets held under plans qualified under section 401(a) of the Code, individual retirement accounts that are exempt under section 408(e) of the Code, eligible governmental plans that meet the requirements of section 457(b) of the Code, and governmental plans under 401(a)(24) of the Code. For this purpose, a trust includes a custodial account or separate tax-favored account maintained by an insurance company that is treated as a trust under section 401(f) or under section 457(g)(3) of the Code. While any portion of the assets of the fund are invested in such a group trust, such group trust is itself adopted as a part of the system or plan.
 1. Any collective or common group trust to which assets of the fund are transferred pursuant to subsection c. shall be adopted by the board as part of the plan by executing appropriate participation, adoption agreements, and/or trust agreements with the group trust's trustee.
 2. The separate account maintained by the group trust for the plan pursuant to subsection c. shall not be used for, or diverted to, any purpose other than for the exclusive benefit of the members and beneficiaries of the plan.
 3. For purposes of valuation, the value of the separate account maintained by the group trust for the plan shall be the fair market value of the portion of the group trust held for the plan, determined in accordance with generally recognized valuation procedures.
- (3) At least once every three years, and more often as determined by the board, the board shall retain a professionally qualified independent consultant, as defined in F.S. § 185.06, to evaluate the performance of all current investment managers and make recommendations regarding the retention of all such investment managers. These recommendations shall be considered by the board at its next regularly scheduled meeting.
- (4) The board may retain in cash and keep unproductive of income such amount of the fund as it may deem advisable, having regard for the cash requirements of the system.

- (5) Neither the board nor any trustee shall be liable for the making, retention or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the fund, except that due to his or its own negligence, willful misconduct or lack of good faith.
- (6) The board may cause any investment in securities held by it to be registered in or transferred into its name as trustee or into the name of such nominee as it may direct, or it may retain them unregistered and in form permitting transferability, but the books and records shall at all times show that all investments are part of the fund.
- (7) The board is empowered, but is not required, to vote upon any stocks, bonds, or securities of any corporation, association, or trust and to give general or specific proxies or powers of attorney with or without power of substitution; to participate in mergers, reorganizations, recapitalizations, consolidations, and similar transactions with respect to such securities; to deposit such stock or other securities in any voting trust or any protective or like committee with the trustees or with depositories designated thereby; to amortize or fail to amortize any part or all of the premium or discount resulting from the acquisition or disposition of assets; and generally to exercise any of the powers of an owner with respect to stocks, bonds, or other investments comprising the fund which it may deem to be to the best interest of the fund to exercise.
- (8) The board shall not be required to make any inventory or appraisal or report to any court, nor to secure any order of court for the exercise of any power contained herein.
- (9) Where any action which the board is required to take or any duty or function which it is required to perform either under the terms herein or under the general law applicable to it as trustee under this ordinance, can reasonably be taken or performed only after receipt by it from a member, the city, or any other entity, of specific information, certification, direction or instructions, the board shall be free of liability in failing to take such action or perform such duty or function until such information, certification, direction or instruction has been received by it.
- (10) Any overpayments or underpayments from the fund to a member, retiree or beneficiary caused by errors of computation shall be adjusted with interest at a rate per annum approved by the board in such a manner that the actuarial equivalent of the benefit to which the member, retiree or beneficiary was correctly entitled, shall be paid. Overpayments shall be charged against payments next succeeding the correction or collected in another manner if prudent. Underpayments shall be made up from the fund in a prudent manner.
- (11) The board shall sustain no liability whatsoever for the sufficiency of the fund to meet the payments and benefits provided for herein.
- (12) In any application to or proceeding or action in the courts, only the board shall be a necessary party, and no member or other person having an interest in the fund shall be entitled to any notice or service of process. Any judgment entered in such a proceeding or action shall be conclusive upon all persons.
- (13) Any of the foregoing powers and functions reposed in the board may be performed or carried out by the board through duly authorized agents, provided that the board at all times maintains continuous supervision over the acts of any such agent; provided further, that legal title to said fund shall always remain in the board.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-117. - Death prior to retirement; refunds of contributions or payment of death benefits.

- (a) *Prior to vesting or eligibility for retirement.* The beneficiary of a deceased member who was not receiving monthly benefits or who was not yet vested or eligible for early or normal retirement shall receive a refund of 100 percent of the member's accumulated contributions without interest.
- (b) *Deceased members vested or eligible for retirement with spouse as beneficiary.* This subsection (b) applies only when the member's spouse is the sole designated beneficiary. The spouse beneficiary

of any member who dies and who, at the date of his death was vested or eligible for early or normal retirement, shall be entitled to a benefit as follows:

- (1) If the member was vested, but not eligible for normal or early retirement, the spouse beneficiary shall receive a benefit payable for ten years, beginning on the date that the deceased member would have been eligible for early or normal retirement, at the option of the spouse beneficiary. The benefit shall be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death and reduced as for early retirement, if applicable. The spouse beneficiary may also elect to receive an immediate benefit, payable for ten years, which is actuarially reduced to reflect the commencement of benefits prior to the early retirement date.
 - (2) If the deceased member was eligible for normal or early retirement, the spouse beneficiary shall receive a benefit payable for ten years, beginning on the first day of the month following the member's death or at the deceased member's otherwise early or normal retirement date, at the option of the spouse beneficiary. The benefit shall be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death and reduced as for early retirement, if applicable.
 - (3) A spouse beneficiary may not elect an optional form of benefit, however, the board may elect to make a lump sum payment pursuant to section 70-107.5, subsection (f).
 - (4) A spouse beneficiary may, in lieu of any benefit provided for in (1) or (2) above, elect to receive a refund of the deceased member's accumulated contributions.
 - (5) Notwithstanding anything contained in this section to the contrary, in any event, distributions to the spouse beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date selected pursuant to the above provisions in this section that must be on or before December 31 of the calendar year in which the member would have attained 70 ½.
 - (6) If the surviving spouse beneficiary commences receiving a benefit under subsection (1) or (2) above, but dies before all payments are made, the actuarial value of the remaining benefit will be paid to the spouse beneficiary's estate in a lump sum.
- (c) *Deceased members vested or eligible for retirement with non-spouse beneficiary.* This subsection applies only when the member's spouse is not the beneficiary or is not the sole designated beneficiary, but there is a surviving beneficiary. The beneficiary of any member who dies and who, at the date of his death was vested or eligible for early or normal retirement, shall be entitled to a benefit as follows:
- (1) If the member was vested, but not eligible for normal or early retirement, the beneficiary will receive a benefit payable for ten years. The benefit will begin by December 31 of the calendar year immediately following the calendar year in which the member died. The benefit will be calculated as for normal retirement based on the deceased member's credited service and average final compensation and actuarially reduced to reflect the commencement of benefits prior to the normal retirement date.
 - (2) If the deceased member was eligible for normal or early retirement, the beneficiary will receive a benefit payable for ten years, beginning on the first day of the month following the member's death. The benefit will be calculated as for normal retirement based on the deceased member's credited service and average final compensation as of the date of his death and reduced for early retirement, if applicable.
 - (3) A beneficiary may not elect an optional form of benefit, however the board may elect to make a lump sum payment pursuant to section 70-107.5, subsection (f).
 - (4) A beneficiary, may, in lieu of any benefit provided for in (1) or (2) above, elect to receive a refund of the deceased member's accumulated contributions.
 - (5) If a surviving beneficiary commences receiving a benefit under subsection (1) or (2) above, but dies before all payments are made, the actuarial value of the remaining benefit will be paid to

the surviving beneficiary's estate by December 31 of the calendar year of the beneficiary's death in a lump sum.

- (6) If there is no surviving beneficiary as of the member's death, and the estate is to receive the benefits, the actuarial equivalent of the member's entire interest must be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.
- (7) The Uniform Lifetime Table in Treasury Regulations § 1.401(a)(9)-9 shall determine the payment period for the calendar year benefits commence, if necessary to satisfy the regulations.
- (d) In the event that a death benefit paid by a life insurance company exceeds the limits set forth in F.S. § 185.061, the excess of the death benefit over the limit shall be paid to the police officers' pension trust fund. However, death benefits as provided pursuant to F.S. § 112.191 or any other state or federal law shall not be included in the calculation of death or retirement benefits provided by this article.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-118. - Beneficiaries.

- (a) Each member or retiree shall, on a form provided for that purpose, signed and filed with the board, designate a beneficiary (or beneficiaries) to receive the benefit, if any, which may be payable in the event of his death. Each designation may be revoked or changed by such member or retiree by signing and filing with the board a new designation-of-beneficiary form. Upon such change, the rights of all previously designated beneficiaries to receive any benefits under the system shall cease.
- (b) If a deceased member or retiree failed to name a beneficiary in the manner prescribed in subsection (a), or if the beneficiary (or beneficiaries) named by a deceased member or retiree predeceases the member or retiree, the death benefit, if any, which may be payable under the system with respect to such deceased member or retiree, shall be paid to the estate of the member or retiree and the board, in its discretion, may direct that the commuted value of the remaining monthly income benefits be paid in a lump sum.
- (c) Any payment made to any person pursuant to this section shall operate as a complete discharge of all obligations under the system with regard to the deceased member and any other persons with rights under the system and shall not be subject to review by anyone but shall be final, binding and conclusive on all persons ever interested hereunder.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-119. - Reemployment after retirement.

- (a) Any retiree who is retired under this system, except for disability retirement as previously provided for, may be reemployed by any public or private employer, except the city, and may receive compensation from that employment without limiting or restricting in any way the retirement benefits payable under this system. Reemployment by the city shall be subject to the limitations set forth in this section.
- (b) *After normal retirement.* Any retiree who is retired under normal retirement pursuant to this system and who is reemployed as a police officer after that retirement and, by virtue of that reemployment, is eligible to participate in this system, shall upon being reemployed discontinue receipt of benefits. Upon reemployment, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit

accrual rate, average final compensation, and credited service as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period), and credited service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit.

- (c) Any retiree who is retired under normal retirement pursuant to this system and who is reemployed by the city after that retirement and, by virtue of that reemployment is ineligible to participate in this system, shall, during the period of such reemployment, continue receipt of benefits during any subsequent employment period.
- (d) *After early retirement.* Any retiree who is retired under early retirement pursuant to this system and who subsequently becomes an employee of the city in any capacity shall discontinue receipt of benefits from the system. If by virtue of that reemployment, the retiree is eligible to participate in this system, the retiree shall be deemed to be fully vested and the additional credited service accrued during the subsequent employment period shall be used in computing a second benefit amount attributable to the subsequent employment period, which benefit amount shall be added to the benefit determined upon the initial retirement to determine the total benefit payable upon final retirement. Calculations of benefits upon retirement shall be based upon the benefit accrual rate, average final compensation, credited service and early retirement reduction factor as of that date and the retirement benefit amount for any subsequent employment period shall be based upon the benefit accrual rate, average final compensation (based only on the subsequent employment period), and credited service as of the date of subsequent retirement. The amount of any death or disability benefit received as a result of a subsequent period of employment shall be reduced by the amount of accrued benefit eligible to be paid for a prior period of employment. The optional form of benefit and any joint pensioner selected upon initial retirement shall not be subject to change upon subsequent retirement except as otherwise provided herein, but the member may select a different optional form and joint pensioner applicable to the subsequent retirement benefit. Retirement pursuant to an early retirement incentive program shall be deemed early retirement for purposes of this section if the member was permitted to retire prior to the customary retirement date provided for in the system at the time of retirement.
- (e) *Reemployment of terminated vested persons.* Reemployed terminated vested persons shall not be subject to the provisions of this section until such time as they begin to actually receive benefits. Upon receipt of benefits, terminated vested persons shall be treated as normal or early retirees for purposes of applying the provisions of this section and their status as an early or normal retiree shall be determined by the date they elect to begin to receive their benefit.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-120. - Maximum pension.

- (a) *Basic limitation.* Notwithstanding any other provisions of this system to the contrary, the member contributions paid to, and retirement benefits paid from, the system shall be limited to such extent as may be necessary to conform to the requirements of Code section 415 and the regulations promulgated thereunder for a qualified retirement plan.
- (b) *Additional limitation on pension benefits.* Notwithstanding anything herein to the contrary:
 - (1) The normal retirement benefit or pension payable to a retiree who becomes a member of the system and who has not previously participated in such system, on or after January 1, 1980, shall not exceed 100 percent of his average final compensation. However, nothing contained in this section shall apply to supplemental retirement benefits or to pension increases attributable to cost-of-living increases or adjustments.

- (2) No member of the system shall be allowed to receive a retirement benefit or pension which is in part or in whole based upon any service with respect to which the member is already receiving, or will receive in the future, a retirement benefit or pension from a different employer's retirement system or plan. This restriction does not apply to social security benefits or federal benefits under Chapter 1223, Title 10, U.S. Code.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-121. - Minimum distribution of benefits.

(a) *General rules.*

- (1) *Effective date.* Effective as of January 1, 1989, the plan will pay all benefits in accordance with a good faith interpretation of the requirements of Code section 401(a)(9) and the regulations in effect under that section, as applicable to a governmental plan within the meaning of Code section 414(d). Effective on and after January 1, 2003, the plan is also subject to the specific provisions contained in this section. The provisions of this section will apply for purposes of determining required minimum distributions for calendar years beginning with the 2003 calendar year.
- (2) *Precedence.* The requirements of this section will take precedence over any inconsistent provisions of the plan.
- (3) *TEFRA Section 242(b)(2) Elections.* Notwithstanding the other provisions of this section other than this subsection (a)(3), distributions may be made under a designation made before January 1, 1984, in accordance with Section 242(b)(2) of the Tax Equity and Fiscal Responsibility Act (TEFRA) and the provisions of the plan that related to section 242(b)(2) of TEFRA.

(b) *Time and manner of distribution.*

- (1) *Required beginning date.* The member's entire interest will be distributed, or begin to be distributed, to the member no later than the member's required beginning date which shall not be later than April 1 of the calendar year following the later of the calendar year in which the member attains age 70 ½ or the calendar year in which the member terminates employment with the city.
- (2) *Death of member before distributions begin.* If the member dies before distributions begin, the member's entire interest will be distributed, or begin to be distributed no later than as follows:
 - a. If the member's surviving spouse is the member's sole designated beneficiary, then distributions to the surviving spouse will begin by December 31 of the calendar year immediately following the calendar year in which the member died, or by a date on or before December 31 of the calendar year in which the member would have attained age 70 ½, if later, as the surviving spouse elects.
 - b. If the member's surviving spouse is not the member's sole designated beneficiary, then, distributions to the designated beneficiary will begin by December 31 of the calendar year immediately following the calendar year in which the member died.
 - c. If there is no designated beneficiary as of September 30 of the year following the year of the member's death, the member's entire interest will be distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.
 - d. If the member's surviving spouse is the member's sole designated beneficiary and the surviving spouse dies after the member but before distributions to the surviving spouse begin, this subsection (b)(2), other than subsection (b)(2)a., will apply as if the surviving spouse were the member.

For purposes of this subsection (b)(2), distributions are considered to begin on the member's required beginning date or, if subsection (b)(2)d. applies, the date of distributions are required to begin to the surviving spouse under subsection (b)(2)a. If annuity payments irrevocably commence to the member before the member's required beginning date (or to the member's surviving spouse before the date distributions are required to begin to the surviving spouse under subsection (b)(2)a.) the date distributions are considered to begin is the date distributions actually commence.

- (3) *Death after distributions begin.* If the member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death.
- (4) *Form of distribution.* Unless the member's interest is distributed in the form of an annuity purchased from an insurance company or in a single sum on or before the required beginning date, as of the first distribution calendar year distributions will be made in accordance with this section. If the member's interest is distributed in the form of an annuity purchased from an insurance company, distributions thereunder will be made in accordance with the requirements of section 401(a)(9) of the Code and Treasury regulations. Any part of the member's interest which is in the form of an individual account described in section 414(k) of the Code will be distributed in a manner satisfying the requirements of section 401(a)(9) of the Code and Treasury regulations that apply to individual accounts.

(c) *Determination of amount to be distributed each year.*

- (1) *General requirements.* If the member's interest is paid in the form of annuity distributions under the plan, payments under the annuity will satisfy the following requirements:
 - a. The annuity distributions will be paid in periodic payments made at intervals not longer than one year.
 - b. The member's entire interest must be distributed pursuant to section 70-107, section 70-117, section 70-109, or section 70-107.5 (as applicable) and in any event over a period equal to or less than the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary. The life expectancy of the member, the member's spouse, or the member's beneficiary may not be recalculated after the initial determination for purposes of determining benefits.
- (2) *Amount required to be distributed by required beginning date.* The amount that must be distributed on or before the member's required beginning date (or, if the member dies before distributions begin, the date distributions are required to begin under section 70-117) is the payment that is required for one payment interval. The second payment need not be made until the end of the next payment interval even if that payment interval ends in the next calendar year. Payment intervals are the periods for which payments are received, e.g., monthly. All of the member's benefit accruals as of the last day of the first distribution calendar year will be included in the calculation of the amount of the annuity payments for payment intervals ending on or after the member's required beginning date.
- (3) *Additional accruals after first distribution calendar year.* Any additional benefits accruing to the member in a calendar year after the first distribution calendar year will be distributed beginning with the first payment interval ending in the calendar year immediately following the calendar year in which such amount accrues.

(d) *General distribution rules.*

- (1) The amount of an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of Code section 401(a)(9)(G), and effective for any annuity commencing on or after January 1, 2008, the minimum distribution incidental benefit rule under Treasury Regulation section 1.401(a)(9)-6, Q&A-2.
- (2) The death and disability benefits provided by the plan are limited by the incidental benefit rule set forth in Code section 401(a)(9)(G) and Treasury Regulation section 1.401-1(b)(1)(I) or any

successor regulation thereto. As a result, the total death or disability benefits payable may not exceed 25 percent of the cost for all of the members' benefits received from the retirement system.

(e) *Definitions.*

- (1) *Designated beneficiary* means the individual who is designated as the beneficiary under the plan and is the designated beneficiary under section 401(a)(9) of the Code and section 1.401(a)(9)-1, Q&A-4, of the Treasury regulations.
- (2) *Distribution calendar year* means a calendar year for which a minimum distribution is required. For distributions beginning before the member's death, the first distribution calendar year is the calendar year immediately preceding the calendar year which contains the member's required beginning date. For distributions beginning after the member's death, the first distribution calendar year is the calendar year in which distributions are required to begin pursuant to section 70-117.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-122. - Miscellaneous provisions.

- (a) *Interest of members in system.* All assets of the fund are held in trust, and at no time prior to the satisfaction of all liabilities under the system with respect to retirees and members and their spouses or beneficiaries, shall any part of the corpus or income of the fund be used for or diverted to any purpose other than for their exclusive benefit.
- (b) *No reduction of accrued benefits.* No amendment or ordinance shall be adopted by the city commission of the city of Eustis which shall have the effect of reducing the then vested accrued benefits of members or a member's beneficiaries.
- (c) *Qualification of system.* It is intended that the system will constitute a qualified public pension plan under the applicable provisions of the code for a qualified plan under Code section 401(a) and a governmental plan under Code section 414(d), as now in effect or hereafter amended. Any modification or amendment of the system may be made retroactively, if necessary or appropriate, to qualify or maintain the system as a plan meeting the requirements of the applicable provisions of the code as now in effect or hereafter amended, or any other applicable provisions of the U.S. federal tax laws, as now in effect or hereafter amended or adopted, and the regulations issued thereunder.
- (d) *Use of forfeitures.* Forfeitures arising from terminations of service of members shall serve only to reduce future city contributions.
- (e) *Prohibited transactions.* Effective as of January 1, 1989, a board may not engage in a transaction prohibited by Code section 503(b).
- (f) *USERRA.* Effective December 12, 1994, notwithstanding any other provision of this system, contributions, benefits and service credit with respect to qualified military service are governed by Code section 414(u) and the Uniformed Services Employment and Reemployment Rights Act of 1994, as amended. To the extent that the definition of "credited service" sets forth contribution requirements that are more favorable to the member than the minimum compliance requirements, the more favorable provisions shall apply.
- (g) *Vesting.*
 - (1) Member will be 100 percent vested in all benefits upon attainment of the plan's age and service requirements for the plan's normal retirement benefit; and
 - (2) A member will be 100 percent vested in all accrued benefits, to the extent funded, if the plan is terminated or experiences a complete discontinuance of employer contributions.
- (h) *Electronic forms.* In those circumstances where a written election or consent is not required by the plan or the Code, an oral, electronic, or telephonic form in lieu of or in addition to a written form may

be prescribed by the board. However, where applicable, the board shall comply with Treas. Reg. § 1.401(a)-21.

- (i) *Compliance with chapter 185, Florida Statutes.* It is intended that the system will continue to qualify for funding under F.S. § 185.08, et seq. Accordingly, unless otherwise required by law, any provision of the system which violates the requirements of F.S. ch. 185, as amended from time to time, shall be superseded by and administered in accordance with the requirements of such chapter.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-123. - Repeal or termination of system.

- (a) This ordinance establishing the system and fund, and subsequent ordinances pertaining to said system and fund, may be modified, terminated, or amended, in whole or in part; provided that if this or any subsequent ordinance shall be amended or repealed in its application to any person benefitting hereunder, the amount of benefits which at the time of any such alteration, amendment, or repeal shall have accrued to the member or beneficiary shall not be affected thereby.
- (b) If this ordinance shall be repealed, or if contributions to the system are discontinued or if there is a transfer, merger or consolidation of government units, services or functions as provided in F.S. ch. 121, the board shall continue to administer the system in accordance with the provisions of this ordinance, for the sole benefit of the then members, any beneficiaries then receiving retirement allowances, and any future persons entitled to receive benefits under one of the options provided for in this ordinance who are designated by any of said members. In the event of repeal, discontinuance of contributions, or transfer, merger or consolidation of government units, services or functions, there shall be full vesting 100 percent of benefits accrued to date of repeal and such benefits shall be nonforfeitable.
- (c) The fund shall be distributed in accordance with the following procedures:
 - (1) The board shall determine the date of distribution and the asset value required to fund all the nonforfeitable benefits after taking into account the expenses of such distribution. The board shall inform the city if additional assets are required, in which event the city shall continue to financially support the plan until all nonforfeitable benefits have been funded.
 - (2) The board shall determine the method of distribution of the asset value, whether distribution shall be by payment in cash, by the maintenance of another or substituted trust fund, by the purchase of insured annuities, or otherwise, for each police officer entitled to benefits under the plan as specified in subsection (3).
 - (3) The board shall distribute the asset value as of the date of termination in the manner set forth in this subsection, on the basis that the amount required to provide any given retirement income is the actuarially computed single-sum value of such retirement income, except that if the method of distribution determined under subsection (2) involves the purchase of an insured annuity, the amount required to provide the given retirement income is the single premium payable for such annuity. The actuarial single-sum value may not be less than the police officer's accumulated contributions to the plan, with interest if provided by the plan, less the value of any plan benefits previously paid to the police officer.
 - (4) If there is asset value remaining after the full distribution specified in subsection (3), and after the payment of any expenses incurred with such distribution, such excess shall be returned to the city, less return to the state of the state's contributions, provided that, if the excess is less than the total contributions made by the city and the state to date of termination of the plan, such excess shall be divided proportionately to the total contributions made by the city and the state.
 - (5) The board shall distribute, in accordance with subsection (2), the amounts determined under subsection (3). If, after 24 months after the date the plan terminated or the date the board received written notice that the contributions thereunder were being permanently discontinued,

the city or the board of the fund affected has not complied with all the provisions in this section, the Florida Department of Management Services will effect the termination of the fund in accordance with this section.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-124. - Domestic relations orders; retiree directed payments; exemption from execution, non-assignability.

(a) *Domestic relations orders.*

- (1) Prior to the entry of any domestic relations order which affects or purports to affect the system's responsibility in connection with the payment of benefits of a retiree, the member or retiree shall submit the proposed order to the board for review to determine whether the system may legally honor the order.
- (2) If a domestic relations order is not submitted to the board for review prior to entry of the order, and the system is ordered to take action that it may not legally take, and the system expends administrative or legal fees in resolving the matter, the member or retiree who submits such an order will be required to reimburse the system for its expenses in connection with the order.

(b) *Retiree directed payments.* The board may, upon written request by a retiree or by a dependent, when authorized by a retiree or the retiree's beneficiary, authorize the system to withhold from the monthly retirement payment those funds that are necessary to pay for the benefits being received through the city, to pay the certified bargaining agent of the city, to make payment to insurance companies for insurance premiums as permitted by F.S. ch. 185 and to make any payments for child support or alimony.

(c) *Exemption from execution, non-assignability.* Except as otherwise provided by law, the pensions, annuities, or any other benefits accrued or accruing to any person under the provisions of this ordinance and the accumulated contributions and the cash securities in the fund created under this ordinance are hereby exempted from any state, county or municipal tax and shall not be subject to execution, attachment, garnishment or any legal process whatsoever and shall be unassignable.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-125. - Pension validity.

The board shall have the power to examine into the facts upon which any pension shall heretofore have been granted under any prior or existing law, or shall hereafter be granted or obtained erroneously, fraudulently or illegally for any reason. The board is empowered to purge the pension rolls or correct the pension amount of any person heretofore granted a pension under prior or existing law or any person hereafter granted a pension under this ordinance if the same is found to be erroneous, fraudulent or illegal for any reason; and to reclassify any person who has heretofore under any prior or existing law been or who shall hereafter under this ordinance be erroneously, improperly or illegally classified. Any overpayments or underpayments shall be corrected and paid or repaid in a reasonable manner determined by the board.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-126. - Certain offenses; forfeiture of pension.

(a) *Definitions.*

- (1) *Conviction* means an adjudication of guilt by a court of competent jurisdiction; a plea of guilty or a nolo contendere; a jury verdict of guilty when adjudication of guilt is withheld and the accused is placed on probation; or a conviction by the senate of an impeachable offense.
- (2) *Court* means any state or federal court of competent jurisdiction which is exercising its jurisdiction to consider a proceeding involving the alleged commission of a specified offense.
- (b) Any member who is convicted of the following offenses committed prior to retirement, or whose employment is terminated by reason of his admitted commission, aid or abetment of the following specified offenses, shall forfeit all rights and benefits under this system, except for the return of his accumulated contributions as of the date of termination. Specified offenses are as follows:
 - (1) The committing, aiding or abetting of an embezzlement of public funds;
 - (2) The committing, aiding or abetting of any theft by a public officer or employee from employer;
 - (3) Bribery in connection with the employment of a public officer or employee;
 - (4) Any felony specified in F.S. ch. 838;
 - (5) The committing of an impeachable offense;
 - (6) The committing of any felony by a public officer or employee who willfully and with intent to defraud the public or the public agency, for which he acts or in which he is employed, of the right to receive the faithful performance of his duty as a public officer or employee, realizes or obtains or attempts to obtain a profit, gain, or advantage for himself or for some other person through the use or attempted use of the power, rights, privileges, duties or position of his public office or employment position; or
 - (7) The committing on or after October 1, 2008, of any felony defined in F.S. § 800.04, against a victim younger than 16 years of age, or any felony defined in F.S. ch. 794, against a victim younger than 18 years of age, by a public officer or employee through the use or attempted use of power, rights, privileges, duties, or position of his or her public office or employment position.
- (c) Prior to forfeiture, the board shall hold a hearing on which notice shall be given to the member whose benefits are being considered for forfeiture. Said member shall be afforded the right to have an attorney present. No formal rules of evidence shall apply, but the member shall be afforded a full opportunity to present his case against forfeiture.
- (d) Any member who has received benefits from the system in excess of his accumulated contributions after member's rights were forfeited shall be required to pay back to the fund the amount of the benefits received in excess of his accumulated contributions. The board may implement all legal action necessary to recover such funds.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-127. - Conviction and forfeiture; false, misleading or fraudulent statements.

- (a) It is unlawful for a person to willfully and knowingly make, or cause to be made, or to assist, conspire with, or urge another to make, or cause to be made, any false, fraudulent, or misleading oral or written statement or withhold or conceal material information to obtain any benefit from the system.
- (b) A person who violates subsection (a) commits a misdemeanor of the first degree, punishable as provided in F.S. § 775.082 or § 775.083.
- (c) In addition to any applicable criminal penalty, upon conviction for a violation described in subsection (a), a member or beneficiary of the system may, in the discretion of the board, be required to forfeit the right to receive any or all benefits to which the person would otherwise be entitled under the system. For purposes of this subsection, "conviction" means a determination of guilt that is the result of a plea or trial, regardless of whether adjudication is withheld.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-128. - Indemnification.

- (a) To the extent not covered by insurance contracts in force from time to time, the city shall indemnify, defend and hold harmless members of the board from all personal liability for damages and costs, including court costs and attorneys' fees, arising out of claims, suits, litigation, or threat of same, herein referred to as "claims", against these individuals because of acts or circumstances connected with or arising out of their official duty as members of the board. The city reserves the right, in its sole discretion, to settle or not settle the claim at any time, and to appeal or to not appeal from any adverse judgment or ruling, and in either event will indemnify, defend and hold harmless any members of the board from the judgment, execution, or levy thereon.
- (b) This section shall not be construed so as to relieve any insurance company or other entity liable to defend the claim or liable for payment of the judgment or claim, from any liability, nor does this section waive any provision of law affording the city immunity from any suit in whole or part, or waive any other substantive or procedural rights the city may have.
- (c) This section shall not apply nor shall the city be responsible in any manner to defend or pay for claims arising out of acts or omissions of members of the board which constitute felonies or gross malfeasance or gross misfeasance in office.

(Ord. No. [18-15](#), § 1, 10-18-2018)

Sec. 70-129. - Reserved.

Sec. 70-130. - Supplemental benefit component for special benefits; chapter 185 share accounts.

There is hereby established an additional plan component to provide special benefits in the form of a supplemental retirement, termination, death and disability benefits to be in addition to the benefits provided for in the previous sections of this plan, such benefit to be funded solely and entirely by F.S. ch. 185, premium tax monies for each plan year which are allocated to this supplemental defined contribution component for special benefits as provided for in F.S. § 185.35. Amounts allocated to this supplemental component ("share plan"), if any, shall be further allocated to the members as follows:

- (1) *Individual member share accounts.* The board shall create individual "member share accounts" for all actively employed plan members and maintain appropriate books and records showing the respective interest of each member hereunder. Each member shall have a member share account for his share of the F.S. ch. 185 tax revenues described above, forfeitures and income and expense adjustments relating thereto. The board shall maintain separate member share accounts, however, the maintenance of separate accounts is for accounting purposes only and a segregation of the assets of the trust fund to each account shall not be required or permitted.
- (2) *Share account funding.*
 - a. Individual member share accounts shall be established as of September 30, 2017 for all members who were actively employed as of October 1, 2016 and for each member who becomes employed thereafter. Individual member share accounts shall be credited with an allocation as provided for in the following subsection (3) of any premium tax monies which have been allocated to the share plan for that plan year, beginning with the plan year ending September 30, 2017.
 - b. Any forfeitures as provided in subsection (4), shall be used as part of future allocations to the individual member share accounts in accordance with the formula set forth in subsection (3)a.
- (3) *Allocation of monies to share accounts.*

- a. *Allocation of chapter 185 Contributions.*
1. Effective as of September 30, 2016, the amount of any premium tax monies allocated to the share plan shall be allocated to individual member share accounts as provided for in this subsection. Members retiring on or after October 1, 2016 and prior to September 30, 2017 shall receive an allocation. In addition, all premium tax monies allocated to the share plan in any subsequent plan year shall also be allocated as provided for in this subsection. Available premium tax monies shall be allocated to individual member share accounts at the end of each plan year on September 30 (a "valuation date").
 2. On each valuation date, each current actively employed member of the plan, in the plan year ending on the valuation date (including each disability retiree), or beneficiary of a deceased member (not including terminated vested persons) who is otherwise eligible for an allocation as of the valuation date shall receive a share allocation as follows:
 3. The total funds subject to allocation on each valuation date shall be allocated to each member share account of those eligible for an allocation in an amount equal to a fraction of the total amount, the numerator of which shall be the individual's total years and fractional parts of years of credited service as of the valuation date, and the denominator of which shall be the sum of the total years and fractional parts of years of credited service as of the valuation date of all individuals to whom allocations are being made. Beneficiaries shall receive an allocation based on the years of credited service of the deceased member.
 4. For the purposes of establishing and maintaining share accounts, Re-employed retirees shall be deemed new employees and shall receive an allocation based solely on the credited service in the reemployment period.
- b. *Allocation of investment gains and losses.* On each valuation date, each individual member share account shall be adjusted to reflect the net earnings or losses resulting from investments during the year. The net earnings or losses allocated to the individual member share accounts shall be the same percentage which is earned or lost by the total plan investments, including realized and unrealized gains or losses, net of brokerage commissions, transaction costs and management fees. Net earnings or losses are determined as of the last business day of the fiscal year, which is the valuation date, and are debited or credited as of such date. For purposes of calculating net earnings or losses on a member's share account pursuant to this subsection, brokerage commissions, transaction costs, and management fees for the immediately preceding fiscal year shall be determined for each year by the investment consultant pursuant to contracts with fund managers as reported in the custodial statement. The investment consultant shall report these annual contractual fees to the board. The investment consultant shall also report the net investment return for each manager and the net investment return for the total plan assets.
- c. *Allocation of costs, fees and expenses.* On each valuation date, each individual member share account shall be adjusted to allocate its pro rata share of the costs, fees and expenses of administration of the share plan. These fees shall be allocated to each individual member share account on a proportionate basis taking the costs, fees and expenses of administration of the share plan as a whole multiplied by a fraction, the numerator of which is the total assets in each individual member share account (after adding the annual investment gain or loss) and the denominator of which is the total assets of the fund as a whole as of the same date.
- d. *No right to allocation.* The fact of allocation or credit of an allocation to a member's share account by the board shall not vest in any member, any right, title, or interest in the assets of the trust or in the chapter 185 tax revenues except at the time or times, to the extent, and subject to the terms and conditions provided in this section.

- e. Members shall be provided annual statements setting forth their share account balance as of the end of the plan year.
- (4) *Forfeitures.* Any member who has less than ten years of service credit and who is not otherwise eligible for payment of benefits after termination of employment with the city as provided for in subsection (5) shall forfeit his individual member share account. Forfeited amounts shall be included and used as part of the chapter 185 tax revenues for future allocations to individual member share accounts on each valuation date in accordance with the formula set forth in subsection (3)a.
- (5) *Eligibility for benefits.* Any member (or his beneficiary) who terminates employment as a police officer with the city or who dies, upon application filed with the board, shall be entitled to be paid the value of his individual member share account, subject to the following criteria:
 - a. *Retirement benefit.*
 - 1. A member shall be entitled to 100 percent of the value of his share account upon normal or early retirement pursuant to section 70-107.
 - 2. Such payment shall be made as provided in subsection (6).
 - b. *Termination benefit.*
 - 1. In the event that a member's employment as a police officer is terminated by reason other than retirement, death or disability, he shall be entitled to receive the value of his share account only if he is vested in accordance with 70-109.
 - 2. Such payment shall be made as provided in subsection (6).
 - c. *Disability benefit.*
 - 1. In the event that a member is determined to be eligible for a disability benefit pursuant to section 70-112, he shall be entitled to 100 percent of the value of his share account.
 - 2. Such payment shall be made as provided in subsection (6).
 - d. *Death benefit.*
 - 1. In the event that a member dies while actively employed as a police officer, 100 percent of the value of his member share account shall be paid to his designated beneficiary as provided in section 70-117.
 - 2. Such payment shall be made as provided in subsection (6).
- (6) *Payment of benefits.* If a member terminates employment for any reason or dies and he or his beneficiary is otherwise entitled to receive the balance in the member's share account, the member's share account shall be valued by the plan's actuary on the next valuation date as provided for in subsection (3) above, following termination of employment. Payment of the calculated share account balance shall be payable as soon as administratively practicable following the valuation date, but not later than 150 days following the valuation date and shall be paid in one lump sum payment. No optional forms of payments shall be permitted.
- (7) *Benefits not guaranteed.* All benefits payable under this section 70-127 shall be paid only from the assets accounted for in individual member share accounts. Neither the city nor the board shall have any duty or liability to furnish any additional funds, securities or other assets to fund share account benefits. Neither the board nor any trustee shall be liable for the making, retention, or sale of any investment or reinvestment made as herein provided, nor for any loss or diminishment of the member share account balances, except due to his or its own negligence, willful misconduct or lack of good faith. All investments shall be made by the board subject to the restrictions otherwise applicable to fund investments.
- (8) *Notional account.* The member share account is a notional account, used only for the purpose of calculation of the share distribution amount. It is not a separate account in the system. There

is no change in the system's assets, and there is no distribution available to the member until the member's termination from employment. The member has no control over the investment of the share account.

- (9) *No employer discretion.* The share account benefit is determined pursuant to a specific formula which does not involve employer discretion.
- (10) *Maximum additions.* Notwithstanding any other provision of this section, annual additions under this section shall not exceed the limitations of section 415(c) of the Code.
- (11) *IRC limit.* The share account distribution, along with other benefits payable from the system, is subject to limitation under Internal Revenue Code Section 415(b).

(Ord. No. [18-15](#), § 1, 10-18-2018)

Secs. 70-131—70-145. - Reserved.



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: RESOLUTION NUMBER 21-31: BATES AVENUE WWTP EXPANSION - PRECONSTRUCTION SERVICES

Introduction:

Resolution Number 21-31 authorizes an agreement with Wharton-Smith, approves an expenditure of \$76,856.43 for the Construction Management at Risk (CMAR) Preconstruction Services; and authorizes the City Manager to execute all agreements, contracts, associated budget amendments and budget transfers for this project.

Background:

The Bates Avenue WWTP has an existing permitted capacity of 2.4 million gallons per day (MGD) on an annual average daily flow (AADF) basis and is currently treating 1.7 MGD AADF. With passing of Resolution No. 19-29, Tetra Tech Inc, recommended that the capacity of the facility expand 0.8 MGD for a total capacity of 3.2 MGD to accommodate projected wastewater flows.

The City Staff is going to implement Construction Management at Risk (CMAR) for this project. This alternative delivery method for the construction of Bates Avenue WWTP expansion will ensure significantly greater construction cost certainty than the hard-bid delivery method for construction. The hard-bid is the most commonly used method to procure a construction job, which normally chooses the lowest bidder for the construction project. This is subject to cost variability and current market conditions, leaving the City with less budget control and uncertainty. CMAR is an alternative delivery method that allows Wharton-Smith (W-S) to serve as a construction consultant that will assist the City and the Engineer with value engineering, cost estimating and constructability reviews from the early planning and engineering design phases of the project. In doing so, the Contractor will provide a Guaranteed Maximum Price (GMP) which is a contractual construction cost for the project that cannot be exceeded. By doing this, the CMAR delivery method of construction provides the City with an advantage of construction cost certainty, allowing greater budget control for construction with a high level of cost efficiency.

In Resolution Number 21-13, the City Staff selected Wright Pierce Engineering (WPE) to provide Phases 1 and 2 engineering services for Bates Ave WWTP expansion. Upon passing Resolution Number 21-31, the City will authorize W-S a stipend of \$76,856.43 for preconstruction services that includes assisting WPE and City Staff on Phase 1 and Phase 2 by providing conceptual and preliminary cost estimates, design review workshops, value engineering, constructability reviews, develop a construction schedule and ultimately establish a Guaranteed Maximum Price (GMP). This GMP can be used to enter into the Construction Contract with an estimated budget of \$6.5M currently in our CIP for FY 22/23.

The tasks of the W-S preconstruction scope are listed as follows:

- Task 1: Meetings and Site Investigation
- Task 2: Preliminary Cost Estimates
- Task 3: Design Review and Value Engineering
- Task 4: CPM Master Schedule
- Task 5: Bidding, Procurement, and GMP
- Task 6: Miscellaneous
- Task 7: Subcontractor Services

Recommended Action:

Staff recommends approval of Resolution Number 21-31.

Policy Implications:

N/A

Alternatives:

1. . Approve Resolution No. 21-31
2. . Deny Resolution No. 21-31

Discussion of Alternatives:

Alternative 1 approves the Resolution.

Advantages:

- The City will have Wharton-Smith provide preconstruction services for the Bates Ave WWTP expansion through CMAR, allowing the Contractor to be involved and provide input from the early stages of the engineering design. These preconstruction services will give the City advantage of construction cost certainty that allows greater budget control for construction.

- Disadvantages:

The action approves budgeted expenditures of \$76,856 for preconstruction services for the Bates Ave WWTP.

. Alternative 2 denies the Resolution.

Advantages:

The City would not expend \$76,856 for preconstruction services for the Bates Ave WWTP.

Disadvantages:

The cost of the construction will be significantly more unpredictable if not executed with a GMP through CMAR.

Reviewed By:

Rick Gierok, P.E. - Director of Public Works / City Engineer
Sally Mayer, Administrative Assistant – Public Utilities

Prepared By:

Daniel Millan, Engineering Department

Attachments:

- Resolution Number 21-31
- Resolution Number 21-13
- Resolution Number 19-29

Upon Request:

- Wharton-Smith Preconstruction Scope of Services

Budget Impact:

The 2023-2024 Capital Improvement Plan had allocated funds of \$6,500,000 for the construction of the Bates Ave WWTP Expansion project. The City staff is requesting a budget transfer of \$76,856.43 to accommodate Wharton-Smith's Preconstruction Services as shown below:

From:			
	042-8600-533-66-40	Ardice Ground Storage Tank	\$76,856.43
Into:			
	042-8600-535-66-86	Main WWTP Expansion	\$76,856.43

The Ardice project has been completed with remaining balance of \$227,913. Following this requested transfer, the remaining \$151,056 will transfer to Fund Balance.

Attachments:

[Resolution No. 21-31](#)

[Resolution No. 21-13.docx](#)

[Resolution No. 19-29](#)

Reviewed by:

Ronald Neibert, City Manager

Approved - 28 May 2021

Mary Montez, City Clerk

Approved - 28 May 2021

RESOLUTION NUMBER 21-31

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PURCHASE IN EXCESS OF \$50,000 FOR PRECONSTRUCTION CMAR SERVICES FOR THE BATES AVENUE WASTEWATER TREATMENT FACILITY EXPANSION PROJECT AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL RELATED AGREEMENTS AND CONTRACTS WITH WHARTON-SMITH, INC.; AND AUTHORIZING BUDGET AMENDMENTS & TRANSFERS IN THE AMOUNT OF \$76,856.43.

WHEREAS, the Bates Avenue Wastewater Treatment Facility is nearing the 80% operating capacity threshold and needs to be expanded; and

WHEREAS, the City of Eustis is in the planning and design phase of the capacity expansion project; and

WHEREAS, Wharton-Smith, Inc. submitted a proposal to assist with developing a final GMP for the expansion; and serve as Construction Management at Risk (CMAR), consulting on aspects of design and construction which will impact budget, schedule and quality of completed work; and

WHEREAS, in accordance with rates agreed to in the Continuing Services Agreement between Wharton-Smith, Inc. Construction Group and the City, they are offering these preconstruction services for the amount of \$76,856.43; and

WHEREAS, staff is requesting a fund transfer totaling \$76,856.43 from the completed Ardice Ground Storage Tank project 042-8600-533-66-40 into Bates Avenue WWTP Expansion Project Fund #042-8600-535-66-86.

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

- (1) That the City Manager is hereby authorized to approve a purchase in excess of \$50,000 for CMAR Services for the design and construction planning phase of Bates Avenue WWTP Expansion.
- (2) That the City Manager is hereby authorized to execute all related agreements and contracts with Wharton-Smith, Inc. according to their proposal.
- (3) That the City Manager is hereby authorized to approve a budget amendment and a fund transfer of \$76,856.43 as follows:
 - From Account. Number 042-8600-533-6640 Ardice Ground Storage Tank
 - Into Account Number 042-8600-535-66-86 Bates Ave WWTP Expansion

DONE AND RESOLVED, this 3rd day of June, 2021, 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 physical presence, this 3rd day of June, 2021, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 21-31 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 21-31
Bates Ave. WWTP CMAR Services

RESOLUTION NO. 21-13

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AUTHORIZING AWARD OF BID NO. 011-20 TO WRIGHT-PIERCE ENGINEERING FOR ENGINEERING SERVICES FOR THE BATES AVENUE WASTEWATER TREATMENT FACILITY'S EXPANSION PROJECT, AND AUTHORIZES THE CITY MANAGER TO EXECUTE ALL AGREEMENTS AND CONTRACTS ASSOCIATED WITH THE AWARD.

WHEREAS, the City of Eustis, Florida, advertised invitations to bid (City of Eustis RFQ #011-20) for Engineering Services for the Bates Avenue Wastewater Treatment Plant's Expansion in accordance with City purchasing policies; and

WHEREAS, the City received and opened three (3) individual responses to said Invitation to Bid, on December 11, 2020; and

WHEREAS, Wright-Pierce Engineering was ranked #1 by the evaluation committee for Professional Engineering Design Services of the expansion plans, Phases 1 and 2; and

WHEREAS, FYP 20/21 has a \$600,000 line item to cover both Phase 1 and Phase 2 for the Engineering Services contracts:

- Phase One = negotiated price \$168,159
- Phase Two = estimated price \$430,000

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

- (1) The City Commission hereby authorizes the award of RFQ No. 011-20 to Wright-Pierce Engineering, for Professional Engineering Services for the expansion of the Bates Avenue Wastewater Treatment Facility, Phases One and Two; and
- (2) Authorizes the City Manager to execute all agreements and contracts associated with the award; and
- (3) That this resolution shall become effective immediately upon passing.

DONE AND RESOLVED, this 4th day of March, 2021, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

ATTEST

Michael L. Holland
Mayor/Commissioner

Mary C. Montez
City Clerk

Resolution No. 21-13
Award of RFQ No. 011-20 – Engineering Services for Bates Ave WWTP Expansion
Page 1 of 2

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this ____ day of _____, 2021, by Michael L. Holland, Mayor, and Mary C. Montez, City Clerk, who are personally known to me.

Notary Public- State of Florida

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.

Date

Derek A. Schroth
City Attorney

CERTIFICATE OF POSTING

The foregoing Resolution 21-13 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Date

Mary C. Montez
City Clerk

RESOLUTION NO. 19-29

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AUTHORIZING A PURCHASE IN EXCESS OF \$25,000 FOR CIVIL ENGINEERING SERVICES FROM TETRA TECH, INC. FOR A BATES AVENUE WASTEWATER TREATMENT FACILITY EXPANSION STUDY AND AUTHORIZING CORRESPONDING BUDGET AMENDMENT.

WHEREAS, the City of Eustis has a Continuing Services Agreement with Tetra Tech, Inc. for Civil Engineering Services; and

WHEREAS, Tetra Tech, Inc. submitted a proposal to gather and examine the necessary information and create an analysis report for the Bates Avenue Wastewater Facility Expansion Study for an estimated lump sum of \$60,658 in accordance with rates agreed to in the Continuing Services Agreement between Tetra Tech, Inc. and the City; and

WHEREAS, staff is requesting a Sewer R&R Fund 42 balance appropriation of \$65,000 into an established project expenditure account to accommodate the cost of this project; and

WHEREAS, City of Eustis purchasing policies require that the City Commission approve any purchase in excess of \$25,000.

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

- (1) That the Finance Director is authorized to amend the Fiscal Year 18-19 Water & Sewer R&R Fund Budget to appropriate \$65,000 from Fund Balance into an established project expenditure account; and
- (2) That the City Commission hereby authorizes the City Manager to execute an agreement with Tetra Tech for the approved purchase.

DONE AND RESOLVED this 21st day of March 2019, in regular session of the City Commission of the City of Eustis, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this _____ day of _____, 2019, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution No. 19-29 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: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: RESOLUTION NUMBER 21-35: APPROVING A MEMORANDUM OF UNDERSTANDING BETWEEN THE EUSTIS POLICE DEPARTMENT AND LAKE COUNTY SHERIFF FOR STAFFING AN INTERAGENCY DUI TASK FORCE

Introduction:

Resolution Number 21-35 approves a Memorandum of Understanding between the Eustis Police Department and the Lake County Sheriff to allow the Sheriff to appoint City police officers as Deputy Sheriffs when assigned by the Police Chief to the Sheriff's DUI Task Force.

Background:

The Lake County Sheriff's Office is entering into an agreement with all cities within Lake County to work together to detect and deter persons driving under the influence in Lake County. Entering into this agreement will pool multiple agencies together, allowing for the needed manpower to effectively run DUI checkpoints within the City, ensuring officer and citizen safety. It will also allow the City to receive an equitable share of the net proceeds of any forfeitures received during the DUI Task Force. If approved, this agreement will be in effect for four years from the date of execution.

Prepared by: Pam Gordon, EPD Administrative Assistant

Approved by: Craig Capri, Police Chief

Recommended Action:

The City Manager and Police Chief recommend approval of Resolution Number 21-35 and execution of the Memorandum of Understanding.

Budget Impact:

None

Attachments:

[Resolution No 21-35](#)
[Eustis DUI Task Force MOU](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 28 May 2021
Approved - 28 May 2021

RESOLUTION NUMBER 21-35

A RESOLUTION OF 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 LAKE COUNTY SHERIFF PERTAINING TO CITY POLICE OFFICERS BEING APPOINTED AS DEPUTY SHERIFFS TO ALLOW THEIR SERVICE ON THE SHERIFF'S DUI TASK FORCE BASED ON CERTAIN LIMITATIONS AND CONDITIONS.

WHEREAS, the Lake County Sheriff operates the Sheriff's DUI Task Force which is tasked with detecting and deterring persons driving under the influence in Lake County; and

WHEREAS, the Sheriff's DUI Task Force is comprised of Sheriff's Deputies and sworn law enforcement officers assigned by municipal law enforcement agencies within Lake County; and

WHEREAS, the City of Eustis Police Chief desires to participate in the Sheriff's DUI Task Force by assigning sworn law enforcement officers from the City of Eustis Police Department to the Sheriff's DUI Task Force;

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of Eustis, Florida, directs and authorizes the City Manager and Police Chief to complete an Interlocal Agreement with the Sheriff of Lake County to allow the Sheriff to appoint as Deputy Sheriffs those officers assigned by the Chief to the Sheriff's DUI Task Force as outlined in the attached Agreement (Exhibit A).

DONE AND RESOLVED, this 3rd day of June, 2021, 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 physical presence, this 3rd day of June, 2021, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 21-35 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"

AGREEMENT CONCERNING
SHERIFF'S DUI TASK FORCE

This Agreement (hereinafter "Agreement") is entered into by and between Craig A. Capri as Chief of Police for the City of Eustis (hereinafter "CHIEF") and Peyton C. Grinnell, the Sheriff of Lake County, Florida (hereinafter "SHERIFF").

WHEREAS, the SHERIFF operates the Sheriff's DUI Task Force tasked with detecting and deterring persons driving under the influence in Lake County; and

WHEREAS, the Sheriff's DUI Task Force is comprised of SHERIFF'S Deputies and sworn law enforcement officers assigned from municipal law enforcement agencies within Lake County; and

WHEREAS, the CHIEF desires to participate in the Sheriff's DUI Task Force by assigning sworn law enforcement officer(s) from the CHIEF'S agency to the Sheriff's DUI Task Force;

NOW THEREFORE, in consideration of the mutual promises, covenants, and conditions hereinafter contained, the SHERIFF and the CHIEF agree as follows:

1. Pursuant to §30.09(4) and §§23.12-23.127, Fla. Stat., the SHERIFF appoints as Deputy Sheriffs those officers assigned by the CHIEF to the Sheriff's DUI Task Force with the following limitations and conditions:
 - a. The time limits of this appointment (4 years from the date of execution) are in effect until revoked or rescinded by SHERIFF in his sole and absolute discretion.
 - b. The powers given to the officer shall be solely to aid the SHERIFF in the performance of his duties as the elected Sheriff of Lake County.
 - c. The SHERIFF expressly reserves the right to revoke the officer's authority as a Lake County Deputy Sheriff at any time with or without cause.
 - d. This appointment is rescinded upon the officer's termination, suspension, retirement or resignation from the employing agency, or having their credentials suspended or revoked by the Criminal Justice Standards and Training Commission.
 - e. This appointment shall also be rescinded upon the officer's reassignment of duties from the Sheriff's DUI Task Force.

- f. This appointment does not create any employment rights for the assigned officer(s).
- 2. Any action taken on behalf of SHERIFF by the officer become the actions of SHERIFF. As such, these actions are subject to SHERIFF'S procedures, rules, regulations, directives, and policies.
- 3. Before an officer may exercise any power in the name of the SHERIFF, except in case of emergency where his/her action is needed to prevent the loss of life or great damage to property, the officer must receive the specific authority to do so from the SHERIFF or his designee. Any arrests made in the name of the SHERIFF by the officer shall be immediately reported on whatever forms are required by the Lake County Sheriff's Office.
- 4. Under no circumstances will the officer exercise his/her powers as a Deputy Sheriff of Lake County to initiate or further an investigation beyond authorization of the SHERIFF or his designee.
- 5. The powers given to the officer as a Deputy Sheriff of Lake County are strictly limited to the time he/she is working (actual hours) in the Sheriff's DUI Task Force. The officer will not have Deputy Sheriff power outside the actual time assigned to Sheriff's DUI Task Force, except as otherwise provided.
- 6. The officer shall not use his/her powers as a Deputy Sheriff of Lake County to work off-duty employment.
- 7. The officer shall actively participate in Sheriff's DUI Task Force operations and attend any Sheriff's DUI Task Force meetings. Failure to comply with this requirement may result in the revocation of his/her appointment.
- 8. The CHIEF shall bear any liability arising from acts undertaken or omission by his officer(s) while assigned to the Sheriff's DUI Task Force. The CHIEF shall also bear the risk of loss or damage to any equipment he provides to the assigned officer(s). The assigned officer(s) shall continue to be compensated and insured by the CHIEF while assigned to the Sheriff's DUI Task Force.
- 9. Any seizure of property pursuant to the Florida Contraband Forfeiture Act, will be prosecuted by the SHERIFF'S General Counsel in accordance with Florida law and the SHERIFF'S policy. The CHIEF'S agency shall receive an equitable share of the net

proceeds of any forfeitures initiated while participating in the Sheriff's DUI Task Force as determined by the SHERIFF in his absolute discretion. The net proceeds is the value of the seized asset less any liens, filing fees, and litigation costs incurred by the SHERIFF in perfecting title to the seized asset. Any deviation from this forfeiture sharing agreement shall be approved by the SHERIFF or his designee, and the CHIEF.

IN WITNESS WHEREOF, the SHERIFF and the CHIEF have made and executed this Agreement on the respective dates under each signature.

Craig A. Capri, Chief of Police
Eustis Police Department



Peyton C. Grinnell, Sheriff of Lake County

Date: _____

Date: 4/30/21



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: RESOLUTION NUMBER 21-37: APPROVING THE ASSIGNMENT OF A DEVELOPER'S AGREEMENT WITH REDTAIL CLUB SERVICES TO DEOWORKS, INC.

Introduction:

Resolution Number 21-37 approves the assignment of a developer's agreement with Redtail Club Services to Deoworks, Inc.

Background:

In 2005 the City of Eustis entered into a Developer's Agreement with the developers of the Redtail project to provide water/sewer services in exchange for the requirement for the development to annex into the City upon ability to be annexed. The current owner of the golf course, Redtail Club Services LLC, is selling the golf course to Deoworks, Inc. and requires the City's permission to transfer the terms of the agreement to the buyer.

Community Input

There has been no community input.

Prepared by

Ronald R. Neibert, City Manager

Attachments

Resolution Number 21-37
Assignment of Developer's Agreement

Recommended Action:

Policy Implications:

Alternatives:

Budget Impact:

Attachments:

[Resolution No 21-37](#)

[Revised Assignment of Developer's Agreement](#)

Reviewed by:

Ronald Neibert, City Manager

Approved - 28 May 2021

Mary Montez, City Clerk

Approved - 28 May 2021

RESOLUTION NUMBER 21-37

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AUTHORIZING THE CITY MANAGER TO EXECUTE AN ASSIGNMENT OF THE DEVELOPER'S AGREEMENT AND FIRST AMENDMENT TO DEVELOPER'S AGREEMENT WITH REDTAIL CLUB SERVICES, LLC (FORMERLY HEATHROW LAND COMPANY LIMITED PARTNERSHIP) TO DEOWORKS, INC. RELATING TO THE PROVISION OF WATER, WASTEWATER AND RECLAIMED/REUSE WATER.

WHEREAS, the City and the Developer entered into a Developer's Agreement dated April 18, 2005; and

WHEREAS, the City and the Developer approved the First Amendment to the Developer's Agreement on August 12, 2005; and

WHEREAS, Redtail Club Services, LLC is the predecessor-in-interest in the real property which is the subject of the Developer's Agreement; and

WHEREAS, Redtail Club Services, LLC, now desires to sell the subject property to Deoworks, Inc.

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

The City Manager is authorized to execute the assignment of the Developer's Agreement between the City and Heathrow Land Company Limited Partnership to Deoworks Inc., said assignment being contingent upon the purchase of the real property by the Purchaser.

DONE AND RESOLVED this 3rd day of June, 2021, in regular session of the City Commission of the City of Eustis, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 3rd day of June, 2021, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 21-37 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"

ASSIGNMENT OF DEVELOPER'S AGREEMENT

As of this, the ____ day of _____, 2021, REDTAIL CLUB SERVICES, LLC, a Florida limited liability company (hereinafter termed "Owner") whose mailing address is 26026 Member Lane, Sorrento, Florida 32776, for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, hereby assigns, transfers, conveys and sets over to DEOWORKS, INC., a New York corporation ("Purchaser"), whose address is 2549 Route 22, Dover Plains, New York 12522, and hereby assigns to Purchaser all of Owner's right, title and interest in and to that certain Developer's Agreement and First Amendment to Developer's Agreement (collectively, the "Developer's Agreement") effective April 18, 2005, and August 12, 2005, respectively and recorded in Official Records Book 2902, Page 1528, and Book 2927, Page 2064, respectively, in the Public Records of Lake County, Florida. July 29, 2005, The Developer's Agreement was executed by and between the CITY OF EUSTIS, FLORIDA, a Florida municipal corporation (the "City") and 46-46A, LLC, a Florida limited liability company, the managing member of which is HEATHROW LAND COMPANY LIMITED PARTNERSHIP, a Florida Limited Partnership (the "Developer"). Developer is Owner's predecessor-in-interest in the real property which is the subject of the Developer's Agreement. This Assignment of Developer's Agreement ("Assignment"), includes an assignment by Owner to Purchaser of all of Owner's rights, powers, privileges, and obligations under the Developer's Agreement.

1. Representations and Warranties. Owner represents, warrants and covenants that:

a) Owner is the owner of the real property described in the Developer's Agreement following issuance by the Lake County Clerk of Court of a Certificate of Title on or about December 12, 2011, following a foreclosure of property previously owned by 46/46A, LLC, in the Lake County Circuit Case styled, *Regions Bank v. 46/46A, LLC, et. al.*, Case number 11CA-2663, and following execution of the Special Warranty Deed and Quitclaim Deed by SLV Redtail, LLC to Owner, each dated February 19, 2016, and recorded in Official Records Book 4743, Page 606, and Book 4743, Page 621, respectively, all of the Public Records of Lake County, Florida.

b) The Developer's Agreement, as of the date hereof, is in full force and effect and has not been supplemented, amended, modified, terminated or canceled in any way except as shown by the written terms set forth in the Development Agreement. To the best of Owner's knowledge, no breach or default exists under the Developer's Agreement.

c) Owner has full power, right and authority to execute and deliver the Developer's Agreement and has full power, right and authority to execute and deliver this Assignment in accordance with Paragraph 19 of the Developer's Agreement recorded at Official Records Book 2902, Page 1528 of the Public Records of Lake County, Florida.

d) Owner has not conveyed, transferred or assigned the Developer's Agreement or any of its right, title or interest therein and has not executed any other writing that may prevent Owner from, or limit Purchaser in, operating under the terms and provisions of this Assignment.

e) Owner shall make no other assignment of the Developer's Agreement or of any right or interest therein.

f) Owner shall perform and observe, in timely fashion, each of its covenants, conditions, obligations and agreements under the Developer's Agreement in strict accordance with the terms and conditions thereof, and shall cause City to do the same with respect to each of City's covenants, conditions, obligations and agreements thereunder.

g) Except as may be presently set forth in the Developer's Agreement, Owner shall not further waive, or take any action or execute any agreement that could be interpreted to waive, or in any manner release or discharge City from, any obligation or agreement under or related to the Developer's Agreement to be performed or observed by City, or permit any nonperformance thereof, but shall, at its sole cost and expense, enforce and secure the performance of all such obligations and agreements to be performed or observed by City.

2. Authorization to Exercise Rights. Owner hereby authorizes Purchaser to enforce Owner's rights under the Developer's Agreement. Owner hereby authorizes City to accept this Assignment and authorizes and directs City, to accept Purchaser in the place of Owner on the Developer's Agreement. This assignment does not release any obligations of any one who maintains ownership, all of whom are still bound by the Developer's Agreement, including, but not limited to, the requirement to annex.

3. Written Approval of City. By the signature below, City hereby approves this assignment in accordance with Paragraph 19 of the Developer's Agreement recorded at Official Records Book 2902, Page 1528 of the Public Records of Lake County, Florida.

4. Contingent Upon Closing of Purchase. This Assignment shall not be effective, and shall not be recorded in the Public Records of Lake County, Florida until Purchaser has closed on its purchase of the real property under the terms set forth in the Asset Sale and Purchase Agreement between Owner and Purchaser effective April 6, 2021. Should the closing of Purchaser's purchase of the real property not occur, than this Assignment shall be null and void. If the closing of Purchaser's purchase of the real property does occur, than this Assignment shall be recorded in the Public Records of Lake County, Florida and automatically valid.

5. Time of the Essence; Successors and Assigns. Time is of the essence hereof. This Assignment shall be binding upon Owner and its successors and assigns and shall inure to the benefit of Purchaser and its successors and assigns; this Assignment, however, is not intended to confer any rights or remedies upon any person other than the parties hereto and their successors and assigns.

6. Construction of Agreement. This Assignment shall apply to the parties hereto according to the context hereof, without regard to the number or gender of words or expressions used herein. The captions of paragraphs in this Assignment are for convenience and reference only, and in no way define, limit or describe the scope or intent of this Assignment or the provisions of such paragraphs. This Assignment shall be construed as a whole, in accordance with the fair meaning of its language, and, as each party has been represented by legal counsel of its choice or deliberately chosen not to be so represented, in the negotiation of this Assignment, neither this Assignment nor any provision thereof shall be construed for or against either party by reason of the identity of the party drafting the same.

"OWNER":

REDTAIL CLUB SERVICES, LLC

_____(Seal)
Kenneth Nairn, Managing Partner

ASSIGNMENT APPROVED BY CITY OF EUSTIS, FLORIDA

By: _____
Print Name: _____
Its: City Manager

Attest:

City Clerk: _____
Print Name: _____



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: RESOLUTION NUMBER 21-38: APPROVING MEMORANDUM OF UNDERSTANDING BETWEEN AREA CITIES TO ENTER INTO THE MID-FLORIDA SPECIAL WEAPONS AND TACTICS (SWAT) TEAM

Introduction:

Resolution Number 21-38 approves a Memorandum of Understanding between the cities of Clermont, Eustis, Groveland, Leesburg and Mount Dora to enter into an interagency task force - the Mid-Florida Special Weapons and Tactics (SWAT) Team.

Background:

The Clermont Police Department, Eustis Police Department, Groveland Police Department, Leesburg Police Department and Mount Dora Police Department will enter into an agreement to work together as the Mid-Florida SWAT Team, a multi-agency unit, organized and formulated to work together to respond to calls needing the specialized services of a SWAT team.

Staff believes that the continued use of one larger Inter-Agency SWAT Team will allow for the most economical and efficient use of their respective SWAT team resources. Working together will also ensure that necessary situations will have the needed manpower to respond for officer and citizen safety with a monetary savings to all agencies.

If approved, the Memorandum of Understanding will be in effect from January 1, 2021 through December 31, 2024. This agreement may be canceled by any party upon delivery of written notice to the other parties.

Prepared by: Pam Gordon, EPD Administrative Assistant

Approved by: Craig Capri, Police Chief

Recommended Action:

Staff recommends approval of Resolution Number 21-38 and execution of the Memorandum of Understanding.

Budget Impact:

The exact budgetary impact has not been evaluated at this time; however, it is expected that the individual cities should see a monetary savings.

Attachments:

[Resolution No 21-38](#)

[MOU for SWAT Team Task Force ADA](#)

Reviewed by:

Ronald Neibert, City Manager

Approved - 28 May 2021

Mary Montez, City Clerk

Approved - 28 May 2021

RESOLUTION NUMBER 21-38

A RESOLUTION OF 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 CITIES OF EUSTIS, CLERMONT, GROVELAND, LEESBURG AND MOUNT DORA ALLOWING THE CITY POLICE DEPARTMENTS TO ENTER INTO INTERAGENCY TASK FORCES INCLUDING THE MID-FLORIDA SPECIAL WEAPONS AND TACTICS (SWAT) TEAM.

WHEREAS, the Cities of Clermont, Eustis, Groveland, Leesburg and Mount Dora desire to enter into a Municipal Interlocal Voluntary Cooperation Mutual Aid Agreement; and

WHEREAS, the Police Departments of said Cities desire to enter into Inter-Agency task forces including the Mid-Florida Special Weapons and Tactics (SWAT) Team; and

WHEREAS, the Clermont Police Department, Eustis Police Department, Groveland Police Department, Leesburg Police Department and Mount Dora Police Department believe that the continued use of one large Inter-Agency SWAT team will allow for the most economical and efficient use of their respective SWAT team resources;

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of Eustis, Florida, directs and authorizes the City Manager and Police Chief to complete a Memorandum of Understanding for the Mid-Florida SWAT Team Task Force as outlined in the attached Agreement (Exhibit A).

DONE AND RESOLVED, this 3rd day of June, 2021, 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 physical presence, this 3rd day of June, 2021, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 21-35 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"

**2021-2024 MEMORANDUM OF UNDERSTANDING
FOR THE MID-FLORIDA SWAT TEAM TASK FORCE**

**CLERMONT POLICE DEPARTMENT
EUSTIS POLICE DEPARTMENT
GROVELAND POLICE DEPARTMENT
LEESBURG POLICE DEPARTMENT
MOUNT DORA POLICE DEPARTMENT**

WHEREAS, the City of Clermont, the City of Eustis, the City of Groveland, the City of Leesburg, and the City of Mount Dora, have entered into a duly signed Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement (hereafter, "Mutual Aid Agreement") which is in effect until December 31, 2024.

WHEREAS, "Section II, Provisions for Voluntary Cooperation" in said Mutual Aid Agreement allows agencies within the Mutual Aid Agreement to enter into Inter-Agency task forces including Special Weapons and Tactics Teams (hereafter "SWAT Team").

WHEREAS, the Clermont Police Department, the Eustis Police Department, the Groveland Police Department, the Leesburg Police Department, and the Mount Dora Police Department believe that the continued use of one larger Inter-Agency SWAT team will allow for the most economical and efficient use of their respective SWAT team resources.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- A. The MID-FLORIDA SWAT team is a multi-agency unit, organized and formulated to work together to respond to calls needing the specialized services of a SWAT team.
- B. The parties incorporate the Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement in effect from 2021-2024 in its entirety, and this Agreement shall be deemed the formalization of a SWAT Task Force contemplated in Section II of that agreement.
- C. The Chief of Police, or his/her designee, from each participating agency will act as a member of the Board of Directors for MID-FLORIDA SWAT (Board of Directors). The Board of Directors will develop command structures, develop protocols, and ensure members are trained in compliance within professional standards.
- D. Each participating agency shall designate a representative that has the authority to request or render SWAT team assistance on behalf of their agency.
- E. When services are requested, each designated representative will evaluate the request for services and his/her available resources, and respond in a manner he/she deems appropriate.
- F. The Chief, or their designee, of the jurisdiction where the SWAT activity is located will act as the High Risk Incident Commander (HRIC) for events occurring within their jurisdiction.

2021-2024 MID-FLORIDA SWAT TASK FORCE MEMORANDUM OF UNDERSTANDING

- G. Whenever a team member is rendering assistance under this MOU, the team member shall abide by and be subject to the rules and regulations, personnel policies, general orders, and standard operating procedures of his/her own employing agency. If at any time, any rule, regulation, personnel policy, general order or standard operating procedure is contradicted, contravened or otherwise in conflict with a direct order of a superior officer of MID-FLORIDA SWAT then such rule, regulation, policy, general order or procedure of the employing agency shall control and shall supersede the direct order of the superior officer of MID-FLORIDA SWAT.
- H. If a complaint has been lodged against any member of the MID-FLORIDA SWAT team, that complaint will be forwarded to the Chief of Police (or his/her designee) of the member's employing agency to be handled pursuant to the policy and procedures of the employing agency.
- I. While present outside the MID-FLORIDA SWAT member's jurisdiction by request of another agency, MID-FLORIDA SWAT members may detain, search, and arrest individuals during their MID-FLORIDA SWAT assignment as if they were inside their own jurisdiction. If any crime occurs in the MID-FLORIDA SWAT member's presence while executing their duties pursuant to this MOU, said MID-FLORIDA SWAT member is empowered to render law enforcement assistance.
- J. Each participating agency engaging in any assistance pursuant to this MOU understands that the provisions of the current Municipal Inter-Local Voluntary Cooperation Mutual Aid Agreement apply, including but not limited to: Section IV: Powers, Privileges, Immunities, and Costs, Section V. Indemnification, and Section VI. Insurance Provisions. Specifically, each agency will be responsible for the acts, omissions or conduct of its own employees; ~~damage or loss of their own equipment~~; and will defend their own agency employees in any suit or claim arising in reference to their agency employee(s). Each agency will hold harmless, defend, and indemnify the other participating agencies and employees to the extent permitted by law. Nothing in this agreement shall be deemed a waiver of any party's sovereign immunity.
- K. MID-FLORIDA SWAT members of each participating agency when engaging in assistance outside of their jurisdictional limits, under the terms of this MOU, shall, pursuant to provisions of state statute have the same powers, duties, rights, privileges and immunities as if the MID-FLORIDA SWAT member was performing duties inside the member's political subdivision in which normally employed.
- L. This MOU will be in effect from January 1, 2021 – December 31, 2024. This agreement may be canceled by any party upon delivery of written notice to the other parties.

SIGNATURE PAGES TO FOLLOW

2021-2024 MID-FLORIDA SWAT TASK FORCE MEMO RANDUM OF UNDERSTANDING

CITY OF CLERMONT POLICE DEPARTMENT

Chief Charles Broadway
Clermont Police Department
Dated:

Dan Mantzaris
City Attorney
Dated:

Susan Dauderis
Interim City Manager
Dated:

CITY OF EUSTIS POLICE DEPARTMENT

Chief Craig Capri
Eustis Police Department
Dated:

Derek A. Schroth
City Attorney
Dated:

Ron Neibert
City Manager
Dated:

2021-2024 MID-FLORIDA SWAT TASK FORCE MEMO RANDUM OF UNDERSTANDING

CITY OF GROVELAND POLICE DEPARTMENT

Chief Shawn Ramsey
Groveland Police Department
Dated:

Anita Geraci-Carver
City Attorney
Dated:

Michael Hein
City Manager
Dated:

2021-2024 MID-FLORIDA SWAT TASK FORCE MEMO RANDUM OF UNDERSTANDING

CITY OF LEESBURG POLICE DEPARTMENT:

Chief Rob Hicks
Leesburg Police
Dated:

Fred Morrison
City Attorney
Dated:

Al Minner
City Manager
Dated:

2021-2024 MID-FLORIDA SWAT TASK FORCE MEMO RANDUM OF UNDERSTANDING

CITY OF MOUNT DORA POLICE DEPARTMENT

Chief Brett Meade
Mount Dora Police Department
Dated:

Sherry G. Sutphen
City Attorney
Dated:

Charles Revell
Interim City Manager
Date



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: RESOLUTION NUMBER 21-39: FORECLOSURE AUTHORIZATION - 1000 SOUTH BAY STREET (COLONIAL INN MOTEL), CODE ENFORCEMENT CASE 19-01297

Introduction:

Resolution Number 21-39 approves a Code Enforcement Board action authorizing the City Attorney to foreclose on an unpaid code lien recorded against 1000 South Bay Street (Colonial Inn Motel).

Background:

See attached Staff Report

Recommended Action:

Approve Resolution Number 20-39

Alternatives:

Approve Resolution Number 21-39

Deny Resolution Number 21-39

Attachments:

[Staff Report Res. No. 21-39](#)

[Resolution No. 21-39](#)

Reviewed by:

Lori Barnes, Director

Ronald Neibert, City Manager

Approved - 28 May 2021

Approved - 28 May 2021



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: RONALD R. NEIBERT, CITY MANAGER

DATE: JUNE 3, 2021

RE: **RESOLUTION NO. 21-39: FORECLOSURE AUTHORIZATION, 1000 SOUTH BAY STREET (COLONIAL INN MOTEL), CASE #19-01297**

Introduction

Resolution No. 21-39 approves a Code Enforcement Board action authorizing the City Attorney to foreclose on an unpaid code lien recorded against 1000 South Bay Street (Colonial Inn Motel).

Recommended Action

The administration recommends approval of Resolution No. 21-39.

Background

Code Board Action:

On April 12, 2021, the Eustis Code Enforcement Board authorized the City Attorney to begin foreclosure action on an unpaid code enforcement lien associated with Case 19-01297 totaling \$66,500 against the Colonial Inn Motel located at 1000 South Bay Street.

Case History:

On January 16, 2020, the Code Enforcement Department issued a Notice of Violation/Hearing and hand delivered it to Amrutlal Nathubhai Patel, who is the registered agent for Colonial Inn Motel, LLC. The Notice required compliance with the City's Housing Code adopted in Section 50-26 of the City's Code of Ordinances by April 6, 2020. Failure to comply would result in the case going before the Eustis Code Enforcement Board on April 13, 2020.

On April 6, 2020, the Motel failed inspection, but the April Code Enforcement Board Hearing was cancelled due to City Hall being closed due the COVID-19 pandemic.

On August 5, 2020, a Notice of Hearing was hand delivered to Amrutlal Nathubhai Patel who became physically upset and aggressive towards the Code Enforcement Officer delivering the Notice.

On August 10, 2020, the Code Enforcement Board issued an Order of Enforcement requiring the property be brought into compliance with City Code by September 9, 2020 or a daily fine of \$250 would be imposed. A copy of the Order was mailed to the property owner on August 12, 2020.

On August 18, 2020, the owners of the Motel came into City Hall to find out what repairs were needed in order to comply with the Order of Enforcement they received. The Inspector advised them that if they were unable to interpret the minimum maintenance requirements of the International Maintenance Code they needed to hire a professional to assist them.

On November 5, 2020, a Notice of Non-Compliance and Notice of Hearing for Certification of Non-Compliance and Assessment of Fine was hand delivered to Mrs. Patel at the Motel.

On November 9, 2020, the Inspector informed the Code Enforcement Board of the non-compliance and the Board voted to certify the previously imposed fine of \$250 per day. The property owner was present, and again the Inspector encouraged him to hire a professional to go through the entire building to identify required repairs.

On December 11, 2020, the Board's Order Imposing Fine was recorded in public record constituting a lien against the property.

Community Input

No adjacent property owners attended the Code Enforcement Hearings, but the Code Enforcement Department has received numerous complaints from occupants of the Motel regarding the lack of maintenance to their rooms.

Budget / Staff Impact:

If the Commission approves the Resolution, legal expenses could exceed \$10,000.

Reviewed By:

Lori Barnes, AICP, Development Services Director

Prepared By:

Eric Martin, Code Enforcement Supervisor

Attachments

- Resolution No. 21-39

Documents available upon request:

- Pictures
- Copy of case file
- Minutes

RESOLUTION NO. 21-39

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A CODE ENFORCEMENT BOARD ACTION TO AUTHORIZE THE CITY ATTORNEY TO FORECLOSE ON AN OUTSTANDING CODE ENFORCEMENT LIEN RECORDED AGAINST 1000 SOUTH BAY STREET

WHEREAS, the City of Eustis, Florida established code enforcement fines against the following described property under Case No. 19-01297 against Colonial Inn Motel LLC, property owner, for failing to comply with City Ordinances:

EUSTIS, BISHOP'S SUB LOTS 1, 2, N 24 FT OF LOT 3, LOTS 15, 16 BLK 3 PB 2 PG 4 ORB 2674 PG 1073; and

WHEREAS, the City of Eustis, Florida, a Florida municipal Corporation, recorded a Code Enforcement Lien against the subject property on the 11th day of December, 2020, in Official Record Book 5600, Page 614, in the office of the Clerk of the Circuit Court, Lake County, State of Florida; and

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

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

WHEREAS, the Code Enforcement Board approved a motion on April 12, 2020 authorizing the City Attorney to foreclose on the lien; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida, that the City Attorney is hereby authorized to foreclose on the current amount of the unpaid \$66,500 Code Enforcement Lien recorded against the following described property, in accordance with the Code Enforcement Board's action:

EUSTIS, BISHOP'S SUB LOTS 1, 2, N 24 FT OF LOT 3, LOTS 15, 16 BLK 3 PB 2 PG 4 ORB 2674 PG 1073; and

DONE AND RESOLVED this 3rd day of June, 2021, in regular session of the City Commission of the City of Eustis, Florida.

CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Mary C. Montez, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this _____ day of _____, 2021, 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, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution No. 21-39 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Resolution No. 21-39
Foreclosure Authorization
Page 2 / 2



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: RESOLUTION NUMBER 21-40: APPROVING THE 3RD AMENDMENT TO THE AGREEMENT FOR SALE AND PURCHASE OF PROPERTY BETWEEN THE CITY AND SPENCETF, LLC

Introduction:

Resolution Number 21-40 approves a 3rd amendment to the agreement for sale and purchase of property between the City and SpenceTF, LLC which extends the due diligence period by another 120 days.

Background:

See attached Staff Report.

Attachments:

[Staff Report Res 21-40 3rd Amendment Due Diligence Extension SpenceTF ADA](#)

[Resolution No 21-40](#)

[3rd Amendment to SpenceTF Purchase Agreement Time Extension ADA](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 28 May 2021
Approved - 28 May 2021



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: RONALD R. NEIBERT, CITY MANAGER
DATE: JUNE 3, 2021
RE: RESOLUTION NUMBER 21-40
APPROVING AND RATIFYING A 3rd AMENDMENT TO AGREEMENT FOR
SALE AND PURCHASE OF PROPERTY BETWEEN THE CITY OF EUSTIS
AND SPENCETF, LLC

Introduction

Resolution Number 21-40 approves a 3rd Amendment to Agreement for Sale and Purchase of Property between the City of Eustis and SpenceTF, LLC to extend the due diligence period for approximately 71.4 acres of City-owned property on CR 44.

Background

At a Special City Commission Meeting on Thursday, March 12, 2020, the Eustis City Commission approved Resolution Number 20-18. This resolution approved an Agreement for Sale and Purchase of Property between the City of Eustis and SpenceTF, LLC for approximately 71.4 acres of City-owned property on CR 44. The agreement (dated March 20, 2020) called for a 365-day inspection period for the purchaser to conduct due diligence to see if the site would support the proposed drive-in movie theater and entertainment venue.

In June, 2020, the City received a request to amend the original agreement to allow for a change in the escrow agent. The Amendment to Agreement for Sale and Purchase of Property was processed administratively and signed by Mayor Holland on June 26, 2020.

On July 24, 2020, the City received a request to extend the inspection period for 18 months. The request cited the impact of Covid-19 and the availability of consultants for the project. The City Commission discussed the extension request on August 6, 2020, and Commission directed staff to prepare a 12-month extension. Resolution 20-54, which allowed for a 12-month extension and set-up quarterly updates, was approved on August 20, 2020.

At the quarterly update on May 20, 2021, Spencer Folmar, representing SpenceTF, LLC requested an extension of the Inspection Period through December 31, 2021. Resolution Number 21-40 approves a 3rd Amendment to the original agreement. In addition to the extension of the Inspection Period, the 3rd Amendment also increases

the Earnest Money Deposit. The amendment converts the \$2,000 deposited in escrow to-date from refundable to non-refundable. It also calls for an additional deposit of \$8,000 in new non-refundable earnest money for a total of \$10,000 in non-refundable earnest money to be held in escrow.

Alternatives

1. Approve Resolution Number 21-40
2. Approve Resolution Number 21-40 with changes, understanding that any changes to the resolution must be reviewed and approved by all parties involved
3. Deny Resolution Number 21-40

Community Input

The City has considered community input previously on the purchase of the property. There will be an opportunity for additional community input when the City Commission considers this item.

Budget / Staff Impact

To-date, \$2,000 in refundable earnest money has been deposited in escrow. The 3rd Amendment converts the \$2,000 from refundable to non-refundable. The amendment also calls for an additional \$8,000 in non-refundable earnest to be deposited in escrow for a total of \$10,000 in non-refundable earnest money.

Prepared By

Tom Carrino, Economic Development Director

Attachments

Resolution Number 21-40

3rd Amendment to Agreement for Sale and Purchase of Property

RESOLUTION NUMBER 21-40

**A RESOLUTION OF THE CITY COMMISSION OF THE
CITY OF EUSTIS, LAKE COUNTY, FLORIDA,
APPROVING AND RATIFYING A 3RD AMENDMENT TO
AN AGREEMENT FOR SALE AND PURCHASE OF
PROPERTY BETWEEN THE CITY OF EUSTIS AND
SPENCETF, LLC**

WHEREAS, Seller and Purchaser entered into an Agreement for Sale and Purchase of the subject property dated March 20, 2020; and

WHEREAS, an Amendment to Agreement for Sale and Purchase involving a change to the Escrow Agent was processed administratively and signed by the Mayor of Eustis on June 26, 2020; and

WHEREAS, Seller and Purchaser entered into a 2nd Amendment to Agreement for Sale and Purchase of the subject property dated August 20, 2020; and

WHEREAS, Purchaser has requested a time extension to the Inspection Period in the Agreement for Sale and Purchase in order to conduct necessary due diligence and secure entitlements; and

WHEREAS, the proposed entertainment venue is expected to generate positive economic and social activity.

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

The foregoing whereas clauses are incorporated herein as findings of fact and law.

1. The 3rd Amendment to Agreement for Sale and Purchase is hereby ratified and approved, attached hereto as Exhibit A.
2. The Eustis City Commission authorizes the Mayor to execute the necessary documents to effectuate the 3rd Amendment to Agreement for Sale and Purchase.

DONE AND RESOLVED, this 3rd day of June 2021, 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 physical presence, this 3rd day of June, 2021, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 21-40 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 21-40

3rd Amendment to Agreement for Sale and Purchase of Property

City of Eustis/Spence TF, LLC
East County Road 44, Eustis Florida.

This 3rd Amendment to Agreement for Sale and Purchase of Property is made and entered into on June 3, 2021, between the City of Eustis, a Florida municipality ("Seller"), and Spence TF, LLC, a Florida Limited Liability Corporation ("Purchaser").

Recitals

WHEREAS, Seller and Purchaser entered into an Agreement for Sale and Purchase of the subject property dated March 20, 2020; and

WHEREAS, an Amendment to Agreement for Sale and Purchase involving a change to the Escrow Agent was processed administratively and signed by the Mayor of Eustis on June 26, 2020; and

WHEREAS, Seller and Purchaser entered into a 2nd Amendment to Agreement for Sale and Purchase of the subject property dated August 20, 2020; and

WHEREAS, Purchaser has requested a time extension to the Inspection Period in the Agreement for Sale and Purchase in order to conduct necessary due diligence and secure entitlements.

NOW, THEREFORE, the parties agree as follows:

1. The Agreement for Sale and Purchase of Property between the City of Eustis and Spence TF, LLC dated March 20, 2020 ("Agreement") shall be amended as follows:

3. CONDITIONS TO CLOSING

- 1.(A) Purchaser's Inspection Period. The Purchaser shall have a period of an additional One Hundred and Thirty-Three (133) days starting from the amended Inspection Period date of August 20, 2021 and continuing until December 31, 2021 to conduct its due diligence with respect to the Property (the "Inspection Period").
2. The Purchaser shall provide quarterly updates to the Eustis City Commission on project progress.
3. The Purchaser shall provide a total of Ten Thousand Dollars (\$10,000.00) earnest money deposit to the Escrow Agent consistent with Section 1.3 (Earnest Money Deposit) of the original Agreement. This is a non-refundable deposit and includes the conversion of the previous deposits of Two Thousand Dollars (\$2,000.00) of refundable earnest money deposit into non-refundable deposit, and depositing an additional Eight Thousand Dollars (\$8,000.00) of non-refundable deposit for a total of Ten Thousand Dollars (\$10,000.00) of a non-refundable earnest money deposit.
4. To the extent any terms of this 3rd Amendment conflict with the terms of the Agreement, Amendment, or 2nd Amendment, this 3rd Amendment supersedes and controls over any conflicting terms. All other terms of the Agreement remain in full force and effect unless modified herein.

In Witness Whereof, the parties have executed this 3rd Amendment as of the day and year first above written.

SELLER: City of Eustis

By: _____
Michael L. Holland, Eustis Mayor

Date: _____

PURCHASER: SpenceTF, LLC

By: _____
Spencer Folmar, Manager

Date: _____



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: May 20, 2021
RE: ORDINANCE NUMBER 21-06: AMENDING CHAPTER 42 CODE OF
ORDINANCES REQUIRING FRANCHISE AGREEMENTS FOR TEXTILE
RECYCLING BINS
ORDINANCE NUMBER 21-07 AMENDING CHAPTER 34 CODE OF
ORDINANCES ESTABLISHING REGULATIONS FOR PLACEMENT OF
TEXTILE RECYCLING BINS

Introduction:

Ordinance Number 21-06 amends Chapter 42 Code of Ordinances to provide for a textile recycling franchise, and Ordinance Number 21-07 amends Chapter 34 Code of Ordinances to provide for regulation of textile recycling collection bins.

Background:

Ordinances 21-06 and 21-07 have been amended pursuant to the Commission directions provided at the May 20, 2021, meeting.

Recommended Action:

The administration recommends approval of Ordinance Numbers 21-06 and 21-07.

Alternatives:

1. Approve Ordinance Numbers 21-06 and 21-07
2. Deny Ordinance Numbers 21-06 and 21-07

Attachments:

[Staff Report Donation Bins 3-18-21](#)

[Ord. No. 21-06 Amend Ch 42 Code of Ordinances Franchise Agreement for Textile Bins](#)

[Ord. No. 21-07 Amend Ch 34 Code of Ordinances Textile Bins](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 28 May 2021
Approved - 28 May 2021

**City of Eustis**

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: March 18, 2021
RE: TEXTILE RECYCLING (APPROACHES TO REGULATION OF CLOTHING DONATION BINS)

Introduction:

At the request of Commissioner Cobb, staff has investigated approaches to the regulation of clothing donation bins and will present two options (requiring franchise agreement or regulating as an accessory structure/use) to the City Commission for consideration.

Recommended Action:

Staff recommends an amendment to Chapter 42, requiring a franchise agreement for textile recycling bins. Staff would request a consensus to move forward with an ordinance, as advertising costs and significant staff time would be associated with an amendment to the Code of Ordinances (or Land Development Regulations if the alternate approach is desired).

Reviewed by:

Ronald Neibert, City Manager	Approved - 12 Mar 2021
Mary Montez, City Clerk	Approved - 12 Mar 2021

ORDINANCE NUMBER 21-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; AMENDING CHAPTER 42, FRANCHISES, OF THE CITY OF EUSTIS CODE OF ORDINANCES, ADDING AN ADDITIONAL ARTICLE TO PROVIDE FOR FRANCHISE AGREEMENTS FOR TEXTILE RECYCLING COLLECTION BINS (CLOTHING DONATION BINS) LOCATED WITHIN THE CITY LIMITS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION, SEVERABILITY, AND EFFECTIVE DATE.

WHEREAS, Section 42-2 of the Eustis Code of Ordinances provides that a franchise agreement shall be required when any person engages in a public service business,

WHEREAS, the City Commission desires to provide franchise opportunities for Textile Recycling Collection Bin ("Clothing Donation Bins") providers, and

WHEREAS, any franchise agreement for Clothing Donation Bins must meet certain standards and include certain restrictions and limitations in order to ensure the public health, safety, and welfare of the citizens of Eustis.

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

Chapter 42, of the City of Eustis Code of Ordinances is amended to add:

Textile Recycling Collection Bins ("Clothing Donation Bins") Franchise.

SECTION I. Franchise required; restrictions.

- (a) No person shall use or cause to be used any Clothing Donation Bin within on City of Eustis ("City") property without first entering into a franchise agreement with the City approved by the City Commission.
- (b) All franchise agreements for Clothing Donation Bins must include a franchise fee paid to the City equal to three percent of the gross revenue collected from those Clothing Donation Bins located on City property, excluding the revenue from Clothing Donation Bins located on private properties. Franchise payments shall be payable on a quarterly basis, and any franchise holder shall allow the City to inspect its financial records at any reasonable time to ensure compliance with this subsection.
- (c) The term of each franchise agreement shall be one year with automatic annual renewals, provided the franchisee remains in good standing. Either party to the agreement must give three months written notice prior to the expiration of the current term in order to cancel the renewal.

- (d) A franchisee's authorization to use the City's property for the limited purposes herein shall not be exclusive. The enjoyment and exercise by a franchisee of any and all rights to use the City's property shall be subject to and subordinate to the dominant right of the public to use the City's property and to the lawful exercise of control by the City over the use thereof.

SECTION II. Franchise application required.

A prospective franchisee may apply for a franchise by submitting an application to the City with the following information:

- (a) Documentation that the applicant is authorized to legally conduct business within the State of Florida pursuant to Florida Statutes, including, but not limited to, an active Lake County business tax receipt and an active City of Eustis business tax receipt, or a completed application for a business tax receipt for operation of a business within the City limits,
- (b) A thorough description, including color photographs or color depictions and the dimensions, of each Clothing Donation Bin to be used, a detailed schedule of maintenance and collection of each Clothing Donation Bin, and the proposed specific location of each Clothing Donation Bin in relation to the property, and
- (c) An insurance certificate demonstrating that the applicant has met the City's insurance requirements.

SECTION III. Liability and indemnification.

- (a) A franchisee shall pay, and by its acceptance of an agreement specifically agrees to pay, any and all damages or penalties which the City may be legally required to pay as a result of the franchisee's operation or maintenance of a Clothing Donation Bin under this part, whether or not the acts or omissions complained of are authorized, allowed, or prohibited by the City.
- (b) A franchisee shall also pay all expenses incurred by the City in defending itself with regard to any and all damages and penalties mentioned in subsection (a) above. Expenses include all out-of-pocket expenses, including a reasonable attorney's fee.
- (c) The franchisee shall maintain, throughout the term of the franchise agreement and throughout the term of any renewals, liability insurance insuring the City and the franchisee with regard to all damages mentioned in subsection (a) above caused by the franchisee or its agents, in the minimum amounts of:
 - 1) Workers' and unemployment compensation insurance as provided by the laws of this state.
 - 2) One hundred thousand dollars for property damage, bodily injury, or death payable to any one person and \$300,000.00 for property damage, bodily injury or death when totaled with all other claims or judgments arising out of the same incident or occurrence.

- (d) The insurance policies a franchisee obtains to comply with this section shall be issued by a company or companies acceptable to the City and a current certificate or certificates of insurance shall be filed and maintained with the City during the term of the franchise and any renewals. The policies shall name the City as an additional insured and shall contain a provision that written notice of cancellation or reduction in coverage of the policy shall be delivered by registered mail to the City at least 30 days in advance of the effective date thereof.

SECTION IV. Operational conditions.

- (a) Each franchisee must always maintain an active City of Eustis business tax receipt and if not, all of franchisee's rights under this Ordinance or any franchise agreement terminate automatically. Annual business tax receipt renewal shall be the mechanism through which each franchise agreement is automatically renewed.
- (b) Anyone authorized under this article to engage in the business of using Clothing Donations Bins, shall be subject to all provisions of this Code and all other laws, ordinances, rules and regulations now in effect in the City or hereafter enacted or adopted by the City or the state, and such rules and regulations formulated and promulgated under authority of this part.

SECTION V. Repeal of Conflicting Ordinances.

Parts of Ordinances in conflict herewith are hereby repealed.

SECTION VI. Renumbering and Renaming for Codification.

The provisions of this Ordinance shall become and be made a part of the City of Eustis Code of Ordinances and that the sections of this Ordinance may be re-numbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase to accomplish such intentions.

SECTION VII. Severability, Appeals and Time Limitation for Court Action.

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. Any person aggrieved by this Ordinance or seeking to challenge the validity of this Ordinance or any portion thereof including the application thereof shall, before filing a lawsuit, first file a petition with the City Commission who shall hear petitioner's reasons, afford due process and an opportunity to be heard and shall render a decision on the petition within 90 days after the filing of the petition. Any lawsuit concerning this Ordinance must be filed within 30 days after the City Commission's decision and if not, it is time barred.

SECTION VIII. Effective Date of Ordinance.

That this Ordinance shall become effective on July 5, 2021.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 3rd day of June, 2021.

**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 physical presence, this 3rd day of June, 2021, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 21-06 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

ORDINANCE NUMBER 21-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 34, ARTICLE II, BY ADDING THE REGULATION OF TEXTILE RECYCLING COLLECTION BINS (CLOTHING DONATION BINS) TO THE CODE OF ORDINANCES; REPEALING ALL PRIOR EUSTIS ORDINANCES INCONSISTENT HERewith; AND PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS, the Eustis City Commission strives to provide appropriate legislation to protect the quality of life for the residents of Eustis; and

WHEREAS, the Eustis City Commission has determined there is a necessity in the City of Eustis and it will promote the general health, safety, and welfare of the City of Eustis to establish regulations of clothing bins within the City of Eustis.

WHEREAS, the following sections will be included in the Code of Ordinances, Chapter 34, Article II.

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

SECTION I. Purpose, Intent and Findings. Unlike other recyclables, such as bottles, cans and paper, clothing, shoes and other articles intended to be worn (hereinafter "textiles") have not typically been collected through regularly scheduled household pick-ups but instead have been collected through donations to receptacles located on properties owned by for-profit and not-for-profit organizations, often by way of unsupervised textile recycling collection bins placed throughout the community. If not properly regulated, textile recycling operations and textile recycling collection bins can conflict with parking, traffic circulation, and tree preservation and can lead to nuisance situations such as abandoned personal property, junk, trash, and blight. When properly regulated, textile recycling collection bins can provide a cost-effective and convenient method of textile recycling, thereby reducing nuisance, abandoned personal property, junk, trash, and blight. The purpose of this Ordinance is to set forth the conditions under which textile recycling collection bins may be placed on public and private property and to provide minimum standards as to how they are operated and maintained, as necessary to protect the public health, safety and welfare.

SECTION II. Definitions. For purposes of this Ordinance, textile recycling collection bin means a self-service container designed to allow members of the general public to deposit used textile items such as shoes, clothing, linens and draperies; and textile recycling collection means the gathering and transportation of deposited textile items such as shoes, clothing, linens and draperies either for the purpose of resale or re-use for other purposes.

SECTION III. Regulation of Textile Recycling Collection Bins.

a. Only authorized textile recycling collection bins permitted. No person shall place or maintain a textile recycling collection bin within the City of Eustis except in conformity herewith and, if on City property as authorized through a franchise agreement.

b. Collection from stationary vehicles. Collection of textiles for recycling from a stationary vehicle, truck, wagon, trailer, or similar vehicle is prohibited within the City of Eustis unless approved by the City Commission. Textile recycling collections taken directly from homes, businesses, or institutions, whether through regularly scheduled or pick-ups or through pick-ups based on special request of the donor are not prohibited and are permitted without City Commission approval.

c. Placement, operation, and maintenance of textile recycling collection bins. Textile recycling collection bins ("bins") shall be governed as follows:

(i) Bins shall be placed only on: City-owned property with approval by Resolution of the City Commission through a franchise agreement or Developed parcels that are (1) approved for non-residential use, including commercial, office, industrial and community services uses, (2) are not located within the Central Business District or Community Redevelopment Area, (3) expressly approved in writing from the property owner permitting such use (such written approval shall be produced to the City within two business days of the City's demand), (4) as expressly approved by the City Commission by Resolution and (5) owned or operated by a business with a valid and active, at all times, City of Eustis business tax receipt.

(ii) Bins shall be placed in a manner which do not to impair traffic, pedestrian, or emergency service vehicle movement within the site and which does not negatively affect protected trees or utility services. The placement of textile recycling collection bins shall require site plan approval from the City Commission.

(iii) Bins shall be no larger than seven (7) feet in any dimension.

(iii) Bins shall be placed no less than five hundred (500) feet from any other bin unless located at least two hundred (200) feet from any public street right-of-way and not readily visible from any residential use. In no case shall more than one (1) bin be placed on a single parcel unless a variance is requested and granted by the City.

(iv) Bins shall not be located within fifty (50) feet of any a public street right-of-way.

(v) Bins shall be constructed of steel with a rust-resistant coating and weigh at least five hundred (500) pounds empty.

(vi) Each bin shall provide the name, address and telephone number of the bin's owner in weather-resistant lettering no smaller than one (1) inch high and provide other information as may be required by Florida Statutes. Bins shall contain no advertising other than as related to the franchised textile recycling collection organization or business.

(vii) Bins shall be painted a uniform color, maintained in good appearance, and be emptied no less than once per fourteen (14) days or immediately upon any bin having textiles not contained in the bin (i.e., on top of the bin, on the ground near the bin or placed on something near the bin rather than contained in the bin).

(viii) The franchisee or property owner shall be responsible for ensuring that the area within twenty (20) feet of any bin shall be kept free of trash, debris, discarded items or abandoned textiles not in the bin.

(ix) No more than four (4) bins are permitted within the City limits unless the City Commission expressly approves more than four (4) bins.

SECTION IV. 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.

SECTION V. Severability, Appeals and Time Limitation for Court Action.

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. Any person aggrieved by this Ordinance or seeking to challenge the validity of this Ordinance or any portion thereof including the application thereof shall, before filing a lawsuit, first file a petition with the City Commission who shall hear petitioner's reasons, afford due process and an opportunity to be heard and shall render a decision on the petition within 90 days after the filing of the petition. Any lawsuit concerning this Ordinance must be filed within 30 days after the City Commission's decision and if not, it is time barred.

SECTION VI. Effective Date.

This Ordinance shall take effect on July 5, 2021. Bins, stationary vehicles, trucks, wagons, trailers or similar vehicles placed, operated or maintained not in conformity herewith shall be removed or brought into compliance no later than July 5, 2021.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 3rd day of June, 2021.

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 3rd day of June, 2021, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 21-07 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



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: ORDINANCE NUMBER 20-32: VOLUNTARY ANNEXATION OF PROPERTY
LOCATED ON NORTH SIDE OF CR 44A, EAST OF EAST ELDORADO
LAKE DRIVE
ORDINANCE NUMBER 20-33: COMPREHENSIVE PLAN AMENDMENT
ASSIGNING FUTURE LAND USE DESIGNATION TO ABOVE PROPERTY
ORDINANCE NUMBER 20-34: ASSIGNING A DESIGN DISTRICT
DESIGNATION TO THE ABOVE PROPERTY

Introduction:

This item was continued from the May 6, 2021, regular Commission meeting. Ordinance Number 20-32 provides for the voluntary annexation of approximately 20.691 acres located north of CR 44A and east of East Eldorado Lake Drive. Provided the annexation of the subject property is approved, Ordinance Number 20-33 would change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-34 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-32 is denied, there can be no consideration of Ordinance Numbers 20-33 and 20-34.

Background:

See attached staff report.

Recommended Action:

Administration recommends approval of Ordinance Numbers 20-32, 20-33 and 20-34.

Alternatives:

1. Approve Ordinance Numbers 20-32, 20-33 and 20-34.
2. Deny Ordinance Number 20-32 (If Ordinance 20-32 is denied, there can be no consideration of Ordinance Numbers 20-33 and 20-34).

Attachments:

[Staff Report 2nd Reading Ord. Nos. 20-32 20-33 20-34](#)
[Ordinance No. 20-32 Annexation](#)

[Ordinance No. 20-33](#)
[Ordinance No. 20-34](#)

Reviewed by:



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: RONALD R. NEIBERT, CITY MANAGER
DATE: DECEMBER 3, 2020
RE: **EXPLANATION OF ORDINANCES FOR PROPERTY LOCATED NORTH
OF COUNTY ROAD 44A AND EAST OF EAST ELDORADO LAKE DRIVE**
Ordinance Number 20-32: Voluntary Annexation
Ordinance Number 20-33: Comprehensive Plan Amendment
Ordinance Number 20-34: Design District Assignment

Introduction

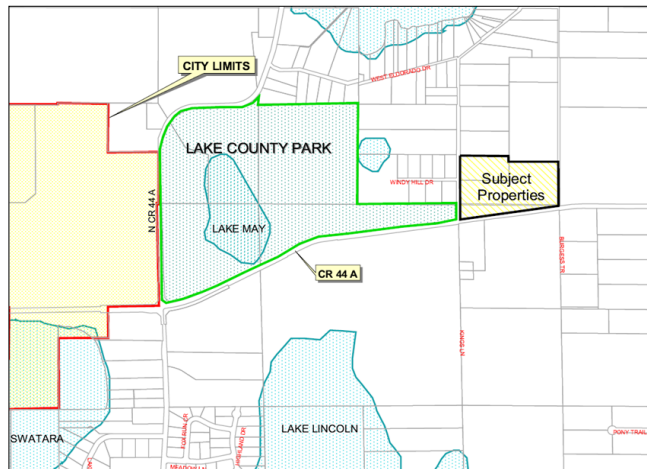
Ordinance Number 20-32 provides for the voluntary annexation of approximately 20.691 acres located north of CR 44A and east of East Eldorado Lake Drive. Provided the annexation of the subject property is approved, Ordinance Number 20-33 would change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-34 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-32 is denied, then there can be no consideration of Ordinance Numbers 20-33 and 20-34.

Recommended Action

The administration recommends approval of Ordinance Numbers 20-32, 20-33, and 20-34.

Background/Pertinent Site Information

1. The site contains approximately 20.691 acres and is within the Eustis Joint Planning Area and the Eustis 180 Utility District.
2. The site is contiguous to the City on its western boundary by virtue of adjacency to a Lake County owned park. [F.S. 171.031(11)]



3. The site is vacant and the Lake County Property Appraiser has classified the current property use as Timber. There are no structures on the site.
4. The site and surrounding properties have the following land use designations:

Location	Existing (Current) Use	Future Land Use	Design District
Site	Timber	Rural Transition (Lake County)	N/A
North	Single-Family & Timber	Rural Transition (Lake County)	N/A
South	Single-Family & Timber	Rural Transition (Lake County)	N/A
East	Timber	Rural Transition (Lake County)	N/A
West	County Park & Single-Family / Improved Pasture	Conservation & Rural Transition (Lake County) Suburban Residential (Eustis)	N/A Rural Corridor & Rural Neighborhood

Applicant's Request

The applicant, Carole L. Harper, Trustee, applied for voluntary annexation, and assignment of Eustis future land use (Suburban Residential) and design district (Rural Neighborhood) designations.

Analysis of Annexation Request (Ord. Number 20-32)

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

adequate urban services and facilities to serve those areas within the Joint Planning Area.”

The Joint Planning Area boundaries established in 1987 define the reasonably compact area where the City could provide services effectively and efficiently. The subject property lies within that planning area which area has been envisioned to be part of the City limits for over 30 years. Water and wastewater service are not directly available to the site at this time, but services are available approximately a mile and a half away, and the City has adequate plant capacity to provide these services. (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 property is contiguous to the City limits on its western boundary by virtue of adjacency to a Lake County owned park pursuant to F.S. 171.031 (11). The property is reasonably compact 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 on September 17 and September 24, 2020.

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 September 3, 2020.

Analysis of Comprehensive Plan/Future Land Use Request (Ord. Number 20-33)

In Accordance with Florida Statutes Chapter 163.3177:

Note: The proposed comprehensive plan amendment was transmitted to the State for review following the first reading of Ordinance Number 20-33 on October 1, 2020. Staff received notices that the following agencies had no comments on the proposed amendment: Bureau of Community Planning and Growth of the Department of Economic Opportunity, St. Johns River Water Management

District, the Florida Department of Environmental Protection and the Florida Department of Transportation.

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 Suburban Residential (SR) future land use designation will provide for a suburban medium-intensity development. Within the city limits in nearby areas, a mix of uses already exists.

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 requested designation in this geographic area will provide for development of a suburban nature within approximately 4-miles of the City's urban core (central business district). Available and suitable undeveloped lands of comparable acreage and access do not exist within the City's urban 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 property subject to this annexation request and Eustis future land use assignment is less than a mile away from suburban residential property in the city limits. The property has sufficient size and depth to avoid strip development.

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 Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply at time of development review.

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 is currently planted with pines; a common practice to maintain an agricultural property tax exemption until such time as development is desired. While some of the soils on the property (Candler sand w/slopes less than 12 percent) are suitable for tree planting and/or rangeland/pasture. The soils are identified as unique farmlands, however, the property is within an area designated for urban development (JPA/180 Utility District). By restricting annexation to areas where public services may be provided, true rural agricultural areas are protected.

6. *Public Facilities:*

Fails to maximize use of existing public facilities and services.

This indicator does not apply. Although City water and wastewater services are not available to the site, the site is in the city's 180 district and adequate capacity is available to serve future development consistent with the requested Suburban Residential (SR) future land use designation. Water and sewer are available approximately 1.5-miles to the west and could be extended to serve the site. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation.

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 future development consistent with the requested SR future land use designation. The land use pattern allowing suburban development decreases costs and inefficiency in delivering services. As the city's service area becomes more compact, per capita costs will be reduced.

8. *Separation of Urban and Rural:*

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

This indicator does not apply. The Land Development Regulations include standards to protect adjacent properties having alternate land use designations at time of development. The suburban character of the SR land use designation coupled with a Rural Neighborhood design district forms an appropriate transition from the urban core to the rural areas on the edges of the Eustis urbanized area.

9. *Infill and Redevelopment:*

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

This indicator does not apply. Infill development and redevelopment of existing neighborhoods would most appropriately apply to properties within

or near the City's urban core. Undeveloped lands suitable for suburban development types do not exist within the City's urban core.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. Within the city limits, approximately 1.5-miles to the west, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, while SR allows single-family attached and single-family detached, the Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The form-based code and PUD were designed to allow large vacant areas to be planned to meet the functional mix of uses.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The property has access to existing transportation corridors. The Land Development Regulations include provisions to provide adequate accessibility and linkages between related uses. Development Services will ensure compliance with these standards at time of any future development review.

12. Open Space:

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

This indicator does not apply. The property in its existing condition does not provide functional open space. Future development under the Suburban Residential (SR) land use will be required to include functional dedicated open space and park space consistent with the Land Development Regulations and Comprehensive Plan requirements.

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 located approximately 4-miles from the City's downtown core (central business district); and is located in a geographic area where nearby properties already have been approved for Suburban Residential (SR) development. The property does not appear to have wetlands or other natural resource/ecosystems. However, if a development review is proposed, the City regulations require submittal of surveys and studies to identify karst features, flora and fauna. 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.

b. Efficient and Cost-Effective Services:

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

Adequate capacity is available to serve future development consistent with the requested SR 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 land use pattern allowing suburban development decreases costs and inefficiency in delivering 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.

The SR future land use designation provides for housing choices including single-family detached and single-family attached, residential, duplex and townhome dwelling up to a maximum density of 5 dwelling units per acre (subject to compatibility requirements based on adjacent densities). A Planned Unit Development can allow neighborhood commercial uses. The Land Development Regulations include pedestrian and roadway network standards, block structure and park space requirements to ensure compact development that supports walkability and connection. A Lake Express bus stop currently exists approximately 2-miles away; as growth occurs, the transit provider could add stops or routes.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

Future design of the project may include water and energy conservation measures; however, those details are not available at this time.

e. Agricultural Preservation:

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

This site is currently planted with pines; a common practice to maintain an agricultural property tax exemption until such time as development is desired. While some of the soils on the property (Candler sand w/slopes less than 12 percent) are suitable for tree planting and/or rangeland/pasture and tree planting. The soils are identified as unique farmland, however, the property is within an area designated for urban development (JPA/180 Utility District). By restricting annexation to areas where public services may be provided, true rural agricultural areas are protected.

f. Open Space:

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

The Land Development Regulations (LDRs) require that all new residential developments incorporate land for parks for the residents of the development

and that all development include dedicated open space consistent with the LDR and Comprehensive Plan requirements.

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.

Within the city limits, approximately 1.5-miles to the west, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, SR allows single-family attached and single-family detached. The Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The form-based code and PUD were designed to allow large vacant areas to be planned to meet the functional mix of uses.

h. Urban Form Densities and Intensities:

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

Not applicable.

In Accordance with 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 4-miles from the downtown core and the police station. Fire/emergency service is approximately 3-miles away from the subject property.

b. *Parks & Recreation:*

In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and Appraisal Report. The results show that a surplus of park area exists up to and beyond the City's population reaching 20,015.

Furthermore, the Land Development Regulations require that all new residential developments incorporate parks for the residents of the development to ensure that the City maintains this level of service.

c. *Potable Water & Sanitary Sewer:*

Water and sewer lines exist approximately 1.5 miles away from the subject property. The following outlines the water and wastewater demand based on a maximum development potential scenario. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

Potential Residential Demand

5 du/ac x 20.691 ac. = 103 Dwelling Units x 2.52 p/hh = 260 persons

Water – 260 x 140 GPCD = 36,400 GPD

Wastewater – 260 x 120 GPCD = 31,200 GPD

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

d. *Schools:*

The proposed change will not negatively impact schools. The Lake County Public Schools Adequate Public Facilities Determination has concluded there are adequate school facilities to accommodate the anticipated demand. If a development is proposed in the future, a school concurrency review will be required.

e. *Solid Waste:*

The City contracts with Waste Management for hauling of solid waste. The company already services properties nearby 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:**

(Institute of Traffic Engineers Trip Generation Manual, 10th Edition). The following estimates are based on possible maximum development scenarios. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

1) Trip Generation for SR

As any future development housing type is yet to be determined, staff utilized Land Use 210, Single family detached housing for purposes of estimating the general trips of the proposed Suburban Residential (SR) parcel. Land use 210 represents single family detached housing which includes all single family detached homes on individual lots and represents a typical suburban subdivision.

Estimated Additional Dwelling Units (theoretical maximum): 83

PM Peak Hour of generator on a weekday

Ave. Rate @ 1.0 x 83 = 83 trips

36% exiting: 29.8

64% entering: 53.1

The adopted LOS for CR 44 between Hicks Ditch Road and CR 44 A is D with a capacity of 13,860 trips. The 2019 average daily traffic trips west of the 44 Bypass were 10,974 and trips were 4,957 just west of Estes Road. The LOS for CR 44A between Estes Road and CR 439 is a C at with a capacity of 14,200 trips. The 2019 average daily trips just west of CR 439 were 4,746. At this time, it appears the adjacent transportation network has the capacity to serve the proposed SR property without negatively affecting the adopted level of service. However, at time of proposed development, a complete traffic analysis will be required and road improvements identified if necessary.

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 subject property is located in a highly effective recharge area; more than 20 inches per year. To protect ground water recharge areas, connection to central wastewater versus permitting development with septic systems is addressed in the Eustis Comprehensive Plan. The property is in the Eustis 180 Utility District where the city has agreed to provide services.

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. Should any historical sites or archaeological sites be uncovered during future development, work in the vicinity shall cease until the property authorities can be contacted and an evaluation is conducted.

c. **Flood zones:**

The subject property is not within a floodplain.

Source - Lake County GIS - 2012 Flood Zones

d. **Soil and topography:**

Onsite soils (Candler sand) are excessively drained with slopes ranging from zero to 12 percent (a small portion of the site has potentially steeper slopes from 12 to forty percent). Future development type and foundations will be dependent on/determined by soil borings conducted as part of the project design process.

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.

The current Lake County land use designation is Rural Transition. The property owner has requested the Suburban Residential land use designation within the City of Eustis. The evaluation below supports the requested designation.

a. **Review of Land Use, Form Based Code and Surrounding Properties**

Existing Land Use According to the Lake County Comprehensive Plan:

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

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

Alternatively, residential development not to exceed a maximum density of one (1) dwelling unit per three (3) net buildable acres may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a PUD, and provided that at least 35% of the net buildable area of the entire PUD site shall be dedicated in perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument, as allowed by law. A proposed Rural Conservation Subdivision shall consist of at least fifteen (15) net buildable acres in order to be considered for this alternate density.

As a third alternative, residential development not to exceed a maximum density of one (1) dwelling unit per one (1) net buildable acre may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a PUD, and provided that at least 50% of the net buildable area of the entire PUD site shall be dedicated in perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument, as allowed by law.

Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series. Rural Support land uses include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, banks, bars or taverns, automotive service stations, medical services, general restaurants, recreation commercial, churches, community residential homes, family day care or family residential homes, utilities, and communication towers. Such uses shall be limited in scale and scope to serve the basic and special needs of rural areas and ensure compatibility with the character of rural areas."

Proposed Land Use According to the Eustis Comprehensive Plan:

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

The Suburban Residential (SR) land use designation is provided to accommodate the majority of residential development within the City. The general range of uses include: a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public and utility services and

facilities that are 2 acres or less in size are also permitted. Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre.

The City uses a form-based code instead of traditional Euclidian zoning. The Future Land Use determines density/intensity and allowable uses. Design Districts determine allowable lot typologies that determine lot sizes, setbacks and other development criteria. (Actual build-out conditions are determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements).

The pairing of the proposed SR land use and Rural Neighborhood design district in this case would limit development as follows:

Allowable lot types: Estate, House, Duplex

Landscape buffer: 50-feet along public right-of-way

Open space: 25% or 35% depending on presence of Wekiva related vegetative species

Site design criteria: Create interconnected open space; protect listed species; provide and restore native habitat; preserve the function and integrity of the natural features of the land to the extent practicable; provide external and internal connectivity while minimizing impacts on designed open space.

Karst features: Setbacks ranging from 100 to 300 feet if karst features are located onsite.

Rural residential compatibility: For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not

be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

The Eustis land use designation to the west and southwest are Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac). The surrounding unincorporated areas to the north, south, east, and west were designated Rural Transition on the Lake County Future Land Use Map.

Source: Lake County GIS Zoning & FLU Codes – 5/15/14

b. Comparison of Lake County Development Conditions

The existing Lake County future land use designation of the parcel is Rural Transition. Allowable density is a maximum of 1 dwelling units per acre if clustered in a Rural Conservation Subdivision. The current zoning is R-1. The county land use designation would allow a theoretical maximum of 20 dwelling units.

The proposed City of Eustis future land use designation of the parcel is Suburban Residential (SR), which allows residential densities up to 5 dwelling units per acre (subject to compatibility requirements, open space, etc.). At 5 units per acre, the site could support a theoretical maximum of 103 dwelling units. The difference in development potential is 83 du.

Lake County's future land use map appears to classify much of the of undeveloped, unincorporated land in the JPA as Rural Transition which allows 1 unit/acre via a PUD with 50% open space (or Urban Low) with R-1 zoning. The purpose of R-1 is defined as providing a transition between agricultural and conservation areas and the more urban residential communities. The county's comprehensive plan describes Rural Transitional as an edge condition, yet, the Eustis urbanized area may be defined to include property as far east as CR 437, where the city already provides water and wastewater to developments with suburban densities. Finally, existing suburban development lies less than one mile away (Lakes of Mount Dora) and other areas in the same proximity have been approved for suburban development. The current Lake County designation on this property is inconsistent with the overall suburbanizing character of the general area and does not provide for a reasonable transition (rational transect) between urban and suburban uses within the Eustis urbanized area and the true rural areas of the county.

Increased density is to be expected when transitioning from unincorporated area to a municipality. In keeping with FS 163.3177, directing density to municipalities reduces the proliferation of sprawl thereby protecting true rural and agricultural lands. By directing development to municipalities, development pressure on outlying areas is reduced. Provision of cost-effective public services is not only provided for in Eustis' Strategic Plan, it is an important factor in protecting natural resources, including groundwater. Greater densities are warranted and necessary for cost effective provision of public services where both water and sewer are provided. Compact service areas reduce per capita costs of public services.

c. **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. There are no commercial or industrial uses to be mitigated at this time.

d. **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.

The proposed land use designation is consistent with the Transportation Element. As described above, the LOS on adjacent roadways could accommodate the maximum development scenario on this parcel.

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.

Public utilities and services capacities are available for each utility or service. Refer to 5.A. above for more information. The property is in the City's 180 Utility District. City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available. Mains will need to be run the property.

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 assignment is consistent with the Comprehensive Plan. See analysis above under item 5, A through D.

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 assignment is not in conflict with the Land Development Regulations. At the time of future 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.

The assignment of a Suburban Residential future land use designation coupled with a Rural Neighborhood design district is intended to provide for residential development that has a character and scale that promotes compatibility with adjacent or nearby residential uses. (See Page 13 for rural design district development limitations).

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 the opportunity to extend and connect to central water and wastewater. 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 wastewater services are located in close proximity (approximately 1.5-miles away). Adequate capacity is available to serve future development consistent with the requested SR 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. The Lake County Public Schools Adequate Public Facilities Report indicates the change will not negatively impact schools.

f. *Impact on Environment:*

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

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.

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 annexation would create a logical development pattern as it makes the City limits more compact, to reach the eventual goal of a Eustis area under one local government jurisdiction. Assigning land uses (and design districts) consistent with those in the city limits nearby will provide a consistent development pattern, efficient use of land, and cost-effective provision of infrastructure.

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.”

This designation would advance the public interest by providing housing options and services, and application of the LDRs to the future development will ensure consistency with the community character and lifestyle.

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.

None.

Analysis of Design District Request (Ord. Number 20-34):

Form-Based Code:

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

1. Standard 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 109-5.7 Rural 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 of a Rural Neighborhood. The Rural development pattern and intent, definition, structure and form description are stated below. The assignment of a Rural Neighborhood design district designation is appropriate due to the established development patterns in the area. The City of Eustis Design District Map shows the nearby properties within the city limits

as Rural Neighborhood or Rural Corridor. The Rural Neighborhood designation would act to assist with compatibility with the surrounding unincorporated property.

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

Intent. The rural development pattern relies primarily on a pattern of clustered residential development that provides substantive open space that serves to preserve and enhance the rural view shed and character of the community. Nonresidential uses are primarily located in centers and may contain a mix of uses.

Design districts

(1) Rural neighborhood.

- a. Definition. Predominately residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource areas while providing a significant amount of open space.
- b. Structure. Developable land is subdivided into buildable lots. This development option provides an opportunity for communities to meet both their development and conservation goals by concentrating homes in a small portion of a site in an effort to preserve the existing natural resource areas on a larger scale.
- c. Form. Preservation of natural landscape organizes development to make a place.

The rural development pattern is consistent with the Lake County Rural Transition and R-1 zoning goals to protect the environment, providing open space and concentrating or clustering homes.

b. Section 102-17(a)

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

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

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property.

c. ***Consistent with Comprehensive Plan:***

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

The requested design district assignment for this annexation parcel is consistent with the Future Land Use element (including Policy FLU 1.1.1, Planning Principals, 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. Consistent with Surrounding Uses:

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

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

e. Changed Conditions:

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

The subject property is proposed for annexation and a design district assignment is necessary. The conditions have changed from land located in unincorporated Lake County without central services to a site within the City of Eustis which is eligible for full municipal services.

f. Public Facilities.

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

A redistricting is not proposed. Assigning a design district to an annexation property will not change 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.

g. Impact to Environment:

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property. Design Districts control the form and function of any development that may occur. The Future Land Use designation controls the density, intensity and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. Site plan/preliminary subdivision plat review for any future development will include environmental review to assess impacts to flora, fauna and wetlands, and provide for protection of sensitive areas.

h. Property Values:

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property.

i. Orderly Development Pattern:

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

The request is assignment of a design district to an annexation parcel, not redistricting. However, the proposed Design District designation is consistent with the rural development pattern identified in Section 109-5.7 of the Land Development Regulations. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.

j. Public Interest and Intent of Regulations:

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

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

k. Other Matters:

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

The request is 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 Rural 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."

3. Florida Statutes Chapter 171.031(11) & (12):

“Contiguous” means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically. However, nothing herein shall be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity; and when any provision or provisions of special law or laws prohibit the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.

“Compactness” means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact.

4. Land Development Regulations Section 109.2.3(b) Suburban Residential Land Use District (SR)

Suburban residential district (SR). Areas designated suburban residential (SR) have a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.

5. Land Development Regulations Section 109-5.7(b):

The Rural Neighborhood Design District has predominately-residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource where developable land is subdivided into buildable lots.

6. Land Development Regulations Sec 115-3.3:

Rural residential compatibility. For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1)Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent

development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

Fiscal Impact:

The current market value of the subject property is \$209,044 but the agricultural exemption lowers the taxable value to \$10,138.

Based on the current millage rate of 7.581, annexation of the property could increase annual pre-development operating revenues by as much as \$155.42.

Alternatives:

1. Approve Ordinance Numbers 20-32 (Annexation), 20-33 (Comp. Plan Amendment), and/or 20-34 (Design District Designation)
2. Deny Ordinance Numbers 20-32, 20-33 and 20-34.

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 city's strategic plan, planning documents and utility districts.
- Annexation would increase the tax base of the City and increase the annual operating revenues.
- 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.
- The applicant can move forward with planning a future development, if desired.
- The proposed land use and design district assignment are consistent with Comprehensive Plan.
- The action could encourage additional annexations in that area.

Disadvantages:

- There is no disadvantage to annexing property and assigning Eustis land use and design district designations.

Alternative 2 denies the Ordinances.

(If Ordinance Number 20-32 is denied, the Commission cannot approve Ordinance Numbers 20-33 and 20-34.)

Advantages:

- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation would delay expansion plans for the City in accordance with the city's strategic plan, planning documents and utility districts.
- The action would eliminate the potential for increased operating revenue and the subject property may 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 property could remain underutilized.
- The City could lose a future 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. Between September 17 and September 24, 2020 the department been contacted by six different individuals regarding the property subject to this request. Additional opportunities for public input will be available at the public hearings.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$155 annually in additional operating revenue. 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:

Lori Barnes, AICP, Development Services Director

Attachments:

Ordinance Number 20-32
Ordinance Number 20-33
Ordinance Number 20-34

To be provided on request:

Legal Advertisements
Notice to Surrounding Property Owners
Lake County Schools Adequate Public Facilities Report
Notice to Lake County Board of County Commissioners
Application Documents

ORDINANCE NUMBER 20-32

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 20.691 ACRES OF REAL PROPERTY LOCATED ON THE NORTH SIDE OF COUNTY ROAD 44A, EAST OF EAST ELDORADO LAKE DRIVE.

WHEREAS, Carol L. Harper, Trustee, the legal owner of record, has made application for voluntary annexation of approximately 20.691 acres of real property located on the north side of County Road 44A, east of East Eldorado Lake Drive more particularly described as:

Alt Key Nos. 1039568; 1048591; 3028368

Parcel Nos. 04-19-27-0002-000-00600; 32-18-27-0200-000-00800; 32-18-27-0200-000-01100

A PARCEL OF LAND BEING A PORTION OF LOT 8 AND ALL OF LOTS 9, 10, 11, ELDORADO HEIGHTS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 11 FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 89°44'30" EAST, ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID LOT 11; THENCE RUN SOUTH 00°01'32" WEST, ALONG SAID EAST LINE, 75.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 255.00 FEET OF AFORESAID LOT 8; THENCE RUN SOUTH 89°44'30" EAST, ALONG SAID NORTH LINE, 645.00 FEET TO THE EAST LINE OF SAID LOT 8; THENCE RUN SOUTH 00°01'32" WEST, ALONG SAID EAST LINE AND THE EAST LINE OF AFORESAID LOT 9, A DISTANCE OF 555.00 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE RUN NORTH 89°44'30" WEST, ALONG THE SOUTH LINE OF SAID LOT 9 AND THE SOUTH LINE OF AFORESAID LOT 10, A DISTANCE OF 1290.00 FEET TO THE WEST LINE OF SAID LOT 10; THENCE RUN NORTH 00°01'32" EAST, ALONG SAID WEST AND THE WEST LINE OF AFORESAID LOT 11, A DISTANCE 630.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 00°14'35" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF A UNNAMED ROAD AS SHOWN ON THE PLAT OF ELDORADO HEIGHTS, RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 89°44'30" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 1320.27 FEET

TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN SOUTH 00°16'35" EAST, 25.59 FEET TO NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 44A, THENCE RUN SOUTH 83°30'25" WEST, ALONG SAID NORTH RIGHT-OF-WAY, 1329.68 FEET TO THE AFORESAID WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE RUN NORTH 00°14'35" EAST, ALONG SAID WEST LINE. 181.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 20.691 ACRES MORE OR LESS; and

WHEREAS, the subject property is reasonably compact and contiguous to the City of Eustis boundary pursuant to F.S. 171.031(11) where separation of territory by a publicly owned county park shall not prevent annexation; 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, in an area where City services are in close proximity with available capacity; and

WHEREAS, on October 1, 2020 the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 3, 2020, 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 20.691 acres of real property, as described above.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida,

and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

SECTION 5.

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

SECTION 6.

That this Ordinance shall become effective upon passing.

SECTION 7.

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

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of December 2020.

**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 physical presence, this ____ day of December, 2020, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office

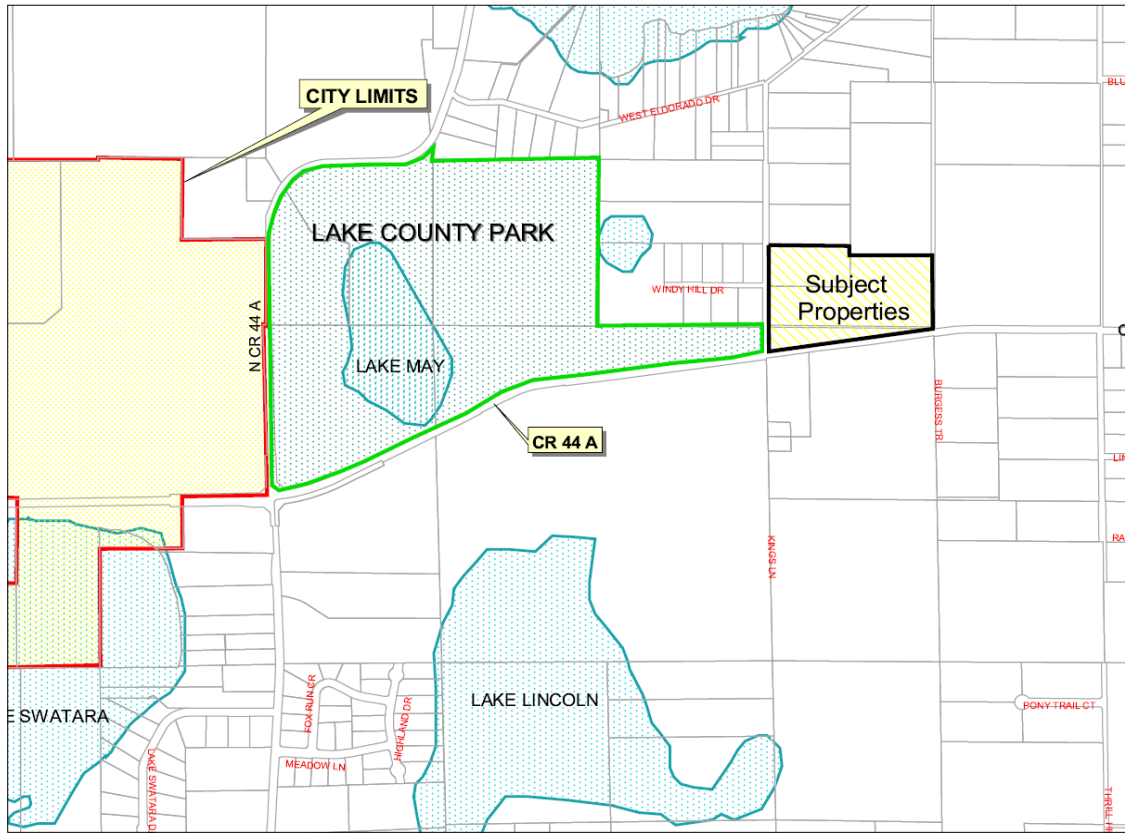
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-32 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



ORDINANCE NUMBER 20-33

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 20.691 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE NORTH SIDE OF COUNTY ROAD 44A, EAST OF EAST ELDORADO LAKE DRIVE FROM RURAL TRANSITION IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR) IN THE CITY OF EUSTIS.

WHEREAS, Ordinance 20-32 annexed certain real property into the corporate limits of the City of Eustis; and

WHEREAS, Carol L. Harper, Trustee, the owner of said property as more particularly described herein has submitted an application (2020-CPLU-04) requesting a future land use designation of Suburban Residential (SR) be assigned to the 20.691 acres of annexed property; and

WHEREAS, on October 1, 2020, the Land Planning Agency held a Public Hearing to consider the adoption of a Large Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on October 1, 2020, the City Commission held the first of two required Public Hearings to accept the Land Planning Agency's recommendation to adopt the Large Scale Future Land Use Amendment contained herein, and approved Transmittal to the Florida Department of Economic Opportunity; and

WHEREAS, the Florida Department of Economic Opportunity has reviewed the proposed change to the Comprehensive Plan and Future Land Use Map without objection; and

WHEREAS, on December 3, 2020, the City Commission held the second Public Hearing to consider the adoption of the Large Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation

That the Future Land Use Designation of the real properties as described below shall be changed from Lake County Rural Transition to Suburban Residential (SR) within the City of Eustis:

Alt Key Nos. 1039568; 1048591; 3028368

Parcel Nos. 04-19-27-0002-000-00600; 32-18-27-0200-000-00800; 32-18-27-0200-000-01100

A PARCEL OF LAND BEING A PORTION OF LOT 8 AND ALL OF LOTS 9, 10, 11, ELDORADO HEIGHTS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 11 FOR THE POINT OF

BEGINNING; THENCE RUN SOUTH 89°44'30" EAST, ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID LOT 11; THENCE RUN SOUTH 00°01'32" WEST, ALONG SAID EAST LINE, 75.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 255.00 FEET OF AFORESAID LOT 8; THENCE RUN SOUTH 89°44'30" EAST, ALONG SAID NORTH LINE, 645.00 FEET TO THE EAST LINE OF SAID LOT 8; THENCE RUN SOUTH 00°01'32" WEST, ALONG SAID EAST LINE AND THE EAST LINE OF AFORESAID LOT 9, A DISTANCE OF 555.00 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE RUN NORTH 89°44'30" WEST, ALONG THE SOUTH LINE OF SAID LOT 9 AND THE SOUTH LINE OF AFORESAID LOT 10, A DISTANCE OF 1290.00 FEET TO THE WEST LINE OF SAID LOT 10; THENCE RUN NORTH 00°01'32" EAST, ALONG SAID WEST AND THE WEST LINE OF AFORESAID LOT 11, A DISTANCE 630.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 00°14'35" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF A UNNAMED ROAD AS SHOWN ON THE PLAT OF ELDORADO HEIGHTS, RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 89°44'30" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 1320.27 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN SOUTH 00°16'35" EAST, 25.59 FEET TO NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 44A, THENCE RUN SOUTH 83°30'25" WEST, ALONG SAID NORTH RIGHT-OF-WAY, 1329.68 FEET TO THE AFORESAID WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE RUN NORTH 00°14'35" EAST, ALONG SAID WEST LINE. 181.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 20.691 ACRES MORE OR LES

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

That this Ordinance shall not become effective unless and until the annexation of the subject property becomes effective through approval of Ordinance Number 20-32. Further, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December 2020.

**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 physical presence, this ____ day of December, 2020, 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 City Commission of the City of Eustis, Florida, however, I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

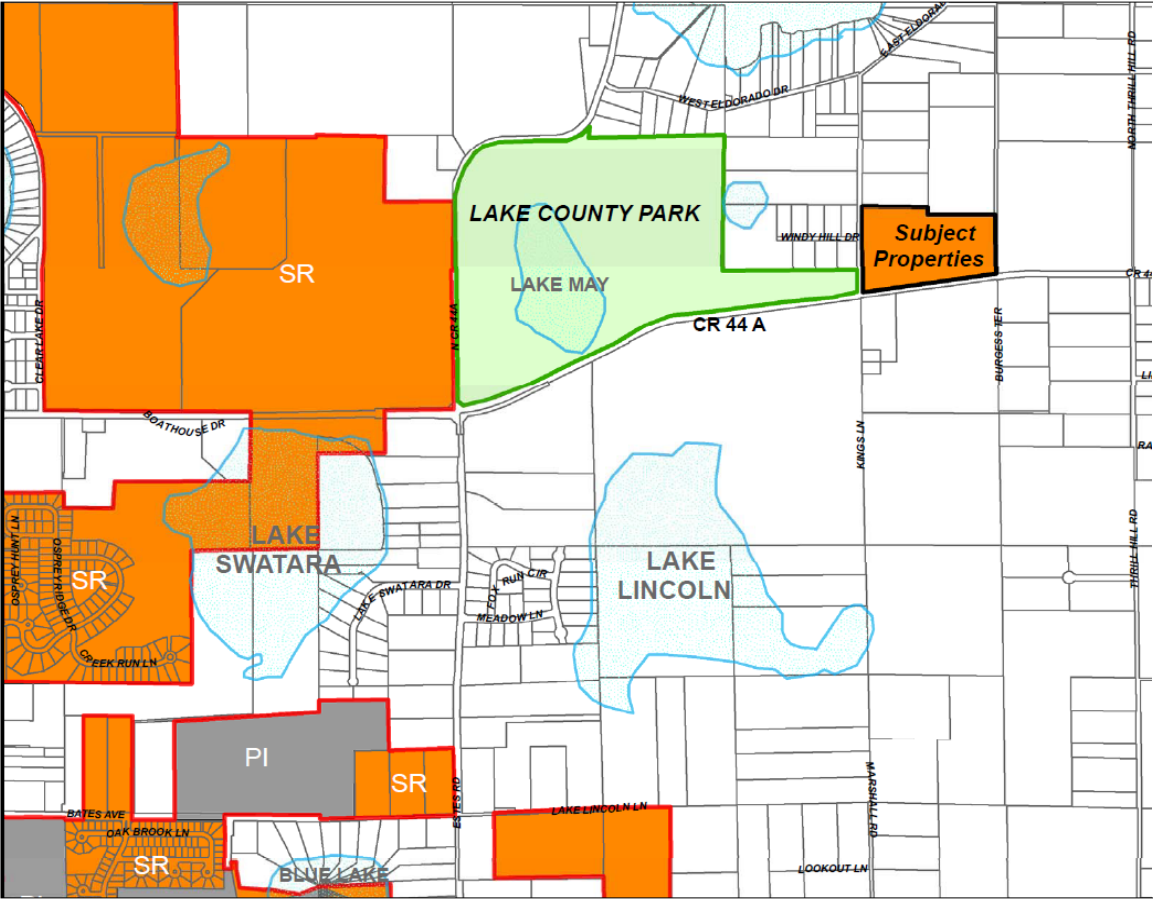
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-33 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: FUTURE LAND USE MAP



ORDINANCE NUMBER 20-34

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 20.691 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE NORTH SIDE OF COUNTY ROAD 44A, EAST OF EAST ELDORADO LAKE DRIVE.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Rural Neighborhood to approximately 20.691 acres of recently annexed real property further described below, and

WHEREAS, on October 1, 2020, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 3, 2020, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real properties described below shall be Rural Neighborhood:

Alt Key Nos. 1039568; 1048591; 3028368

Parcel Nos. 04-19-27-0002-000-00600; 32-18-27-0200-000-00800; 32-18-27-0200-000-01100

A PARCEL OF LAND BEING A PORTION OF LOT 8 AND ALL OF LOTS 9, 10, 11, ELDORADO HEIGHTS ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING IN SECTION 33, TOWNSHIP 18 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SAID LOT 11 FOR THE POINT OF BEGINNING; THENCE RUN SOUTH 89°44'30" EAST, ALONG THE NORTH LINE OF SAID LOT 11, A DISTANCE OF 645.00 FEET TO THE EAST LINE OF SAID LOT 11; THENCE RUN SOUTH 00°01'32" WEST, ALONG SAID EAST LINE, 75.00 FEET TO A POINT ON THE NORTH LINE OF THE SOUTH 255.00 FEET OF AFORESAID LOT 8; THENCE RUN SOUTH 89°44'30" EAST, ALONG SAID NORTH LINE, 645.00 FEET TO THE EAST LINE OF SAID LOT 8; THENCE RUN SOUTH 00°01'32" WEST, ALONG SAID EAST LINE AND THE EAST LINE OF AFORESAID LOT 9, A DISTANCE OF 555.00 FEET TO THE SOUTH LINE OF SAID LOT 9; THENCE RUN NORTH 89°44'30" WEST, ALONG THE SOUTH LINE OF SAID LOT 9 AND THE SOUTH LINE OF AFORESAID LOT 10, A DISTANCE OF 1290.00 FEET TO THE WEST LINE OF SAID LOT 10; THENCE RUN NORTH 00°01'32" EAST, ALONG SAID WEST AND THE WEST LINE OF AFORESAID LOT 11, A

DISTANCE 630.01 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH:

A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE NORTHWEST CORNER OF SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 00°14'35" WEST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 30.00 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF A UNNAMED ROAD AS SHOWN ON THE PLAT OF ELDORADO HEIGHTS, RECORDED IN PLAT BOOK 4, PAGE 4, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN SOUTH 89°44'30" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 1320.27 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT OF WAY, RUN SOUTH 00°16'35" EAST, 25.59 FEET TO NORTH RIGHT-OF-WAY LINE OF COUNTY ROAD 44A, THENCE RUN SOUTH 83°30'25" WEST, ALONG SAID NORTH RIGHT-OF-WAY, 1329.68 FEET TO THE AFORESAID WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE RUN NORTH 00°14'35" EAST, ALONG SAID WEST LINE. 181.91 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 20.691 ACRES MORE OR LESS.

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 20-32.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December 2020.

**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 physical presence, this ____ day of December, 2020, 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 City Commission of the City of Eustis, Florida, however, 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 20-34 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: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: ORDINANCE NUMBER 20-35: VOLUNTARY ANNEXATION OF PROPERTY LOCATED ON THE SOUTH SIDE OF CR 44A AND WEST OF THRILL HILL ROAD
ORDINANCE NUMBER 20-36: COMPREHENSIVE PLAN AMENDMENT ASSIGNING A FUTURE LAND USE DESIGNATION TO THE ABOVE PROPERTY
ORDINANCE NUMBER 20-37: ASSIGNING A DESIGN DISTRICT DESIGNATION TO THE ABOVE PROPERTY

Introduction:

This item was continued from the May 6, 2021, regular City Commission meeting. Ordinance Number 20-35 provides for the voluntary annexation of approximately 104.066 acres located on the south of CR 44A and west of Thrill Hill Road. Provided the annexation is approved, Ordinance Number 20-36 will change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-37 will assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-35 is denied, there can be no consideration of Ordinance Numbers 20-36 and 20-37.

Background:

See attached staff report.

Recommended Action:

Administration recommends approval of Ordinance Numbers 20-35, 20-36 and 20-37.

Alternatives:

1. Approve Ordinance numbers 20-35, 20-36 and 20-37.
2. Deny Ordinance Number 20-35 (if Ordinance Number 20-35 is denied, there can be no consideration of Ordinance Numbers 20-36 and 20-37).

Attachments:

[Staff Report 2nd Reading Ord. Nos. 20-35 20-36 20-37](#)

[Ordinance No. 20-35 Annexation](#)

[Ordinance No. 20-36](#)

[Ordinance No. 20-37](#)

Reviewed by:



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: RONALD R. NEIBERT, CITY MANAGER
DATE: DECEMBER 3, 2020
RE: **EXPLANATION OF ORDINANCES FOR PROPERTY LOCATED SOUTH
OF COUNTY ROAD 44 AND WEST OF THRILL HILL ROAD**

Ordinance Number 20-35: Voluntary Annexation

Ordinance Number 20-36: Comprehensive Plan Amendment

Ordinance Number 20-37: Design District Assignment

Introduction

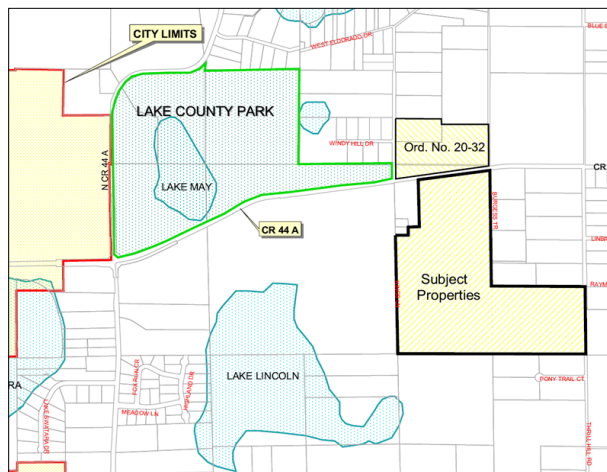
Ordinance Number 20-35 provides for the voluntary annexation of approximately 104.066 acres located south of CR 44 and west of Thrill Hill Road. Provided the annexation of the subject property is approved, Ordinance Number 20-36 would change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-37 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-35 is denied, then there can be no consideration of Ordinance Numbers 20-36 and 20-37.

Recommended Action

The administration recommends approval of Ordinance Numbers 20-35, 20-36, and 20-37.

Background/Pertinent Site Information

1. The site contains approximately 104.066 acres and is within the Eustis Joint Planning Area and the Eustis 180 Utility District.
2. The site is contiguous to the Harper Property to the north which is also proposed to be annexed (Ordinance Number 20-32).



3. The site is vacant and the Lake County Property Appraiser has classified the current property use as Timber, Wetland, Pasture Improved Hay Acreage and Agricultural Homesite. There is one single-family home on the central portion of the property.
4. The site and surrounding properties have the following land use designations:

Location	Existing (Current) Use	Future Land Use	Design District
Site	Single-Family, Pasture, Timber, Wetland	Rural Transition (Lake County)	N/A
North	Timber	Rural Transition (Lake County)	N/A
South	Vacant Residential, Timber	Rural Transition (Lake County)	N/A
East	Single-Family, Vacant Residential, Timber, Orange Grove	Rural Transition Rural (Lake County)	N/A
West	Single-Family, Pasture, Timber, Non-Agricultural Acreage, Cropland, Orange Grove, Wetland	Rural Transition (Lake County)	N/A

Applicant's Request

The applicants, Jerry P. Brown, as manager of Five Cranes, LLC, JTB Thrill Hill, LLC and Jerry P. Brown & Thomas H. Brown as Co-Trustees of the Thrill Hill Land Trust applied for voluntary annexation, and assignment of Eustis future land use (Suburban Residential) and design district (Rural Neighborhood) designations.

Analysis of Annexation Request (Ord. Number 20-35)

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 Joint Planning Area boundaries established in 1987 define the reasonably compact area where the City could provide services effectively and efficiently. The subject property lies within that planning area which area has been envisioned to be part of the City limits for over 30 years. Water and wastewater service are not directly available to the site at this time, but services are available approximately a mile and a half away, and the City has adequate plant capacity to provide these services. (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 property is contiguous to the City limits on its northern boundary on adoption of Ordinance Number 20-32. The property is reasonably compact 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 on September 17 and September 24, 2020.

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 September 3, 2020.

Analysis of Comprehensive Plan/Future Land Use Request (Ord. Number 20-36)

In Accordance with Florida Statutes Chapter 163.3177: ‘

Note: The proposed comprehensive plan amendment was transmitted to the State for review following the first reading of Ordinance Number 20-36 on October 1, 2020. Staff received notices that the following agencies had no comments on the proposed amendment: Bureau of Community Planning and Growth of the Department of Economic Opportunity, St. Johns River Water Management District, the Florida Department of Environmental Protection and the Florida Department of Transportation.

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 Suburban Residential (SR) future land use designation will provide for a suburban medium-intensity development. Within the city limits in nearby areas, a mix of uses already exists.

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 requested designation in this geographic area will provide for development of a suburban nature within approximately 4-miles of the City's urban core (central business district). Available and suitable undeveloped lands of comparable acreage and access do not exist within the City's urban 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 property subject to this annexation request and Eustis future land use assignment is less than a mile away from suburban residential property in the city limits. The property has sufficient size and depth to avoid strip development.

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 Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply at time of development review.

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.

A large portion of the site is currently planted with pines; a common practice to maintain an agricultural property tax exemption until such time as development is desired. The soils on the property (Candler sand w/slopes less than 12 percent) are suitable for rangeland/pasture and tree planting, and are identified as unique farmlands. While a portion of the site (the central 35 acres) appears to be utilized for cattle grazing, the property is within an area designated for urban development (JPA/180 Utility District). By restricting annexation to areas where public services may be provided, true rural agricultural areas are protected.

6. Public Facilities:

Fails to maximize use of existing public facilities and services.

This indicator does not apply. Although City water and wastewater services are not available to the site, the site is in the city's 180 district and adequate capacity is available to serve future development consistent with the requested Suburban Residential (SR) future land use designation. Water and sewer are available approximately 1.5-miles away and could be extended to serve the site. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation.

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 future development consistent with the requested SR future land use designation. The land use pattern allowing suburban development decreases costs and inefficiency in delivering services. As the city's service area becomes more compact, per capita costs will be reduced.

8. Separation of Urban and Rural:

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

This indicator does not apply. The Land Development Regulations include standards to protect adjacent properties having alternate land use designations at time of development. The suburban character of the SR land use designation coupled with a Rural Neighborhood design district forms an appropriate transition from the urban core to the rural areas on the edges of the Eustis urbanized area.

9. Infill and Redevelopment:

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

This indicator does not apply. Infill development and redevelopment of existing neighborhoods would most appropriately apply to properties within or near the City's urban core. Undeveloped lands suitable for suburban development types do not exist within the City's urban core.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. Within the city limits, approximately 1.5-miles to the west, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, while SR allows single-family attached and single-family detached, the Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The

form-based code and PUD were designed to allow large vacant areas to be planned to meet the functional mix of uses.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The property has access to existing transportation corridors. The Land Development Regulations include provisions to provide adequate accessibility and linkages between related uses. Development Services will ensure compliance with these standards at time of any future development review.

12. Open Space:

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

This indicator does not apply. The site as it exists does not provide functional open space. Future development under the Suburban Residential (SR) land use will be required to include functional dedicated open space and park space consistent with the Land Development Regulations and Comprehensive Plan requirements.

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 located approximately 4-miles from the City's downtown core (central business district); and is located in a geographic area where nearby properties already have been approved for SR development. The property does not appear to have wetlands or other natural resource/ecosystems. However, if a development review is proposed, the City regulations require submittal of surveys and studies to identify karst features, flora and fauna. 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.

b. Efficient and Cost-Effective Services:

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

Adequate capacity is available to serve future development consistent with the requested SR 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 land use pattern allowing suburban development decreases costs and inefficiency in delivering 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.

The SR future land use designation provides for housing choices including single-family detached and single-family attached. residential, duplex and townhome dwelling up to a maximum density of 5 dwelling units per acre (subject to compatibility requirements based on adjacent densities). A Planned Unit Development can allow neighborhood commercial uses. The Land Development Regulations include pedestrian and roadway network standards, block structure and park space requirements to ensure compact development that supports walkability and connection. A Lake Express bus stop currently exists approximately 2-miles away; as growth occurs, the transit provider could add stops or routes.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

Future design of the project may include water and energy conservation measures; however, those details are not available at this time.

e. Agricultural Preservation:

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

A large portion of the site is currently planted with pines; a common practice to maintain an agricultural property tax exemption until such time as development is desired. The soils on the property, Candler sand w/slopes less than 12 percent, are suitable for rangeland/pasture and tree planting. These soils are identified as unique farmland. While a portion of the site (the central 35 acres) appears to be utilized for cattle grazing, the property is within an area designated for urban development (JPA/180 Utility District). By restricting annexation to areas where public services may be provided, true rural agricultural areas are protected.

f. Open Space:

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

The Land Development Regulations (LDRs) require that all new residential developments incorporate land for parks for the residents of the development and that all development include dedicated open space consistent with the LDR and Comprehensive Plan requirements.

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.

Within the city limits, approximately 1.5-miles to the west, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, SR allows single-family attached and single-family detached. The Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The form-based code and PUD were

designed to allow large vacant areas to be planned to meet the functional mix of uses.

h. Urban Form Densities and Intensities:

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

Not applicable.

In Accordance with 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 4-miles from the downtown core and the police station. Fire/emergency service is approximately 3-miles away from the subject property.

b. Parks & Recreation:

In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and Appraisal Report. The results show that a surplus of

park area exists up to and beyond the City's population reaching 20,015.

Furthermore, the Land Development Regulations require that all new residential developments incorporate parks for the residents of the development to ensure that the City maintains this level of service.

c. Potable Water & Sanitary Sewer:

Water and sewer lines exist approximately 1.5 miles away from the subject property. The following outlines the water and wastewater demand based on a maximum development potential scenario. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

Potential Residential Demand

$5 \text{ du/ac} \times 104.066 \text{ ac.} = 520 \text{ Dwelling Units} \times 2.52 \text{ p/hh} = 1310 \text{ persons}$

Water – $1310 \times 140 \text{ GPCD} = 183,400 \text{ GPD}$

Wastewater – $1310 \times 120 \text{ GPCD} = 157,200 \text{ GPD}$

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

d. Schools:

The proposed change will not negatively impact schools. The Lake County Public Schools Adequate Public Facilities Determination has concluded there are adequate school facilities to accommodate the anticipated demand. If a development is proposed in the future, a school concurrency review will be required.

e. Solid Waste:

The City contracts with Waste Management for hauling of solid waste. The company already services properties nearby 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:

(Institute of Traffic Engineers Trip Generation Manual, 10th Edition). The following estimates are based on possible maximum development scenarios. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

1) Trip Generation for SR

As any future development housing type is yet to be determined, staff utilized Land Use 210, Single family detached housing for purposes of estimating the general trips of the proposed Suburban Residential (SR) parcel. Land use 210 represents single family detached housing which includes all single family detached homes on individual lots and represents a typical suburban subdivision.

Estimated Additional Dwelling Units (theoretical maximum): 416

PM Peak Hour of generator on a weekday

Ave. Rate @ 1.0 x 380 = 416 trips

36% exiting: 150

64% entering: 266

The adopted LOS for CR 44 between Hicks Ditch Road and CR 44 A is D with a capacity of 13,860 trips. The 2019 average daily traffic trips west of the 44 Bypass were 10,974 and trips were 4,957 just west of Estes Road. For CR 44A between Estes Road and CR 439 it is at an LOS C with a capacity of 14,200 trips. The 2019 average daily trips just west of CR 439 were 4,746. At this time, it appears the adjacent transportation network has the capacity to serve the proposed SR property without negatively affecting the adopted level of service. However, at time of proposed development, a complete traffic analysis will be required and road improvements identified if necessary.

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 subject property is located in a highly effective recharge area; more than 20 inches per year. To protect ground water recharge areas, connection to central wastewater versus permitting development with septic systems is addressed in the Eustis Comprehensive Plan. The property is in the Eustis 180 Utility District where the city has agreed to provide services.

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. Should any historical sites or archaeological sites be uncovered

during future development, work in the vicinity shall cease until the property authorities can be contacted and an evaluation is conducted.

c. Flood zones:

The subject property is not within a floodplain.

Source - Lake County GIS - 2012 Flood Zones

d. Soil and topography:

Onsite soils (Candler sand) are excessively drained with slopes ranging from zero to 12 percent (a small portion of the site has potentially steeper slopes from 12 to forty percent). Future development type and foundations will be dependent on/determined by soil borings conducted as part of the project design process.

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.

The current Lake County land use designation is Rural Transition. The property owner has requested the Suburban Residential land use designation within the City of Eustis. The evaluation below supports the requested designation.

a. Review of Land Use, Form Based Code and Surrounding Properties

According to the Lake County Comprehensive Plan:

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

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

Alternatively, residential development not to exceed a maximum density of one (1) dwelling unit per three (3) net buildable acres may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a Planned Unit Development (PUD) and provided that at least 35% of the net buildable area of the entire PUD site shall be dedicated in perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument, as allowed by law. A proposed Rural Conservation Subdivision shall consist of at least fifteen (15) net buildable acres in order to be considered for this alternate density.

As a third alternative, residential development not to exceed a maximum density of one (1) dwelling unit per one (1) net buildable acre may be permitted provided that any subdivision shall be developed as a clustered Rural Conservation Subdivision utilizing a PUD, and provided that at least 50% of the net buildable area of the entire PUD site shall be dedicated in

perpetuity for preservation as common open space through the use of a conservation easement or similar recorded and legally binding instrument, as allowed by law.

Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series. Rural Support land uses include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, banks, bars or taverns, automotive service stations, medical services, general restaurants, recreation commercial, churches, community residential homes, family day care or family residential homes, utilities, and communication towers. Such uses shall be limited in scale and scope to serve the basic and special needs of rural areas and ensure compatibility with the character of rural areas."

According to the Eustis Comprehensive Plan:

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

The Suburban Residential (SR) land use designation is provided to accommodate the majority of residential development within the City. The general range of uses include: a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the Planned Unit Development process. Public and utility services and facilities that are 2 acres or less in size are also permitted. Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre.

The City uses a form-based code instead of traditional Euclidian zoning. The Future Land Use determines density/intensity and allowable uses. Design Districts determine allowable lot typologies that determine lot sizes, setbacks and other development criteria. (Actual build-out conditions are determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements).

The pairing of the proposed SR land use and Rural Neighborhood design district in this case would limit development as follows:

Allowable lot types: Estate, House, Duplex

Landscape buffer: 50-feet along public right-of-way

Open space: 25% or 35% depending on presence of Wekiva related vegetative species

Site design criteria: Create interconnected open space; protect listed species; provide and restore native habitat; preserve the function and integrity of the natural features of the land to the extent practicable; provide external and internal connectivity while minimizing impacts on designed open space.

Karst features: Setbacks ranging from 100 to 300 feet if karst features are located onsite.

Rural residential compatibility: For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

The Eustis land use designation to the west and southwest are Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac). The surrounding Lake County areas to the north, south, and west are designated Rural Transition, and to the east, Rural on the Lake County Future Land Use Map.

Source: Lake County GIS Zoning & FLU Codes – 5/15/14

b. Comparison of Lake County Development Conditions

The existing Lake County future land use designation of the parcel is Rural Transition. Allowable density is a maximum of 1 dwelling units per acre if clustered in a Rural Conservation Subdivision. While the current Agricultural zoning allows a maximum density of 1 du/5 acres, R-1 or PUD zoning would be permitted in the Rural Transitional land

use to allow 1 du/ac as reference above. Thus, a theoretical maximum of 104 dwelling units could be permitted.

The proposed City of Eustis future land use designation of the parcel is Suburban Residential (SR), which allows residential densities up to 5 dwelling units per acre (subject to compatibility requirements, open space, etc.). At 5 units per acre, the site could support a theoretical maximum of 520 dwelling units. The difference in development potential is 416 du.

Lake County's future land use map appears to classify much of the of undeveloped, unincorporated land in the JPA as Rural Transition which allows 1 unit/acre via a PUD with 50% open space (or Urban Low) with R-1 zoning. The purpose of R-1 is defined as providing a transition between agricultural and conservation areas and the more urban residential communities. The county's comprehensive plan describes Rural Transitional as an edge condition, yet, the Eustis urbanized area may be defined to include property as far east as CR 437, where the city already provides water and wastewater to developments with suburban densities. Finally, existing suburban development lies less than one mile away (Lakes of Mount Dora) and other areas in the same proximity have been approved for suburban development. The current Lake County designation on this property is inconsistent with the overall suburbanizing character of the general area and does not provide for a reasonable transition (rational transect) between urban and suburban uses within the Eustis urbanized area and the true rural areas of the county.

Increased density is to be expected when transitioning from unincorporated area to a municipality. In keeping with FS 163.3177, directing density to municipalities reduces the proliferation of sprawl thereby protecting true rural and agricultural lands. By directing development to municipalities, development pressure on outlying areas is reduced. Provision of cost-effective public services is not only provided for in Eustis' Strategic Plan, it is an important factor in protecting natural resources, including groundwater. Greater densities are warranted and necessary for cost effective provision of public services where both water and sewer are provided. Compact service areas reduce per capita costs of public services.

c. *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. There are no commercial or industrial uses to be mitigated at this time.

d. *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.

The proposed land use designation is consistent with the Transportation Element. As described above, the LOS on adjacent roadways could accommodate the maximum development scenario on this parcel.

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.

Public utilities and services capacities are available for each utility or service. Refer to 5.A. above for more information. The property is in the City's 180 Utility District. City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available. Mains will need to be run the property.

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 assignment is consistent with the Comprehensive Plan. See analysis above under item 5, A through D.

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 assignment is not in conflict with the Land Development Regulations. At the time of future 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.

The assignment of a Suburban Residential future land use designation coupled with a Rural Neighborhood design district is intended to provide for residential development that has a character and scale that promotes compatibility with adjacent or nearby residential 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 the opportunity to extend and connect to central water and wastewater. 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 wastewater services are located in close proximity (approximately 1.5-miles away). Adequate capacity is available to serve future development consistent with the requested SR 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. The Lake County Public Schools Adequate Public Facilities Report indicates the change will not negatively impact schools.

f. Impact on Environment:

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

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.

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 annexation would create a logical development pattern as it makes the City limits more compact, to reach the eventual goal of a Eustis area under one local government jurisdiction. Assigning land uses (and design districts) consistent with those in the city limits nearby will provide a consistent development pattern, efficient use of land, and cost-effective provision of infrastructure.

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."

This designation would advance the public interest by providing housing options and services, and application of the LDRs to the future development will ensure consistency with the community character and lifestyle.

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.

None.

Analysis of Design District Request (Ord. Number 20-37):

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. Standard 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 109-5.7 Rural 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 of a Rural Neighborhood. The Rural development pattern and intent, definition, structure and form description are stated below. The assignment of a Rural Neighborhood design district designation is appropriate due to the established development patterns in the area. The City of Eustis Design District Map shows the nearby properties within the city limits as Rural Neighborhood or Rural Corridor. The Rural Neighborhood designation would act to assist with compatibility with the surrounding unincorporated property.

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

Intent. The rural development pattern relies primarily on a pattern of clustered residential development that provides substantive open space that serves to preserve and enhance the rural view shed and character of the

community. Nonresidential uses are primarily located in centers and may contain a mix of uses.

Design districts

(1) Rural neighborhood.

- a. Definition. Predominately residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource areas while providing a significant amount of open space.
- b. Structure. Developable land is subdivided into buildable lots. This development option provides an opportunity for communities to meet both their development and conservation goals by concentrating homes in a small portion of a site in an effort to preserve the existing natural resource areas on a larger scale.
- c. Form. Preservation of natural landscape organizes development to make a place.

The rural development pattern is consistent with the Lake County Rural Transition goals to protect the environment, providing open space and concentrating or clustering homes.

b. Section 102-17(a)

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

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

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property.

c. ***Consistent with Comprehensive Plan:***

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

The requested design district assignment for this annexation parcel is consistent with the Future Land Use element (including Policy FLU 1.1.1, Planning Principals, 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. ***Consistent with Surrounding Uses:***

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

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

e. ***Changed Conditions:***

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

The subject property is proposed for annexation and a design district assignment is necessary. The conditions have changed from land located in unincorporated Lake County without central services to a site within the City of Eustis which is eligible for full municipal services.

f. Public Facilities.

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

A redistricting is not proposed. Assigning a design district to an annexation property will not change 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.

g. Impact to Environment:

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property. Design Districts control the form and function of any development that may occur. The Future Land Use designation controls the density, intensity and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. Site plan/preliminary subdivision plat review for any future development will include environmental review to assess impacts to flora, fauna and wetlands, and provide for protection of sensitive areas.

h. Property Values:

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property.

i. Orderly Development Pattern:

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

The request is assignment of a design district to an annexation parcel, not redistricting. However, the proposed Design District designation is consistent with the suburban development pattern identified in Section 109-3.1, Figure 1.0- Development Patterns. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.

j. Public Interest and Intent of Regulations:

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

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

k. Other Matters:

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

The request is 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 Rural 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:

"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."

3. Florida Statutes Chapter 171.031(11) & (12):

“Contiguous” means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically. However, nothing herein shall be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity; and when any provision or provisions of special law or laws prohibit the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.

“Compactness” means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact.

4. Land Development Regulations Section 109.2.3(b) Suburban Residential Land Use District (SR)

Suburban residential district (SR). Areas designated suburban residential (SR) have a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.

5. Land Development Regulations Section 109-5.7(b):

The Rural Neighborhood Design District has predominately-residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource where developable land is subdivided into buildable lots.

6. Land Development Regulations Sec 115-3.3:

Rural residential compatibility. For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent

development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

Fiscal Impact:

The current market value of the subject property is \$1,153,385 but the agricultural exemption lowers the taxable value to \$327,483.

Based on the current millage rate of 7.581, annexation of the property could increase annual pre-development operating revenues by as much as \$2,482.65.

Alternatives:

1. Approve Ordinance Numbers 20-35 (Annexation), 20-36 (Comp. Plan Amendment), and/or 20-37 (Design District Designation)
2. Deny Ordinance Numbers 20-35, 20-36 and 20-37.

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 city's strategic plan, planning documents and utility districts.
- Annexation would increase the tax base of the City and increase the annual operating revenues.
- 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.
- The applicant can move forward with planning a future development, if desired.
- The proposed land use and design district assignment are consistent with Comprehensive Plan.
- The action could encourage additional annexations in that area.

Disadvantages:

- There is no disadvantage to annexing property and assigning Eustis land use and design district designations.

Alternative 2 denies the Ordinances.

(If Ordinance Number 20-35 is denied, the Commission cannot approve Ordinance Numbers 20-36 and 20-37.)

Advantages:

- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation would delay expansion plans for the City in accordance with the city's strategic plan, planning documents and utility districts.
- The action would eliminate the potential for increased operating revenue and the subject property may 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 property could remain underutilized.
- The City could lose a future 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. Between September 17 and September 24, 2020 the department been contacted by six different individuals regarding the property subject to this request. Additional opportunities for public input will be available at the public hearings.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$2,483.65 annually in additional operating revenue. 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:

Lori Barnes, AICP, Development Services Director

Attachments:

Ordinance Number 20-35
Ordinance Number 20-36
Ordinance Number 20-37

To be provided on request:

Legal Advertisements
Notice to Surrounding Property Owners
Lake County Schools Adequate Public Facilities Report
Notice to Lake County Board of County Commissioners
Application Documents

ORDINANCE NUMBER 20-35

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY
104.066 ACRES OF REAL PROPERTY LOCATED ON THE SOUTH
SIDE OF COUNTY ROAD 44A, AND WEST OF THRILL HILL ROAD.**

WHEREAS, Jerry P. Brown, as manager of Five Cranes, LLC, JTB Thrill Hill, LLC and Jerry P. Brown & Thomas H. Brown as Co-Trustees of the Thrill Hill Land Trust, the legal owners of record, has made application for voluntary annexation of approximately 104.066 acres of real property located on the south side of County Road 44A, and west of Thrill Hill Road, more particularly described as:

Alt Key #1039584; 1061512; 1040175

Parcel Nos. 04-19-27-0002-000-00500; 04-19-27-0002-000-00700; 04-19-27-0100-000-02100

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF BEGINNING; THENCE NORTH 00°14'35" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 1735.46 FEET; THENCE DEPARTING SAID WEST LINE RUN SOUTH 88°20'00" EAST, 181.00 FEET; THENCE RUN NORTH 00°14'35" EAST, 119.04 FEET; THENCE RUN SOUTH 88°20'00" EAST, 156.93 FEET; THENCE RUN NORTH 00°00'00" EAST, 670.21 FEET TO THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 44A; THENCE RUN NORTH 83°30'25" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 992.83 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00°16'35" EAST, ALONG SAID EAST LINES, 1601.30 FEET TO THE NORTH LINE OF THE SOUTH HALF OF LOT 24, CROSSON AND JEWET'S ADDITION TO SENECA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°56'45" EAST, ALONG THE NORTH LINES OF THE SOUTH HALF OF LOTS 24, 23, 22, 21, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA 1335.48 FEET TO THE EAST LINE OF SAID LOT 21; THENCE RUN SOUTH 00°47'55" EAST, ALONG SAID EAST LINE AND THE EAST LINE OF LOT 28, A DISTANCE OF 1021.59 FEET TO THE SOUTH LINE OF LOT 28, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°56'02" WEST, ALONG SAID SOUTH LINES OF LOTS 28, 27, 26, 25, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 2689.56 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 104.066 ACRES MORE OR LESS.

WHEREAS, the subject property is reasonably compact and contiguous to the City of Eustis boundary; 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 in an area where City services are in close proximity with available capacity; and

WHEREAS, on October 1, 2020 the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 3, 2020, 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 104.066 acres of real property, as described above.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

That this Ordinance shall become effective upon passing.

SECTION 7.

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

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December 2020.

**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 physical presence, this ____ day of December, 2020, 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 City Commission of the City of Eustis, Florida, however, I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

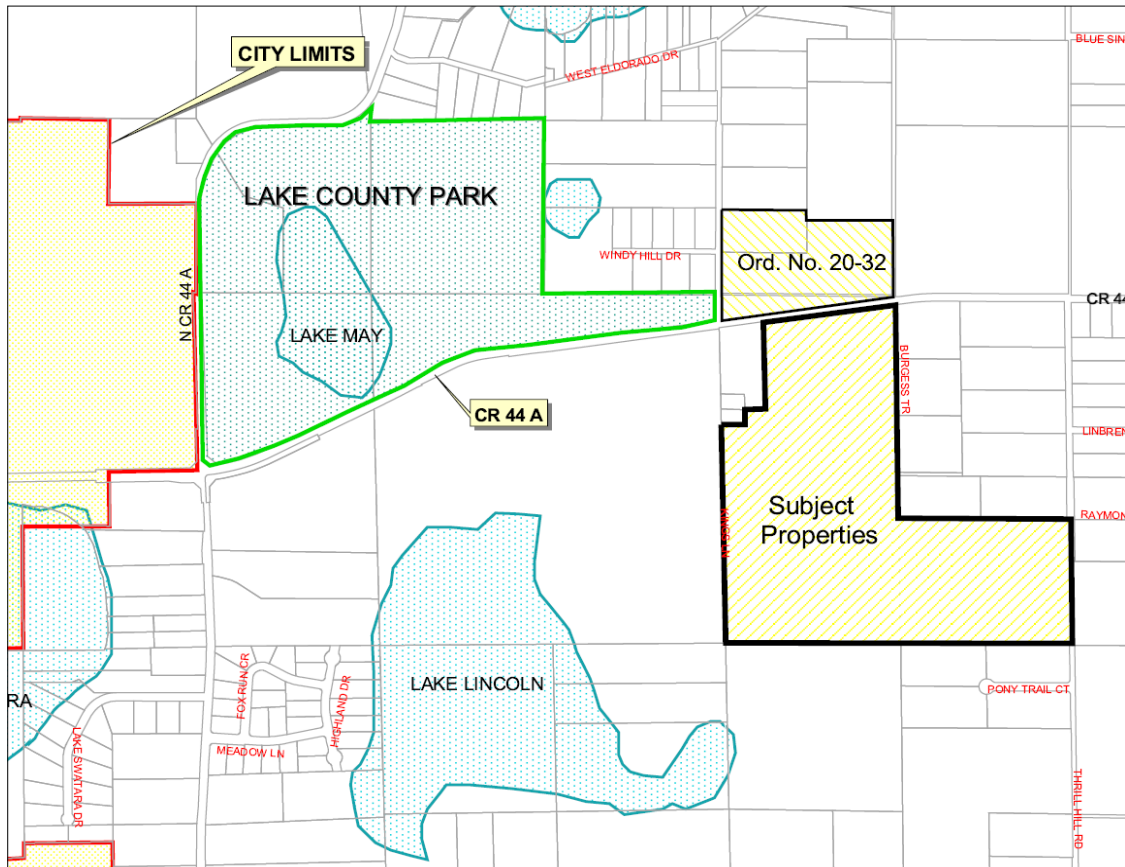
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-35 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



ORDINANCE NUMBER 20-36

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 104.066 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 44A, AND WEST OF THRILL HILL ROAD FROM RURAL TRANSITION IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR) IN THE CITY OF EUSTIS.

WHEREAS, Ordinance 20-35 annexed certain real property into the corporate limits of the City of Eustis; and

WHEREAS, Jerry P. Brown, as manager of Five Cranes, LLC, JTB Thrill Hill, LLC and Jerry P. Brown & Thomas H. Brown as Co-Trustees of the Thrill Hill Land Trust,, the owners of said property as more particularly described herein has submitted an application (2020-CPLU-05) requesting a future land use designation of Suburban Residential (SR) be assigned to the 104.066 acres of annexed property; and

WHEREAS, on October 1, 2020, the Land Planning Agency held a Public Hearing to consider the adoption of a Large Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on October 1, 2020, the City Commission held the first of two required Public Hearings to accept the Land Planning Agency's recommendation to adopt the Large Scale Future Land Use Amendment contained herein, and approved Transmittal to the Florida Department of Economic Opportunity; and

WHEREAS, the Florida Department of Economic Opportunity has reviewed the proposed change to the Comprehensive Plan and Future Land Use Map without objection; and

WHEREAS, on December 3, 2020, the City Commission held the second Public Hearing to consider the adoption of the Large Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation

That the Future Land Use Designation of the real properties as described below shall be changed from Lake County Rural Transition to Suburban Residential (SR) within the City of Eustis:

Alt Key #1039584; 1061512; 1040175

Parcel Nos. 04-19-27-0002-000-00500; 04-19-27-0002-000-00700; 04-19-27-0100-000-02100

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF BEGINNING; THENCE NORTH 00°14'35" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 1735.46 FEET; THENCE DEPARTING SAID WEST LINE RUN SOUTH 88°20'00" EAST, 181.00 FEET; THENCE RUN NORTH 00°14'35" EAST, 119.04 FEET; THENCE RUN SOUTH 88°20'00" EAST, 156.93 FEET; THENCE RUN NORTH 00°00'00" EAST, 670.21 FEET TO THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 44A; THENCE RUN NORTH 83°30'25" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 992.83 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00°16'35" EAST, ALONG SAID EAST LINES, 1601.30 FEET TO THE NORTH LINE OF THE SOUTH HALF OF LOT 24, CROSSON AND JEWET'S ADDITION TO SENECA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH 89°56'45" EAST, ALONG THE NORTH LINES OF THE SOUTH HALF OF LOTS 24, 23, 22, 21, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA 1335.48 FEET TO THE EAST LINE OF SAID LOT 21; THENCE RUN SOUTH 00°47'55" EAST, ALONG SAID EAST LINE AND THE EAST LINE OF LOT 28, A DISTANCE OF 1021.59 FEET TO THE SOUTH LINE OF LOT 28, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°56'02" WEST, ALONG SAID SOUTH LINES OF LOTS 28, 27, 26, 25, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 2689.56 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 104.066 ACRES MORE OR LESS.

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

That this Ordinance shall not become effective unless and until the annexation of the subject property becomes effective through approval of Ordinance Number 20-35. Further, the

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

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December, 2020.

**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 physical presence, this ____ day of December, 2020, 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 City Commission of the City of Eustis, Florida, however, I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

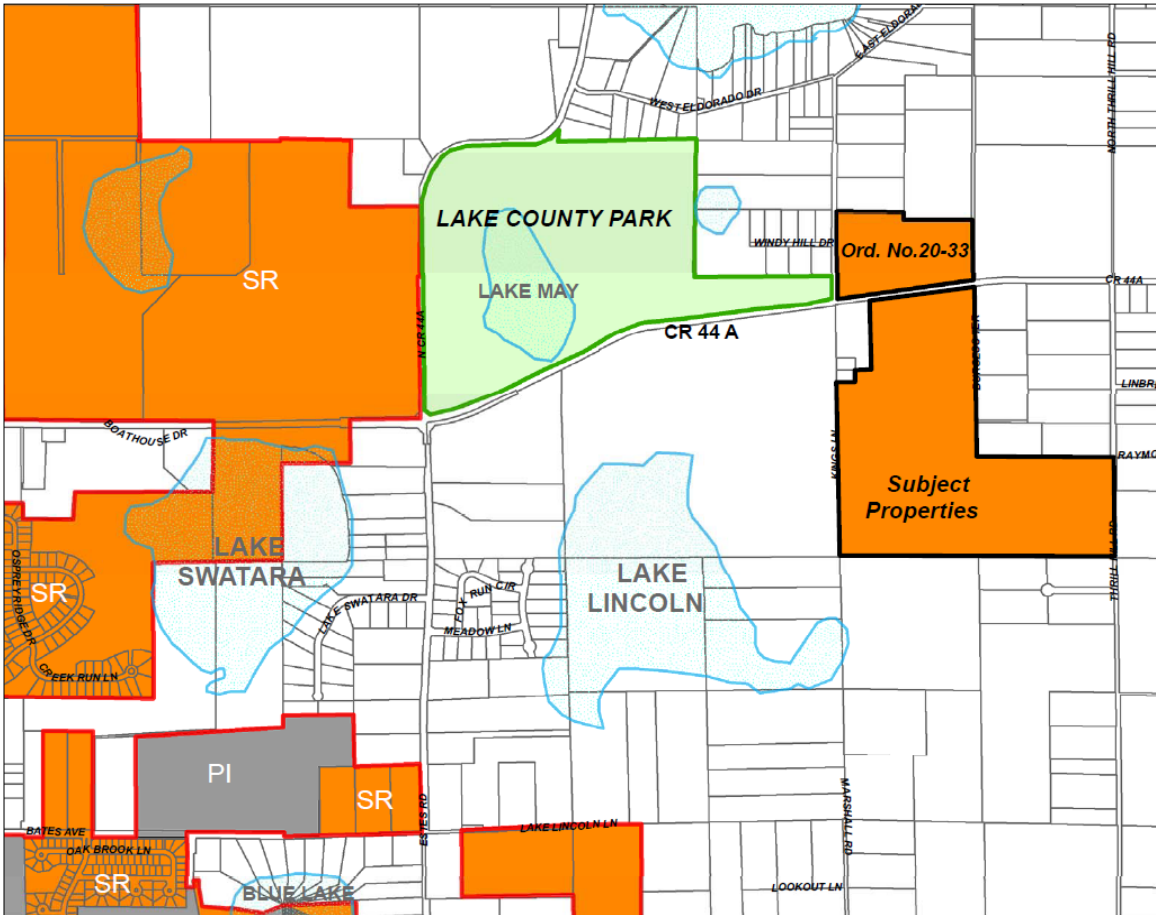
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-36 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: FUTURE LAND USE MAP



ORDINANCE NUMBER 20-37

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 104.066 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 44A, AND WEST OF THRILL HILL ROAD.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Rural Neighborhood to approximately 104.066 acres of recently annexed real property further described below, and

WHEREAS, on October 1, 2020, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 3, 2020, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real properties described below shall be Rural Neighborhood:

Alt Key #1039584; 1061512; 1040175

Parcel Nos. 04-19-27-0002-000-00500; 04-19-27-0002-000-00700; 04-19-27-0100-000-02100

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF BEGINNING; THENCE NORTH 00°14'35" EAST, ALONG THE WEST LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 1735.46 FEET; THENCE DEPARTING SAID WEST LINE RUN SOUTH 88°20'00" EAST, 181.00 FEET; THENCE RUN NORTH 00°14'35" EAST, 119.04 FEET; THENCE RUN SOUTH 88°20'00" EAST, 156.93 FEET; THENCE RUN NORTH 00°00'00" EAST, 670.21 FEET TO THE SOUTH RIGHT-OF-WAY OF COUNTY ROAD 44A; THENCE RUN NORTH 83°30'25" EAST, ALONG SAID SOUTH RIGHT-OF-WAY, 992.83 FEET TO THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER AND EAST LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 4; THENCE DEPARTING SAID SOUTH RIGHT-OF-WAY, RUN SOUTH 00°16'35" EAST, ALONG SAID EAST LINES, 1601.30 FEET TO THE NORTH LINE OF THE SOUTH HALF OF LOT 24, CROSSON AND JEWET'S ADDITION TO SENECA, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 1, PAGE 5 OF SAID PUBLIC RECORDS; THENCE RUN SOUTH

89°56'45" EAST, ALONG THE NORTH LINES OF THE SOUTH HALF OF LOTS 24, 23, 22, 21, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA 1335.48 FEET TO THE EAST LINE OF SAID LOT 21; THENCE RUN SOUTH 00°47'55" EAST, ALONG SAID EAST LINE AND THE EAST LINE OF LOT 28, A DISTANCE OF 1021.59 FEET TO THE SOUTH LINE OF LOT 28, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°56'02" WEST, ALONG SAID SOUTH LINES OF LOTS 28, 27, 26, 25, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 2689.56 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 104.066 ACRES MORE OR LESS.

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 20-35.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December 2020.

**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 physical presence, this ____ day of December, 2020, 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 City Commission of the City of Eustis, Florida, however, 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 20-37 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: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: ORDINANCE NUMBER 20-38: VOLUNTARY ANNEXATION OF PROPERTY LOCATED ON THE EAST SIDE OF THRILL HILL ROAD AND NORTH OF REEDY ROAD
ORDINANCE NUMBER 20-39: COMPREHENSIVE PLAN AMENDMENT ASSIGNING A FUTURE LAND USE DESIGNATION TO THE ABOVE PROPERTY
ORDINANCE NUMBER 20-40: ASSIGNING A DESIGN DISTRICT DESIGNATION TO THE ABOVE PROPERTY

Introduction:

This item was continued from the May 6, 2021, regular City Commission meeting. Ordinance Number 20-38 provides for the voluntary annexation of approximately 39.1691 acres located on the east side of Thrill Hill Road, north of Reedy Road. Provided the annexation of the subject property is approved, Ordinance Number 20-39 will change the future land use designation from Rural in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-40 will assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-38 is denied, there can be no consideration of Ordinance Numbers 20-39 and 20-40.

Background:

See attached staff report.

Recommended Action:

Administration recommends approval of Ordinance Numbers 20-38, 20-39 and 20-40.

Alternatives:

1. Approve Ordinance Numbers 20-38, 20-39 and 20-40.
2. Deny Ordinance Number 20-38 (if Ordinance 20-38 is denied, there can be no consideration of Ordinances 20-39 and 20-40).

Attachments:

[Staff Report 2nd Reading Ord. Nos. 20-38 20-39 20-40](#)

[Ordinance No. 20-38 Annexation](#)

[Ordinance No. 20-39](#)

[Ordinance No. 20-40](#)

Reviewed by:



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: RONALD R. NEIBERT, CITY MANAGER
DATE: DECEMBER 3, 2020
RE: **EXPLANATION OF ORDINANCES FOR PROPERTY LOCATED EAST
OF THRILL HILL ROAD, NORTH OF REEDY ROAD**

Ordinance Number 20-38: Voluntary Annexation
Ordinance Number 20-39: Comprehensive Plan Amendment
Ordinance Number 20-40: Design District Assignment

Introduction

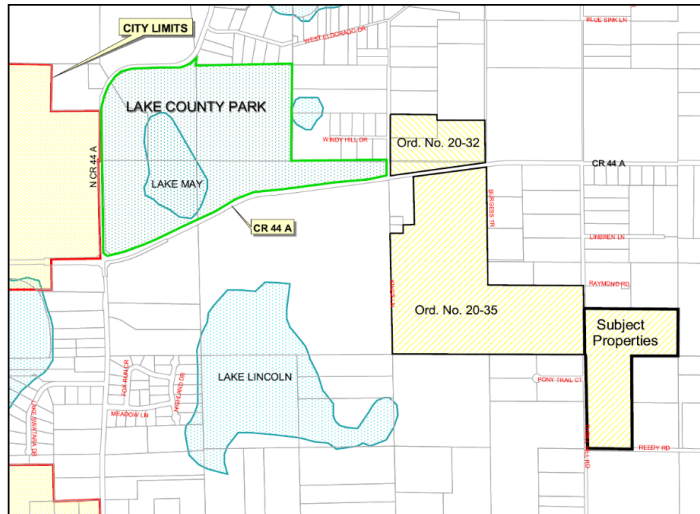
Ordinance Number 20-38 provides for the voluntary annexation of approximately 39.1691 acres located on the east side of Thrill Hill Road, north of Reedy Road. Provided the annexation of the subject property is approved, Ordinance Number 20-39 would change the future land use designation from Rural Transition in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 20-40 would assign the subject property a design district designation of Rural Neighborhood. If Ordinance Number 20-38 is denied, then there can be no consideration of Ordinance Numbers 20-39 and 20-40.

Recommended Action

The administration recommends approval of Ordinance Numbers 20-38, 20-39, and 20-40.

Background/Pertinent Site Information

1. The site contains approximately 39.1691 acres and lies just east of the Eustis Joint Planning Area and the Eustis 180 Utility District.
The site is contiguous to the Five Cranes/JTB Thrill Hill/Jerry & Thomas Brown Trustee property to the west which is also proposed to be annexed (Ordinance Number 20-35).



2. The site is vacant and the Lake County Property Appraiser has classified the current property use Orange Grove.
3. The site and surrounding properties have the following land use designations:

Location	Existing (Current) Use	Future Land Use	Design District
Site	Orange Grove	Rural (Lake County)	N/A
North	Single-Family, Manufactured Home	Rural (Lake County)	N/A
South	Vacant Residential, Timber	Rural (Lake County)	N/A
East	Single-Family, Non-Agricultural Acreage	Rural (Lake County)	N/A
West	Timber Single-Family, Pasture, Wetland	Rural Transition (Lake County)	N/A

Applicant's Request

The applicant, Mark R. Simpson, as president of Mount Dora Groves Company, Inc. applied for voluntary annexation, and assignment of Eustis future land use (Suburban Residential) and design district (Rural Neighborhood) designations.

Analysis of Annexation Request (Ord. Number 20-38)

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 lies just east of the joint planning area boundary, and the property meets the requirements for voluntary annexation per the Florida Statutes. Resolution Number 87-34 does not include any limitations on voluntary annexation outside the established JPA boundary. While water and wastewater service are not directly available to the site at this time, services are available approximately a mile and a half away, and the City has adequate plant capacity to provide these services and other urban services to the property. (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 property is contiguous to the City limits on its western boundary on adoption of Ordinance Number 20-35. The property is reasonably compact 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 on September 17 and September 24, 2020.

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 September 3, 2020.

Analysis of Comprehensive Plan/Future Land Use Request (Ord. Number 20-39)

In Accordance with Florida Statutes Chapter 163.3177:

Note: The proposed comprehensive plan amendment was transmitted to the State for review following the first reading of Ordinance Number 20-39 on October 1, 2020.

Staff received notices that the following agencies had no comments on the proposed amendment: Bureau of Community Planning and Growth of the Department of Economic Opportunity, St. Johns River Water Management

District, the Florida Department of Environmental Protection and the Florida Department of Transportation.

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 Suburban Residential (SR) future land use designation will provide for a suburban medium-intensity development. Within the city limits in nearby areas, a mix of uses already exists.

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 requested designation in this geographic area will provide for development of a suburban nature within approximately 4-miles of the City's urban core (central business district) and US Highway 441. Available and suitable undeveloped lands of comparable acreage and access do not exist within the City's urban 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 property subject to this annexation request and Eustis future land use assignment is approximately 1.5 miles from Mixed Commercial/Residential property and Suburban Residential property in the city limits. The property has sufficient size and depth to avoid strip development.

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. Wetlands nor flood plains exist onsite. As the property is in a high recharge area connection to public wastewater provides protection. Further, the Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive

lands that would apply at time of development review should environmental studies indicate natural resources in need of 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.

The property is just under 40-acres, is currently an orange grove. Soils include Candler sand with slopes less than 12 percent, which are suitable for rangeland/pasture and tree planting. The soils are identified as unique farmland. However, the surrounding uses include single-family, manufactured home and non-agricultural acreage which, with segregated ownership, prevents unification with other farmlands and agricultural uses. While property lies just east of the JPA/180 district, the city has capacity to serve, and already serves other properties with suburban densities to the east in the Eustis urbanized area. By restricting annexation to areas where public services may be provided, true, large-scale and connected agricultural areas are protected.

6. **Public Facilities:**

Fails to maximize use of existing public facilities and services.

This indicator does not apply. Although City water and wastewater services are not available to the site, the site is adjacent to city's 180 district and adequate capacity is available to serve future development consistent with the requested Suburban Residential (SR) future land use designation. Water and sewer are available approximately 1.5-miles away and could be extended to serve the site. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation.

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 future development consistent with the requested SR future land use designation. The land use pattern allowing suburban development decreases costs and inefficiency in delivering services. As the city's service area becomes more compact, per capita costs will be reduced.

8. **Separation of Urban and Rural:**

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

This indicator does not apply. The Land Development Regulations include standards to protect adjacent properties having alternate land use designations at time of development. The suburban character of the SR land use designation coupled with a Rural Neighborhood design district forms an appropriate transition from the urban core to the rural areas on the edges of the Eustis urbanized area.

9. Infill and Redevelopment:

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

This indicator does not apply. Infill development and redevelopment of existing neighborhoods would most appropriately apply to properties within or near the City's urban core. Undeveloped lands suitable for suburban development types do not exist within the City's urban core.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. Within the city limits, approximately 2.5-miles to the northwest, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, while SR allows single-family attached and single-family detached, the Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The form-based code and PUD were designed to allow large vacant areas to be planned to meet the functional mix of uses.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The property has close access to existing transportation corridors (CR 44A/SR 44). The Land Development Regulations include provisions to provide adequate accessibility and linkages between related uses. Development Services will ensure compliance with these standards at time of any future development review.

12. Open Space:

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

This indicator does not apply. The site as it exists does not provide functional open space. Future development under the Suburban Residential (SR) land use will be required to include functional dedicated open space and park space consistent with the Land Development Regulations and Comprehensive Plan requirements.

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 located approximately 4-miles from the City's downtown core (central business district) and US Highway 441; located in a geographic area where nearby properties already have been approved for residential development. The property does not appear to have wetlands or other natural

resource/ecosystems. However, if a development review is proposed, the City regulations require submittal of surveys and studies to identify karst features, flora and fauna. 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.

b. Efficient and Cost-Effective Services:

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

Adequate capacity is available to serve future development consistent with the requested SR 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 land use pattern allowing suburban development decreases costs and inefficiency in delivering 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.

The SR future land use designation provides for housing choices including single-family detached and single-family attached residential, duplex and townhome dwellings up to a maximum density of 5 dwelling units per acre (subject to compatibility requirements based on adjacent densities). A Planned Unit Development can allow neighborhood commercial uses. The Land Development Regulations include pedestrian and roadway network standards, block structure and park space requirements to ensure compact development that supports walkability and connection. A Lake Express bus stop currently exists approximately 3-miles away; as growth occurs, the transit provider could add stops or routes.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

Future design of the project may include water and energy conservation measures; however, those details are not available at this time.

e. Agricultural Preservation:

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

The property is just under 40-acres, is currently an orange grove. Soils include Candler sand with slopes less than 12 percent, which are suitable for rangeland/pasture and tree planting. The soils are identified as unique farmland. However, the surrounding uses include single-family, manufactured home and non-agricultural acreage which, with segregated ownership, prevents unification with other farmlands and agricultural uses. While property lies just east of the JPA/180 district, the city has capacity to serve; the Eustis urbanized area may be defined to include property as far east as CR 437, where the city already provides water and wastewater to developments with suburban densities. By restricting annexation to areas where public

services may be provided, true, large-scale and connected agricultural areas are protected.

f. Open Space:

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

The Land Development Regulations (LDRs) require that all new residential developments incorporate land for parks for the residents of the development and that all development include dedicated open space consistent with the LDR and Comprehensive Plan requirements.

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.

Within the city limits, approximately 1.5-miles to the west, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services in the future. Current retail and support services exist within 1.5 to 4-miles from the property subject to this request. Furthermore, SR allows single-family attached and single-family detached. The Planned Unit Development (PUD) process would allow development to provide neighborhood commercial. The form-based code and PUD were designed to allow large vacant areas to be planned to meet the functional mix of uses.

h. Urban Form Densities and Intensities:

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

Not applicable.

In Accordance with 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 4-miles from the downtown core and the police station. Fire/emergency service is approximately 2-miles away from the subject property.

b. Parks & Recreation:

In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and Appraisal Report. The results show that a surplus of park area exists up to and beyond the City's population reaching 20,015.

Furthermore, the Land Development Regulations require that all new residential developments incorporate parks for the residents of the development to ensure that the City maintains this level of service.

c. Potable Water & Sanitary Sewer:

Water and sewer lines exist approximately 1.5 miles away from the subject property. The following outlines the water and wastewater demand based on a maximum development potential scenario. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

Potential Residential Demand

5 du/ac x 39.1691 ac = 196 Dwelling Units x 2.52 p/hh = 494 persons

Water – 494 x 140 GPCD = 69,160 GPD

Wastewater – 494 x 120 GPCD = 59,280 GPD

According to the City of Eustis Public Works Department, the city can provide for the needed water and wastewater capacity to serve up to and including the maximum development potential.

d. Schools:

The proposed change will not negatively impact schools. The Lake County Public Schools Adequate Public Facilities Determination has concluded there are adequate school facilities to accommodate the

anticipated demand. If a development is proposed in the future, a school concurrency review will be required.

e. Solid Waste:

The City contracts with Waste Management for hauling of solid waste. The company already services properties nearby 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:

(Institute of Traffic Engineers Trip Generation Manual, 10th Edition). The following estimates are based on possible maximum development scenarios. Actual build-out conditions will be determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

1) Trip Generation for SR

As any future development housing type is yet to be determined, staff utilized Land Use 210, Single family detached housing for purposes of estimating the general trips of the proposed Suburban Residential (SR) parcel. Land use 210 represents single family detached housing which includes all single family detached homes on individual lots and represents a typical suburban subdivision.

Estimated Additional Dwelling Units (theoretical maximum): 188

PM Peak Hour of generator on a weekday

Ave. Rate @ $1.0 \times 188 = 188$ trips

36% exiting: 68

64% entering: 120

The adopted Level of Service (LOS) for CR 44 between Hicks Ditch Road and CR 44 A is D with a capacity of 13,860 trips. The 2019 average daily traffic trips west of the 44 Bypass were 10,974 and trips were 4,957 just west of Estes Road. The LOS for CR 44A between Estes Road and CR 439 is at C with a capacity of 14,200 trips. The 2019 average daily trips just west of CR 439 were 4,746. Finally, the LOS for SR 44 from CR 44B to Thrill Hill and Thrill Hill to CR 439 are both at B with 22,243 and 22,133 average daily trips respectively. The 2019 average daily trips on Britt Road, just south of SR 44 (closest station) in this area was 4,041. At this time, it appears the adjacent transportation network has the capacity to serve the proposed SR property without negatively affecting the adopted level of service. However, at the time of proposed development, a

complete traffic analysis will be required and road improvements identified if necessary.

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 subject property is located in a highly effective recharge area; more than 20 inches per year. To protect ground water recharge areas, connection to central wastewater versus permitting development with septic systems is addressed in the Eustis Comprehensive Plan. The property is adjacent to the Eustis 180 Utility District where the city has agreed to provide services.

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. Should any historical sites or archaeological sites be uncovered during future development, work in the vicinity shall cease until the property authorities can be contacted and an evaluation is conducted.

c. Flood zones:

The subject property is not within a floodplain.

Source - Lake County GIS - 2012 Flood Zones

d. Soil and topography:

Onsite soils (Candler sand) are excessively drained with slopes ranging from zero to 12 percent. Future development type and foundations will be dependent on/determined by soil borings conducted as part of the project design process.

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.

The current Lake County land use designation is Rural. The property owner has requested the Suburban Residential land use designation within the City of Eustis. The evaluation below supports the requested designation.

a. Review of Land Use, Form Based Code and Surrounding Properties

According to the Lake County Comprehensive Plan:

The Rural Future Land Use Category is intended to protect rural lifestyles represented by single-family homes on large lots and to accommodate agricultural pursuits.

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

New development shall not utilize regional water and wastewater utilities in this category, except when the absence of such facilities would result in a threat to public health or the environment. An extension of central services for either reason shall not justify an increase in density or intensity on the site being served, or any property adjoining the extended utility or lines. Rural Support uses are intended to address the need for narrowly defined commercial and office uses that support the resident population of areas within the Rural Future Land Use Series.

Rural Support land uses include professional offices, personal services, convenience retail, agricultural-related retail sales of goods and services, banks, bars or taverns, automotive service stations, medical services, general restaurants, recreation commercial, churches, community residential homes, family day care or family residential homes, utilities, and communication towers. Such uses shall be limited in scale and scope to serve the basic and special needs of rural areas and ensure compatibility with the character of rural areas.”

According to the Eustis Comprehensive Plan:

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

The Suburban Residential (SR) land use designation is provided to accommodate the majority of residential development within the City. The general range of uses include: a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the Planned Unit Development process. Public and utility services and facilities that are 2 acres or less in size are also permitted. Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre.

The City uses a form-based code instead of traditional Euclidian zoning. The Future Land Use determines density/intensity and allowable uses.

Design Districts determine allowable lot typologies that determine lot sizes, setbacks and other development criteria. (Actual build-out conditions are determined by residential compatibility, minimum open space requirements and maximum impervious surface area requirements).

The pairing of the proposed SR land use and Rural Neighborhood design district in this case would limit development as follows:

Allowable lot types: Estate, House, Duplex

Landscape buffer: 50-feet along public right-of-way

Open space: 25% or 35% depending on presence of Wekiva related vegetative species

Site design criteria: Create interconnected open space; protect listed species; provide and restore native habitat; preserve the function and integrity of the natural features of the land to the extent practicable; provide external and internal connectivity while minimizing impacts on designed open space.

Karst features: Setbacks ranging from 100 to 300 feet if karst features are located onsite.

Rural residential compatibility: For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

The land use designations in the City limits to the southwest and northwest are Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac). The surrounding unincorporated areas to

the north, south, and east were designated Rural, and to the west, Rural Transitional on the Lake County Future Land Use Map.

Source: Lake County GIS Zoning & FLU Codes – 5/15/14

b. Comparison of Lake County Development Conditions

The existing Lake County future land use designation of the parcel is Rural, and the current zoning is Agricultural. Allowable density in the Rural land use is a maximum of 1 dwelling unit per 5 acres. Zoning districts within Rural land uses may include Agricultural, Residential Agricultural, Planned Commercial, Planned Unit Development, Community Facilities District, Light Manufacturing and Planned Industrial District. Under the current zoning district, a theoretical maximum of 8 dwelling units could be permitted. However, a rezoning could result in non-residential uses in close proximity to existing residential development.

While the proposed City of Eustis future land use designation of the parcel is Suburban Residential (SR) allows residential densities up to 5 dwelling units per acre (subject to compatibility requirements, open space, etc.), industrial uses would not be permitted. Commercial could only be considered through a Planned Unit Development at a neighborhood scale to serve the residential development. At 5 units per acre, the site could support a theoretical maximum of 196 dwelling units. The difference in development potential is 188 du.

The county's comprehensive plan provides that in Rural, new development shall not utilize regional water and wastewater utilities, except when the absence of such facilities would result in a threat to public health or the environment. The subject property lies in an area of high ground water recharge that would benefit from public utilities. Furthermore, the Eustis urbanized area may be defined to include property as far east as CR 437, where the city already provides water and wastewater to developments with suburban densities.

Finally, existing suburban development lies less than one mile away (Lakes of Mount Dora) and other areas in the same proximity have been approved for suburban development. The current Lake County designation on this property is inconsistent with the overall suburbanizing character of the general area and does not provide for a reasonable transition (rational transect) between urban and suburban uses within the Eustis urbanized area (which extends east to CR 437) and the true rural areas of the county.

Increased density is to be expected when transitioning from unincorporated area to a municipality. In keeping with FS 163.3177, directing density to municipalities reduces the proliferation of sprawl thereby protecting true, large-scale, connected rural and agricultural lands. By directing development to municipalities, development pressure on outlying areas is reduced. Provision of cost-effective public services is not only provided for in Eustis' Strategic Plan, it is an important factor in protecting natural resources, including groundwater. Greater densities are warranted and necessary for cost effective provision of public services where both water and sewer are

provided. Compact service areas reduce per capita costs of public services.

c. 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. There are no commercial or industrial uses to be mitigated at this time.

d. 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.

The proposed land use designation is consistent with the Transportation Element. As described above, the LOS on adjacent roadways could accommodate the maximum development scenario on this parcel.

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.

Public utilities and services capacities are available for each utility or service. Refer to 5.A. above for more information. The property is immediately adjacent to the City's 180 Utility District. City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available. Mains will need to be run the property.

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 of the comprehensive plan.

The proposed assignment is consistent with the Comprehensive Plan. See analysis above under item 5, A through D.

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 assignment is not in conflict with the Land Development Regulations. At the time of future 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.

The assignment of a Suburban Residential future land use designation coupled with a Rural Neighborhood design district is intended to provide for residential development that has a character and scale that promotes compatibility with adjacent or nearby residential 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 the opportunity to extend and connect to central water and wastewater. 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 wastewater services are located in close proximity (approximately 1.5-miles away). Adequate capacity is available to serve future development consistent with the requested SR 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. The Lake County Public Schools Adequate Public Facilities Report indicates the change will not negatively impact schools.

f. Impact on Environment:

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

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.

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 annexation would create a logical development pattern as it makes the City limits more compact, to reach the eventual goal of a Eustis area under one local government jurisdiction. Assigning land uses (and design districts) consistent with those in the city limits nearby will provide a consistent development pattern, efficient use of land, and cost-effective provision of infrastructure.

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.”

This designation would advance the public interest by providing housing options and services, and application of the LDRs to the future development will ensure consistency with the community character and lifestyle.

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.

None.

Analysis of Design District Request (Ord. Number 20-40):

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. Standard 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 109-5.7 Rural 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 of a Rural Neighborhood. The Rural development pattern and intent, definition, structure and form description are stated below. The assignment of a Rural Neighborhood design district designation is appropriate due to the established development patterns in the area. The City of Eustis Design District Map shows the nearby properties within the city limits as Rural Neighborhood or Rural Corridor. The Rural Neighborhood designation would act to assist with compatibility with the surrounding unincorporated property.

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

Intent. The rural development pattern relies primarily on a pattern of clustered residential development that provides substantive open space that serves to preserve and enhance the rural view shed and character of the community. Nonresidential uses are primarily located in centers and may contain a mix of uses.

Design districts

(1)Rural neighborhood.

- a. Definition. Predominately residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource areas while providing a significant amount of open space.
- b. Structure. Developable land is subdivided into buildable lots. This development option provides an opportunity for communities to meet both their development and conservation goals by concentrating homes in a small portion of a site in an effort to preserve the existing natural resource areas on a larger scale.
- c. Form. Preservation of natural landscape organizes development to make a place.

The rural development pattern is consistent with the Lake County Rural goals as larger lot (estate) development could still be accommodated, if desired.

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

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

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

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property.

c. **Consistent with Comprehensive Plan:**

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

The requested design district assignment for this annexation parcel is consistent with the Future Land Use element (including Policy FLU 1.1.1, Planning Principles, 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. **Consistent with Surrounding Uses:**

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

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

e. **Changed Conditions:**

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

The subject property is proposed for annexation and a design district assignment is necessary. The conditions have changed from land located in unincorporated Lake County without central services to a site within the City of Eustis which is eligible for full municipal services.

f. **Public Facilities.**

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

A redistricting is not proposed. Assigning a design district to an annexation property will not change 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.

g. **Impact to Environment:**

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property. Design Districts control the form and function of any development that may occur. The Future Land Use designation controls the density, intensity and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. Site plan/preliminary subdivision plat review for any

future development will include environmental review to assess impacts to flora, fauna and wetlands, and provide for protection of sensitive areas.

h. Property Values:

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property.

i. Orderly Development Pattern:

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

The request is assignment of a design district to an annexation parcel, not redistricting. However, the proposed Design District designation is consistent with the suburban development pattern identified in Section 109-3.1, Figure 1.0- Development Patterns. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.

j. Public Interest and Intent of Regulations:

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

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

k. Other Matters:

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

The request is 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 Rural 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."

3. Florida Statutes Chapter 171.031(11) & (12):

"Contiguous" means that a substantial part of a boundary of the territory sought to be annexed by a municipality is coterminous with a part of the boundary of the municipality. The separation of the territory sought to be annexed from the annexing municipality by a publicly owned county park; a right-of-way for a highway, road, railroad, canal, or utility; or a body of water, watercourse, or other minor geographical division of a similar nature, running parallel with and between the territory sought to be annexed and the annexing municipality, shall not prevent annexation under this act, provided the presence of such a division does not, as a practical matter, prevent the territory sought to be annexed and the annexing municipality from becoming a unified whole with respect to municipal services or prevent their inhabitants from fully associating and trading with each other, socially and economically. However, nothing herein shall be construed to allow local rights-of-way, utility easements, railroad rights-of-way, or like entities to be annexed in a corridor fashion to gain contiguity; and when any provision or provisions of special law or laws prohibit the annexation of territory that is separated from the annexing municipality by a body of water or watercourse, then that law shall prevent annexation under this act.

"Compactness" means concentration of a piece of property in a single area and precludes any action which would create enclaves, pockets, or finger areas in serpentine patterns. Any annexation proceeding in any county in the state shall be designed in such a manner as to ensure that the area will be reasonably compact.

4. Land Development Regulations Section 109.2.3(b) Suburban Residential Land Use District (SR)

Suburban residential district (SR). Areas designated suburban residential (SR) have a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.

5. Land Development Regulations Section 109-5.7(b):

The Rural Neighborhood Design District has predominately-residential uses where a portion of the land is designated as undivided, permanent open space of a site in an effort to preserve the existing natural resource where developable land is subdivided into buildable lots.

6. Land Development Regulations Sec 115-3.3:

Rural residential compatibility. For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the

character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:

(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.

(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).

Fiscal Impact:

The current market value of the subject property is \$1,153,385 but the agricultural exemption lowers the taxable value to \$327,483.

Based on the current millage rate of 7.581, annexation of the property could increase annual pre-development operating revenues by as much as \$2,482.65.

Alternatives:

1. Approve Ordinance Numbers 20-38 (Annexation), 20-39 (Comp. Plan Amendment), and/or 20-40 (Design District Designation)
2. Deny Ordinance Numbers 20-38, 20-39 and 20-40.

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 city's strategic plan.
- Annexation would increase the tax base of the City and increase the annual operating revenues.
- 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.
- The applicant can move forward with planning a future development, if desired.
- The proposed land use and design district assignment are consistent with the Comprehensive Plan.
- The action could encourage additional annexations.

Disadvantages:

- There is no disadvantage to annexing property and assigning Eustis land use and design district designations.

Alternative 2 denies the Ordinances.

(If Ordinance Number 20-38 is denied, the Commission cannot approve Ordinance Numbers 20-39 and 20-40.)

Advantages:

- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation could delay expansion plans for the City.
- The action would eliminate the potential for increased operating revenue and the subject property may 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 property could remain underutilized.
- The City could lose a future 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. Between September 17 and September 25, 2020 the department received seven inquiries regarding the property subject to this request.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$2,483.65 annually in additional operating revenue. 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:

Lori Barnes, AICP, Development Services Director

Attachments:

Ordinance Number 20-38
Ordinance Number 20-39
Ordinance Number 20-40

To be provided on request:

Legal Advertisements
Notice to Surrounding Property Owners
Lake County Schools Adequate Public Facilities Report
Notice to Lake County Board of County Commissioners
Application Documents

ORDINANCE NUMBER 20-38

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF
EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY
39.1691 ACRES OF REAL PROPERTY LOCATED ON THE EAST
SIDE OF THRILL HILL ROAD, NORTH OF REEDY ROAD.**

WHEREAS, Mark R. Simpson, as president of Mount Dora Groves Company, Inc., the legal owners of record, has made application for voluntary annexation of approximately 39.1691 acres of real property located on the east side of Thrill Hill Road, north of Reedy Road more particularly described as:

Alt Key #1040167; 1123208

Parcel Nos. 04-19-27-0100-000-01700; 04-19-27-0004-000-01800

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 2689.56 FEET TO THE WEST LINE OF SAID LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE, 681.06 TO THE NORTH LINE OF LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°59'00" EAST, ALONG THE NORTH LINES OF LOTS 20, 19, 18, 17, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 1293.77 FEET TO THE EAST LINE OF SAID LOT 17; THENCE RUN SOUTH 00°03'48" EAST, ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 679.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF SAID LOT 17 AND LOT 18, A DISTANCE OF 642.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18 AND THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN SOUTH 00°37'35" EAST, ALONG SAID EAST LINE, 1299.63 FEET TO THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 89°05'41" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 638.83 FEET TO THE WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1288.84 FEET TO THE POINT OF BEGINNING,

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 39.1619 ACRES MORE OR LESS.

WHEREAS, the subject property is reasonably compact and contiguous to the City of Eustis boundary; and

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

WHEREAS, the subject property is located in an area where City services are in close proximity with available capacity; and

WHEREAS, on October 1, 2020 the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on December 3, 2020, 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 39.1691 acres of real property, as described above.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

That this Ordinance shall become effective upon passing.

SECTION 7.

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

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December 2020.

**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 physical presence, this ____ day of December, 2020, 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 City Commission of the City of Eustis, Florida, however, I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

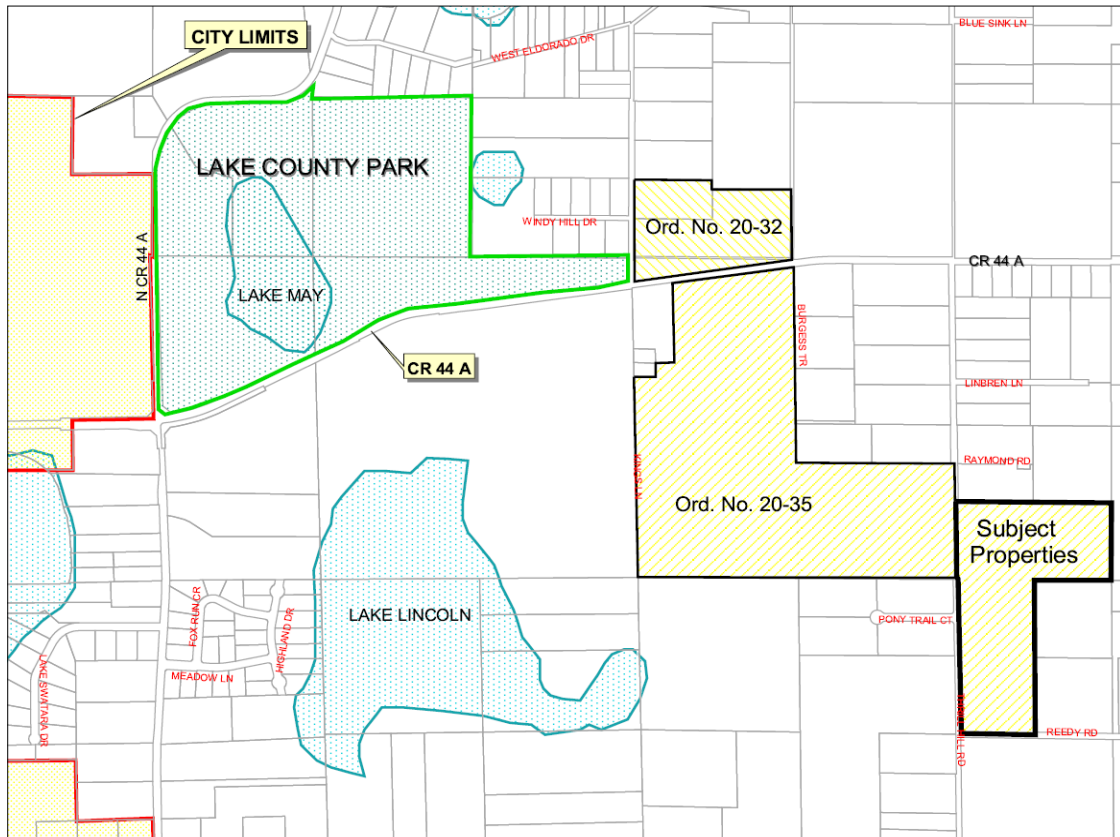
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-38 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



ORDINANCE NUMBER 20-39

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 39.1691 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE EAST SIDE OF THRILL HILL ROAD, NORTH OF REEDY ROAD FROM RURAL IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR) IN THE CITY OF EUSTIS.

WHEREAS, Ordinance 20-38 annexed certain real property into the corporate limits of the City of Eustis; and

WHEREAS, Mark R. Simpson, as president of Mount Dora Groves Company, Inc., the owner of said property as more particularly described herein has submitted an application (2020-CPLU-06) requesting a future land use designation of Suburban Residential (SR) be assigned to the 39.1691 acres of annexed property; and

WHEREAS, on October 1, 2020, the Land Planning Agency held a Public Hearing to consider the adoption of a Large Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on October 1, 2020, the City Commission held the first of two required Public Hearings to accept the Land Planning Agency's recommendation to adopt the Large Scale Future Land Use Amendment contained herein, and approved Transmittal to the Florida Department of Economic Opportunity; and

WHEREAS, the Florida Department of Economic Opportunity has reviewed the proposed change to the Comprehensive Plan and Future Land Use Map without objection; and

WHEREAS, on December 3, 2020, the City Commission held the second Public Hearing to consider the adoption of the Large Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation

That the Future Land Use Designation of the real properties as described below shall be changed from Lake County Rural to Suburban Residential (SR) within the City of Eustis:

Alt Key #1040167; 1123208

Parcel Nos. 04-19-27-0100-000-01700; 04-19-27-0004-000-01800

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 2689.56 FEET TO THE WEST LINE OF SAID LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE, 681.06 TO THE NORTH LINE OF LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°59'00" EAST, ALONG THE NORTH LINES OF LOTS 20, 19, 18, 17, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 1293.77 FEET TO THE EAST LINE OF SAID LOT 17; THENCE RUN SOUTH 00°03'48" EAST, ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 679.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF SAID LOT 17 AND LOT 18, A DISTANCE OF 642.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18 AND THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN SOUTH 00°37'35" EAST, ALONG SAID EAST LINE, 1299.63 FEET TO THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 89°05'41" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 638.83 FEET TO THE WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1288.84 FEET TO THE POINT OF BEGINNING,

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 39.1619 ACRES MORE OR LESS.

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

That this Ordinance shall not become effective unless and until the annexation of the subject property becomes effective through approval of Ordinance Number 20-38. Further, the effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December 2020.

**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 physical presence, this ____ day of December, 2020, 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 City Commission of the City of Eustis, Florida, however, I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

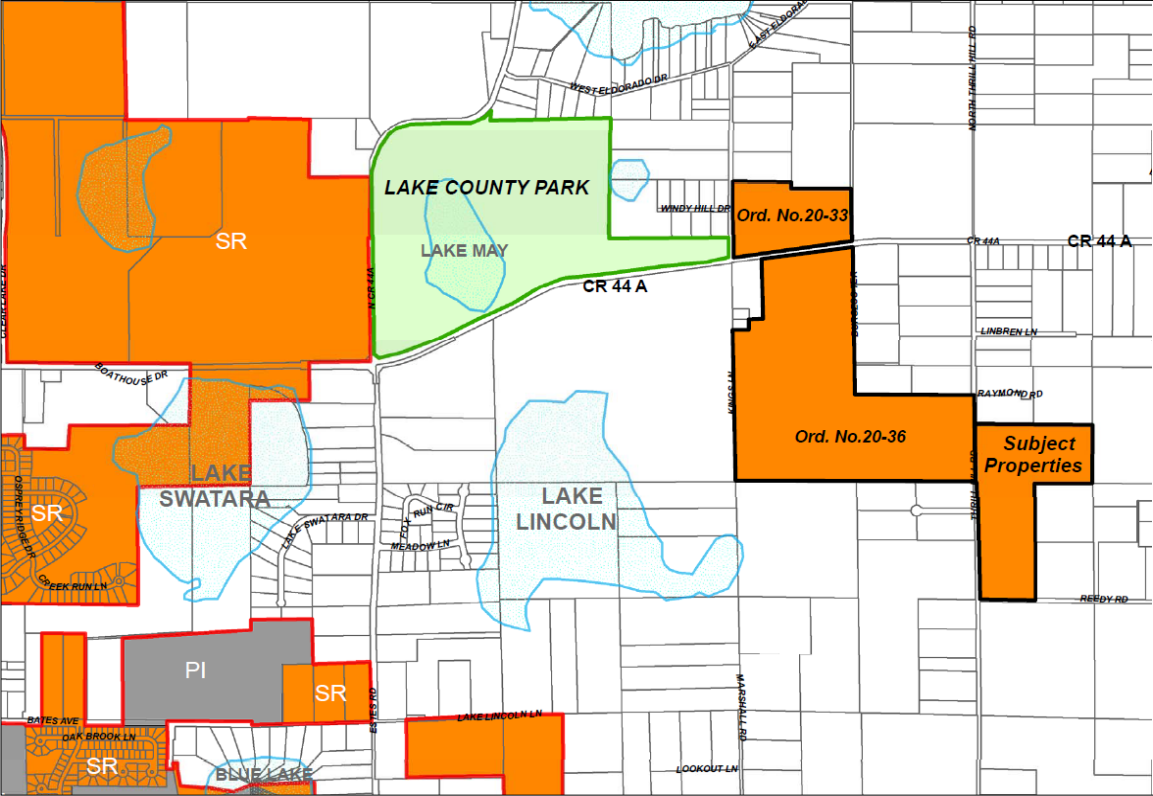
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 20-39 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: FUTURE LAND USE MAP



ORDINANCE NUMBER 20-40

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE RURAL NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 39.1691 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON THE EAST SIDE OF THRILL HILL ROAD, NORTH OF REEDY ROAD.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Rural Neighborhood to approximately 39.1691 acres of recently annexed real property further described below, and

WHEREAS, on October 1, 2020, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on December 3, 2020, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real properties described below shall be Rural Neighborhood:

Alt Key #1040167; 1123208

Parcel Nos. 04-19-27-0100-000-01700; 04-19-27-0004-000-01800

A PARCEL OF LAND LYING IN SECTION 4, TOWNSHIP 19 SOUTH, RANGE 27 EAST BEING DESCRIBED AS FOLLOWS:

COMMENCE AT THE WEST QUARTER CORNER OF SAID SECTION 4 FOR A POINT OF COMMENCEMENT; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 4, A DISTANCE OF 2689.56 FEET TO THE WEST LINE OF SAID LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA AND THE POINT OF BEGINNING; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE, 681.06 TO THE NORTH LINE OF LOT 20, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA; THENCE RUN SOUTH 89°59'00" EAST, ALONG THE NORTH LINES OF LOTS 20, 19, 18, 17, OF SAID CROSSON AND JEWET'S ADDITION TO SENECA, 1293.77 FEET TO THE EAST LINE OF SAID LOT 17; THENCE RUN SOUTH 00°03'48" EAST, ALONG THE EAST LINE OF SAID LOT 17, A DISTANCE OF 679.14 FEET TO THE SOUTHEAST CORNER OF SAID LOT 17; THENCE RUN SOUTH 89°56'02" WEST, ALONG THE SOUTH LINE OF SAID LOT 17 AND LOT 18, A DISTANCE OF 642.51 FEET TO THE SOUTHWEST CORNER OF SAID LOT 18 AND THE EAST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN SOUTH 00°37'35" EAST, ALONG SAID EAST LINE, 1299.63 FEET TO THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 89°05'41" WEST, ALONG THE SOUTH LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST

QUARTER, 638.83 FEET TO THE WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER; THENCE RUN NORTH 00°47'55" WEST, ALONG SAID WEST LINE OF THE WEST HALF OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, 1288.84 FEET TO THE POINT OF BEGINNING,

THE ABOVE DESCRIBED PARCEL OF LAND LIES IN LAKE COUNTY, FLORIDA AND CONTAINS 39.1619 ACRES MORE OR LESS.

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 20-38.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this ____ day of December 2020.

**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 physical presence, this ____ day of December, 2020, 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 City Commission of the City of Eustis, Florida, however, 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 20-40 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: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: ORDINANCE NUMBER 21-09: AMENDMENTS TO CHAPTERS 110 AND 115 OF THE LAND DEVELOPMENT REGULATIONS

Introduction:

This item was continued from the May 20, 2021, regular Commission meeting. Ordinance Number 21-09 amends Chapters 110 and 115 of the Land Development Regulations to address discrepancies, inconsistencies between sections and to clarify for practical application of the code.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Ordinance Number 21-09.

Alternatives:

1. Approve Ordinance Number 21-09
2. Deny Ordinance Number 21-09

Attachments:

[Staff Report Ordinance No. 21-09](#)
[Ordinance No. 21-09 LDR Amendment](#)
[Ordinance 21-09 Clean Copy of Amendments](#)

Reviewed by:



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: RONALD R. NEIBERT, CITY MANAGER
DATE: MAY 6, 2021
RE: ORDINANCE NO. 21-09: AMENDMENT TO CHAPTERS 110 & 115 OF THE LAND DEVELOPMENT REGULATIONS

Introduction:

Ordinance No. 21-09 amends Chapters 110 and 115 of the Land Development Regulations to address discrepancies, inconsistencies between sections and to clarify for practical application of the code.

Recommended Action:

The administration recommends approval of Ordinance No. 21-09.

Background:

Periodic revisions and updates to the Land Development Regulations to address discrepancies, inconsistencies between sections and to clarify for practical application of the code. The following outlines the proposed amendments:

The following sections are proposed for amendment:

Section 110-2 (b) (4) Height limitations do not apply to the following: appurtenances/structures, and other similar structures as determined by the Development Services Director.

a. Flagpoles; antennas and transmission towers in conformance with these regulations; water tanks or fire towers; heating, ventilation or air conditioning equipment, elevator shafts, chimneys and unenclosed roof-top stairways/ladders (when and specifically as required by the building code) on buildings with four or more stories; or

b. Feed storage structures.

c. Roof ornaments including spires, belfries, steeples, minarets, clock towers, or cupolas, or any other ornaments or appurtenances that are placed at or rising above the roof level may be made a part of residential or nonresidential structures.

1. In all residential districts, roof ornaments may be affixed to residential structures, and rooftops may be used for accessory uses such as swimming pools, spas, cooking facilities, playing courts, wet bars, railings, tables, chairs, umbrellas, tents and similar uses, provided no portion of any roof ornament or accessory use exceeds the maximum height limit for the applicable land use district.

2. Roof ornaments associated with nonresidential structures in all land use districts shall be subject to the following:

i. No horizontal plane of the roof ornament shall exceed five percent of the total floor area of the building to which it is attached, nor shall the horizontal planes of all roof ornaments associated with the building exceed five percent of the total floor area of the building.

ii. The height of a roof ornament may extend beyond the maximum height allowed in the district, but the amount of such extension shall not exceed 20 percent of the maximum height for the land use district in which the property is located. A cupola or other ornament may be placed atop a roof ornament, but in such case the roof ornament shall be considered a single ornament for purposes of this section.

The amendment above provides administrative discretion and flexibility where a particular similar appurtenances or structure is not specifically listed; streamlines review and approval and avoids the necessity for variance requests.

Section 110-2 (f) (2) b. Corner lots and through lots shall be considered to have two street yards and two common lot yards. However, where a ~~non-ingress/egress easement deed restriction~~ is recorded prohibiting vehicular access along the entire frontage of one of the two street frontages for a through lot, that street frontage shall not be considered a street yard.

Revision to clarify intent.

Sec. 110-4.4. - Duplex lot.

A building lot located and designed to accommodate a building with small common lots and containing two dwellings.

The revision below addresses a discrepancy (35-foot lot width for urban duplex revised to 60-foot).

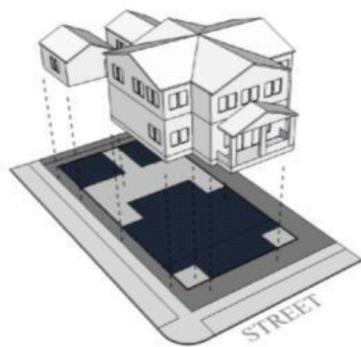
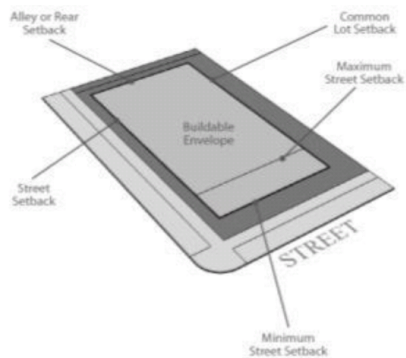
	URBAN (U)	SUBUR- BAN (S) & RURAL (R)	U, S, R
LOT REQUIREMENTS	MIN	MIN	MAX
Lot Width (ft)	35 60	90	200
Lot Depth (ft)	100	120	660
Lot Size (sf)	3,500	10,800	132,000
BUILDING ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10*	25	25 (urban)
Common Lot Setback (ft)	5	5	—
Alley or Rear Yard Setback (ft)	10	10	—
Frontage Buildout %	70	—	—
ACC BLDG ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10' behind bldg frontage		—
Common Lot Setback (ft)	5	5	—
Rear Setback (ft)	5	5	—
BUILDING HEIGHT	MIN	MIN	MAX
Principal Building (st)	1	1	2
Accessory Building(s) (st)	1	1	2

PARKING PROVISIONS	
Location	Zone 1, 2, 3, 4
PRIVATE FRONTAGES	
Common Lawn	X
Porch and Fence	X
Forecourt	
Stoop	
Shopfront and Awning	
Gallery	
Arcade	

* Garages in urban districts shall maintain an 18-foot street setback.

X - Permitted

Blank cell - prohibited



Sec. 110-4.5. - Townhouse lot.

A building lot located and designed to accommodate a building with common walls on both side building lot lines and a private garden to the rear.

The amendment below ensures garages will be setback a minimum of 18-feet to provide for vehicle parking in front of garages in all districts.

	URBAN (U)	SUBUR- BAN (S) & RURAL (R)	U, S, R
LOT REQUIREMENTS	MIN	MIN	MAX
Lot Width (ft)	16	22	32
Lot Depth (ft)	80	80	120
Lot Size (sf)	1,280	1,760	3,840
BUILDING ENVELOPE	MIN	MIN	MAX

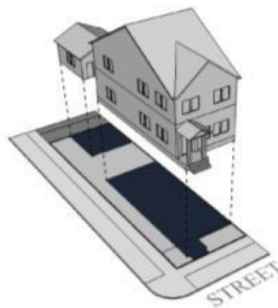
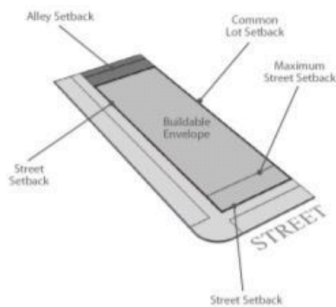
Street Setback (ft)	0*		10 <u>Urban</u> 20 <u>Suburban/Rural</u>
Common Lot Setback (ft)	0	0	—
Alley Setback (ft)	15	15	—
Frontage Buildout %	70	—	—
Length Permitted of Grouped Townhomes	—	—	120' for S & R
ACC BLDG ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10' behind bldg frontage		
Common Lot Setback (ft)	5	5	—
Rear Setback (ft)	5	5	—
BUILDING HEIGHT	MIN	MIN	MAX
Principal Building (st)	1	1	3
Accessory Building(s) (st)	1	1	2
PARKING PROVISIONS			
Location	Zone 3		
PRIVATE FRONTAGES			
Common Lawn	X		
Porch and Fence	X		
Forecourt			
Stoop			
Shopfront and Awning			
Gallery			

Arcade	
--------	--

* Garages in urban-all districts shall maintain an minimum 18-foot street setback.

X - Permitted

Blank cell - prohibited



Section 110-5 (b) (1) An accessory structure or use shall be considered incidental to the principal dwellings and must be in full compliance with all standards and requirements of this land development regulation and all other regulations of the city.

Section 110-5.2. ~~(3) Minimum useable floor area for an accessory apartment shall not be less than 450 square feet if it is located within the principal structure and shall be governed by the building typology standards if it is located within an accessory structure.~~

This amendment provides for an equitable standard to be applied to both detached accessory apartments and those within a principle structure.

Section 110-5.6. - Boat houses, docks and piers. Boat houses, docks, and piers shall be considered incidental uses to the primary structure. Boat houses or covered boat docks, subject to approval of other interested governmental authorities, will be permitted on any lake within the city; provided that construction on Lake Eustis requires approval from the St. Johns River Water Management District/Department of Environmental Protection. In residential areas on connected waters (canals, streams or other inlets or

basins that have water access to a lake), the maximum height of a boat house or similar structure, above the high-water level established by the St. Johns River Water Management District shall be 12 feet. Boat houses, slips, piers, or similar structures built on streams or canals shall be built entirely within the ~~lot-riparian~~ lines; accessory structure setback requirements herein do not apply riparian lines.

For clarification; lot lines generally do not extend into water bodies. Boat houses, docks and piers will still be required to comply with DEP/SJRWMD regulations.

Sec. 110-5.7. - Fences.

(a) The posts or any portion of each fence which contacts the ground shall be of a material or chemical treatment that is ground contact resistant to decay, corrosion, and termite infestation. The posts, if wooden, must also be pressure treated for strength and endurance.

(b) Fences shall be permitted as follows/as depicted on the graphic:

- In a primary street setback, at a maximum height of 4-feet.
- In a secondary street setback, open fencing may be 6-feet high, but opaque fencing shall be limited to a height of 4-feet; 4-foot opaque fences in secondary street setbacks may be topped with additional 2-feet of open or lattice type fencing.
- In a rear or common yard setback, open fences may be 8-feet tall; 6-foot opaque fences may be topped with additional 2-feet of open or lattice type fencing.
- Fences located in landscape buffers along public streets associated with nonresidential or complex building types in suburban design districts are subject to limitations in [chapter 115](#).
- Fences installed for the sole purpose of screening of trash can storage areas, mechanical equipment, or utilities shall be exempt from permitting, provided such fence is clearly not within a required setback and does not exceed maximum height. If necessary to screen existing utilities, the Development Services Director may approve fencing exceeding maximum height in setbacks.

This amendment provides for administrative discretion and flexibility to streamline review and approval and avoid the necessity for variance requests.





4-foot solid fence or 4-foot open fence

6-foot solid fence

6-foot solid fence topped with 2-foot lattice

(c) In areas where the property faces two roadways, or is located in any other area construed to be a corner lot, no fence exceeding four feet high shall be located in the vision triangle, specified in [chapter 115](#), and identified as clear sight zone.

(d) The smooth side of fence shall face a right-of-way or private road, except split rail.

(e) A fence constructed for protection and safety from hazard by another public agency may not be subject to the aforementioned height limitations. Approval to exceed the minimum height standards may be given by the director of development services upon receipt of satisfactory evidence of the need to exceed height standards.

(f) No fence or hedge shall be constructed or installed in such a manner as to interfere with drainage on the site.

(g) Should the fence encroach on any public easement, the owner shall assume all expense of any necessary removal (either temporary or permanent) or relocation.

~~(h) Barbed wire shall not be used in fences except in agricultural and conservation districts.~~

~~(i) This section shall not apply to fences erected by a public body, or as approved by a public body for a public utility, in the interest of public safety.~~

(h) Barbed wire shall be permitted in association with fences as follows:

1. In association with bona-fide agricultural uses;

2. In Conservation (CON) land use districts;
3. In General Industrial (GI) land use districts atop fences 6-feet or taller.
4. On properties where an Industrial Building Lot or Industrial Complex lot typology has been approved via Development Plan, Site Plan, or Preliminary Subdivision Plat atop fences 6-feet or taller.
5. On properties containing water/wastewater treatment plants or electric substations atop fences 6-feet or taller.
6. On properties with barbed wire fencing installed prior to December 15, 2016, which, upon administrative verification by Development Services, shall be deemed legally non-conforming and shall be permitted to be repaired or replaced as needed.

The City Commission directed staff to present this amendment regarding barbed wire fences. Barbed wire is a type of steel fencing wire constructed with sharp edges or points arranged at intervals along the strand(s). It is used to construct agricultural fences and is used atop walls or fences surrounding secured property (i.e. public facilities, water/wastewater plants, stormwater ponds, law enforcement facilities, etc.). While staff has concerns that barbed wire fence would detract from neighborhood appearance (especially in areas in close proximity to residential development) and could impact the perspective of residents and visitors to the area, the City Commission has discretion to amend the regulations as they see fit.

Section 110-5.13 Portable Storage Units (d) Long-term storage containers are prohibited unless located on a commercial or industrial parcel with a fully screened masonry or brick enclosure designed and constructed for the purpose of screening such containers from view. The Development Services Director may approve alternate screening material when supported by site conditions. Storage containers shall be limited to the extent that maximum impervious surface area of the parcel is not exceeded.

This amendment provides for administrative discretion and flexibility to streamline review and approval and avoid the necessity for variance requests.

Section 110-5.15 – Sheds storage buildings, utility buildings, greenhouses and other accessory structures (permanent or temporary)

(c) ~~Storage and other buildings~~ All accessory structures regulated by this chapter shall be permitted only in side and rear yards, unless there are extenuating circumstances that would justify placement in the street yard with no adverse effects on surrounding properties.

(d) ~~Storage and other buildings~~ All accessory structures regulated by this chapter, except temporary ones as determined by the Director, shall be included in all calculations for impervious surfaces, floor area ratios, or other site design requirements applying to the principal use of the lot.

This amendment provides for an equitable standard to be applied to all accessory structures.

Section 115-4.3 Access and Pedestrian Network (4) Driveways. Private driveways shall be located not closer than three feet from stormwater inlet structures and five feet from property corners. All driveways shall be paved to the edge of the road pavement. On roads with curb and gutters, valley gutters shall be required in driveways and shall be placed in line with the gutter line. The driveways shall be designed to accommodate and improve drainage facilities at the site in accordance with the approved site plans. The drainage facility shall dictate that the driveways shall act as a paved swale or swale check. The crown of a cross-section driveway shall be one foot higher than the crown of the road to avoid potential flooding to the building during storms.

The minimum design criteria of driveways are as follows:

Driveways	Values
<i>Widths :</i>	
Single family res. <u>Residential</u> (single)*	12 ft. <u>on local roads;</u> <u>minimum 18 ft. on</u> <u>collector/arterial</u>
Single family res. <u>Residential</u> (double)*	18 ft.
Commercial <u>Non-Residential</u> (one-way)	18—24 ft.
Commercial <u>Non-Residential</u> (two-way)	24—48 ft.
<i>Angle :</i>	90 degrees
<i>Radii :</i>	
Single family res. <u>Residential</u>	8 ft. (or 4'W × 8'L flares)
Commercial	35 ft.
Semi-trailer	50 ft.

* -House lots less than 70-feet wide are limited to one driveway connection per road frontage. A minimum of 25-feet must be provided between driveways on the same property.

This amendment clarifies this section and provides for improved conditions (safety).

(5) *Clear sight zone.* A clear sight zone shall be provided for all intersections to allow for safe ingress, egress, crossing, and turning maneuvers. A clear visibility triangle shall be maintained and clear of any obstructions within the triangle area measured from the center of the intersection to an arbitrary point along each centerline of the intersecting roads in all directions; fences, signs and similar structures not exceeding a height of four feet may be permitted in the clear sight zone. The clear sight distances required are as follows:

Section 110-5.7 Fences (c) exempts fences not exceeding 4-feet from the clear sight zone distances. A cross-reference is required to ensure the exemption is recognized. Permitting other structures (i.e. signs) 4-feet or lower provides for a consistent standard.

Sec. 115-3. - Residential compatibility and design district transitions.

The compatibility standards below provide standard and predictable measures for establishing and creating compatibility through landscapes, buffers, natural areas or transitional development practices in an effort to lessen impacts and integrate development along the edges of properties where different land use districts or densities are present, as provided for in the Future Land Use Element of the Comprehensive Plan. These standards are in addition to the development pattern and design district standards in Chapter 109 that provide for compatible lot typologies.

Sec. 115-3.1. - Urban districts.

(a) *Urban residential compatibility.* The maximum residential density permitted within any urban design district shall be consistent with the maximum density of the applicable land use district assigned to each individual property.

(b) ~~Transitions within a design district—Edge condition standards.~~ When any urban design district abuts an existing development in an urban design district, whether residential or commercial, the following shall occur: and proposed new residential lots will share a common boundary with existing or platted lots:

~~(1) Residential building lot typologies that are adjacent to existing residential may not exceed the lot width or intensity by more than 110 percent of what is existing.~~

~~(2) Nonresidential building lot typologies that are adjacent to existing residential may be permitted if utilizing the minimum lot requirements.~~

The width of the new lots may be no more than 110 percent of the width of the existing or platted lots, unless such existing or platted lots are non-conforming with the urban design district standards.

(c) When any urban design district ~~is adjacent to~~ abuts a suburban ~~or rural~~ design district, and proposed new residential lots will share a common boundary with existing or platted lots: the following shall occur.

~~(1) When abutting parcels have a different design district, the maximum lot width shall not exceed the rear or side lot width of the adjacent parcel.~~

~~(2) If the urban development is adjacent to vacant land, the maximum permitted lot width within the district may be used to determine the maximum lot width.~~

(1) The width of the new lots may be no less than 60 percent of the width of the existing or platted lots, unless:

(a) A landscape buffer (7 to 10 feet wide) is provided between the new lots and existing or platted lots; or

(b) Park space as permitted by Section 115-8.1. is provided between the new lots and the existing platted lots; or

(c) A consistent opaque buffer wall/fence is provided between the new lots and the existing or platted lots.

Sec. 115-3.2. - Suburban districts.

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

(b) ~~Transitions within a design district/edge condition standards.~~ When any suburban design district abuts an existing development in a suburban district, whether residential or commercial, the following shall occur: and proposed new residential lots will share a common boundary with existing or platted lots:

~~(1) The new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).~~

~~(2) Nonresidential building lot typologies that are adjacent to existing residential may be permitted if utilizing the minimum lot requirements. If lot requirements exceed the minimum, a masonry wall and landscape shall be required or a street or alley may be sufficient in buffering. This determination shall be given during site plan review by the development services director.~~

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

(a) The existing or platted lots are non-conforming to the suburban design district standards;

(b) Central sewer service is not available.

~~(b) The maximum residential density permitted within the suburban neighborhood design district shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by providing compatible building lot types as provided for in chapter 110.~~

~~(c) When any suburban design district abuts a rural design district, and proposed new residential lots will share a common boundary with existing or platted lots:~~

~~(1) The width of the new lots may be no less than 75 percent of the width of the existing or platted lots; unless:~~

~~(a) A landscape buffer (10 to 15 feet wide) is provided between the new lots and existing or platted lots; or~~

~~(b) Park space as permitted by Section 115-8.3. is provided between the new lots and existing or platted lots.~~

Sec. 115-3.3. - Rural districts.

~~(a) *Rural residential compatibility*. For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property, and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:~~

~~(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.~~

~~(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).~~

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

~~(1) The width of the new lots may be no more than 200 percent of the width of the existing or platted lots, unless:~~

~~(a) The existing or platted lots are non-conforming to the suburban design district standards;~~

~~(b) Central sewer service is not available.~~

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

(1) The width of the new lots may not be less than 85 percent of the width of the existing or platted lots, unless:

(a) A landscape buffer (15 to 25 feet wide) is provided between the new lots and existing or platted lots; or

(b) Park space as permitted by Section 115-8.3. is provided between the new lots and existing or platted lots.

The current residential compatibility standards continually raise questions regarding applicability, ambiguity and differing interpretation. The proposed amendments above are consistent with the Comprehensive Plan; providing standard and predictable measures for establishing and creating compatibility through landscapes, buffers, natural areas or transitional development practices; and making development decisions predictable, fair and cost effective (Comprehensive Plan Policies FLU 1.1.1. , 1.2.4, 1.3.2., 3.1.1.)

Section 115-4.3. Loading and off-street parking

Table 5200-1 Parking spacing requirements

Table 5200-1
Parking Spacing Requirements
Off-Street Parking Requirements

In addition to vehicle parking spaces, any business operation, which utilizes merchandise/shopping carts, must provide a parking area for said carts.

Activity Type/Land Use	Minimum Parking Spaces
Residential Activity Types :	
Single-family	Two spaces per dwelling unit.
Mobile home	Two spaces per dwelling unit.
Duplex	Two spaces per dwelling unit.
Multi-family	1.5 spaces per dwelling unit. Efficiency apartments 1 space per unit.
Community Facility Activity Types :	
Cemetery	One space per 250 square feet of gross floor area, excluding burial structures.
College or university	One-half space per student, plus one space per six seats in an auditorium or other places of assembly.
Community assembly	One space per 100 square feet of gross floor area.
Community education	Elementary and junior high—one space per classroom, or one space per six seats in an auditorium, whichever requires the greater number of spaces; high school (grades 9—12)—four spaces per classroom or one space per six seats in an auditorium, arena, or stadium, whichever requires the greater number of spaces; provided that no more than 300 spaces shall be required.
Convent or monastery	one space per ten residents.

Correctional facility	To be determined by parking study. <u>One per employee and 1 per 25 inmates.</u>
Day care center (child or adult)	1:12 RPC.
Day care home for children	Two spaces, plus one per employee per shift of greatest employment.
Dormitory	One space per two rooming units.
Family care; group care; institutional care	1:5 RPC.
Golf course	three spaces per green.
Hospital	2 per 1,000 sf, and .8 per bed.
Neighborhood health clinic	2.5 space per 1000 square feet of gross floor area.
Nursing home	One space per four beds, plus one space per employee.
Parks and recreation, active (except golf course)	Determined during review process. <u>5 per 1,000 sf gross floor area plus 10 spaces per athletic field</u>
Parks and recreation, passive	Determined during review process. <u>1 per 10,000 sf of land area</u>
Place of worship	One space per three seats in the church sanctuary.
Government services	One space per 500 square feet of gross floor area.
Utilities, minor; utilities, major; transportation terminal	Determined during review process. <u>One space per employee</u>
transportation terminal	<u>One per 200 sf gross floor area</u>
Commercial Activity Types :	
Amusements,	Determined during review process. <u>One space per 100 sf or</u>

extensive	<u>one space per 4 seats if fixed seating is provided.</u>
Amusements, limited (excluding bowling alley and movie theater)	Two spaces per 1000 square feet of gross floor area.
Animal care	1.5 per 1,000 gross floor area.
Auctions	One space per 500 square feet of gross floor area.
Automotive repair and cleaning; automotive service station	Two spaces, plus four spaces per service bay or repair stall.
Bed and Breakfast	Three spaces for owner, manager, and employee parking; One space per guest room for guest parking.
Banking services	2.5 spaces per 1000 square feet of gross floor area.
Bar or nightclub	5 per 1,000 sf.
Barber and/or Beauty shop	2.5 spaces per 1000 square feet of gross floor area.
Bowling alley	Four spaces per lane.
Building supplies	2.5 spaces per 1000 square feet of gross floor area.
Construction sales and service	Two spaces per 1000 square feet of gross floor area.
Consumer services	2 per 1000 gross floor area.
Convenience food and beverage store	2.5 space per 1000 square feet of gross floor area.
Dry cleaning; consumer laundry and repair	2.5 space per 1000 square feet of gross floor area.
Flea market	17 spaces per 6,000 square feet of gross floor area.
Funeral home	2.5 spaces per 1000 square feet, plus one-half space per

	seat.
Hardware and garden supplies	2.5 space per 1000 square feet of gross floor area.
Hotel or motel	Guest room, 0.5 per lodging unit Restaurant, cocktail lounge 5 per 1000 sf GFA Banquet/meeting rooms, 0.25 per seat.
Major laundry and repair	2 spaces per 1000 square feet of gross floor area.
Marina	One space per three boat slips.
Medical service	2.5 spaces per 1000 square feet of gross floor area.
Miniature golf course	Two spaces per hole.
Movie theater	0.10 spaces per seat.
Office, general	2 spaces per 1000 square feet of gross floor area.
Personal care services; personal improvement services	2.0 spaces per 1000 square feet of gross floor area.
Printing and publishing	2.5 space per 1000 square feet of gross floor area.
Research service	One space per 500 square feet of gross floor area.
Restaurant, fast-food; restaurant, general	5 spaces per 1,000 square feet GFA.
Retail, general	2.5 spaces per 1000 square feet of gross floor area.
Scrap operation	One spaces per 5,000 square feet of gross floor area, plus one space per 10,000 square feet of open storage area.
Self-service storage	Four spaces at the office.
Septic tank service	2 spaces per 1000 square feet of gross floor area.
Taxidermist	2 space per 1000 square feet of gross floor area.

Travel trailer parks and campgrounds	One space per campsite.
Vehicular sales and service	One space per 1000 square feet of gross floor area and 2 per bay.
Vocational school	2.5 spaces per 1000 square feet of gross floor area.
Wholesale and warehousing	One space per 10,000 square feet of lot area, plus one space per employee per shift of greatest employment.
Manufacturing Activity Types :	
Basic industry; hazardous operations; recycling center	One space per 10,000 square feet, plus one per employee per shift of greatest employment.
Citrus and vegetable packing houses	One space per 10,000 square feet, plus one per employee per shift of greatest employment.
Dairy processing	One space per 10,000 square of gross floor area.
Manufacturing, custom; manufacturing, light; printing and publishing	One space per 10,000 square feet, plus one per employee per shift of greatest employment.
Salvage yards	One space per 10,000 square of gross floor area.
Agricultural and Extractive Activity Types :	
Crop and animal raising	No parking requirement.
General agricultural	None required.
Housing camps	Per residential activity required.
Mills	One per 10,000 square feet, plus one per employee per shift of greatest employment.
Mining and quarrying; sawmill	<u>One space per 10,000 square feet, plus one per employee per shift of greatest employment.</u> Determined during review

	process.
Non-intensive agriculture	None required.
Plant nursery	One space per five acres.
Roadside farm stands	None required.
Veterinary clinic	2.5 spaces per 1000 square feet, plus one per employee per shift of greatest employment.
Outdoor Recreation Activities	
Hunting and fishing resort	Guest room, 0.5 per lodging unit Restaurant, cocktail lounge 5 per 1000 sf GFA Banquet/meeting rooms, 0.25 per seat. Determined during review process.
Riding stable or academy	One space per five horses boarded on site.

The amendments above provide standard and predictable minimum parking requirements for all categories.

Applicable Policies and Codes:

Policy FLU 1.1.1: Planning Principles

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

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

Policy FLU 1.2.4: Development Patterns

To discourage urban sprawl and to protect and enhance the community's unique character, the City shall implement regulations within the Land Development Code that

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

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

Policy FLU 1.3.2: Maintain Residential Compatibility

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

- a. The review and analysis of development applications and future land use map amendments shall recognize as a fundamental principle of the City's Comprehensive Plan that the highest concentration of development density and intensity within the City shall be permitted in the downtown and that this overall density/intensity decreases incrementally outward from the downtown to lower densities that are located in outlying rural areas or areas of the City which have physical limitations to development. Higher density in locations away from downtown, but supported with urban services and retail/employment activity, is permitted as an exception to this principle.
- b. Landscapes, buffers, natural areas or transitional development practices shall be utilized in site planning to demonstrate that the project transitions appropriately to adjacent uses or to lessen impacts and integrate development along the edges of different land use categories, screen undesirable views, preserve tree canopy and vegetation.

- c. The location of development on a site shall:
 - (1) Protect existing natural and environmental features on and adjacent to the site to the extent practicable, including wetlands and wetland systems, karst features, and tree canopy;
 - (2) Respect the existing adjacent development pattern;
 - (3) Permit the most density and intensity in areas that are most proximate to support services.
- d. The location of required minimum open space on a site shall be configured to:
 - (1) To create external connectedness by adding to a larger contiguous off-site network of interconnected open space, particularly existing habitats, where applicable.
 - (2) To create internal connectedness through connected and integrated open space within the subdivision parcel where applicable and shall be based upon the context sensitive site design standards.

Policy FLU 3.1.1: Neighborhood Compatibility

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

Policy FLU 3.1.2: Roadway Compatibility

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

Alternatives:

- 1. Approve Ordinance No. 21-09
- 2. Deny Ordinance No. 21-09.

Discussion of Alternatives:

- 1. Alternative 1 approves Ordinance No. 21-09.

Advantages:

- Approval of the amendments is necessary to address discrepancies, inconsistencies between sections, to clarify for practical application of the code and provide for consistency with the Comprehensive Plan.
- The action is consistent with the goals, objectives, and policies of the Comprehensive Plan.

Disadvantages:

- There are no disadvantages to approving the ordinance.

2. Alternative 2 denies Ordinance No. 21-09.

Advantages:

- The City Commission could consider other revisions to the Land Development Regulations.

Disadvantages:

- The Land Development Regulations would have discrepancies, inconsistencies between sections and areas subject to varying interpretations.

Community Input

Development Services has properly advertised the ordinance and there is an opportunity for community input at the public hearing.

Budget / Staff Impact:

None

Prepared By:

Lori Barnes, AICP, CPM, Development Services Director

Attachments:

Ordinance No. 21-09

ORDINANCE NO. 21-09

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, SECTION 110, DEVELOPMENT STANDARDS AND CHAPTER 115, GENERAL BUILDING AND SITE STANDARDS; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

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

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

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

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

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

SECTION 1.

That the City of Eustis Land Development Regulations are hereby amended as show in the redline/strike through below; all other existing sections, paragraphs and subparagraphs shall remain in full force and effect:

Section 110-2 (b) (4) Height limitations do not apply to the following: appurtenances/structures, and other similar structures as determined by the Development Services Director.

Section 110-2 (f) (2) b. Corner lots and through lots shall be considered to have two street yards and two common lot yards. However, where a ~~non-ingress/egress easement deed restriction~~ is recorded prohibiting vehicular access along the entire frontage of one of the two street frontages for a through lot, that street frontage shall not be considered a street yard.

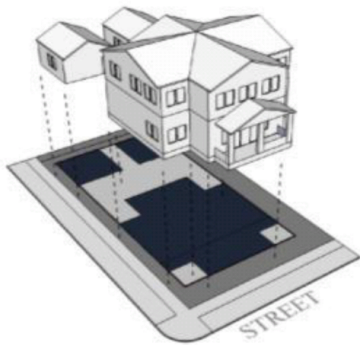
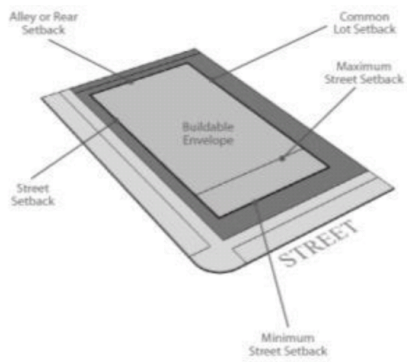
Sec. 110-4.4. - Duplex lot.

A building lot located and designed to accommodate a building with small common lots and containing two dwellings.

	URBAN (U)	SUBUR- BAN (S) & RURAL (R)	U, S, R
LOT REQUIREMENTS	MIN	MIN	MAX
Lot Width (ft)	35 60	90	200
Lot Depth (ft)	100	120	660
Lot Size (sf)	3,500	10,800	132,000
BUILDING ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10*	25	25 (urban)
Common Lot Setback (ft)	5	5	—
Alley or Rear Yard Setback (ft)	10	10	—
Frontage Buildout %	70	—	—
ACC BLDG ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10' behind bldg frontage		—
Common Lot Setback (ft)	5	5	—
Rear Setback (ft)	5	5	—

BUILDING HEIGHT	MIN	MIN	MAX
Principal Building (st)	1	1	2
Accessory Building(s) (st)	1	1	2
PARKING PROVISIONS			
Location	Zone 1, 2, 3, 4		
PRIVATE FRONTAGES			
Common Lawn	X		
Porch and Fence	X		
Forecourt			
Stoop			
Shopfront and Awning			
Gallery			
Arcade			

* Garages in urban districts shall maintain an 18-foot street setback.
X - Permitted
Blank cell - prohibited



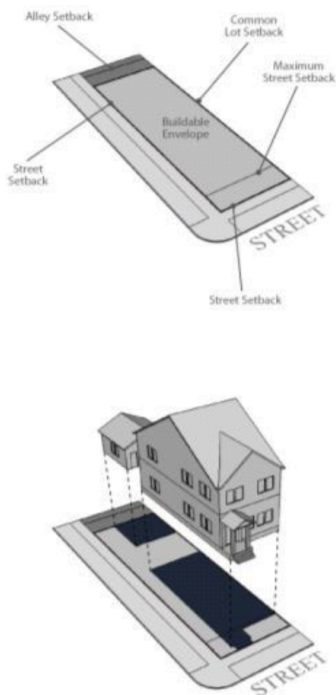
Sec. 110-4.5. - Townhouse lot.

A building lot located and designed to accommodate a building with common walls on both side building lot lines and a private garden to the rear.

	URBAN (U)	SUBUR- BAN (S) & RURAL (R)	U, S, R
LOT REQUIREMENTS	MIN	MIN	MAX
Lot Width (ft)	16	22	32
Lot Depth (ft)	80	80	120
Lot Size (sf)	1,280	1,760	3,840
BUILDING ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	0*		10 <u>Urban</u> 20 <u>Suburban/Rural</u>
Common Lot Setback (ft)	0	0	—
Alley Setback (ft)	15	15	—
Frontage Buildout %	70	—	—
Length Permitted of Grouped Townhomes	—	—	120' S & R for
ACC BLDG ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10' behind bldg frontage		

Common Lot Setback (ft)	5	5	—
Rear Setback (ft)	5	5	—
BUILDING HEIGHT	MIN	MIN	MAX
Principal Building (st)	1	1	3
Accessory Building(s) (st)	1	1	2
PARKING PROVISIONS			
Location	Zone 3		
PRIVATE FRONTAGES			
Common Lawn	X		
Porch and Fence	X		
Forecourt			
Stoop			
Shopfront and Awning			
Gallery			
Arcade			

* Garages in ~~urban~~ all districts shall maintain an minimum 18-foot street setback.
X - Permitted
Blank cell - prohibited



Section 110-5 (b) (1) An accessory structure or use shall be considered incidental to the principal dwellings and must be in full compliance with all standards and requirements of this land development regulation and all other regulations of the city.

Section 110-5.2. ~~(3) Minimum useable floor area for an accessory apartment shall not be less than 450 square feet if it is located within the principal structure and shall be governed by the building typology standards if it is located within an accessory structure.~~

Section 110-5.6. - Boat houses, docks and piers. Boat houses, docks, and piers shall be considered incidental uses to the primary structure. Boat houses or covered boat docks, subject to approval of other interested governmental authorities, will be permitted on any lake within the city; provided that construction on Lake Eustis requires approval from the St. Johns River Water Management District/Department of Environmental Protection. In residential areas on connected waters (canals, streams or other inlets or basins that have water access to a lake), the maximum height of a boat house or similar structure, above the high-water level established by the St. Johns River Water Management District shall be 12 feet. Boat houses, slips, piers, or similar structures built on streams or canals shall be built entirely within the lot-riparian lines; accessory structure setback requirements herein do not apply riparian lines.

Sec. 110-5.7(b) add the following to the bullet list:

- Fences installed for the sole purpose of screening of trash can storage areas, mechanical equipment, or utilities shall be exempt from permitting, provided such fence is clearly not within a required setback and does not exceed maximum height. If necessary to screen existing utilities, the Development Services Director may approve fencing exceeding maximum height in setbacks.

Sec. 110-4.7(h)(i):

~~(h) Barbed wire shall not be used in fences except in agricultural and conservation districts.~~

~~(i) This section shall not apply to fences erected by a public body, or as approved by a public body for a public utility, in the interest of public safety.~~

(h) Barbed wire shall be permitted in association with fences as follows:

1. In association with bona-fide agricultural uses;
2. In Conservation (CON) land use districts;
3. In General Industrial (GI) land use districts atop fences 6-feet or taller.
4. On properties where an Industrial Building Lot or Industrial Complex lot typology has been approved via Development Plan, Site Plan, or Preliminary Subdivision Plat atop fences 6-feet or taller.
5. On properties containing water/wastewater treatment plants or electric substations atop fences 6-feet or taller.
6. On properties with barbed wire fencing installed prior to December 15, 2016, which, upon administrative verification by Development Services, shall be deemed legally non-conforming and shall be permitted to be repaired or replaced as needed.

Section 110-5.13 Portable Storage Units (d) Long-term storage containers are prohibited unless located on a commercial or industrial parcel with a fully screened masonry or brick enclosure designed and constructed for the purpose of screening such containers from view. The Development Services Director may approve alternate screening material when supported by site conditions. Storage containers shall be limited to the extent that maximum impervious surface area of the parcel is not exceeded.

Section 110-5.15 – Sheds storage buildings, utility buildings, greenhouses and other accessory structures (permanent or temporary)

(c) ~~Storage and other buildings~~ All accessory structures regulated by this chapter shall be permitted only in side and rear yards, unless there are extenuating circumstances that would justify placement in the street yard with no adverse effects on surrounding properties.

(d) ~~Storage and other buildings~~ All accessory structures regulated by this chapter, except temporary ones as determined by the Director, shall be included in all calculations for impervious surfaces, floor area ratios, or other site design requirements applying to the principal use of the lot.

Section 115-4.3 Access and Pedestrian Network (4) Driveways. Private driveways shall be located not closer than three feet from stormwater inlet structures and five feet from property corners. All driveways shall be paved to the edge of the road pavement. On roads with curb and gutters, valley gutters shall be required in driveways and shall be placed in line with the gutter line. The driveways shall be designed to accommodate and improve drainage facilities at the site in accordance with the approved site plans. The drainage facility shall dictate that the driveways shall act as a paved swale or swale check. The crown of a cross-section driveway shall be one foot higher than the crown of the road to avoid potential flooding to the building during storms.

The minimum design criteria of driveways are as follows:

Driveways	Values
<i>Widths :</i>	
Single family res. <u>Residential</u> (single)*	12 ft. <u>on local roads;</u> <u>minimum 18 ft. on</u> <u>collector/arterial</u>
Single family res. <u>Residential</u> (double)*	18 ft.
Commercial <u>Non-Residential</u> (one-way)	18—24 ft.
Commercial <u>Non-Residential</u> (two-way)	24—48 ft.
<i>Angle :</i>	90 degrees
<i>Radii :</i>	
Single family res. <u>Residential</u>	8 ft. (or 4'W × 8'L flares)
Commercial	35 ft.

Driveways	Values
Semi-trailer	50 ft.

* -House lots less than 70-feet wide are limited to one driveway connection per road frontage. A minimum of 25-feet must be provided between driveways on the same property.

Sec. 115-4.3. (5) *Clear sight zone*. A clear sight zone shall be provided for all intersections to allow for safe ingress, egress, crossing, and turning maneuvers. A clear visibility triangle shall be maintained and clear of any obstructions within the triangle area measured from the center of the intersection to an arbitrary point along each centerline of the intersecting roads in all directions; fences, signs and similar structures not exceeding a height of four feet may be permitted in the clear sight zone. The clear sight distances required are as follows:

Sec. 115-3. - Residential compatibility and design district transitions.

The compatibility standards below provide standard and predictable measures for establishing and creating compatibility through landscapes, buffers, natural areas or transitional development practices in an effort to lessen impacts and integrate development along the edges of properties where different land use districts or densities are present, as provided for in the Future Land Use Element of the Comprehensive Plan. These standards are in addition to the development pattern and design district standards in Chapter 109 that provide for compatible lot typologies.

Sec. 115-3.1. - Urban districts.

(a) *Urban residential compatibility*. The maximum residential density permitted within any urban design district shall be consistent with the maximum density of the applicable land use district assigned to each individual property.

(b) ~~Transitions within a design district—Edge condition standards~~. When any urban design district abuts an existing development in an urban design district, whether residential or commercial, the following shall occur: and proposed new residential lots will share a common boundary with existing or platted lots:

~~(1) Residential building lot typologies that are adjacent to existing residential may not exceed the lot width or intensity by more than 110 percent of what is existing.~~

~~(2) Nonresidential building lot typologies that are adjacent to existing residential may be permitted if utilizing the minimum lot requirements.~~

The width of the new lots may be no more than 110 percent of the width of the existing or platted lots, unless such existing or platted lots are non-conforming with the urban design district standards.

(c) When any urban design district ~~is adjacent to~~ abuts a suburban ~~or rural~~ design district, and proposed new residential lots will share a common boundary with existing or platted lots; the following shall occur.

~~(1) When abutting parcels have a different design district, the maximum lot width shall not exceed the rear or side lot width of the adjacent parcel.~~

~~(2) If the urban development is adjacent to vacant land, the maximum permitted lot width within the district may be used to determine the maximum lot width.~~

(1) The width of the new lots may be no less than 60 percent of the width of the existing or platted lots, unless:

(a) A landscape buffer (7 to 10 feet wide) is provided between the new lots and existing or platted lots; or

(b) Park space as permitted by Section 115-8.1. is provided between the new lots and the existing platted lots; or

(c) A consistent opaque buffer wall/fence is provided between the new lots and the existing or platted lots.

Sec. 115-3.2. - Suburban districts.

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

~~(b) *Transitions within a design district/edge condition standards.* When any suburban design district abuts an existing development in a suburban district, whether residential or commercial, the following shall occur:~~ and proposed new residential lots will share a common boundary with existing or platted lots:

~~(1) The new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).~~

~~(2) Nonresidential building lot typologies that are adjacent to existing residential may be permitted if utilizing the minimum lot requirements. If lot requirements exceed the minimum, a masonry wall and landscape shall be required or a street or alley may be sufficient in buffering. This determination shall be given during site plan review by the development services director.~~

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

(a) The existing or platted lots are non-conforming to the suburban design district standards;

(b) Central sewer service is not available.

~~(b) The maximum residential density permitted within the suburban neighborhood design district shall be consistent with the maximum density of the applicable land use district assigned to each individual property and shall further be limited by providing compatible building lot types as provided for in chapter 110.~~

~~(c) When any suburban design district abuts a rural design district, and proposed new residential lots will share a common boundary with existing or platted lots:~~

~~(1) The width of the new lots may be no less than 75 percent of the width of the existing or platted lots; unless:~~

~~(a) A landscape buffer (10 to 15 feet wide) is provided between the new lots and existing or platted lots; or~~

~~(b) Park space as permitted by Section 115-8.3. is provided between the new lots and existing or platted lots.~~

Sec. 115-3.3. - Rural districts.

~~(a) *Rural residential compatibility*. For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property, and shall further be limited by a compatibility assessment of the proposed development with the existing development patterns of nearby properties and the character of the surrounding area as determined by the following: Applicants must demonstrate that the proposed development respects the context of the adjacent uses through:~~

~~(1) Ensuring that the overall density of the development is not greater than 25 percent more than adjacent/surrounding developments. If an adjacent development has a planned unit development overlay, the overall density of the entire master plan shall be used for this compatibility assessment. Any density variation greater than 25 percent requires specific review and approval by the city commission.~~

~~(2) Providing compatible building lot types, where compatible lot types within the area require that the new residential building lot typologies that are proposed adjacent to existing or platted residential lots may not be smaller than 85 percent of the lot width or intensity of the existing adjacent residential lot(s).~~

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

~~(1) The width of the new lots may be no more than 200 percent of the width of the existing or platted lots, unless:~~

~~(a) The existing or platted lots are non-conforming to the suburban design district standards;~~

~~(b) Central sewer service is not available.~~

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

(1) The width of the new lots may not be less than 85 percent of the width of the existing or platted lots, unless:

(a) A landscape buffer (15 to 25 feet wide) is provided between the new lots and existing or platted lots; or

(b) Park space as permitted by Section 115-8.3. is provided between the new lots and existing or platted lots.

Section 115-4.3. Loading and off-street parking

Table 5200-1 Parking spacing requirements

Table 5200-1
Parking Spacing Requirements
Off-Street Parking Requirements

In addition to vehicle parking spaces, any business operation, which utilizes merchandise/shopping carts, must provide a parking area for said carts.

Activity Type/Land Use	Minimum Parking Spaces
Residential Activity Types :	
Single-family	Two spaces per dwelling unit.
Mobile home	Two spaces per dwelling unit.
Duplex	Two spaces per dwelling unit.
Multi-family	1.5 spaces per dwelling unit. Efficiency apartments 1 space per unit.
Community Facility Activity Types :	
Cemetery	One space per 250 square feet of gross floor area, excluding burial structures.
College or university	One-half space per student, plus one space per six seats in an auditorium or other places of assembly.
Community assembly	One space per 100 square feet of gross floor area.

Community education	Elementary and junior high—one space per classroom, or one space per six seats in an auditorium, whichever requires the greater number of spaces; high school (grades 9—12)—four spaces per classroom or one space per six seats in an auditorium, arena, or stadium, whichever requires the greater number of spaces; provided that no more than 300 spaces shall be required.
Convent or monastery	one space per ten residents.
Correctional facility	To be determined by parking study. <u>One per employee and 1 per 25 inmates.</u>
Day care center (child or adult)	1:12 RPC.
Day care home for children	Two spaces, plus one per employee per shift of greatest employment.
Dormitory	One space per two rooming units.
Family care; group care; institutional care	1:5 RPC.
Golf course	three spaces per green.
Hospital	2 per 1,000 sf, and .8 per bed.
Neighborhood health clinic	2.5 space per 1000 square feet of gross floor area.
Nursing home	One space per four beds, plus one space per employee.
Parks and recreation, active (except golf course)	Determined during review process. <u>5 per 1,000 sf gross floor area plus 10 spaces per athletic field</u>

Parks and recreation, passive	Determined during review process. <u>1 per 10,000 sf of land area</u>
Place of worship	One space per three seats in the church sanctuary.
Government services	One space per 500 square feet of gross floor area.
Utilities, minor; utilities, major; transportation terminal	Determined during review process. <u>One space per employee</u>
<u>transportation terminal</u>	<u>One per 200 sf gross floor area</u>
Commercial Activity Types :	
Amusements, extensive	Determined during review process. <u>One space per 100 sf or one space per 4 seats if fixed seating is provided.</u>
Amusements, limited (excluding bowling alley and movie theater)	Two spaces per 1000 square feet of gross floor area.
Animal care	1.5 per 1,000 gross floor area.
Auctions	One space per 500 square feet of gross floor area.
Automotive repair and cleaning; automotive service station	Two spaces, plus four spaces per service bay or repair stall.
Bed and Breakfast	Three spaces for owner, manager, and employee parking; One space per guest room for guest parking.
Banking services	2.5 spaces per 1000 square feet of gross floor area.

Bar or nightclub	5 per 1,000 sf.
Barber and/or Beauty shop	2.5 spaces per 1000 square feet of gross floor area.
Bowling alley	Four spaces per lane.
Building supplies	2.5 spaces per 1000 square feet of gross floor area.
Construction sales and service	Two spaces per 1000 square feet of gross floor area.
Consumer services	2 per 1000 gross floor area.
Convenience food and beverage store	2.5 space per 1000 square feet of gross floor area.
Dry cleaning; consumer laundry and repair	2.5 space per 1000 square feet of gross floor area.
Flea market	17 spaces per 6,000 square feet of gross floor area.
Funeral home	2.5 spaces per 1000 square feet, plus one-half space per seat.
Hardware and garden supplies	2.5 space per 1000 square feet of gross floor area.
Hotel or motel	Guest room, 0.5 per lodging unit Restaurant, cocktail lounge 5 per 1000 sf GFA Banquet/meeting rooms, 0.25 per seat.
Major laundry and repair	2 spaces per 1000 square feet of gross floor area.

Marina	One space per three boat slips.
Medical service	2.5 spaces per 1000 square feet of gross floor area.
Miniature golf course	Two spaces per hole.
Movie theater	0.10 spaces per seat.
Office, general	2 spaces per 1000 square feet of gross floor area.
Personal care services; personal improvement services	2.0 spaces per 1000 square feet of gross floor area.
Printing and publishing	2.5 space per 1000 square feet of gross floor area.
Research service	One space per 500 square feet of gross floor area.
Restaurant, fast-food; restaurant, general	5 spaces per 1,000 square feet GFA.
Retail, general	2.5 spaces per 1000 square feet of gross floor area.
Scrap operation	One spaces per 5,000 square feet of gross floor area, plus one space per 10,000 square feet of open storage area.
Self-service storage	Four spaces at the office.
Septic tank service	2 spaces per 1000 square feet of gross floor area.
Taxidermist	2 space per 1000 square feet of gross floor area.
Travel trailer parks	One space per campsite.

and campgrounds	
Vehicular sales and service	One space per 1000 square feet of gross floor area and 2 per bay.
Vocational school	2.5 spaces per 1000 square feet of gross floor area.
Wholesale and warehousing	One space per 10,000 square feet of lot area, plus one space per employee per shift of greatest employment.
Manufacturing Activity Types :	
Basic industry; hazardous operations; recycling center	One space per 10,000 square feet, plus one per employee per shift of greatest employment.
Citrus and vegetable packing houses	One space per 10,000 square feet, plus one per employee per shift of greatest employment.
Dairy processing	One space per 10,000 square of gross floor area.
Manufacturing, custom; manufacturing, light; printing and publishing	One space per 10,000 square feet, plus one per employee per shift of greatest employment.
Salvage yards	One space per 10,000 square of gross floor area.
Agricultural and Extractive Activity Types :	
Crop and animal raising	No parking requirement.
General agricultural	None required.

Housing camps	Per residential activity required.
Mills	One per 10,000 square feet, plus one per employee per shift of greatest employment.
Mining and quarrying; sawmill	<u>One space per 10,000 square feet, plus one per employee per shift of greatest employment.</u> Determined during review process.
Non-intensive agriculture	None required.
Plant nursery	One space per five acres.
Roadside farm stands	None required.
Veterinary clinic	2.5 spaces per 1000 square feet, plus one per employee per shift of greatest employment.
Outdoor Recreation Activities	
Hunting and fishing resort	<u>Guest room, 0.5 per lodging unit</u> <u>Restaurant, cocktail lounge 5 per 1000 sf GFA</u> <u>Banquet/meeting rooms, 0.25 per seat.</u> Determined during review process.
Riding stable or academy	One space per five horses boarded on site.

SECTION 2.

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

SECTION 3.

That it is the intention of the City Commission of the City of Eustis that the provisions of this Ordinance shall become and be made a part of the Land Development Regulations in the City of Eustis Code of Ordinances and that the sections of this Ordinance may be re-

numbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase to accomplish such intentions.

SECTION 4.

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

SECTION 5.

That this Ordinance shall become effective upon passing.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 20th day of May 2021.

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 _____ day of May, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance No. 21-09 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Mary C. Montez, City Clerk

Ordinance 21-09
Amendments to Chapter 110 & 115 of the LDRs
Clean Copy of Amended Paragraphs

Section 110-2 (b) (4) Height limitations do not apply to the following appurtenances/structures, and other similar structures as determined by the Development Services Director.

Section 110-2 (f) (2) b. Corner lots and through lots shall be considered to have two street yards and two common lot yards. However, where a deed restriction is recorded prohibiting vehicular access along the entire frontage of one of the two street frontages for a through lot, that street frontage shall not be considered a street yard.

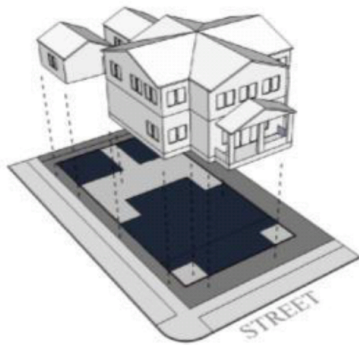
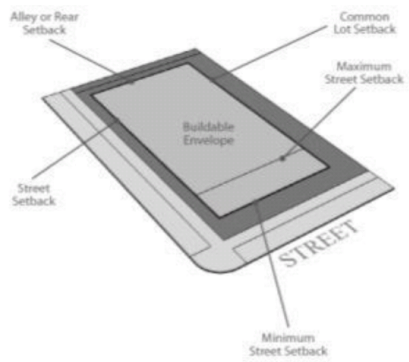
Sec. 110-4.4. - Duplex lot.

A building lot located and designed to accommodate a building with small common lots and containing two dwellings.

	URBAN (U)	SUBUR- BAN (S) & RURAL (R)	U, S, R
LOT REQUIREMENTS	MIN	MIN	MAX
Lot Width (ft)	60	90	200
Lot Depth (ft)	100	120	660
Lot Size (sf)	3,500	10,800	132,000
BUILDING ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10*	25	25 (urban)
Common Lot Setback (ft)	5	5	—
Alley or Rear Yard Setback (ft)	10	10	—
Frontage Buildout %	70	—	—
ACC BLDG ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	10' behind bldg frontage		—
Common Lot Setback (ft)	5	5	—
Rear Setback (ft)	5	5	—

BUILDING HEIGHT	MIN	MIN	MAX
Principal Building (st)	1	1	2
Accessory Building(s) (st)	1	1	2
PARKING PROVISIONS			
Location	Zone 1, 2, 3, 4		
PRIVATE FRONTAGES			
Common Lawn	X		
Porch and Fence	X		
Forecourt			
Stoop			
Shopfront and Awning			
Gallery			
Arcade			

* Garages in urban districts shall maintain an 18-foot street setback.
X - Permitted
Blank cell - prohibited



Sec. 110-4.5. - Townhouse lot.

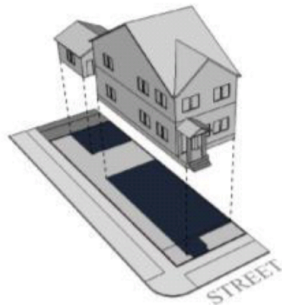
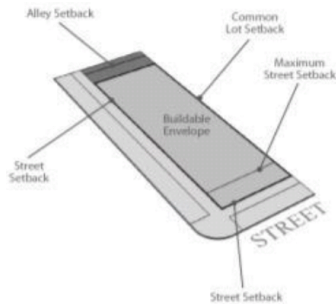
A building lot located and designed to accommodate a building with common walls on both side building lot lines and a private garden to the rear.

	URBAN (U)	SUBUR- BAN (S) & RURAL (R)	U, S, R
LOT REQUIREMENTS	MIN	MIN	MAX
Lot Width (ft)	16	22	32
Lot Depth (ft)	80	80	120
Lot Size (sf)	1,280	1,760	3,840
BUILDING ENVELOPE	MIN	MIN	MAX
Street Setback (ft)	0*		10 Urban 20 Suburban/Rural
Common Lot Setback (ft)	0	0	—
Alley Setback (ft)	15	15	—
Frontage Buildout %	70	—	—
Length Permitted of Grouped Townhomes	—	—	120' for S & R
ACC BLDG ENVELOPE	MIN	MIN	MAX

Street Setback (ft)	10' behind bldg frontage		
Common Lot Setback (ft)	5	5	—
Rear Setback (ft)	5	5	—
BUILDING HEIGHT	MIN	MIN	MAX
Principal Building (st)	1	1	3
Accessory Building(s) (st)	1	1	2
PARKING PROVISIONS			
Location	Zone 3		
PRIVATE FRONTAGES			
Common Lawn	X		
Porch and Fence	X		
Forecourt			
Stoop			
Shopfront and Awning			
Gallery			
Arcade			

* Garages in all districts shall maintain a minimum 18-foot street setback.
 X - Permitted

Blank cell - prohibited



Section 110-5 (b) (1) An accessory structure or use shall be considered incidental to the principal dwellings and must be in full compliance with all standards and requirements of this land development regulation and all other regulations of the city.

Section 110-5.2.

Section 110-5.6. - Boat houses, docks and piers. Boat houses, docks, and piers shall be considered incidental uses to the primary structure. Boat houses or covered boat docks, subject to approval of other interested governmental authorities, will be permitted on any lake within the city; provided that construction on Lake Eustis requires approval from the St. Johns River Water Management District/Department of Environmental Protection. In residential areas on connected waters (canals, streams or other inlets or basins that have water access to a lake), the maximum height of a boat house or similar structure, above the high-water level established by the St. Johns River Water Management District shall be 12 feet. Boat houses, slips, piers, or similar structures built on streams or canals shall be built entirely within the riparian lines; accessory structure setback requirements herein do not apply riparian lines.

Sec. 110-5.7(b) add the following to the bullet list:

- Fences installed for the sole purpose of screening of trash can storage areas, mechanical equipment, or utilities shall be exempt from permitting, provided such fence is clearly not within a required setback and does not exceed maximum height. If necessary to screen existing utilities, the Development Services Director may approve fencing exceeding maximum height in setbacks.

Sec. 110-4.7(h)(i):

(h) Barbed wire shall be permitted in association with fences as follows:

1. In association with bona-fide agricultural uses;
2. In Conservation (CON) land use districts;
3. In General Industrial (GI) land use districts atop fences 6-feet or taller.
4. On properties where an Industrial Building Lot or Industrial Complex lot typology has been approved via Development Plan, Site Plan, or Preliminary Subdivision Plat atop fences 6-feet or taller.
5. On properties containing water/wastewater treatment plants or electric substations atop fences 6-feet or taller.
6. On properties with barbed wire fencing installed prior to December 15, 2016, which, upon administrative verification by Development Services, shall be deemed legally non-conforming and shall be permitted to be repaired or replaced as needed.

Section 110-5.13 Portable Storage Units (d) Long-term storage containers are prohibited unless located on a commercial or industrial parcel with a fully screened masonry or brick enclosure designed and constructed for the purpose of screening such containers from view. The Development Services Director may approve alternate screening material when supported by site conditions. Storage containers shall be limited to the extent that maximum impervious surface area of the parcel is not exceeded.

Section 110-5.15 – Sheds storage buildings, utility buildings, greenhouses and other accessory structures (permanent or temporary)

(c) All accessory structures regulated by this chapter shall be permitted only in side and rear yards, unless there are extenuating circumstances that would justify placement in the street yard with no adverse effects on surrounding properties.

(d) All accessory structures regulated by this chapter, except temporary ones as determined by the Director, shall be included in all calculations for impervious surfaces, floor area ratios, or other site design requirements applying to the principal use of the lot.

Section 115-4.3 Access and Pedestrian Network (4) *Driveways*. Private driveways shall be located not closer than three feet from stormwater inlet structures and five feet from property corners. All driveways shall be paved to the edge of the road pavement. On roads with curb and gutters, valley gutters shall be required in driveways and shall be placed in line with the gutter line. The driveways shall be designed to accommodate and improve drainage facilities at the site in accordance with the approved site plans. The drainage facility shall dictate that the driveways shall act as a paved swale or swale check. The crown of a cross-section driveway shall be one foot higher than the crown of the road to avoid potential flooding to the building during storms.

The minimum design criteria of driveways are as follows:

Driveways	Values
<i>Widths :</i>	
Residential (single)*	12 ft. on local roads; minimum 18 ft. on collector/arterial
Residential (double)*	18 ft.
Non-Residential (one-way)	18—24 ft.
Non-Residential (two-way)	24—48 ft.
<i>Angle :</i>	90 degrees
<i>Radii :</i>	
Residential	8 ft. (or 4'W × 8'L flares)
Commercial	35 ft.
Semi-trailer	50 ft.

* House lots less than 70-feet wide are limited to one driveway connection per road frontage. A minimum of 25-feet must be provided between driveways on the same property.

Sec. 115-4.3. (5) *Clear sight zone*. A clear sight zone shall be provided for all intersections to allow for safe ingress, egress, crossing, and turning maneuvers. A clear visibility triangle shall be maintained and clear of any obstructions within the triangle area measured from the center of the intersection to an arbitrary point along each centerline of the intersecting roads in all directions; fences, signs and similar structures not exceeding a height of four feet may be permitted in the clear sight zone. The clear sight distances required are as follows:

Sec. 115-3. - Residential compatibility and design district transitions.

The compatibility standards below provide standard and predictable measures for establishing and creating compatibility through landscapes, buffers, natural areas or transitional development practices in an effort to lessen impacts and integrate development along the edges of properties where different land use districts or densities are present, as provided for in the Future Land Use Element of the Comprehensive Plan. These standards are in addition to the development pattern and design district standards in Chapter 109 that provide for compatible lot typologies.

Sec. 115-3.1. - Urban districts.

(a) *Urban residential compatibility*. The maximum residential density permitted within any urban design district shall be consistent with the maximum density of the applicable land use district assigned to each individual property.

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

The width of the new lots may be no more than 110 percent of the width of the existing or platted lots, unless such existing or platted lots are non-conforming with the urban design district standards.

(c) When any urban design district abuts a suburban design district, and proposed new residential lots will share a common boundary with existing or platted lots:

(1) The width of the new lots may be no less than 60 percent of the width of the existing or platted lots, unless:

(a) A landscape buffer (7 to 10 feet wide) is provided between the new lots and existing or platted lots; or

(b) Park space as permitted by Section 115-8.1. is provided between the new lots and the existing platted lots; or

(c) A consistent opaque buffer wall/fence is provided between the new lots and the existing or platted lots.

Sec. 115-3.2. - Suburban districts.

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

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

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

(a) The existing or platted lots are non-conforming to the suburban design district standards;

(b) Central sewer service is not available.

(c) When any suburban design district abuts a rural design district, and proposed new residential lots will share a common boundary with existing or platted lots:

(1) The width of the new lots may be no less than 75 percent of the width of the existing or platted lots; unless:

(a) A landscape buffer (10 to 15 feet wide) is provided between the new lots and existing or platted lots; or

(b) Park space as permitted by Section 115-8.3. is provided between the new lots and existing or platted lots.

Sec. 115-3.3. - Rural districts.

(a) *Rural residential compatibility.* For lands within the rural design district, the maximum residential density permitted shall be consistent with the maximum density of the applicable land use district assigned to each individual property.

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

(1) The width of the new lots may be no more than 200 percent of the width of the existing or platted lots, unless:

(a) The existing or platted lots are non-conforming to the suburban design district standards;

(b) Central sewer service is not available.

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

(1) The width of the new lots may not be less than 85 percent of the width of the existing or platted lots, unless:

(a) A landscape buffer (15 to 25 feet wide) is provided between the new lots and existing or platted lots; or

(b) Park space as permitted by Section 115-8.3. is provided between the new lots and existing or platted lots.

Section 115-4.3. Loading and off-street parking

Table 5200-1 Parking spacing requirements

Table 5200-1
Parking Spacing Requirements
Off-Street Parking Requirements

****In addition to vehicle parking spaces, any business operation, which utilizes merchandise/shopping carts, must provide a parking area for said carts.****

Activity Type/Land Use	Minimum Parking Spaces
Residential Activity Types :	
Single-family	Two spaces per dwelling unit.
Mobile home	Two spaces per dwelling unit.
Duplex	Two spaces per dwelling unit.
Multi-family	1.5 spaces per dwelling unit. Efficiency apartments 1 space per unit.
Community Facility Activity Types :	
Cemetery	One space per 250 square feet of gross floor area, excluding burial structures.
College or university	One-half space per student, plus one space per six seats in an auditorium or other places of assembly.
Community assembly	One space per 100 square feet of gross floor area.

Community education	Elementary and junior high—one space per classroom, or one space per six seats in an auditorium, whichever requires the greater number of spaces; high school (grades 9—12)—four spaces per classroom or one space per six seats in an auditorium, arena, or stadium, whichever requires the greater number of spaces; provided that no more than 300 spaces shall be required.
Convent or monastery	one space per ten residents.
Correctional facility	One per employee and 1 per 25 inmates.
Day care center (child or adult)	1:12 RPC.
Day care home for children	Two spaces, plus one per employee per shift of greatest employment.
Dormitory	One space per two rooming units.
Family care; group care; institutional care	1:5 RPC.
Golf course	three spaces per green.
Hospital	2 per 1,000 sf, and .8 per bed.
Neighborhood health clinic	2.5 space per 1000 square feet of gross floor area.
Nursing home	One space per four beds, plus one space per employee.
Parks and recreation, active (except golf course)	5 per 1,000 sf gross floor area plus 10 spaces per athletic field

Parks and recreation, passive	1 per 10,000 sf of land area
Place of worship	One space per three seats in the church sanctuary.
Government services	One space per 500 square feet of gross floor area.
Utilities, minor; utilities, major;	One space per employee
transportation terminal	One per 200 sf gross floor area
Commercial Activity Types :	
Amusements, extensive	One space per 100 sf or one space per 4 seats if fixed seating is provided.
Amusements, limited (excluding bowling alley and movie theater)	Two spaces per 1000 square feet of gross floor area.
Animal care	1.5 per 1,000 gross floor area.
Auctions	One space per 500 square feet of gross floor area.
Automotive repair and cleaning; automotive service station	Two spaces, plus four spaces per service bay or repair stall.
Bed and Breakfast	Three spaces for owner, manager, and employee parking; One space per guest room for guest parking.
Banking services	2.5 spaces per 1000 square feet of gross floor area.

Bar or nightclub	5 per 1,000 sf.
Barber and/or Beauty shop	2.5 spaces per 1000 square feet of gross floor area.
Bowling alley	Four spaces per lane.
Building supplies	2.5 spaces per 1000 square feet of gross floor area.
Construction sales and service	Two spaces per 1000 square feet of gross floor area.
Consumer services	2 per 1000 gross floor area.
Convenience food and beverage store	2.5 space per 1000 square feet of gross floor area.
Dry cleaning; consumer laundry and repair	2.5 space per 1000 square feet of gross floor area.
Flea market	17 spaces per 6,000 square feet of gross floor area.
Funeral home	2.5 spaces per 1000 square feet, plus one-half space per seat.
Hardware and garden supplies	2.5 space per 1000 square feet of gross floor area.
Hotel or motel	Guest room, 0.5 per lodging unit Restaurant, cocktail lounge 5 per 1000 sf GFA Banquet/meeting rooms, 0.25 per seat.
Major laundry and repair	2 spaces per 1000 square feet of gross floor area.

Marina	One space per three boat slips.
Medical service	2.5 spaces per 1000 square feet of gross floor area.
Miniature golf course	Two spaces per hole.
Movie theater	0.10 spaces per seat.
Office, general	2 spaces per 1000 square feet of gross floor area.
Personal care services; personal improvement services	2.0 spaces per 1000 square feet of gross floor area.
Printing and publishing	2.5 space per 1000 square feet of gross floor area.
Research service	One space per 500 square feet of gross floor area.
Restaurant, fast-food; restaurant, general	5 spaces per 1,000 square feet GFA.
Retail, general	2.5 spaces per 1000 square feet of gross floor area.
Scrap operation	One spaces per 5,000 square feet of gross floor area, plus one space per 10,000 square feet of open storage area.
Self-service storage	Four spaces at the office.
Septic tank service	2 spaces per 1000 square feet of gross floor area.
Taxidermist	2 space per 1000 square feet of gross floor area.
Travel trailer parks and campgrounds	One space per campsite.

Vehicular sales and service	One space per 1000 square feet of gross floor area and 2 per bay.
Vocational school	2.5 spaces per 1000 square feet of gross floor area.
Wholesale and warehousing	One space per 10,000 square feet of lot area, plus one space per employee per shift of greatest employment.
Manufacturing Activity Types :	
Basic industry; hazardous operations; recycling center	One space per 10,000 square feet, plus one per employee per shift of greatest employment.
Citrus and vegetable packing houses	One space per 10,000 square feet, plus one per employee per shift of greatest employment.
Dairy processing	One space per 10,000 square of gross floor area.
Manufacturing, custom; manufacturing, light; printing and publishing	One space per 10,000 square feet, plus one per employee per shift of greatest employment.
Salvage yards	One space per 10,000 square of gross floor area.
Agricultural and Extractive Activity Types :	
Crop and animal raising	No parking requirement.
General agricultural	None required.
Housing camps	Per residential activity required.

Mills	One per 10,000 square feet, plus one per employee per shift of greatest employment.
Mining and quarrying; sawmill	One space per 10,000 square feet, plus one per employee per shift of greatest employment.
Non-intensive agriculture	None required.
Plant nursery	One space per five acres.
Roadside farm stands	None required.
Veterinary clinic	2.5 spaces per 1000 square feet, plus one per employee per shift of greatest employment.
Outdoor Recreation Activities	
Hunting and fishing resort	Guest room, 0.5 per lodging unit Restaurant, cocktail lounge 5 per 1000 sf GFA Banquet/meeting rooms, 0.25 per seat.
Riding stable or academy	One space per five horses boarded on site.



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: ORDINANCE NUMBER 21-10: COMPREHENSIVE PLAN TEXT AMENDMENT

Introduction:

This item was continued from the May 20, 2021, regular Commission meeting. Ordinance Number 21-10 amends the Future Land Use Element, Future Land Use Element Appendix, Conservation Element, Economic Development Element, Housing Element, Intergovernmental Coordination Element, Recreation and Open Space Element and Transportation Element to reflect the vision of the City Commission as identified in the Strategic Plan and other long-range master plans, provide for municipal densities and intensities, thereby discouraging urban sprawl, improve internal consistency of the Comprehensive Plan Element and consistency with the Land Development Regulations (LDRs), and eliminate duplicative language; adds a Property Rights Element as will be required by State Law; and amends the Future Land Use Map Series.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Ordinance Number 21-10.

Alternatives:

1. Approve Ordinance Number 21-10
2. Deny Ordinance Number 21-10

Attachments:

[Ord. No. 21-10 Staff Report](#)
[Ordinance No 21-10 Comp Plan Text Amend](#)
[Exhibits A thru I Redline-Strikethru 1st Reading 5-6-21](#)
[Exhibits A thru I with Proposed Revisions](#)
[Exhibit J 2035 Future Land Use Map](#)

[Exhibit K Map 19 Proposed for Deletion](#)

Reviewed by:



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: RONALD R. NEIBERT, CITY MANAGER

DATE: MAY 6, 2021

SUBJECT: ORDINANCE NUMBER 21-10
COMPREHENSIVE PLAN TEXT AMENDMENT

Introduction

Ordinance Number 21-10 amends the Future Land Use Element, Future Land Use Element Appendix, Conservation Element, Economic Development Element, Housing Element, Intergovernmental Coordination Element, Recreation and Open Space Element and Transportation Element to reflect the vision of the City Commission as identified in the Strategic Plan and other long-range master plans, provide for municipal densities and intensities, thereby discouraging urban sprawl, improve internal consistency of the Comprehensive Plan Element and consistency with the Land Development Regulations (LDRs), and eliminate duplicative language; adds a Property Rights Element as will be required by State Law; and amends the Future Land Use Map Series.

Recommended Action

The administration recommends approval of Ordinance Number 21-10.

Background

On January 9, 2021 City Commission directed staff to prepare an ordinance for their consideration to address municipal land uses and non-conforming uses in Comprehensive Plan and the Future Land Use Map, including the elimination of Rural Residential, Agricultural and Map 19 Joint Planning Area Map. The City Commission acknowledged other revisions may be forthcoming based on staff review of the plan.

Proposed Amendments

Future Land Use Element:

1. Eliminated unnecessary administrative policy provisions, duplicative and unnecessary language (specificity more appropriate for LDRs), and updated references.
2. Eliminated Map #19 Eustis Lake County Joint Planning Area Map from the Future Land Use Map Series and deleted other references to the map.
3. Clarified Rural Development Pattern.

Future Land Use Element Appendix:

1. Updated impervious surface area maximums for residential development and added footnote for consistency with the Land Development Regulations (LDRs).
2. Clarified Mobile Home (MH/RV) land use (mobile home vs manufactured).
3. Eliminated Rural Residential and Agricultural land use designations.

Conservation Element:

1. Eliminated duplicative language and unnecessary language (specificity more appropriate for LDRs), and added cross references to other Elements.

Economic Development Element:

1. Updated references.

Housing Element:

1. Eliminated duplicative language and unnecessary language (specificity more appropriate for LDRs), and added cross references to other Elements.

Intergovernmental Coordination Element:

1. Eliminated duplicative language and unnecessary language (specificity more appropriate for LDRs), and added cross references to other Elements.
2. Eliminated provisions related to financial commitments not clearly in the best interest of the Eustis taxpayers.
3. Eliminated provisions regarding use of school facilities by the City as there is no interest on the part of the LCSB to facilitate shared use.

Property Rights Element:

1. Added Property Rights Element per Senate Bill 410.

Recreation and Open Space Element

1. Eliminated duplicative language and unnecessary language (specificity more appropriate for LDRs), and added cross references to other Elements.
2. Provided that a Parks Master Plan and a Bicycle and Pedestrian Master Plan shall be developed by 2035.

Transportation Element:

1. Eliminated unnecessary administrative policy provisions, duplicative and unnecessary language (specificity more appropriate for CRA Revelopment Plan and LDRs), and updated references.
2. Eliminated policies regarding two-way conversion of Bay St/Grove St and connection of Bates Ave.
3. Clarified Rural Development Pattern.

Future Land Use Map Series:

1. Updated 2035 Future Land Use Map
2. Eliminated Map #19 Eustis Lake County Joint Planning Area Map

Alternatives:

1. Approve Ordinance Number 21-10
2. Deny Ordinance Number 21-10

Discussion of Alternatives

Alternative 1 approves Ordinance Number 21-10

Advantages

1. The Comprehensive Plan will be more consistent, internally.
2. The Comprehensive Plan will be more consistent with the vision of the City Commission as identified in the Strategic Plan and other long-range master plans, will discourage urban sprawl, and provide for predictable, fair and cost-effective development decisions.
3. Eustis will no longer be at a competitive disadvantage when compared to other surrounding communities' allowable intensities.
4. The Comprehensive Plan will be more internally consistent eliminating duplicative language.
5. Development would be directed to the municipality, relieving development pressures on unincorporated areas outside of the Eustis Urbanized Area.

Disadvantages

1. Some may have concerns regarding the elimination of Rural Residential and Agriculture, but lower density development can still be proposed under other land use designations and agricultural uses can continue as non-conforming.

Alternative 2 denies Ordinance Number 21-10.

Advantages

1. The Commission could consider other modifications to the Comprehensive Plan.

Disadvantages

1. Internal inconsistencies in the Comprehensive Plan and confusion regarding the type of development required to meet the City's vision of being a municipality that provides efficient, cost effective public services would continue.

Community Input

Staff properly advertised the ordinance. The public will have an opportunity to provide input at the May 5, 2021 and July 1, 2021 public hearings.

Prepared By:

Lori Barnes, AICP, CPM, Development Services Director

Attachments

Ordinance Number 21-10

Exhibits A – I Redline-Strike Thru of Elements to be Amendment

Exhibits A – I With Proposed Revisions (Clean Copies)

Exhibit J – Updated 2035 Future Land Use Map

Exhibit H – Map Proposed for Deletion

ORDINANCE NUMBER 21-10

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN 2010-2035 PURSUANT TO SECTION 163.3184 OF THE FLORIDA STATUTES; PROVIDING FOR TEXT REVISIONS TO THE FUTURE LAND USE ELEMENT, FUTURE LAND USE ELEMENT APPENDIX, CONSERVATION ELEMENT, ECONOMIC DEVELOPMENT ELEMENT, HOUSING ELEMENT, INTERGOVERNMENTAL COORDINATION ELEMENT, PARKS AND OPEN SPACE ELEMENT, AND TRANSPORTATION ELEMENT; AMENDING MAPS; PROVIDING FOR ADDITION OF A PROPERTY RIGHTS ELEMENT; PROVIDING FOR THE REPEAL OF ORDINANCES INCONSISTENT WITH THIS ORDINANCE; PROVIDING FOR CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY AND EFFECTIVE DATE.

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

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

WHEREAS, these Plan amendments reflect the vision of the City Commission as identified in the Strategic Plan and other long-range master plans, provide for municipal densities and intensities, thereby discouraging urban sprawl, improve internal consistency of the Comprehensive Plan Element and consistency with the Land Development Regulations, and eliminate duplicative language; and

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

WHEREAS, the City of Eustis Local Planning Agency recommended approval of the Comprehensive Plan amendment at a public hearing on May 6, 2021; and

WHEREAS, the City Commission held public hearings on May 6, 2021 and July 1, 2021, with all required public notice for the purpose of hearing and considering the recommendations and comments of the general public; and

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

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

1. That the City of Eustis Comprehensive Plan 2010-2035 is hereby amended as follows to replace the following elements in their entirety, to add a Property

Rights Element, to update the 2035 Future Land Use Map, and eliminate Map #19 from the Future Land Use Map Series:

- a. Future Land Use Element Exhibit A;
 - b. Future Land Use Element Appendix Exhibit B;
 - c. Conservation Element Exhibit C;
 - d. Economic Development Element Exhibit D;
 - e. Housing Element Exhibit E;
 - f. Intergovernmental Coordination Element Exhibit F;
 - g. Property Rights Element Exhibit G;
 - h. Recreation and Open Space Element Exhibit H;
 - i. Transportation Element Exhibit I.
 - j. 2035 Future Land Use Map Exhibit J.
 - k. Deletion of Map 19 Exhibit K.
2. That this amendment is approved for submission to the State Land Planning Agency (Department of Economic Opportunity) and other jurisdictional agencies.
 3. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.
 4. That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.
 5. The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by 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 1st day of July 2021.

**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 1st day of July, 2021, 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, 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 21-10 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

FUTURE LAND USE GOALS, OBJECTIVES AND POLICIES

GOAL FLU 1: DEVELOPMENT FRAMEWORK

Implement a land use and development framework that will:

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

OBJECTIVE FLU 1.1: DEVELOPMENT FRAMEWORK IMPLEMENTATION

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

Policy FLU 1.1.1: Planning Principles

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

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

Policy FLU 1.1.2: Strategy for Sustainability

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

- Continue to support alternative modes of travel as called for in the Transportation Element.
- Support energy conservation measures and practices in the administration, design, and construction of City buildings and facilities.
- Encourage the cooperation of public agencies and private owners in the provision of a multi-modal transportation system connecting all land uses along arterial and collector roads within recreational, commercial and multi-family residential areas.
- Cooperate with existing and future land owners in the locating of solar sheds, bus stops, shelters, and other passenger and system accommodations for a transportation system to service current and future needs.

- e. Encourage energy efficient appliances and equipment, energy-efficient features in window design, use of operable windows and ceiling fans and other technology to conserve energy and encourage energy efficient lighting for streets, parking lots and other public areas.
- f. Continue to permit grassed parking areas and other permeable materials as a part of the City's Land Development Code and encourage reduced coverage by asphalt, concrete, rock and similar substances in streets, parking lots and other areas.
- g. Encourage the planting of Florida Friendly shade trees to provide reasonable shade for all recreation areas, streets and parking areas.
- ~~h. Promote the education of City employees in energy conservation measures and practices and promote certification for energy conservation practices to promote the energy conservation mission of the City.~~
- ~~i. Provide up-to-date information on its web site regarding the City's conservation initiatives, along with strategies and recommendations for all citizens.~~

Policy FLU 1.1.3: Development Incentives

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

Policy FLU 1.1.4: Building and Development Conservation Principles

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

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

OBJECTIVE FLU 1.2: FUTURE LAND USE MAP (FLUM)

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

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

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

Map #1:	2035 Future Land Use Map
Map #3:	Soils
Map #4:	Topography and Drainage Basins
Map #5:	Designated Water Wellhead Protection Areas
Map #6:	Surface Water Features
Map #7:	Areas Subject to Flooding
Map #8:	Vegetation
Map #9:	Washington Avenue Historic District
Map #10:	National Register of Historic Places and Sites
Map #11:	Local Landmark Sites
Map #12:	Wekiva Study Area: Most Effective Undeveloped Recharge Areas
Map #13:	Wekiva Study Area: Undeveloped and Water-Filled Karst Areas
Map #14:	Wekiva Study Area: Integrated Wildlife Habitat Ranking System
Map #15:	Wekiva Basin Land Cover
Map #16:	Priority Wetlands
Map #17:	Wekiva Basin: Strategic Habitat Ranking Systems, Public Lands and Proposed Acquisitions
Map #18:	Biodiversity Hotspots
Map #19:	Eustis-Lake County Joint Planning Area Map

With the exception of Map #1, the Future Land Use Map, ~~and Map #19, the Planning Area Map,~~ these maps shall be used for general identification only and are not specifically regulatory in nature. Site specific information and analysis shall determine the actual features or applicability of a site for the purposes of applying the requirements of this Plan. The city shall continue to allocate lands in the Comprehensive Plan to meet projected development needs through the long-term planning horizon of 2035, including amounts sufficient to minimize land speculation and undue price appreciation and to provide for choices of residential and non-residential locations.

Policy FLU 1.2.2: Future Land Use Map Limitations

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

a substitute density limit in place of any other regulations that would place further restrictions and/or limitations on the development density of a parcel.

Policy FLU 1.2.3: Urban Services Required

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

Policy FLU 1.2.4: Development Patterns

To discourage urban sprawl and to protect and enhance the community's unique character, the City shall implement regulations within the Land Development Code that encourage a mix of uses in specific areas of the City. Those areas are identified in the development patterns of urban, suburban and rural. Each development pattern is further divided into neighborhoods, centers, corridors and districts. The City shall adopt performance standards for the land uses within each development pattern as prescribed by the City's Land Development Code. In general, the patterns are as follows:

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

Policy FLU 1.2.5: Joint Planning Area

The City shall continue to coordinate with Lake County to address annexation and land use issues ~~and shall rely upon the City of Eustis-Lake County Joint Planning Area (JPA) Map (Map #19) or its successor agreement as describing the appropriate transition between the City's urban core and the County's rural areas.~~

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

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

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

The City shall continue to rely upon its Land Development Regulations to promote

compact growth and preservation of open space, ~~including those regulations which provide for:~~

~~voluntary cluster development in all residential land use classifications~~

~~specific minimum open space requirements by land use district including standards for the Wekiva Springs Overlay Protection District (see FLU Policy 5.1.5 and Table A-3.1.)~~
~~maximum coverage by impervious surfaces requirements and specific maximum impervious surface requirements by land use district; for a development site within the Wekiva Springs Overlay Protection District, see Future Land Use Element Appendix, Table A-3.1.~~

~~density bonuses for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent.~~

~~Limitations on development in floodplains, near wellfields, and near lake shorelines, as more specifically provided for in the Conservation element.~~

Policy FLU 1.3.2:

Maintain Residential Compatibility

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

- a. The review and analysis of development applications and future land use map amendments shall recognize as a fundamental principle of the City's Comprehensive Plan that the highest concentration of development density and intensity within the City shall be permitted in the downtown and that this overall density/intensity decreases incrementally outward from the downtown to lower densities that are located ~~in outlying rural areas on the periphery of the Eustis urbanized area~~ or in areas of the City which have physical limitations to development. Higher density in locations away from downtown, but supported with urban services ~~and retail/employment activity,~~ is permitted as an exception to this principle.
- b. Landscapes, buffers, natural areas or transitional development practices shall be utilized in site planning to demonstrate that the project transitions appropriately to adjacent uses or to lessen impacts and integrate development along the edges of different land use categories, screen undesirable views, preserve tree canopy and vegetation.
- c. The location of development on a site shall:
 - (1) Protect existing natural and environmental features on and adjacent to the site to the extent practicable, including wetlands and wetland systems, karst features, and tree canopy;
 - (2) Respect the existing ~~adjacent development pattern~~ development transect;
 - (3) Permit the most density and intensity in areas that are served or may be served by public utilities, or are most proximate to support services.

- d. The location of required minimum open space on a site shall be configured to:
- (1) To create external connectedness by adding to a larger contiguous off-site network of interconnected open space, particularly existing habitats, where applicable.
 - (2) To create internal connectedness through connected and integrated open space within the subdivision parcel where applicable and shall be based upon the context sensitive site design standards.

Policy FLU 1.3.3: Right-of Way Standards for Utilities

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

Policy FLU 1.3.4: Compatibility with the Placement of Utility Structures

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

OBJECTIVE FLU 1.4: PROTECTION OF HISTORIC RESOURCES

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

Policy FLU 1.4.1: Protect Historic Character ~~and Preserve Historic Properties~~

Land Development Regulations and development review procedures shall continue to recognize the need to maintain or improve the character of designated historic properties and the historic district, ~~and incorporate incentives to preserve designated historic properties, including advice to applicants on the tax benefits of historic preservation.~~

Policy FLU 1.4.2: Downtown Main Street Character

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

~~Policy FLU 1.4.3: Preserve Historic Properties~~

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

- Policy FLU 1.4.4: Preserve the Architectural and Historical Heritage of Eustis**
~~Pursuant to the Intergovernmental Coordination element, provide ongoing affirmational support to preservation organizations, which have an individual or collective interest in preserving the architectural and historical heritage of Eustis.~~
- Policy FLU 1.4.5: Historic Structures**
Where an application for development may involve the removal, ~~alteration, or reuse~~ of a historic structure listed on the National Register, the city shall first invite comment by the Florida Division of Historical Resources and the City's Historic Preservation Board before rendering a decision on the application.
- Policy FLU 1.4.6: Historic Overlay**
~~When sites or structures are included on the National Register of Historic Places, designated as local Landmarks, or designated as~~ When an area is designated as a local Historic Districts, the designation shall be entered as an overlay to the Future Land Use map in accordance with State law.
- Policy FLU 1.4.7: Archaeological Discovery**
By year-end ~~2015~~2035, the Land Development Regulations shall provide for ~~notification of the archaeological discovery to and request for guidance from the Florida Division of Historical Resources~~the following in instances when an archaeological discovery occurs in the city; ~~and will provide for best management practices to address the discovery.:~~
- a. ~~notification of the archaeological discovery to and request for guidance from the Florida Division of Historical Resources~~
 - b. ~~suspension of all ground-disturbing activities within 20 feet of the discovery for up to 30 days to provide for an initial evaluation of archaeological significance. This period can be extended for another 30 days for further evaluation where the discovery is considered significant by the state.~~
- ~~Where the discovery is determined to be significant, various options, including relocation, acquisition of property, or redesign of the proposed development will be considered to preserve the resource. Where preservation is not a feasible alternative, the resource will be relocated if feasible, information regarding the resource shall be recorded, or elements of the resource will be salvaged for further study at the expense of the State of Florida.~~

GOAL FLU 2: URBAN DEVELOPMENT PATTERN AREA

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

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

OBJECTIVE FLU 2.1: REDEVELOPMENT AND INFILL

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

Policy FLU 2.1.1: **Downtown Redevelopment**

The City shall continue to implement the redevelopment and revitalization vision for the downtown area and vicinity as expressed in the Downtown Eustis Master Plan and the East CRA Plan Update Community Revopement Area as provided for in the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan, and Economic Element. This vision shall be used as the basis for prioritizing public improvements, stimulation of business activity, and development of commercial, residential, and institutional properties.

Policy FLU 2.1.2: **Funding Assistance for Housing Needs**

The City shall continue to pursue funding pursuant to the Housing Element Policy HSG 1.3.3.

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

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

Policy FLU 2.1.3: **Code Enforcement & Displacement**

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

The City shall continue to address substandard housing and displacement pursuant to the Housing Element Policies HSG 1.2.1 and 1.2.2.

Policy FLU 2.1.4: Displacement Requirements

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

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

GOAL FLU 3: SUBURBAN DEVELOPMENT PATTERN AREA

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

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

OBJECTIVE FLU 3.1: PROTECTION OF RESIDENTIAL NEIGHBORHOODS

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

Policy FLU 3.1.1: Neighborhood Compatibility

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

Policy FLU 3.1.2: Roadway Compatibility

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

~~Policy FLU 3.1.3: Utility Compatibility~~

~~Protect the integrity of existing neighborhoods from the effects, if any, of bulk, electric transmission corridors; and similar facilities by prohibiting, to the maximum extent of the City's jurisdictional authority, their location through or immediately adjacent to existing residential neighborhoods.~~

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

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

OBJECTIVE FLU 3.2: DISCOURAGE URBAN SPRAWL

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

Policy FLU 3.2.1: Neighborhood Revitalization

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

GOAL FLU 4: RURAL DEVELOPMENT PATTERN AREA

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

- ~~Facilitates the transition of land uses over time into sustainable, livable places (communities).~~
- ~~Provides for a rural character and lifestyle for rural residents~~ transitional area between suburban development and the County's rural areas;
- ~~Respects the~~ Allows the continuance of agricultural land uses ~~and landowners;~~
- Values and preserves open spaces; and
- ~~Facilitates the transition of land uses over time into sustainable, livable places (communities).~~

OBJECTIVE FLU 4.1: PROTECTION OF RURAL CHARACTER

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

Policy FLU 4.1.1: Rural Residential

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

GOAL FLU 5: WEKIVA SPRINGS OVERLAY PROTECTION DISTRICT

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

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

The City shall establish an overlay district described herein for the purpose of providing an appropriate transition between the City's urban core and the County's rural areas, and implementing enhanced standards for the protection of significant open space. The following policies and open space requirements recognize the relative position of the City within the Wekiva Springs Overlay Protection District/ ~~and are intended to ensure compatibility with the persistence of rural land use patterns outside and east of the City of Eustis-Lake County Joint Planning Area (JPA) (Map #19).~~

Policy FLU 5.1.1: Land Use Activity Restrictions

The City designates the Wekiva Springs Overlay Protection District as provided on the Future Land Use Map. The City shall restrict new land use activities within the Wekiva Springs Overlay Protection District, ~~within that area~~ adjacent to most effective

recharge areas, karst features and sensitive natural habitats, that have a potential to adversely impact ground water and surface water quality; such as mining, landfills, spray-fields, golf courses, heavy industry, intense animal operations, and other uses or activities with extensive impervious surface area, involving hazardous chemicals or materials, having potential to contaminate groundwater, or requiring significant consumption of groundwater beyond the City's adopted level of service.

Policy FLU 5.1.2: Best Management Practices and Standards

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

Policy FLU 5.1.3: Surveys and Studies

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

- a. An analysis of soils, by a professional qualified to determine the location of most effective recharge areas. Unless otherwise provided for by rule of the St. Johns River Water Management District (SJRWMD), most effective recharge areas shall be defined as Type "A" Hydrologic soils described by the National Resources Conservation Service (NRCS) Soil Survey.
- b. An analysis of the site, by a professional qualified to determine the location and nature of sinkholes and other karst features of the property, such as stream-to-sink and other direct connections to the aquifer including an analysis to determine the depth of the water table, location of the Floridan Aquifer relative to ground surface and thickness and extent of the bedrock or other confining layers over the aquifer. This analysis may include the use of geophysical surveys, such as microgravity and ground penetrating radar surveys, and may be supplemented with documented locations of sinkholes, light detection and ranging surveys, and aerial photographs. If karst features are determined to exist on site, further analysis may be required to evaluate surface and sub-surface characteristics that provide potential connection to the aquifer, assess the potential for contamination of the aquifer from development, and identify protective solutions to be incorporated into the site design. Such design solutions shall utilize Best Management Practices described in Protecting Florida's Springs Manual – Land Use Planning Strategies and Best Management Practices (November 2002).
- c. An analysis of the site by a professional qualified to identify flora and fauna, state and federally listed species, and vegetative habitat types including but not limited to wetlands and sensitive natural habitat defined as Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. This analysis shall include field surveys and use of best available information from federal, state, regional, and local agencies. The site analysis shall also consider ecosystem connectivity in

relationship to adjacent properties and surrounding area in coordination with the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection.

- d. The analysis required above shall be used to characterize on-site soils and determine locations of geologic features including sinkholes, solution pipes, depressions, and depth of soil to lime rock, including karst features like sinkholes with a direct connection to the aquifer and stream-to-sink features that require protection.

Policy FLU 5.1.4: Open Space Requirements

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

Policy FLU 5.1.5: Open Space Priority and Assignment

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

Policy FLU 5.1.6: Dedication of Open Space

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

Policy FLU 5.1.7: Ownership and Maintenance of Open Space

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

- a. Conservation Agency such as the SJRWMD
- b. Non-profit conservation organization or land trust
- c. City of Eustis, subject to City approval

- d. Homeowners Association providing for binding legal commitments regarding preservation and management

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

OBJECTIVE FLU 5.2: Conservation Design Standards

All development within the Wekiva Springs Overlay Protection District shall meet the conservation design standards as set forth below as provided for in the Conservation Element:

Policy FLU 5.2.1: Principles of Conservation Design

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

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

Policy FLU 5.2.2: Setback from Karst Features

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

Development Setbacks

Feature	Minimum setback (feet)
Springs	300
Spring runs	100
Sinkholes, with a direct connection to the aquifer	200, measured from the drainage divide
Other sinkholes	100, measured from the drainage divide

Other karst features with a direct connection to the aquifer (swallet or stream-to-sink)	200, measured from the drainage divide
--	--

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

Land Use Setbacks

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

Policy FLU 5.2.3: Setback Exceptions

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

Policy FLU 5.2.4: Shared Access and Stormwater Facilities

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

Policy FLU 5.2.5: Parking

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

Policy FLU 5.2.6: Minimization of Connected Impervious Areas

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

- ~~a. a. Development shall use joint or shared access and stormwater facilities to the maximum extent feasible when it serves to minimize impervious surfaces.~~
- ~~b. Non-residential development shall use shared parking and pervious pavement to the maximum extent feasible in order to minimize impervious surfaces.~~
- ~~a. Directing flows from roof drains to vegetated areas or to rain barrels or cisterns for reuse of the water;~~
- ~~b. b. Directing flows from paved areas to vegetated areas;~~
- ~~c. c. Locating impervious surfaces so that they drain to vegetated buffers or~~

- natural areas; and
- d. ~~d.~~ Breaking up flow directions from large paved surfaces.

Policy FLU 5.2.7: Use of Pervious Materials

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

Policy FLU 5.2.8: Stormwater Drainage

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

Policy FLU 5.2.9: Minimization of Site Disturbance

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

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

Policy FLU 5.2.10: Golf Courses

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

Policy FLU 5.2.11: Landscape Best Management Practices

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

- a. Planted turf grass and landscaping within residential lots shall be restricted wherever feasible to minimize the use of fertilization and water for irrigation;
- b. Florida Friendly landscaping shall be required wherever feasible; and
- c. The City will adopt Land Development Regulations for managing future lawns and landscapes within the Wekiva Springs Overlay Protection Area using the educational guidelines contained in the University of Florida Extension's Florida Yards and Neighborhoods Program, Environmental Landscape Management (ELM) principles and Best Management Practices wherever feasible. Such Land Development Regulations shall include practices that are designed to reduce nitrate infiltration into ground and surface water.

Policy FLU 5.2.12: Protection of Sensitive Natural Habitats

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

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

Policy FLU 5.2.13: Management of Sensitive Natural Habitats

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

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

EXHIBIT B

FUTURE LAND USE ELEMENT APPENDIX

SECTION FLU A-1: PLAN AMENDMENT STANDARDS OF REVIEW

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

GENERAL

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

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

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

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

AMENDMENTS WITHIN THE WEKIVA SPRINGS OVERLAY PROTECTION DISTRICT

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

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

SECTION FLU A-2: ZONING STANDARDS OF REVIEW

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

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

General Application

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

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

TABLE A-3.1 FUTURE LAND USE DESIGNATIONS

LAND USE DISTRICT	MAP SYMBOL	Maximum Net Density (Total dwelling units per net acre)	Intensity Range (Floor Area Ratio)	Maximum Impervious Surface (% of net buildable area)
Rural Residential	RR	1 dwelling-unit/acre	N/A	20%
Suburban Residential	SR	5 dwelling units/acre ⁽²⁾	N/A	450% ⁽⁴⁾
Urban Residential	UR	12 dwelling units/acre ⁽²⁾	N/A	450% ⁽⁴⁾
Manufactured Home Community	MH	8 dwelling units/acre	N/A	550% ⁽⁴⁾
General Commercial	GC	N/A	up to 2.5 ⁽³⁾	75%
General Industrial	GI	N/A	up to 2.5 ⁽³⁾	75%
Central Business District	CBD	40 dwelling units/acre ⁽¹⁾	up to 3.0	100%
Residential/Office Transitional	RT			450% ⁽⁴⁾
	Residential Non-Residential	12 dwelling units/acre ⁽²⁾	up to 2.5 ⁽³⁾	75%
Mixed Commercial/ Residential	MCR	12 dwelling units/acre ⁽²⁾	up to 2.5 ⁽³⁾	450% ⁽⁴⁾
	Residential Non-Residential			75%
Mixed Commercial/ Industrial	MCI	N/A	up to 2.5 ⁽³⁾	75%
Public and Institutional	PI	N/A	up to 2.5 ⁽³⁾	75%
Agricultural	AG	1 dwelling-unit/5 acres	N/A	20%
Conservation	CON	N/A	up to 0.20 ⁽³⁾	10%

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

(1) In the Central Business District, the maximum of 40 units per acre is permitted in the portion of the central business district bordered on the west by Bay Street, south by Orange Avenue, east by Center Street and north by Clifford Avenue. The remainder of the Central Business District shall have a base maximum density of 12 du/ac and shall require a conditional use permit to develop up to 40 units per acre.

(2) Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density in these classifications where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent.

(3) Allowable intensities incrementally decrease between downtown and outlying areas, and between corridors and neighborhoods, as specified in Section 109-3 of the Land Development Regulations. Higher intensities apply in urban districts, medium intensities in suburban districts and lower intensities in rural districts. Similarly, within those districts, higher intensities apply along corridors and lower intensities in neighborhoods.

(4) Maximum impervious surface requirements apply to the development as a whole, when common area is provided. In no case shall individual building lot coverage exceed 80 percent.

For more information regarding open space and impervious definitions see the City of Eustis Land Development Regulations, Definitions and Chapter 115, Section 115-4.1

(4)

For more information regarding open space and impervious definitions see the City of Eustis Land Development Regulations, Definitions and Chapter 115, Section 115-4.1

DEFINITIONS OF FUTURE LAND USE DESIGNATIONS

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

Residential Districts

~~Rural Residential~~

Suburban Residential

Urban Residential

~~Manufacture-Mobile~~ Home Community

Rural Residential (RR)

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

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

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

Special Provisions:

- ~~(1) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:~~

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

Suburban Residential (SR)

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

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

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

Special Provisions:

- (1) Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density in the Suburban Residential (SR) classification where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent. A density bonus may also be allowed for energy conservation or green certification as provided for in the LDRs. The combined density bonus for affordable housing and energy conservation/green certification is limited to a total increase of 15%.
- (2) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:
 - a. all such housing is attached to foundations as in the case of conventional site-built construction; and
 - b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.
- (3) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Urban Residential (UR)

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

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

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

Special Provisions:

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

Manufactured-Mobile Home Community (MH/RV)

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

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

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

Special Provisions:

- (1) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:

- a. all such housing is attached to foundations as in the case of conventional site-built construction; and
- b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.

Commercial Districts

General Commercial (GC)

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

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

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

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

Industrial Districts

General Industrial (GI)

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

General Range of Uses: General Industrial development includes existing industrial development of light-to-heavy nature along the rail line both north and south of downtown. Outdoor recreation, schools, and public and utility services and facilities that are 5 acres or less in size are also permitted.

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

Special Provisions:

- (1) New development within GI areas shall continue to be required to:
 - a. Provide adequate setbacks and buffering from residential areas and public roads;
 - b. Comply with all federal and state environmental regulations and local performance standards contained in the Land Development Regulations; and
 - c. Limit effluent discharges to the municipal sewer system to approved pretreated industrial wastes and domestic wastes only.

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

Mixed Use Districts

Central Business District
Residential / Office Transitional
Mixed Commercial / Residential
Mixed Commercial / Industrial

Central Business District (CBD)

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

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

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

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

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

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

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

Residential / Office Transitional (RT)

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

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

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

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

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

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

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

Special Provisions:

- (1) Future amendments to designate areas as RT shall be required to be designated near thoroughfares and commercial areas to allow for limited transitional commercial uses in recognition that these areas are impacted by adjacent commercial use and to provide an economic use of property while maintaining their general residential character by:
 - a. limiting commercial uses to retail, business and professional offices, group homes, and home occupations as defined in the Land Development Regulations;
 - b. limiting external lighting and signs to that which would normally be permitted in adjacent residential zoning districts;
 - c. screening any permitted non-residential use from abutting residential properties by a landscape buffer, in accordance with city requirements;
- (2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Mixed Commercial / Residential (MCR)

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

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

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

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

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

Residential: 15% - 25% of total MCR acreage
Commercial/Office: 75% - 85% of total MCR acreage

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

Special Provisions:

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

Mixed Commercial / Industrial (MCI)

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

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

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

Maximum Density: Not applicable.

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

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

Commercial: No more than 20% of total MCI acreage

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

Special Provisions:

- (1) Future amendments to designate areas as MCI may be permitted in undeveloped areas oriented to major highways and other transportation facilities as determined by market demand, and provided that:
 - a. Mixed Commercial Industrial areas and developments therein will be held to a higher level of community design relative to signage, lighting, landscape materials, and building quality than General Commercial (GC) areas; and
 - b. Signage and lighting are limited to maintain the generally semi-rural or high-profile image character of these designated areas.

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

Other Districts

Public and Institutional

Agricultural

Conservation

Public and Institutional (PI)

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

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

Maximum Density: Not Applicable

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

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

EXHIBIT C

**CONSERVATION
GOALS, OBJECTIVES AND POLICIES****GOAL CON 1: AIR AND WATER RESOURCES**

Promote the attainment and preservation of clean air and water in the Eustis Planning Area.

OBJECTIVE CON 1.1: WATER AND AIR QUALITY

To assist federal, state, regional, and county efforts on an ongoing basis to improve water and air quality within prescribed standards and compliance schedules.

Policy CON 1.1.1: Water Quality Permit Requirements

The City shall continue to mandate that applicants meet all applicable permit requirements relating to water quality, including those of the St. Johns River Water Management District and Florida Department of Environmental Protection, as provided for ~~in the land development review procedures in~~ the Land Development Regulations.

Policy CON 1.1.2: Water Quality Program

The City shall, on a continuing basis, participate in discussions with Lake County, the Lake County Water Authority, and the St. Johns River Water Management District leading to the design and implementation of a program to monitor water quality in key lakes in the planning area and the establishment of joint stormwater runoff management and waste disposal guidelines and improvement programs.

Policy CON 1.1.3: Growth Control Programs for Invasive Aquatic Weeds

The City shall continue to participate in discussions with the Lake County Water Authority, the St. Johns River Water Management District, and/or the Florida Department of Environmental Protection leading to design and implementation of programs to control growth of invasive aquatic weeds in local lakes and waterways.

Policy CON 1.1.4: Floodplains

Land development shall not be permitted in the 100-year floodplain unless the following criteria are met:

Public wastewater service is provided. Alternatively, on-site waste disposal may be used only where it is permissible by state and local agencies having jurisdiction and where public sewer service is unavailable and is not included in the current five-year Capital Improvements Program;

~~Gross residential density is less than two units per acre;~~

Public water service is provided;

Wetlands and other designated environmentally sensitive resources are not

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displaced;
Impervious surfaces in a development, including road pavement, are limited to 25 percent; and
There is no net loss of flood storage capacity.

Policy CON 1.1.5: Lakeshore Development Limitations

The Land Development Regulations shall continue to limit development in areas near lake shorelines, as provided for in the Land Development Regulations follows:

Erosion control plans will be required for all subdivisions and building sites in areas within 400 feet from lake shorelines, including provisions for retaining trees and other natural vegetative cover. Ground disturbing activities will be minimized in all cases.

No net loss of 100-year flood storage area or wetlands function will be permitted.

On-site waste disposal methods may be permitted in these areas, [but only within the front yard (the yard furthest from the lake)] provided that soil conditions are acceptable (see Policy CON 2.1.1), no practical connection to a public system can be made, and disposal facilities are placed not closer to the mean high water line of a lake than 100 feet. The 100 ft. setback does not apply to lots that do not have sufficient depth to meet the 100 ft. setback and that were platted and recorded as of July 1, 2010, provided that the on-site disposal facility is located as far as possible from the mean high water line in accordance with the other provisions of this policy.

Subdivisions having more than 10 lots will be required to install dry lines for future connection to a public sewer system where such connection is scheduled or can be made realistically within five years from preliminary plat approval.

Policy CON 1.1.6: Public Sewer Service to High Recharge Areas

The city will continue to implement its phased program to provide public sewer service in high recharge areas, in designated wellhead protection areas, and to developed and developing areas within 400 feet of lake shorelines where such service is not presently available, provided that such service extensions are found to be economically feasible or otherwise determined to be necessary to maintain water quality. When service is available in these areas, the city will mandate connection to the public sewer system.

Policy CON 1.1.7: Development Regulation within High Recharge Areas

The City shall continue to regulate development within high recharge areas and designated wellhead protection areas of public water supply wellheads as follows:

- a. At a minimum, conform to Rule 62-521, FAC (Wellhead Protection)

~~adopted by the Florida Department of Environmental Protection regarding types of restrictions within designated wellhead protection areas;~~

- ~~b. Limit impervious surface areas, including roofs and pavement, in high recharge areas and designated wellhead protection areas, except that impervious cover factors may be increased for infill locations in already developed areas of the same or greater intensity; and~~
- ~~c. On-site waste disposal methods may be used only where permissible by state and local agencies having jurisdiction and where public sewer service is unavailable and is not included in the current five-year Capital Improvements Program.~~

~~High recharge areas are generally identified in Map #12 and Designated Wellhead Protection Areas are generally those set forth in Map #5. Specific site information will determine actual applicability.~~

Policy CON 1.1.8: Air Quality

The City shall coordinate with adjacent municipalities and Lake County to comply with or exceed air quality standards established by the Florida Department of Environmental Protection (FDEP), including the following actions:

- a. Through the adopted land development regulations and the development review and approval process, regulate uses to prevent adverse impacts to air quality.
- b. Through enforcement of building codes, provide proper ventilation and restrict use of hazardous construction materials in order to promote safe indoor air quality.

Policy CON 1.1.19: Protection and Replanting of Trees

The City shall maintain provisions in the Land Development Regulations for the protection and replanting of trees on public property as natural air pollution filters in the community.

OBJECTIVE CON 1.2: STORMWATER MANAGEMENT

To take actions on a continuing basis to improve local surface water quality through implementation of Best Management Practices and regulations to minimize potential nonpoint pollution sources in accordance with the policies below.

Policy CON 1.2.1: Drainage Program

~~As provided for in Policy INT 1.3.6, The City shall will participate coordinate with state and local agencies regarding drainage in existing developed areas on a continuing basis in discussions with Lake County, the Lake County Water Authority, the St. Johns River Water Management District, the Florida Department of Transportation, and others leading to a program which (1) establishes reasonable and effective standards and~~

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~~procedures which can be applied to existing developed areas as a basis for individual or joint improvement programs designed to correct deficiencies and (2) delineates intergovernmental solutions to drainage problems in these areas. Such a program will also address or include:~~

- ~~a. Determination of those basins, subbasins, and waterbodies in the Eustis area to be included;~~
- ~~b. Improvement of existing drainage in unincorporated sections of the planning area; and~~
- ~~Establishment of a system to monitor the quality of discharges into receiving waters using certain pollution indicators.~~

Policy CON 1.2.2: Correction of Existing Drainage Deficiencies

The City will participate, on an ongoing basis, (based on facts and needs determined using the process outlined in Policy CON 1.2.1 above) in the correction of existing drainage deficiencies, including remediation of surface water pollution from urban runoff, consistent with the requirements of Rule 62-40.420, FAC through the following actions:

- a. Establishment of Best Management Practices (BMPs) applicable to existing areas of development and
- b. Improvement of facilities as recommended in the 2005 Update to the Master Stormwater Plan and any subsequent updates.

Policy CON 1.2.3: Best Management Practices for Surface Water Quality

The City shall implement Best Management Practices (BMPs) on an ongoing basis to improve surface water quality through the Land Development Regulations and through public improvements as scheduled in the annually updated five-year Capital Improvements Program commensurate with the availability of funds through the stormwater utility, grants from other levels of government, and other sources. Such BMPs, based on recommendations contained in the 2002 Master Stormwater Plan, the 2005 Update, and any subsequent updates shall include, where appropriate:

- a. Reverse berms in areas where existing drainage facilities outlet directly into lakes;
- b. Dry retention/detention basins for soils with good percolation;
- c. Wet retention/detention basins for soils with high water table characteristics and poor percolation;
- d. Construction of roadway swales;
- e. Exfiltration trenches;
- f. Use of wetland systems;
- g. Use of grass inlets;
- h. Multi-component sedimentation/filtration retention/detention ponds; and

- i. Vegetative swales, landscaped bump-outs, and bio-retention systems

Policy CON 1.2.4: Mitigation of Stormwater Impacts

The City shall on a continuing basis implement a phased multi-year program of improvements needed to mitigate existing runoff impacts commensurate with available local, state, and federal funding. The City will aggressively seek outside support in the form of grants from the Florida Department of Transportation, Florida Department of Environmental Protection, the St. Johns River Water Management District, and the Lake County Water Authority for the implementation of this program.

Policy CON 1.2.5: LOS Standards for New Development

The City shall adopt level of service (LOS) standards principally applicable to new development as follows:

- a. Rate of Discharge. The post-development peak rate of discharge shall not exceed predevelopment conditions based on a 50-year, 24-hour storm for areas having positive drainage outfall, and a 100-year, 24-hour storm for areas which do not have positive drainage outfall.
- b. Volume of Discharge. The post-development volume of discharge shall not exceed predevelopment conditions based on a 100-year, 24-hour storm for certain drainage basins identified in the 1990 Stormwater Facilities Study. Volumes of discharge for other basins may meet lesser requirements to be determined.
- c. Retention/Detention. Minimum on-site retention/detention for pollution abatement purposes shall be as determined by the St. Johns River Water Management District (SJRWMD) per Rule 40C-42, FAC.

Policy CON 1.2.6: Requirements for Water Quality Standards for Stormwater Discharge

The City shall adopt the requirements of Rule 62-25, FAC for water quality standards for stormwater discharge for all new and existing stormwater management systems. As part of this adoption by reference, the City includes the following clarifications and exceptions:

- a. The City does not mandate that existing facilities must be retrofitted to meet these standards. Such retrofitting will be accomplished through the funding constraints of the City's stormwater utility and other revenue sources.
- b. Stormwater management systems which satisfy the appropriate state or regional regulatory design and performance criteria are deemed to satisfy the stormwater discharge water quality standards.
- c. Stormwater management systems that comply with adequate locally or regionally established level of service standards shall also be deemed to satisfy the stormwater discharge water quality standards.

- d. The City of Eustis may, at its discretion, allow exemptions to the stormwater management water quality standards to the extent that such appear in state or regional stormwater management water quality laws or regulations.

This policy does not mandate that the City conduct water quality sampling or testing of stormwater discharge receiving waters to implement the standards of the policy.

Policy CON 1.2.7: Provision of Public Sewer Service to Lake Shoreline Areas

The City shall initiate, in accordance with the final rules resulting from the implementation of the Wekiva Parkway and Preservation Act, a phased program to provide public sewer service to developed and developing areas within 400 feet of lake shorelines where such service is not presently available, provided that such service extensions are found to be economically feasible or otherwise determined to be necessary to maintain water quality. When service is available in these areas, the City will mandate connection to the public sewer system.

OBJECTIVE CON 1.3: GROUNDWATER PROTECTION

To continue to protect the integrity of groundwater resources in the community through the implementation of design standards (performance and technical) –and operating standards including Best Management Practices (BMPs) regarding water consumption and location of development in relation to high recharge areas and designated wellhead protection areas.

Policy CON 1.3.1: Development Regulation within Wellhead Protection Areas and High Recharge Areas

The City shall continue to regulate development within designated wellhead protection areas of public water supply wellheads and in high recharge areas as follows:

- a. At a minimum, conform to Rule 62-521, FAC (Wellhead Protection) adopted by the Florida Department of Environmental Protection regarding types of restrictions within designated wellhead protection areas;
- b. Limit impervious surface areas, including roofs and pavement, in high recharge areas and designated wellhead protection areas, except that impervious cover factors may be increased ~~for infill locations in already developed areas of the same or greater intensity in areas with central sewer service~~; and
- c. On-site waste disposal methods may be used only where permissible by state and local agencies having jurisdiction and where public sewer service is unavailable and is not included in the current five-year Capital Improvements Program.

High recharge areas are generally identified in Map #12 and Designated Wellhead Protection Areas are generally those set forth in Map #5. Specific site information will determine actual applicability. The general high recharge areas to which this policy will apply are included as a part of the Future Land Use map series in Map #12 Wekiva Study Area: Most Effective Undeveloped Recharge Areas. These areas shall be reviewed with local jurisdictions as a basis for interlocal cooperation and agreements regarding regulation of development of environmentally sensitive lands. Designated wellhead protection areas are generally included as a part of the Future Land Use map series in Map #5 Designated Water Wellhead Protection Areas and accepted by the City of Eustis. Site specific evaluation must verify areas as high recharge or wellhead protection to determine applicability.

Policy CON 1.3.2. Public Sewer Service to High Recharge Areas

The city will continue to implement its phased program to provide public sewer service in high recharge areas, and in designated wellhead protection areas, where such service is not presently available, provided that such service extensions are found to be economically feasible or otherwise determined to be necessary to maintain water quality. When service is available in these areas, the city will mandate connection to the public sewer system.

OBJECTIVE CON 1.4: WATER CONSERVATION

To continue to implement water conservation measures to reduce per capita consumption of potable water supplies and depletion of groundwater resources during times of drought, based on the specific policies and timetables set forth below.

Policy CON 1.4.1: Installation of Low Volume Plumbing Fixtures in New and Renovated Buildings

The City shall, ~~through the City's Building code,~~ continue to require the installation of low volume plumbing fixtures in new and renovated buildings, consistent with requirements of the State Water Conservation Act (Chapter 553.14, FS).

Policy CON 1.4.2: Leak Detection and Correction Program

The City shall, on an ongoing basis, implement a leak detection and correction program for the City's water system and schedule needed improvements through the annually updated five-year Capital Improvements Program.

Policy CON 1.4.3: Water Conservation Programs

The City shall, on an ongoing basis, cooperate with the St. Johns River Water Management District in implementing educational and regulatory programs related to water conservation, including enforcement of periodic water consumption restrictions.

Policy CON 1.4.4: Water Use Rate Structure

The City shall review local water consumption trends no less frequently than biannually and, as needed, adjust the city's water use rate structure accordingly to maintain per capita consumption at or below previous levels.

Policy CON 1.4.5: Programs for Recycled Non-Potable Water Sources

The City shall continue to expand programs using recycled non-potable water sources for irrigation of public and private properties, including grey water, collected runoff, and treated effluent.

Policy CON 1.4.6: Criteria for Reuse of Stormwater

The City shall, ~~by 2015 establish~~ maintain criteria for reuse of stormwater for irrigation purposes and supplementation of reclaimed water.

OBJECTIVE CON 1.5: WEKIVA SPRINGS WATER CONSERVATION/RESOURCES

To conserve water and protect the Wekiva spring system and groundwater and surface water resources of the Wekiva Springs Overlay Protection District.

Policy CON 1.5.1: Landscape Best Management Practices

The City shall require the use of landscaping Best Management Practices as described in *Guidelines for Model Ordinance Language for Protection of Water Quality and Quantity Using Florida Friendly Lawns and Landscapes* (Florida Department of Environmental Protection, September 2, 2003).

Policy CON 1.5.2: Landscaping at City Facilities

The City shall manage existing and future lawns and landscapes at all City facilities using the educational guidelines contained in the University of Florida Extension's Florida Yards and Neighborhoods Program, Environmental Landscape Management (ELM) principles, and Best Management Practices.

Policy CON 1.5.3: Best Management Practices Education

The City shall continue to coordinate with other local governments to develop and maintain programs to educate and encourage homeowners and private land owners to use Best Management Practices to protect natural habitat and to protect the quality and quantity of surface and

groundwater resources within the Wekiva Springs Overlay Protection District.

Policy CON 1.5.4: Landscaping and Lawn Care Certification

The City shall encourage homeowners to be responsible in the application of fertilizers and pesticides, especially within the Wekiva Springs Overlay Protection District.

GOAL CON 2: LAND, VEGETATION, AND WILDLIFE RESOURCES

Protect and conserve environmentally sensitive resources, including soils, wetlands, woodlands, and other resources which provide habitat for endangered, threatened, and rare species of plants and wildlife and other important ecological functions.

OBJECTIVE CON 2.1: SOILS

To prevent soil erosion, on an ongoing basis, by recognizing soil limitations for development and requiring the utilization of Best Management Practices (BMPs).

Policy CON 2.1.1: Use of Septic Systems

The City shall continue to regulate the use of septic systems for on-site waste disposal in accordance with Florida Statutes and the requirements of FAC rule 64E 6. On-site sub-surface waste disposal methods may be used only where permissible by state and local agencies having jurisdiction and where public service is unavailable and not included in the Five-Year Capital Improvements Element at the time of application.

No on-site subsurface waste disposal is permitted in areas having the soil types listed below, except for existing lots-of-record of not less than 25,000 square feet and provided that the on-site disposal method is permissible by state and local agencies having jurisdiction under Florida Statute.

- a. Anclote
- b. Manatee
- c. Iberia
- d. Felda
- e. Oklawaha
- f. Placid
- g. Pelham
- h. Ocoee
- i. Pompano
- j. Iberia and Manatee
- k. Anclote and Myakka
- l. Swamp
- m. Placid and Myakka
- n. Emerald
- o. Myakka and Placid

- p. Fellowship
- q. Brighton
- r. Montverde

Policy CON 2.1.2: Erosion Prevention

The City shall continue to provide for, in the Land Development Regulations, standards, site plan review procedures, and Best Management Practices to prevent soil erosion and loss during construction on and occupancy of a site, including provisions which address the following:

- a. Density and land coverage in areas having highly erodible soils.
- b. Time period between site clearance and initiation of construction standards for tree protection and removal;
- c. Time period between completion of construction and replanting, sodding, or seeding the site; and
- d. Submittal of soil removal and erosion prevention plans for all major subdivisions and developments, as defined in the Land Development Regulations, including procedures for removal of vegetation, temporary soil stockpiling, and soil stabilization.

OBJECTIVE CON 2.2: MINERAL RESOURCES

To promote, on an ongoing basis, the conservation and commercial use of locally available mineral resources in an environmentally acceptable manner.

Policy CON 2.2.1: Extraction of Mineral Resources

The City may permit the extraction of mineral resources ~~in-Agricultural (AG)-land-use-areas~~, provided that:

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

OBJECTIVE CON 2.3: WETLANDS

To continue to preserve the integrity of locally and regionally significant wetland communities from urban encroachment and degradation through the Land Development Regulations and Best

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Management Practices.

Policy CON 2.3.1 Wetland Protection

The City shall continue to protect the natural functions provided by wetlands by first directing incompatible uses away from wetlands, and then by requiring conservation easements, setbacks/buffers, and/or mitigation consistent with the Uniform Mitigation Assessment method used by the St. John's River Water Management District.

Policy CON 2.3.2: Wetland Mitigation

The City shall consider wetland alteration with mitigation only as a last resort, and only if the City determines that encroachment in the wetland is the least damaging alternative and no practicable on-site alternative exists. Such mitigation activities should replace similar habitat and function, and shall result in no net loss of wetland functions as determined by SJRWMD. Preservation of upland habitat may be considered in certain instances if deemed appropriate by the City but shall not result in a net loss of wetland functions.

Policy CON 2.3.3: Wetland Encroachment

In determining whether an encroachment in the wetland is the least damaging to the wetland and that no practicable on-site (or when in same ownership, adjacent off-site) alternative exists, the City shall evaluate the following:

- a. The land use category according to the Future Land Use Map (FLUM) series of the site and surrounding parcels;
- b. Alternative designs which could accomplish the purpose of providing a minimal, reasonable, beneficial use including the encroachment on the wetland of such alternative design;
- c. The degree of impact to the wetlands; and
- d. The quality of the wetland and the wetland functions being served by the area proposed to be encroached upon.
- e. The requirements applied by SJRWMD through the permitting process.

Policy CON 2.3.4: Wetland Buffer

The City shall require, for all natural, protected wetlands, an undisturbed upland buffer consistent with SJRWMD requirements, except where exemptions are established by SJRWMD and the Land Development Regulations. The size of the buffer shall vary in proportion to the ecological value of the adjacent wetland. The wetland classes are as follows:

- a. Isolated – on-site wetlands entirely isolated hydrologically from off-site wetlands and not considered waters of the state
- b. Non-isolated – on-site wetlands that are connected hydrologically to off-site wetlands, but not through permanently standing water
- c. Stream or lake – on-site wetlands which are riparian or otherwise

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connected to off-site wetlands via permanent bodies of water.

The minimum and average size buffers are as follows:

Type	Average width	Minimum width
Isolated	25 ft.	10 ft.
Non-isolated	35 ft.	15 ft.
Stream/lake	50 ft.	35 ft.

Policy CON 2.3.5 Enforcement

The City shall continue to enforce and apply all special Federal, State, and local provisions that relate to the protection of wetlands and their functions.

OBJECTIVE CON 2.4: WILDLIFE

To protect, on a continuing basis, locally significant habitat for endangered, threatened, and rare species of terrestrial and aquatic animals.

Policy CON 2.4.1: Development Application Requirements

The City shall, on an ongoing basis, require applications for major subdivisions and developments requiring site plan approval to identify locally significant habitat areas potentially impacted by proposed development and include a plan and procedures for avoiding or mitigating potential impacts. ~~Criteria and requirements will include:~~

~~Use of some Florida-Friendly vegetation in landscape plans and limitations on tree removal in accordance with the City's landscape and tree protection regulations and the minimum open space standards set forth under Objective 1.4 of the Recreation and Open Space Element;~~
~~Minimum setbacks for land clearing and building construction activities from high water lines of lakes and waterways; and~~
~~Retention of some native vegetation and open space for habitat maintenance and wildlife corridors, in accordance with policies under Objective 1.4 of the Recreation and Open Space Element.~~

OBJECTIVE CON 2.5: OPEN SPACE/ENVIRONMENTAL PROTECTION

To conserve open space in the Eustis Planning Area for passive recreation use and natural beauty consistent with the Future Land Use and Recreation and Open Space elements.

Policy CON 2.5.1: Required Open Space

The City shall establish minimum open space standards by limiting the

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amount of impervious coverage for each future land use designation, where applicable, through the Future Land Use Element Appendix.

Policy CON 2.5.2: Reservation and Maintenance of Open Space

The City shall allow clustering of development in subdivisions or developments ~~exceeding 5 acres in size~~ to provide for the reservation and maintenance of common open spaces.

Policy CON 2.5.3: Open Space Maintenance

The City may accept jurisdiction for a dedicated common open space area where it finds the following:

- a. Public recreational opportunities are lacking and the site is well located to meet local needs based on adopted levels of service;
- b. The site is accessible for both public use and maintenance;
- c. Public access to and use of the site will be compatible with the proposed development and surrounding land uses; and
- d. Funding can be accommodated within normal budgeting processes and limitations and insurance liabilities are maintained within reasonable limits.

Policy CON 2.5.4: Acquisition of Open Space

The City may acquire open spaces needed to preserve and protect sensitive environmental and historical resources where it determines one or more of the following:

- a. The open space is part of a connected system of open spaces and will protect and preserve a sensitive environmental resource designated or delineated in the City or County Conservation Element;
- b. Requirements of the Land Development Regulations provide insufficient protection; or
- c. Grants are available to help defray acquisition costs.

Policy CON 2.5.5: Protection of Environmentally Sensitive Areas

The City shall, on an ongoing basis, undertake efforts to protect designated environmentally sensitive areas in perpetuity as common open space through conservation easements, deed restrictions, or other means.

Policy CON 2.5.6: Intergovernmental Coordination

The City shall coordinate with Lake County and other jurisdictions to ensure the protection of environmentally sensitive areas that cross jurisdictional boundaries.

OBJECTIVE CON 2.6: LAND ACQUISITION

To support public land acquisition within the Wekiva Springs Overlay Protection District to

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protect and preserve through acquisition and management most effective recharge areas, karst features, and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub.

Policy CON 2.6.1: Acquisition Partnerships

The City shall support funding opportunities and partnerships with state agencies and local governments through programs such as the Florida Communities Trust to acquire lands for preservation within the Wekiva Springs Overlay Protection District including, but not limited to, karst features, habitat, corridors for wildlife movement, and most effective recharge areas. Both fee-simple acquisition of environmentally-sensitive land and less-than-fee simple conservation easements should be considered.

Policy CON 2.6.2: Wildlife Corridors and Greenways

The City shall coordinate with pertinent state and regional land acquisition and wildlife agencies to identify natural greenways and wildlife corridors to link public parks, preservation areas, and similar areas for aquifer recharge, conservation and habitat preservation purposes.

GOAL CON 3: EFFICIENT DESIGN FOR THE BUILT ENVIRONMENT

Minimize the effects of urban development on the natural resources of the City, and to the regional environment.

OBJECTIVE CON 3.1: Efficient Design and Sustainable Techniques

To continue to review and update policies, codes and practices to provide guidance for new development to utilize worthwhile sustainable techniques, measures and materials as appropriate.

Policy CON 3.1.1: Incentives for Conservation Certified Projects

The City shall continue to provide incentives for energy efficient development as provided in the Land Development Code as detailed in Policy FLU 1.1.4 ~~and shall review the Land Development Regulations as a part of monitoring the effectiveness of the Comprehensive Plan to determine if there are additional opportunities for development incentives that can be provided for projects that participate in energy efficient development programs.~~

Policy CON 3.1.2: Existing Efficient Design at the Site Planning Scale

~~As provided for in the Future Land Use Element,~~ The City shall continue to support and require efficient design concepts as a part of the site plan

review and approval process through the City's Land Development Regulations, ~~that:~~

~~Allow a mix of high density and intensity uses on development sites within the Central Business District;
Reduce fertilizers in urban landscapes through urban-scape requirements;
Require Florida Friendly Landscaping;
Encourage and protect the City's connected street network of small streets through the establishment of block standards for urban design districts; and
Protect water quality.~~

Policy CON 3.1.3 City Projects

The City, in its public development projects, will utilize worthwhile sustainable techniques, measures and materials as appropriate.

**EXHIBIT d
ECONOMIC DEVELOPMENT
GOALS, OBJECTIVES AND POLICIES**

GOAL ECD 1: ECONOMIC DEVELOPMENT

Promote a healthy and growing local employment and tax base in terms of new job opportunities provided, wages paid and revenues generated.

OBJECTIVE ECD 1.1: Target Industries

To provide an environment favorable for the development of new target industries within the City.

Policy ECD 1.1.1: Industrial Development

The City shall continue to provide locations for industrial development on the Future Land Use Map, consistent with the standards and provisions for each district as defined in the Future Land Use Appendix.

Policy ECD 1.1.2: Land Development Regulations Standards

The City shall continue to ensure that Land Development Regulations standards regarding industrial development are contextually appropriate and do not place onerous site standards on new industrial development.

Policy ECD 1.1.3: Coordination with the ~~Economic Development Commission of Mid-Florida~~ Orlando Economic Partnership

The City shall maintain regular communications with the ~~Economic Development Commission of Mid-Florida~~ Orlando Economic Partnership to promote the Eustis area as a location for industrial development.

Policy ECD 1.1.4: Coordination with Local Economic Development Organizations

The City shall maintain regular communications with the ~~WAGES (Work and Gain Economic Self-sufficiency) board serving Lake County~~, Lake Technical College, the Lake County ~~Agency for Economic Prosperity Development Office~~, and Lake-Sumter State College to ensure that labor force skills and training programs are relevant to local economic development needs and opportunities.

OBJECTIVE ECD 1.2: Downtown Eustis

To promote the continued development and redevelopment of Downtown Eustis, consistent with the adopted ~~City of Eustis~~ Downtown ~~and East Town Community Redevelopment Area 2016 Redevelopment~~ Plan.

Policy ECD 1.2.1: Land Development Regulations Standards

The City shall ensure that the Land Development Regulations promote investments in the Downtown and do not create significant regulatory impediments to redevelopment and infill

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projects.

Policy ECD 1.2.2: Walkability and Beautification

The City shall continue to pursue projects that enhance the beauty and walkability of the Eustis Downtown through streetscaping projects such as the addition of street trees, sidewalks, bike lanes, on-street parking, improved crosswalks, and Florida Friendly plantings.

Policy ECD 1.2.3: Land Acquisition

The City may consider programs for purchasing key downtown parcels for economic development, redevelopment, and/or housing.

Policy ECD 1.2.4: Downtown Signage

The City shall maintain a cohesive wayfinding and signage Master Plan for the Downtown area.

OBJECTIVE ECD 1.3: Eustis Community Redevelopment Agency

To coordinate economic development efforts by the City with the Community Redevelopment Agency.

Policy ECD 1.3.1: CRA Master Plan

The City shall consider the specific action items in the Downtown ~~Eustis Master Plan~~ and East Town Community Redevelopment Area 2016 Redevelopment ~~Eustis CRA Master Plan~~ when reviewing applications for redevelopment, site plans, or amendments to the Future Land Use Map within the CRA.

Policy ECD 1.3.2: CRA Plan Implementation

The City shall ~~coordinate with the CRA in implementing a CRA Strategic Action Plan joining the needs of the Downtown and eastern portions of the CRA.~~
Incorporate goals and objectives of the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan into the City's Strategic Plan.

Policy ECD 1.3.3: Infrastructure Coordination

The City shall coordinate with the CRA in developing updates to the City's Five-Year Capital Improvements Plan.

EXHIBIT E

HOUSING ELEMENT
GOALS OBJECTIVES AND POLICIES

GOAL HSG 1: SAFE AFFORDABLE SANITARY HOUSING

Promote safe, sanitary, and affordable housing to meet current and projected future needs.

OBJECTIVE: HSG 1.1: ADEQUATE AND AFFORDABLE HOUSING

To provide sufficient land and incentives and take other actions necessary to accommodate and facilitate construction of housing to meet projected demand and to accommodate the needs of the various household types and income groups characteristic of the city and planning area.

Policy HSG 1.1.1: Future Land Use

The City shall maintain land use classifications and density criteria to accommodate the varying housing needs of the community, as provided for in the Future Land Use Element Appendix.

Policy HSG 1.1.2: Land Development Regulations

The City shall continue to rely upon its Land Development Regulations to promote compact growth and preservation of open space.

Policy HSG 1.1.3: Future Permit Placement

The City shall continue to permit placement in residential districts of residential units manufactured off site which otherwise meet all applicable building codes and federal and state regulations and standards, ~~provided that:~~

~~All such housing is attached to foundations as in the case of conventional site-built construction and~~

~~All such housing otherwise meets lot, yard, and related requirements for the residential classification as set forth in the Land Development Regulations.~~

Policy HSG 1.1.4: Energy Efficiency

The City shall encourage construction methods, materials, and appliances that minimize energy and water consumption, limit or eliminate the use of toxic materials and reduce waste in housing construction to help reduce the overall cost of home maintenance and operation. As provided for in FLU 1.1.4 The City ~~shall may~~ participate in green residential programs, ~~which may include:~~

~~Retrofit for Energy and Environmental Performance program (REEP)~~

~~State Energy and Environment Development program (SEED)~~

~~Federal Weatherization Assistance Program~~

~~Multifamily Housing Energy Efficiency Grant Program~~

~~Leadership in Energy Efficient Design (LEED)~~

~~Energy Star~~

~~Water Star~~

OBJECTIVE HSG 1.2: SUBSTANDARD HOUSING

To eliminate substandard housing within the City while providing relocation assistance to displaced persons.

Policy HSG 1.2.1: Code Enforcement

The City shall continue to carry out systematic code enforcement activities to condemn and clear substandard structures which are beyond reasonable rehabilitation, based on the provisions of City Ordinances dealing with unsafe structures and minimum conditions for habitation.

Policy HSG 1.2.2: City Code Enforcement Displaced Residents

Where residents are displaced by city code enforcement activities or other local public actions, the City shall assist residents as follows in seeking standard housing in the community:

~~e.g.~~ Provide adequate notification of public action to owners and occupants;

Maintain an inventory of available assisted and affordable market rate housing and housing providers in the community and advise displaced occupants of same; and

Utilize the services of the Eustis Housing Authority, as needed, to help qualify applicants for available housing in the community.

OBJECTIVE HSG 1.3: DISADVANTAGED POPULATIONS

To provide housing opportunities commensurate with identified needs and available resources for individuals and families having physical, economic or other limitations or who require assistance, care, or supervision through the following policies and implementing regulations and programs.

Policy HSG 1.3.1: Permit Group Homes and Foster Care Facilities

The City shall continue to permit group homes and foster care facilities in residential areas, and through the Land Development Regulations, provide minimum standards designed to limit impacts to other residential uses;

~~including those with respect to:~~

~~Spacing between similar uses as allowed by statute or common practice;~~

~~Signs;~~

~~Off-street parking; and~~

~~Buffering of adjacent residential uses.~~

Policy HSG 1.3.2: High Density Residential Development

The City shall continue to allow higher density residential development as one way to reduce per-unit costs.

Policy HSG 1.3.3: Extremely Low, Low and Moderate Income Housing Funding

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The City shall continue to pursue, directly or through the Eustis Housing Authority and/or agencies of Lake County, available federal and state funds to help meet the projected housing needs of extremely low-, low-, and moderate-income families and elderly households, and permit participation by the city in partnership arrangements with private and non-profit housing providers, including the following programs or their successors:

~~d-b.~~ SAIL;

Section 8;

Rental Rehabilitation;

Weatherization; and

Section 202.

Community Development Block Grants

HOPE VI

OBJECTIVE HSG 1.4: NEIGHBORHOOD ENVIRONMENT

To take actions to conserve and rehabilitate standard and deteriorating housing in the community and to improve living conditions in residential neighborhoods.

Policy HSG 1.4.1: Repair and Upgrade Funding

The City shall monitor, apply for, and utilize available federal and state funding programs to repair and upgrade residential properties to meet minimum applicable construction and sanitary standards.

Policy HSG 1.4.2: Housing Conservation

The City shall consult with federal and state housing agencies to help refine and apply principles and criteria for local housing conservation, code enforcement, and rehabilitation activities, such criteria to consider cost of repair versus economic value and health and safety issues, among others.

OBJECTIVE HSG 1.5: HISTORIC HOUSING

To preserve historically significant housing in the community.

Policy HSG 1.5.1: Maintain Historic Character

The City shall maintain or improve the character of designated historic properties and areas by implementing the Historic Preservation Ordinance, means of economic incentives or disincentives which:

~~e. **SELECTIVELY ALLOW NON-RESIDENTIAL USE OF EXISTING RESIDENTIAL STRUCTURES, SUCH AS PROVIDED FOR IN THE RT DESIGNATION IN THE FUTURE LAND USE ELEMENT;**~~

~~Limit building conversions which would alter the character of the property;~~

~~Promote infill construction compatible with adjacent properties or the area in general;~~

~~Limit or regulate off-street parking to be compatible with adjacent properties or the area in general.~~

OBJECTIVE HSG 1.6: HOUSING IMPLEMENTATION

To pursue available means, including federal and state grants and its local regulatory authority to implement housing needs and activities.

Policy HSG 1.6.1: Nonprofit Technical Assistance

The city shall provide technical assistance to private, nonprofit, and other entities wishing to participate in meeting local housing needs, ~~such assistance being related to applications for funds, development permitting, and/or use of Eustis Housing Authority resources and procedures to qualify residents.~~

Policy HSG 1.6.2: Affordable Housing

The city shall facilitate provision of infill and affordable housing by making a percentage of the City-owned residential parcels available for residential construction and utilization to Habitat for Humanity and similar not for profit organizations at no cost and to private parties at minimal cost.

OBJECTIVE HSG 1.7: RELOCATION

To provide for the relocation of residents when City actions, such as the acquisition and clearance of property for construction of public facilities, result in the displacement of residents.

~~Policy HSG 1.7.1: Involuntary Relocation~~

~~The City shall minimize involuntary relocation by the removal of only those units which satisfy one or more of the following criteria:
f. An imminent health or safety threat to occupants;
Vacant; and
Beyond the reasonable cost of rehabilitation.~~

Policy HSG 1.7.2: Displacement Compensation

The City shall compensate owners and occupants according to applicable state requirements and, prior to displacement, assist occupants in seeking standard housing in the community in the manner provided in Policy HSG 1.2.2 of this element.

EXHIBIT F

INTERGOVERNMENTAL COORDINATION
GOALS, OBJECTIVES AND POLICIES

GOAL 1: INTERGOVERNMENTAL COORDINATION

Promote adequate coordination among local governments in the Eustis area and with other public agencies on all matters of mutual interest.

OBJECTIVE INT 1.1: ~~LAND USE AND DEVELOPMENT~~

To coordinate with adjacent local governments on mutual land use and development issues.

Policy INT 1.1.1: **Dispute Resolution Process**

The City shall use the dispute resolution process prescribed in Section 186.509, Florida Statutes, if or when conflicts of purpose among jurisdictions cannot be resolved locally.

~~Policy INT 1.1.2: **Joint Process**~~

~~The City shall continue to observe and uphold the requirements of the inter-local agreement executed between the City and Lake County School Board to establish joint processes for collaborative planning and decision-making. The joint processes included in the agreement include:
Population projections;
Public school siting;
The location and extension of public facilities subject to concurrency; and
The siting of facilities with countywide significance, including locally unwanted land uses.~~

Policy INT 1.1.3: **Joint Planning Agreement with Lake County**

The City shall continue to observe the joint planning area agreement with Lake County, ~~which includes provisions regarding the possibility of joint infrastructure service areas and a statement from the county that it will not encourage the incorporation of any new municipalities within the Eustis Planning Area.~~

Policy INT 1.1.4: **Amending the Joint Planning Agreement with Lake County**

The City shall amend the joint planning agreement with Lake County as necessary to update the location of public utility facilities.

Policy INT 1.1.5: **Level of Service Standards**

The City shall continue to coordinate level-of-service standards and the impacts of development proposed in this plan upon adjacent cities, the county, the region and the State.

OBJECTIVE INT 1.2: TRANSPORTATION

To coordinate with adjacent local governments, the Lake-Sumter MPO and the Florida Department of Transportation on transportation mobility and transportation service issues according to the specific policies listed below.

Policy INT 1.2.1: Transportation Performance Standards

The City and County shall ~~take actions to~~ coordinate transportation needs and land use activities, ~~where transportation performance standards adopted by the city are different from those adopted by Lake County~~ for county-maintained roads in unincorporated sections of the Eustis Planning Area.

Policy INT 1.2.2: Five-Year Work Program

The City shall continue to meet with the Florida Department of Transportation, Lake County, the Lake-Sumter MPO and adjacent municipal jurisdictions annually to ensure that the FDOT Five-Year Work Program adequately reflects local needs.

Policy INT 1.2.3: Regional Bicycle and Trails Network

The City shall coordinate with the Lake-Sumter MPO in implementing the regional bicycle and trails network identified in its 2035 Long-Range Plan and any subsequent updates.

Policy INT 1.2.4: Regional Mass Transit Systems

The City shall coordinate with the Lake-Sumter MPO and Lake Xpress in implementing the regional transit systems plan identified in the MPO's 2035 Long Range Plan and any subsequent updates.

Policy INT 1.2.5: Transportation Impact Fees

The City shall coordinate with Lake County in implementing a transportation impact fee system to support mobility improvements consistent with the City's vision.

OBJECTIVE INT 1.3: UTILITIES

To continue to coordinate with adjacent local governments and federal, state, and regional agencies on issues related to provision of urban services and conservation and protection of natural resources which supply urban needs including local and regional water supply plans, according to the specific policies listed below:

Policy INT 1.3.1: Ten-Year Water Supply Plan

The City will implement the Ten-Year Water Supply Plan Update adopted February 2010; will coordinate with ~~SJRWMD~~ and local governments to identify potable water supply, infrastructure and facility projects; potable water sources; and estimated project costs; and will provide five-year

updates within one year of the District's regional water supply plan update.

Policy INT 1.3.2: Water Management District Coordination

The City will coordinate with SJRWMD in evaluating alternative sources of providing potable water and will participate in the development of updates to the SJRWMD Water Supply Plan and other initiatives that affect the City.

Policy INT 1.3.3: Water Supply Project Selection

The City will work with other jurisdictions to consider the feasibility of interconnecting alternative water supply facilities and in the evaluation of alternative water supply sources.

Policy INT 1.3.4: Water Conservation Programs Coordination

The City shall cooperate with the St. Johns River Water Management District in implementing educational and regulatory programs related to water conservation, including enforcement of periodic water consumption restrictions.

Policy INT 1.3.5: Interlocal Agreements

The City shall continue to coordinate with Lake County and other municipalities in water supply planning ~~and shall observe, support and uphold the requirements of the interlocal agreements with Lake County, Mount Dora and other relevant entities for the efficient planning of water resources and services.~~

Policy INT 1.3.6: Intergovernmental Coordination

The City shall participate in discussions with Lake County, the Lake County Water Authority, the St. Johns River Water Management District, the Florida Department of Transportation, and others leading to a program which (1) establishes reasonable and effective standards and procedures which can be applied to existing developed areas as a basis for ~~individual or joint improvement~~ programs designed to correct deficiencies and (2) delineates ~~intergovernmental~~ solutions to drainage problems in these areas. Such a program will also address or includes:

- a. Determination of those basins, sub-basins, and water bodies in the Eustis area to be included; and
- b. ~~Improvement of existing drainage in unincorporated sections of the planning area; and~~
- c. Establishment of a system to monitor the quality of discharges into receiving waters using certain pollution indicators.
- d. Identification of funding sources; and
- e. Establishment of stormwater recharge and supplemental stormwater irrigation to meet the requirements of the Wekiva Parkway and Protection Act; and
- f. ~~Coordination and work with area entities toward joint planning~~

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~~agreements to facilitate the planning and implementation of regional projects.~~

Policy INT 1.3.7: Mitigating Existing Impacts

The City shall implement a phased multi-year program of stormwater improvements needed to mitigate existing runoff impacts and remedy existing deficiencies, commensurate with available local, state, and federal funding. The City will aggressively seek outside support in the form of grants from the Florida Department of Transportation, Florida Department of Environmental Protection, the St. Johns River Water Management District, and the Lake County Water Authority for the implementation of this program.

Policy INT 1.3.8: Disposal Coordination

The City shall coordinate with Lake County to regulate sources and disposal of hazardous wastes, consistent with federal and state guidelines and requirements, ~~through the Land Development Regulations~~ and collection and disposal activities.

Policy INT 1.3.9: Used Oil and Battery Collection

The City shall cooperate with Lake County in implementing its used oil and battery collection programs according to procedures and timetables adopted by Lake County.

OBJECTIVE INT 1.4: NATURAL AND HISTORIC RESOURCES

To coordinate with adjacent local governments and federal, state, and regional agencies on issues related to protection and conservation of local natural and historical resources according to the specific policies listed below.

Policy INT 1.4.1: Water Quality Requirements

~~The land development review procedures in the City's Land Development Regulations shall continue to mandate that applicants first meet all address~~ applicable permit requirements relating to water quality, including those of the St. Johns River Water Management District and Florida Department of Environmental Protection.

Policy INT 1.4.3: Mapping Environmentally Sensitive Lands

The City shall continue to coordinate ~~with Lake County regarding~~ policies on environmentally sensitive lands, ~~as provided for in the Lake County Conservation Element~~. The City's Land Development Regulations shall continue to regulate these areas through one or more of the following approaches:

~~g. Adopt by reference county regulations and procedures relating to matters not covered by city regulations;~~

~~h.c. Utilize the general information presented in this element, the Conservation Element, and the Future Land Use Element as a basis for development review; and~~

i.d. ~~Require applications for development of specified types and sizes within the Wekiva Study Area~~ to include information on these environmental resources, including assessments of impacts and plans for avoidance or mitigation.

Policy INT 1.4.5: Historical Resources

The City shall provide ongoing affirmational support to organizations which have an individual or collective interest in preserving the architectural and historical heritage of Eustis.

Policy INT 1.4.6: National Register of Historic Resources

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

OBJECTIVE INT 1.5: RECREATION AND OPEN SPACE

To coordinate with adjacent local governments and other public providers on issues relating to provision of recreation services and facilities and preservation of open space, according to the specific policies listed below.

Policy INT 1.5.1: Inventory of Public Water Access Points

The City shall cooperate with Lake County and the Lake County Water Authority in preparing an inventory of existing public water access points and continue to develop and improve water access facilities in the Eustis area, including boat ramps, viewing areas, and nature trails. ~~This plan shall identify opportunities on Lake Eustis and other water bodies in the Eustis Planning Area that shall include recommended parking provisions and other access criteria.~~

OBJECTIVE INT 1.6: HOUSING AND REDEVELOPMENT

To coordinate with adjacent local governments and federal and state agencies on issues relating to delivery of affordable housing and urban revitalization and redevelopment, according to the specific policies listed below.

Policy INT 1.6.1: Coordination with Housing Needs

~~As provided for in the Housing Element, t~~The City shall continue to pursue ~~directly or through the Eustis Housing Authority and/or agencies of Lake~~

~~County~~, available federal and state funds to help meet the projected housing needs of very low-, low-, and moderate-income families and elderly households, ~~and permit participation by the city in partnership arrangements with private and non-profit housing providers, including the following programs or their successors:~~

~~SAIL;
Section 8;
Rental Rehabilitation;
Weatherization; and
Section 202.
Community Development Block Grants
HOPE VI~~

Policy INT 1.6.2: Consult Federal and State Housing Agencies

The City shall consult with federal and state housing agencies to help refine and apply principles and criteria for local housing conservation, code enforcement, and rehabilitation activities, ~~such criteria to consider cost of repair versus economic value and health and safety issues, among others.~~

OBJECTIVE INT 1.7: PUBLIC SCHOOL FACILITIES

~~To coordinate and fully cooperate with the Lake County School Board as needed to coordinate planning activities and maximize the use of available public facilities.~~

Policy INT 1.7.1: Use of School Facilities by the City

~~The City will pursue formalization of existing agreements with the Lake County School Board for the use of school facilities for recreation services and activities. Agreements should establish a level of service ratio to determine the maximum allowable use of the facilities for public access to optimize the use of the facilities and to help the City determine its long-term recreation needs.~~

Policy INT 1.7.2: Recreation Facilities for the County

~~The City shall coordinate with the Lake County School Board and Lake County to identify opportunities to integrate recreation facilities at school property into the recreation system for Lake County.~~

Policy INT 1.7.3: Shared Use Facilities

~~The City shall coordinate with the Lake County School Board, Lake County and other governmental units to discuss shared-use opportunities for school facilities to be made available for public meetings and other public use when they are not being used for their primary purpose.~~

OBJECTIVE INT 1.8: PUBLIC SCHOOL FACILITIES

~~To abide by and enforce the interlocal agreement between the city and school board to require~~

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cooperation in terms of population projections and school siting.

Policy INT 1.1.2: Interlocal Agreement

The City shall continue to observe and uphold the requirements of the inter-local agreement executed between the City and Lake County School Board to establish joint processes for collaborative planning and decision-making. The joint processes included in the agreement include:
Population projections;
Public school siting;
The location and extension of public facilities subject to concurrency; and
The siting of facilities with countywide significance, including locally unwanted land uses.

Policy INT 1.8.1: Annual Reporting for facilities and population projections

The school board shall provide facilities plans and population projections on an annual basis to ensure that consistency is maintained between the two.

Policy INT 1.8.2: School Board Planning

The School Board shall provide the City with any plans to site schools within the corporate limits or joint planning area.

Policy INT 1.8.3: Land Use Plan Amendments

The City shall provide to the school board all applications for land use plan amendments that have the potential of increasing residential density and that may affect student enrollment, enrollment projections, or school facilities.

Policy INT 1.8.4: School Board Member Local Planning Agency

The City shall allow a member of the school board to sit on the local planning agency and comment on proposals that have the potential to increase density.

Policy INT 1.8.5: Lake County Educational Concurrency Review Committee

The City shall take part in the Lake County Educational Concurrency Review Committee established by the County, School Board and municipalities that shall meet at least annually, but more often if needed, as outlined in the Interlocal Agreement between Lake County, Lake County School Board and Municipalities for School Facilities Planning and Siting, and will hear reports and discuss issues concerning school concurrency.

Policy INT 1.8.6: The Joint Staff School Concurrency Review Group

The City shall take part in the Joint Staff School Concurrency Review Group, comprised of Staff of the County, Cities, and School Board, that shall meet at least quarterly, as outlined in the Interlocal Agreement

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between the City and the Lake County School Board, to discuss issues concerning school planning. ~~These issues shall include, but not be limited to, land use, school facilities planning, including such issues as population and student projections, level of service, capacity, development trends, school needs, co-location and joint use opportunities, and ancillary infrastructure improvements needed to support schools and ensure safe student access.~~ The School Board staff shall be responsible for making meeting arrangements.

OBJECTIVE INT 1.9: INTERGOVERNMENTAL COORDINATION WITHIN THE WEKIVA SPRINGS OVERLAY PROTECTION DISTRICT

To coordinate with other local governments located in the Wekiva Springs Overlay Protection District to ensure a consistent approach to springs, springshed, and aquifer protection.

Policy INT 1.9.1: Cooperation with Local Governments and Agencies

The City shall coordinate with local governments and regulatory agencies within the Wekiva Springs Overlay Protection District regarding land development regulations, stormwater management, and other matters that impact the springs and springshed.

Policy INT 1.9.2: Water Resource and Supply Planning

The City shall pursue joint strategies with the SJRWMD and local governments within the Wekiva Springs Overlay Protection District for protection of water resources through water supply planning, specifically addressing identification and use of alternative water sources. ~~Development shall occur only when adequate water supplies are concurrently available to serve such development without adversely affecting local or regional water sources, or natural systems.~~

Policy INT 1.9.3: Joint Land Acquisition Strategies

~~Where possible, t~~The City shall pursue joint strategies with local governments within the Wekiva Springs Overlay Protection District regarding land acquisition efforts and conservation easements for protection of water resources, environmentally sensitive lands and open spaces.

OBJECTIVE INT 1.10: WASTEWATER TREATMENT COORDINATION

To coordinate with the Department of Health regarding on-site sewerage treatment and disposal systems located in the Wekiva Springs Overlay Protection District to ensure a coordinated approach to the provision of wastewater treatment.

Policy INT 1.10.1: On-site Sewage Treatment and Disposal Systems

The City shall coordinate with the county health department regarding the owners of on-site sewerage treatment and disposal systems that will be required to connect to central sewer facilities, and owners of on-site sewerage treatment and disposal systems that will remain, including those that require a department of health permit or permit modification, because of failing systems or systems requiring major repairs.

Policy INT 1.10.2: Notification of Central Sewer Availability

The City shall coordinate with providers of public and private sewer systems regarding the process for notification of existing owners of the

availability of central sewer facilities.

EXHIBIT G

PROPERTY RIGHTS GOALS, OBJECTIVES AND POLICIES

GOAL 1: PROPERTY RIGHTS

Consider property rights in local decision making.

OBJECTIVE PP 1.1:

The City Commission shall consider the following property rights in local decision making.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of the property owner to the quiet enjoyment of the property, to the exclusion of all others.
3. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
4. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
5. The right of a property owner to dispose of his or her property through sale or gift.

EXHIBIT H

RECREATION AND OPEN SPACE
GOALS, OBJECTIVES AND POLICIES

GOAL REC 1: OPEN SPACE FOR RECREATIONAL USE

Ensure adequate open space for recreational use by all citizens and conservation of natural amenities.

OBJECTIVE REC 1.1: FACILITIES

To provide recreational facilities in accordance with current and projected demand.

Policy REC 1.1.1: Recreation Level of Service Standards

The City's recreation level of service standards reflect minimum land requirements for certain classifications of parks and recreation sites rather than standards for specific types of recreation facilities because of the variable nature of facility needs throughout the community. These level of service standards shall ensure that adequate lands are set aside for active and/or passive recreational use and protection of natural features in developed and developing areas.

Policy REC 1.1.2: Recreation Level of Service Standards

The City's recommended recreation level of service standards for certain classes of parks and recreation sites are as follows:

Table 1: Recreation Level of Service Standards

Class	Service Area	Standard
Neighborhood Park	Neighborhood (section of City)	1 acre per 1,000 people
Community Park	Citywide	2 acres per 1,000 people
*Special Use Facility (e.g., boat ramp)	Neighborhood or Citywide	No standard; location, size, and frequency will depend on presence or accessibility of natural resources.

**Can be separate or included in a neighborhood or community park.*

Policy REC 1.1.3: Neighborhood Parks Improvements

The City shall use the level of service standards for recreation facilities summarized in Table 1 for planning and developing future parks and recreation sites. Neighborhood parks shall include one or more of the following types of improvements as determined on a case-by-case basis by neighborhood needs and the size and physical characteristics of an individual site:

Shuffleboard court;

Basketball court;
Tennis court;
Multi-purpose field;
Picnic area with tables;
Children's play equipment area; and
Open area for passive use.

Community parks may include larger quantities of the facilities in the previous list plus the following facilities as appropriate:

j-e. Community building;
k-f. Baseball and softball fields;
Swimming pool; and
Fishing pier.

POLICY REC 1.1.4: PARKS AND RECREATION FUNDING PROGRAM

The City shall continue to use its long-range program developed prior to 1992 to fund development, operations, and maintenance of the public parks and recreation system.

Policy REC 1.1.5: Parks Master Plan & Bicycle and Pedestrian Master Plan

The City shall develop a Parks Master Plan by the year 2035. The City shall develop a City-wide Bicycle and Pedestrian Master Plan by July 2044the year 2035. This Master Plan will address local circulation via sidewalks, trails and bikeways to connect the City's downtown, neighborhoods, parks, and environmental features. The plan shall build on the Future Network – Bicycle and Trail Plan illustrated in Transportation Map #12, the Lake-Sumter MPO Greenways and Trail Plan, the Downtown and East Town Community Redevelopment Area Plan, and the East CRA Master Plan.

Policy REC 1.1.6: Private Recreation Connections

The City shall encourage private residential subdivisions to provide bicycle and pedestrian connections to the City's planned and existing trail system.

Policy REC 1.1.7: Local Recreation Preferences

The City shall make use of citizen surveys or other methods to ensure that the parks and recreation facilities provided by the City reflect the local preferences and needs for such facilities.

OBJECTIVE REC 1.2: ACCESS

To make recreational facilities and important open space resources available to and accessible by the general public, including the physically impaired and economically disadvantaged.

Policy REC 1.2.1: Acquisition of Recreation Sites

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The City shall locate and invest primarily in acquiring and developing recreation sites which are accessible by a variety of means of transportation, including automobile, public transit, bicycle, and foot to the largest number of community residents. This will include sites which relate well with the adopted bicycle and sidewalk plans, as well as to major population concentrations.

Policy REC 1.2.2: Access to Recreational Facilities for the Physically Handicapped

The City shall require that new recreational facilities are designed to facilitate access by the physically handicapped.

Policy REC 1.2.3: Special Programs

The City shall continue to implement community recreational programs to serve the economically disadvantaged and physically impaired populations in the Eustis area including special programs for the elderly and school-age populations in existing community buildings and parks. Information on these programs shall be posted in key locations around the community. The City shall seek outside funding support to assist in paying for these programs.

Policy REC 1.2.4: Urban Waterfront Park

The City shall ~~consider public access rights and development of an urban waterfront park along the~~ maintain Ferran Park, the urban waterfront park along the Lake Eustis shoreline to serve as a catalyst for economic growth and revitalization in downtown Eustis.

Policy REC 1.2.5: Water Access Facilities Planning

The City shall cooperate with Lake County and the Lake County Water Authority in preparing an inventory of existing public water access points and shall continue to develop and improve water access facilities in the Eustis area, including boat ramps, viewing areas, and nature trails. This plan shall identify opportunities on Lake Eustis and other water bodies in the Eustis Planning Area that shall include recommended parking provisions and other access criteria.

Policy REC 1.2.6: Provision of Bicycle Racks and/or Storage Facilities

The City shall provide for bicycle racks and/or storage facilities at all recreation sites. Private recreation facilities permitted under the Land Development Regulations shall also meet this criterion.

Policy REC 1.2.7: Listing and Map of Recreational Sites and Facilities

The City's Recreation Department shall publish and distribute and/or post a listing and map of recreational sites and facilities, including conditions regarding public access and use, to better inform the local residents of recreational opportunities in the area.

OBJECTIVE REC 1.3: PUBLIC-PRIVATE COORDINATION

To provide for ongoing coordination of public and private resources to meet recreational demands of City residents.

Policy REC 1.3.1: Opportunities for Joint Public/Private Development and/or Use of Existing and Potential Recreation Facilities

The City staff shall continue to meet with private providers in the Eustis area and Lake County recreation officials on future opportunities for joint public/private development and/or use of existing and potential recreation facilities, including the nature of any operating arrangements between the public and private sectors.

OBJECTIVE REC 1.4: OPEN SPACE

~~The City will continue to~~ To conserve open space ~~in the Eustis Planning Area~~ for passive recreation use and natural beauty, and acquire open space to protect sensitive environmental resources consistent with the Future Land Use and Conservation elements.

POLICY REC 1.4.1: REQUIRED OPEN SPACE

~~The City shall establish maximum impervious surface percentages for each future land use designation, where applicable, through the Future Land Use Element Appendix and require certain open space standards for specific areas within the Wekiva Study Area.~~

Policy REC 1.4.2: Clustering of Development in Subdivisions

~~The City shall allow clustering of development in subdivisions or developments exceeding 5 acres in size to provide for the reservation and maintenance of common open spaces.~~

Policy REC 1.4.3: Open Space Maintenance

The City may accept jurisdiction for a dedicated common open space area where it finds the following:

- ~~e. Public recreational opportunities are lacking and the site is well located to meet local needs based on adopted levels of service;~~
- ~~f. The site is accessible for both public use and maintenance;~~
- ~~g. Public access to and use of the site will be compatible with the proposed development and surrounding land uses; and~~
- ~~h. Funding can be accommodated within normal budgeting processes and limitations and insurance liabilities are maintained within reasonable limits.~~

Policy REC 1.4.4: Acquisition of Open Space

The City may acquire open spaces needed to preserve and protect sensitive environmental and historical resources where it determines one or more of the following:

~~The open space is part of a connected system of open spaces and will protect and~~

Commented [BL1]: Duplicative language; addressed in conservation element.

~~preserve a sensitive environmental resource designated or delineated in the City or County Conservation Element;
Requirements of the Land Development Regulations provide insufficient protection; and
Grants are available to help defray acquisition costs.~~

~~Policy REC 1.4.5: City Protection of Environmentally Sensitive Areas~~

~~The City shall, on an ongoing basis, undertake efforts to protect all designated environmentally sensitive areas in perpetuity as common open space through conservation easements, deed restrictions, or other means.~~

EXHIBIT I

TRANSPORTATION
GOALS, OBJECTIVES AND POLICIES

GOAL TRA 1: SYSTEMS FRAMEWORK

Implement a transportation systems framework based upon principles that will:

- Promote diversified economic development;
- Protect and enhance residential neighborhoods;
- Ensure adequate services and facilities to serve new and existing development;
- Discourage urban sprawl;
- Preserve and protect natural resources; and
- Respect private property rights.

OBJECTIVE TRA 1.1: LAND USE AND TRANSPORTATION COORDINATION

To enforce land use, design and transportation policies, standards and regulations that coordinate the existing and future transportation infrastructure with land uses shown in the Future Land Use map exhibit and that encourage development patterns consistent with the City's various design districts.

Policy TRA 1.1.1: Consistency with Future Land Use Element

The City shall coordinate the development of new transportation regulations, policies, standards, and plans with the Future Land Use element. The City will also consider both the Transportation Element and the Future Land Use Element when evaluating all development proposals.

Policy TRA 1.1.2: Transportation and Development Patterns

To discourage urban sprawl and to maximize the use of existing transportation infrastructure, the City shall implement regulations within the Land Development Code consistent with the development patterns identified in FLU 1.2.4, that encourage a high density mix of uses in specific areas of the City. ~~Those areas are identified in the development patterns of urban, suburban and rural. Each development pattern is further divided into neighborhoods, centers, corridors and districts. The City shall adopt and enforce policies, standards and regulations which relate the design and function of roadways and modes of transportation to the type, size and location of the land uses within each development pattern as prescribed by the City's Land Development Code. The high density mix of uses is specified for the suburban and urban centers such as the Central Business District where the mobility system supports multiple modes of travel.~~

~~The City's designated land use development patterns are as follows:~~

~~Urban Areas.—Urban development pattern areas provide for the highest allowable densities within the City and include the existing Central~~

~~Business District. The minimum and maximum residential and nonresidential densities within these areas are designed to support transit service. Through the existing Community Redevelopment Agency (CRA), the City provides infrastructure improvements and encourages the accommodation of future growth through redevelopment within the urban area. Pedestrian-oriented land use and transportation improvements shall be required throughout the urban development pattern area and implemented through CRA activities and Land Development Code standards addressing mix of uses, pedestrian facilities, site design, maximum block size, and street connectivity.~~

~~b. Suburban Areas. Suburban development pattern areas rely primarily on a pattern of residential development designed to provide for pedestrian and bicycle connections between neighborhoods and between residential and non-residential land uses. Non-residential uses are located primarily on corridors and within multi-use districts. Pedestrian-oriented development within suburban centers will be achieved through Land Development Code regulations addressing mix of uses, pedestrian facilities, site design, block structure requirements, and street connectivity.~~

~~c. Rural Areas. Rural development pattern areas provide for the lowest allowable densities within the City, relying primarily on a pattern of clustered residential development that provides substantive open space that serves to preserve and enhance the rural viewshed and character of the community. Non-residential uses are primarily located in centers and may contain a mix of uses.~~

Policy TRA 1.1.3: Roadway Improvements and Land Use Amendments

The City shall prohibit the use of new or expanded roadway facilities as sole justification for amendments to the Future Land Use Element where new or expanded development will adversely impact resource/conservation areas or neighborhoods.

OBJECTIVE TRA 1.2: PROMOTE ECONOMIC DEVELOPMENT

To promote a safe, efficient and livable transportation system that provides for mobility to support the City of Eustis' continued economic development.

Policy TRA 1.2.1: Right of Way Preservation

The City shall continue to adopt and enforce policies, standards and regulations which specify the City's right-of-way ~~needs, and building setback standards based on the needs identified in the Downtown Plan, the East CRA Master Plan, and other future plans.~~

Policy TRA 1.2.2: Dedication of Rights-of-Way

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The City shall continue to require as authorized by law, the dedication of rights-of-way ~~and appropriate building setbacks~~ as conditions of approval for all development proposals and subdivision plats.

Policy TRA 1.2.3: Identification of Future Enhanced Transit Corridors

The City shall work with appropriate agencies and entities to evaluate deed reservations, rail rights-of-way, major utility corridors and undeveloped platted road rights-of-way for potential use as future multi-use corridors and ~~make a determination of consistency of determine if~~ these corridors are consistent with other elements of the Plan.

Policy TRA 1.2.4: Coordinate Transportation with Other Public Facilities

As part of the process for the acquisition or development of land for public uses, such as, parks, open space, environmental protection or other public purpose, the City shall evaluate the impacts of the proposed project on the future transportation system and the potential for the development of future transportation corridors as a joint use.

OBJECTIVE TRA 1.3 PROTECT AND ENHANCE RESIDENTIAL NEIGHBORHOODS

To develop and maintain an effective, convenient and economically feasible multi-modal transportation system in its neighborhoods that preserves and strengthens the residential quality of life by providing local accessibility for multiple modes, and provides access to neighborhood developments and attractors.

Policy TRA 1.3.1: Coordination with Future Land Use Element

The City shall establish and enforce land use, design, and transportation policies, standards and regulations that coordinate the transportation system with the residential and residential-supportive land uses shown on the Future Land Use map exhibit.

Policy TRA 1.3.2: Discourage Speeding on Residential Streets

The City shall establish standards for infill and redevelopment projects to discourage high vehicle speeding on adjacent residential streets. This shall be accomplished through appropriate traffic calming methods, such as gateway treatments, roundabouts, reduced roadway width and turn radii, or other treatments as identified by the City.

Policy TRA 1.3.3: Travel Between Neighborhoods

The City shall ensure that existing and new developments are connected wherever feasible by roadways, bicycle and pedestrian systems, and access to transit that encourage travel between neighborhoods without requiring use of the major thoroughfare system.

Policy TRA 1.3.4: Multimodal Access to Commercial Centers

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The City shall work to establish bicycle and pedestrian systems to provide access to Downtown Eustis and other commercial centers from surrounding residential areas.

OBJECTIVE TRA 1.4: TRANSPORTATION AND ENVIRONMENTAL QUALITY

To support the City's desire to maintain environmental sustainability, conserve energy and natural resources, discourage urban sprawl, and to improve the aesthetic quality of the community through the implementation of the following policies.

Policy TRA1.4.1: Reducing Travel Demand through Land Use Measures

The City shall ~~establish and implement policies, standards, and regulations that recommend future development to have land use mix, density and site plan layout/phasing which recognize Future Land Use Element policies that~~ support reduced travel demand, shortened trip lengths, higher internal capture, and balanced trip demand.

Policy TRA 1.4.2: Promotion of Energy Efficient Vehicles and Alternative Fuel Sources

The City shall establish policies, standards, and regulations that encourage the use of energy efficient vehicles and enable the development of infrastructure systems to support their use by establishing sites for alternative energy fueling stations. Where appropriate, the City shall acquire energy-efficient vehicles as part of its vehicle fleet for police, fire, and maintenance needs.

Policy TRA 1.4.3: Travel Demand Management

The City shall establish policies, standards, and regulations that will result in lower vehicle miles traveled (VMT) through travel demand strategies such as telecommuting, ride-sharing, transit use, and employee guaranteed ride home programs.

Policy TRA 1.4.4: Promoting Non-Motorized Travel

The City shall establish and enforce policies, standards and regulations within the City's Land Development Regulations that promote pedestrian and bicycle mobility and access, including standards related to street design and connectivity; ~~standards on building and site design that~~ accommodate non-motorized travel; the provision of bicycle parking; and bicycle and trail access and connectivity.

Policy TRA 1.4.5: Roadway Speeds

To facilitate safe pedestrian movement, the City shall work with Lake County and the Florida Department of Transportation to limit posted speed limits within the City to 45 miles per hour or less.

Policy TRA 1.4.6: Protecting Natural Resources and Environmental Quality

In the planning, design and construction of transportation improvements,

the City shall consider design techniques to mitigate adverse impacts on natural and environmental resources as well as design and operational techniques which can complement adjacent development and enhance the aesthetic quality of the transportation corridor.

Policy TRA 1.4.7: Enforcement of Environmental Regulations

In the planning, design and construction of new transportation facilities, the City shall continue to recognize policies in the Conservation Element, enforce policies, standards and regulations which provide for the protection of wetland areas by requiring documented evidence of an overriding public interest and appropriate mitigation of any unavoidable disturbance of wetland areas as required by environmental regulations.

Policy TRA 1.4.8: Lakeshore Drive Scenic Road

Lakeshore Drive is hereby designated a scenic road requiring preservation of a two-lane cross section, posting for low-to-moderate travel speeds, limited improvements for bicycle use, and careful regulation of roadside development. The City shall coordinate with Lake County and the Lake-Sumter MPO to establish a consistent functional classification of Urban Local for the Lakeshore Drive/Lake Eustis Drive corridor.

OBJECTIVE TRA 1.5: PROMOTE MULTI-MODAL TRAVEL

To establish and enforce policies, standards, and regulations that promote multi-modal mobility and access throughout the City, including travel by automobile, bicycle, walking, and transit.

Policy TRA 1.5.1: Multi-Modal Connectivity

The City shall preserve existing roadway, sidewalk and bicycle system connections, and restore networks that previously were disconnected, where appropriate. In particular, the City shall encourage future redevelopment and development projects to improve street connectivity by developing new local streets with appropriate sidewalk and bicycle facilities, where feasible. Priority shall be given to those proposed roadway connections identified in the Downtown Plan and East CRA Plan Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan.

**Policy TRA 1.5.2: Align Roadways to Connect to Stub-outs Stub-outs to Adjacent
Parcels**

The City shall ensure that streets in redevelopment areas are designed with stub-outs to connect to abutting undeveloped lands and/or land with redevelopment potential. Provisions for future connections shall be provided in all directions whether the streets are public or private, except where land is undevelopable. The City shall continue to require joint connectivity and block structure requirements, including stub-outs to adjacent parcels and roadway alignment as provided for in the Land

Development Regulations.**Policy TRA 1.5.3: ~~Align Roadways to Connect to Stub-outs~~**

~~The City shall ensure that new development and redevelopment projects align their roadways to connect with the stub-outs provided by adjacent developments.~~

Policy TRA 1.5.34: Citywide Bicycle and Pedestrian Master Plan

~~The City shall improve mobility through infrastructure improvements to be included in the citywide Bicycle and Pedestrian Master Plan proposed for completion by 2035 as provided for in the Recreation and Open Space Element, completed in 2011. This Master Plan addresses local circulation via sidewalks, trails, and on-street bikeways to connect the City's downtown, neighborhoods, parks and environmental features. The plan builds on the Future Network Bicycle and Trail Plan illustrated in Transportation Map 12, the Lake-Sumter MPO Greenways and Trails Plan, the Downtown Plan, and the East CRA Master Plan.~~

Policy TRA 1.5.45: Demand Response Transit

The City shall work with Lake County to continue to provide demand-response transit service to cater to the transit dependent populations within the City.

Policy TRA 1.5.56: Evaluate Transit Service Options

The City shall work with Lake County to monitor and evaluate and, as deemed necessary, implement additional mass transit, paratransit and transportation demand management strategies and programs which support the Future Land Use Element, address the special needs of the service population, and increase the efficiency of transit services. Such strategies and programs may include rail services, intra-city trolley, carpools/vanpools, Park-and-Ride, demand response transit service, parking management, express bus services, transfer stations and increased frequency of bus service.

Policy TRA 1.5.76: Roadway Functional Classification

The City shall adopt Transportation Map 1 – Roadway Functional Classification System that identifies the existing functional classification for collector and arterial roadways within the City.

Policy TRA 1.5.87: Orange Avenue Functional Classification

To further the goals of Eustis in improving multi-modal mobility, the City shall continue working with Lake-Sumter MPO to reclassify Orange Avenue (old SR 44) from an arterial to a collector within the City limits.

Policy TRA 1.5.98: Constrained Facilities

All collector and arterial roadways within the City shall be limited to the

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maximum number of through lanes shown on Transportation Map 10 - Year 2035 Roadway Number of Lanes. Small-scale modifications such as turn lanes may still be provided as warranted.

Policy TRA 1.5.910: Bicycle and Pedestrian Access to Schools

In coordination with the Lake County School Board, the City shall work to establish sidewalks, bicycle paths, and/or a network of low-speed neighborhood streets to provide safe and convenient access to all elementary, middle and high schools.

OBJECTIVE TRA 1.6: TRANSPORTATION MOBILITY APPROACH

To support urban infill and redevelopment efforts of the City and to target economic development, job creation, housing, transportation, crime prevention, and neighborhood revitalization and preservation within the City, the City rescinds transportation concurrency for all areas within the City limits .

Policy TRA1.6.1: Mobility Planning

The City shall continue to develop integrated land use and transportation planning studies for geographic areas of the city ~~to outline land use, urban design, and transportation strategies that will support multi-modal mobility. This will include implementation of the according to the~~ Future Land Use Element ~~to achieve a higher density mix of uses, developed in a pattern and form that would support multiple modes of travel.~~

Policy TRA 1.6.2: City Plans that Address Multi-Modal Mobility

The City shall implement land use and transportation strategies that call for multi-modal mobility within recently completed and adopted city plans, including the ~~City of Eustis Downtown Plan, the City of Eustis East CRA Master Plan, and the revised Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan~~ and Land Development Regulations.

Policy TRA 1.6.3: Development Review focused on Multi-Modal Mobility

Through the policies, standards and regulations in the Land Development Regulations, the City shall continue to encourage the provision of multi-modal facilities, ~~including new local street connections, sidewalks, transit shelters, bicycle facilities, etc., as part of any development proposals. Such multi-modal facilities will be designed to support the character and requirements of each of the City's development patterns.~~

Policy TRA 1.6.4: Supporting Regional Multi-Modal Plans

The City shall continue to participate in initiatives to promote regional and local transit, including future expansion plans for LakeXpress, Central Florida Commuter Rail ~~(especially the Orange Blossom Express)~~, and

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other proposed light rail or bus rapid transit projects (as illustrated in Transportation Map #13, Future Transportation Network-Mass Transit). The City shall continue to participate in the development of the MPO's Long Range Transit Plan and Greenways and Trails Plan, and coordinate with the County and adjacent municipalities in planning for and implementing future bicycle and multi-use trail facilities.

Policy TRA 1.6.5: Roadway Level of Service Standard

The City shall adopt a roadway Level of Service standard of E for collector and arterial roadways within the City. The roadway Level of Service shall be measured for daily conditions. In cases where individual roadway segments exceed the Level of Service standard, the available capacity on parallel corridors within the City shall be included in the evaluation.

Policy TRA 1.6.6: Multi-Modal Transportation Level of Service

The City shall adopt transportation system performance measures to address its multimodal goals for bicycle, pedestrian and transit circulation.

Policy TRA 1.6.7: Refined Roadway Level of Service Analysis Techniques

The City may authorize refined transportation methodologies and techniques to be used in situations where more precise input data and analysis is desired prior to final action associated with development review or transportation infrastructure modifications. Acceptable methodologies and techniques may include, but are not limited to:

- Trip generation studies
- Traffic studies
- Trip characteristics studies
- Travel time/speed/delay studies
- Passer-by and internal trip analysis
- Person trip analysis
- Planning level models
- Traffic operation models
- Intersection analysis
- Corridor/subarea analysis
- Multi-modal analysis

Policy TRA 1.6.8: Multi-Modal Transportation Level of Service Analysis Techniques/Standards

The City shall develop special area plans, as needed, for areas of special concern. When appropriate, the City shall adopt additional or alternative level of service standards and methods of applying levels of service standards that address accessibility for vehicular traffic, pedestrians, cyclists, and transit modes.

OBJECTIVE TRA 1.7: TRANSPORTATION PLANNING COORDINATION

The City shall coordinate its plans with all transportation planning bodies including but not limited to the Florida Department of Transportation, Lake County, East Central Florida Regional Planning Council, and the Lake-Sumter MPO.

Policy TRA 1.7.1: FDOT Five-Year Work Program Coordination

Through the Lake-Sumter MPO, the City shall review on an annual basis the FDOT Five-Year Work Program to address right-of-way needs, access management and level of service standards.

Policy TRA 1.7.2: Lake County Transportation Element Coordination

The City shall review on an annual basis the Transportation Element for Lake County to address right-of-way needs, access management, and level of service standards.

Policy TRA 1.7.3: City of Tavares and City of Mount Dora Coordination

The City shall review on an annual basis the Transportation Elements for Tavares and Mount Dora to address right-of-way needs, access management, and level of service standards.

OBJECTIVE TRA 1.8: ACCESS AND CONNECTION TO REGIONAL FACILITIES

To establish and enforce policies, standards, and regulations that recommend access and connection to regional transportation facilities and amenities.

Policy TRA 1.8.1: Access to Recreational Facilities and Resources

The City shall work with the County, the MPO, and other adjoining cities, to connect local trails and the sidewalks and bicycle facilities within the City to existing and proposed regional trail facilities and bicycle systems.

Policy TRA 1.8.2: Access to Community Facilities and Downtown

The City shall establish policies, standards, and regulations to ensure that residential neighborhoods have reasonable access to the City's community facilities and to Downtown via trails or bicycle facilities, transit service, and street network, as described under the Performance Standards for Goals TRA 2, TRA 3 and TRA 4.

OBJECTIVE TRA 1.9: FUNDING TRANSPORTATION IMPROVEMENTS

To identify multiple sources for funding transportation improvements necessary to support the growth forecasts, goals, objectives and policies of the Future Land Use Element and to provide for a safe, convenient and efficient transportation system.

Policy TRA 1.9.1: Funding Sources

The City shall work with the Lake-Sumter MPO, FDOT, Lake County, the Eustis CRA, and private developers in funding and implementing transportation improvements, as described in the policies contained in the Intergovernmental Coordination Element, Objective 1.2, Transportation.

Policy TRA 1.9.2: Transportation Improvements as part of Development and Redevelopment

As feasible, the City shall work to implement transportation improvements as part of development and redevelopment within the City through implementation of standards in the Land Development Regulations.

GOAL TRA 2: URBAN DEVELOPMENT PATTERN

Enhance the livability and viability of the urban core area of the City as described by the Urban Development Pattern Area through transportation policies and infrastructure investments that:

- Prioritize the safety, comfort and convenience of the pedestrian, bicycle and mass transit environments;
- Accommodate vehicular circulation in a manner that is responsive to the needs of alternate modes; and
- Support the land use goals for the district.

OBJECTIVE TRA 2.1: URBAN LAND USE AND TRANSPORTATION COORDINATION

To establish and enforce ~~land use, design and transportation~~ policies, standards and regulations that align the existing and future transportation infrastructure with higher density mixed-use development called for in the Urban Development Design District.

Policy TRA 2.1.1: Promote Land Use Patterns to Support Mass Transit Service

To promote the viability of existing and planned transit service, the City shall adopt and enforce land use policies, standards and regulations that ~~concentrate employment opportunities and promote high intensity residential-based mixed use developments in Urban Centers. Neighborhood retail, transit service, and other support services shall be permitted and encouraged within the Urban Centers or within convenient walking and bicycling distance from the Centers.~~

Policy TRA 2.1.2: Promote Shared and Reduced Parking

~~To encourage the use of other transportation modes, reduce overall traffic demand, and encourage a "park once" environment, the City shall adopt and continue to enforce policies, standards and regulations that encourage shared parking across development parcels within Urban Centers and Urban Corridors. The City shall, from time to time, evaluate and, as deemed necessary, modify its land use policies, standards and regulations to reduce parking minimum standards for the Urban Development Pattern.~~

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Policy TRA 2.1.3: ~~Infrastructure Support for High Density / Intensity Mixed Use Development~~

~~The City shall provide master stormwater improvements in the Central Business District by collecting and treating stormwater outside of the urban core area so that the density and intensity of redevelopment and infill development can be maximized.~~

OBJECTIVE TRA 2.2 URBAN MULTI-MODAL TRANSPORTATION

To establish and enforce policies, standards, and regulations that promote multi-modal mobility and access throughout the Urban Development Pattern, including travel by automobile, bicycle, walking, and transit.

Policy TRA 2.2.1: Complete Streets

The City shall implement policies, including those standards already within the Land Development Regulations, to address the design and operation of all streets within the Urban Development Pattern for all users, including drivers, bicyclists, transit users, pedestrians of all ages and abilities, business owners and residents. ~~—This shall be accomplished through design speeds and other design features (streetscape, traffic calming, on-street parking, etc.) that accommodate safe and comfortable bicycling and walking, and transit operation.~~

Policy TRA 2.2.2: Street Types in Land Development Regulations

The City shall use the Street Types outlined in the Land Development Regulations as a guidance when designing and constructing new street sections within the Urban Development Pattern. ~~and ensure that all future streets are designed holistically, considering the pavement, curbing, bicycle facilities, sidewalks, lighting, signs, front yard setbacks, and building facades.~~

Policy TRA 2.2.3: Street Connectivity

As identified in the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan ~~City's Downtown Plan and East CRA Master Plan~~, the City shall work to restore local street network segments that previously were disconnected and construct new street connections within the Urban Development Pattern. In particular, the City shall implement these street connections through development impact mitigation and as part of capital improvement projects.

Policy TRA 2.2.4: Downtown Eustis Mobility Needs

~~The City shall support the implementation of the City of Eustis Downtown Plan, which identified the following mobility needs for pedestrian, bicycle,~~

vehicular and transit circulation within the Urban Character area:

- ~~Bates Avenue connection between Grove Street and Prescott Street~~
- ~~McDonald Avenue connection between Grove Street and Eustis Street~~
- ~~Two-way conversion of Magnolia Avenue and Eustis Street~~
- ~~Pedestrian streetscape improvements for Magnolia Avenue and Eustis Street~~
- ~~Traffic calming on Bay Street and Grove Street to provide safe pedestrian and bicycle accommodations~~
- ~~Downtown wayfinding system for pedestrian and vehicular circulation~~

Policy TRA 2.2.45: ~~Downtown and East Town Community Redevelopment Area East CRA~~
Mobility Needs

The City shall support the implementation of the ~~mobility needs identified in the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan, City of Eustis East CRA Plan, which identified the following mobility needs for pedestrian, bicycle, vehicular and transit circulation within the Urban Character area:~~

~~Realigned intersection of Palmetto Avenue / Kensington Street / Magnolia Avenue
 Neighborhood commercial mixed-use development at Palmetto Avenue and McDonald Avenue
 Pedestrian improvements along McDonald Avenue between Cardinal Street and Palmetto Avenue
 Additional sidewalks and lighting along Bates Avenue
 Neighborhood traffic calming to provide safe pedestrian and bicycle accommodations
 Restored local street network as part of redevelopment~~

Policy TRA 2.2.56: ~~Lake-Sumter MPO Long Range Mobility Needs~~

The City shall support the implementation of the ~~Lake-Sumter MPO Long Range Transportation Plan, which identified the following mobility needs for pedestrian, bicycle, vehicular and transit circulation within the City of Eustis:~~

~~Regional transit system providing connections between downtown Eustis, Lake County and greater Orlando metropolitan area
 Regional north-south pedestrian/bicycle trail connecting Eustis to Tavares and Umatilla~~

Policy TRA 2.2.7: ~~Lake County Transit Shelter Needs~~

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The City shall support the implementation of the 2010 Lake County Shelter Placement Site Recommendations Report, ~~as may be amendment, which identified transit shelter needs at the following locations:~~

Ardice Mall
Eustis Public Library
Tall Pines Apartment Complex
Lake Tech

Policy TRA 2.2.8: ~~Two-Way Conversion of Bay Street and Grove Street~~

~~To support safe pedestrian circulation within Downtown Eustis, the City shall continue working with the Florida Department of Transportation and the Lake Sumter MPO to evaluate the conversion of the one-way sections of Bay Street and Grove Street to two-way operations. The City's adopted Transportation Map #10, Year 2035 Roadway Number of Lanes, shall be amended to reflect the planned two-way conversion.~~

Policy TRA 2.2.9: ~~Bates Avenue Connection~~

~~To improve circulation within Downtown Eustis and provide a continuous east-west roadway alternative to Orange Avenue, the City shall plan for the roadway connection for Bates Avenue between Prescott Street and Grove Street. The City's adopted Transportation Map #10, Year 2035 Roadway Number of Lanes, shall be amended to reflect the planned reconnection of Bates Street as a two-lane roadway.~~

Policy TRA 2.2.840: Sidewalk Connectivity

The City shall work to complete the network of sidewalks along all streets within the Urban Development Pattern, as part of construction of new streets as well as retrofitting of existing streets.

Policy TRA 2.2.11: Pedestrian-Oriented Development Design

~~The City shall enforce p~~Provisions in the City's Land Development Regulations ~~that~~ require new developments in Urban Development Patterns to support the highest levels of pedestrian access and mobility. ~~These provisions include standards related to street connectivity, the design of "complete streets", and pedestrian-oriented building and site design.~~

OBJECTIVE TRA 2.3: ENCOURAGING URBAN TRANSIT USE

To establish and enforce policies, standards, and regulations that promote transit use within the Urban Development Pattern.

Policy TRA 2.3.1: Transit-Oriented Density, Diversity, and Design

The City shall enforce provisions in the Future Land Use Element and the

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City's Land Development Regulations that encourage development patterns, densities, design, and a mix of uses in the Urban Development Pattern that will support expanded mass transit service in the future.

Policy TRA 2.3.2: Transit in Urban Development Pattern

The City shall work with the County, the MPO, and other regional and state agencies to increase transit service within the Urban Development Pattern, in particular encouraging the location of transit stops within the City's Urban Centers and along Urban Corridors.

Policy TRA 2.3.3: ~~Site Design Standards coordinated with Mass Transit and Bicycle/Trail Systems~~

~~To encourage the use of transit in the Urban Development Pattern, the City shall encourage site and building design for infill and redevelopment projects to be coordinated with transit route and stops, and bicycle and trail systems. Standards may include, but not be limited to, pedestrian access to transit stops, transit vehicle access to buildings, bus pull-offs, transfer centers, shelters, and bicycle parking facilities.~~

OBJECTIVE TRA 2.5: URBAN DEVELOPMENT PATTERN PERFORMANCE STANDARDS

To establish and utilize performance standards for the provision and operation of a multi-modal transportation system (including pedestrian and bicycle facilities, mass transit and paratransit services, the City Road System and the portion of the County Road and State Highway Systems within the City). The performance standards will measure progress toward achieving the multi-modal mobility goals within the Urban Development Pattern.

Policy TRA 2.5.1: Site and Building Design

The character of the built environment that frames a street contributes greatly to its walkability. Because of this, ~~the City shall ensure that at the minimum, future development within the Urban Development Pattern shall conform to the City has established~~ the Urban Development Pattern intent and performance standards described in the ~~City's Future Land Use Element and~~ Land Development Regulations. ~~These shall include but not limited to standards that regulate urban building lot types, building envelope standards, building height, parking provisions, setbacks and frontage, urban public space, urban landscape, and general building design standards. The general building design standards include requirements related to public entrance locations, building orientation, building mass and scale, building façade treatments, storefront character, location of pedestrian access and walkways to buildings, among others.~~

Policy TRA 2.5.2: Sidewalks

The City shall ensure through its Land Development Regulations that within the Urban Development Pattern, continuous sidewalks of at least five feet in width are provided on both sides of all public and private streets to the

greatest extent practicable.

Policy TRA 2.5.3: Intersection Design

The City shall work to ensure that all signalized intersections within the Urban Development Pattern have a protected signal phase for pedestrians on all legs of the intersection. In addition, all signalized intersections shall have striped crosswalks or other crosswalk treatments that would enhance the comfort and safety of pedestrians crossing a street. Crosswalk treatments shall be in compliance with requirements of the Manual on Uniform Traffic Control Devices (MUTCD).

Policy TRA 2.5.4: Americans with Disabilities Act (ADA)

The City shall work to ensure that all streets within the Urban Development Pattern conform with the requirements of the ADA, including the provision of handicapped accessibility ramps and provision of handicapped accessible routes from the street to major public entrances of buildings.

Policy TRA 2.5.5: Block Size and Block Configuration

As prescribed in the City's Land Development Regulations, blocks within the Urban Development Pattern shall be laid out within an interconnected network of streets. ~~Blocks will be laid out with consideration of natural and environmental features and incorporating these features as an amenity to a development, where protection is required by environmental regulations.~~

Policy TRA 2.5.6: Roadway Speeds

To facilitate safe pedestrian movement, the City shall ensure that all City-maintained streets within the Urban Centers and the Urban Neighborhoods have a posted speed limit of 25 mph or less.

Policy TRA 2.5.7: Complete Streets

~~The City shall ensure that all new "A" streets within the Urban Development Pattern as identified in the Land Development Regulations shall be designed to accommodate pedestrian and bicycle travel. Street section elements shall include sidewalks, on-street parking, planter, travel lane, and bicycle lanes, as appropriate.~~ The Street Types outlined in the Land Development Regulations can serve as a guide for developing new complete streets within the Urban Development Pattern.

Policy TRA 2.5.8: Trees and Street Furnishings

Based on the recommendations of the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan ~~Downtown Plan and the East CRA Plan~~, the City shall work to ensure that all new and existing "A" streets within Urban Centers and Urban Corridors ~~as defined by the Land Development Regulations~~ have basic street furnishings and streetscape amenities, including street trees, pedestrian-scale lighting, seating, and bus stop shelters (where appropriate). ~~The arrangement,~~

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~~location, and type of street trees shall be regulated by provisions within the City's Land Development Regulations.~~

Policy TRA 2.5.9: Downtown Wayfinding

To improve circulation for all users, the City shall implement the recommendations of the Wayfinding Plan developed for Downtown Eustis.

Policy TRA 2.5.10: Pedestrian Destinations

Through implementation of the policies in the Future Land Use Element, the City shall work to ensure that community-serving destinations are accessible to residents within the Urban Development Pattern. ~~These uses may include retail uses, civic and institutional uses, or one of the park space types referenced in the Land Development Regulations.~~

Policy TRA 2.5.11: Bicycle Lanes and Multi-use Trails

As part of the development of the Citywide Bicycle and Pedestrian Master Plan, the City shall work to provide bicycle lanes or multi-use trails accessible to residents within the Urban Development Pattern.

Policy TRA 2.5.12: Connection to Recreational Amenities

The City shall ensure that all public recreational amenities such as parks, regional trails, and the Lake Eustis waterfront can be accessed from the Urban Centers via direct pedestrian connection.

Policy TRA 2.5.13: Bicycle Parking

The City shall ensure that bicycle parking is required for all new development projects that will be accessed by the public within the Urban Development Pattern. ~~The number of bicycle parking spaces required shall conform to the standards listed in the City's Land Development Regulations.~~

Policy TRA 2.5.14: Transit Stops and Transit Shelters

The City shall work with Lake County to ensure that transit stops within Urban Centers and major destinations (hospitals, employment centers, shopping centers and schools) have, as feasible, shelters for transit users that would include bus route/schedule signs, seating, shelter from the elements, and be ADA compliant when required by law.

Policy TRA 2.5.15: Transit Service Headways

The City shall work with Lake County to improve transit service within the Urban Development Pattern during peak periods.

Policy TRA 2.5.16: Transit Service Accessibility

The City shall work with Lake County to improve transit service to ensure that all residents within the Urban Development Pattern have access to fixed-route transit service.

Policy TRA 2.5.17: Transit Service Span

The City shall work with Lake County to expand hours of operation for transit routes serving the City.

Policy TRA 2.5.18: Transit Serving Major Destinations

The City shall work with Lake County to ensure that major public gathering venues and destinations are served by a local transit route. These include hospitals, employment centers, shopping centers, and schools.

GOAL TRA 3: SUBURBAN DEVELOPMENT PATTERN

Enhance the livability and viability of neighborhoods and existing commercial corridors as described in the Suburban Development Pattern Area (in Appendix) through transportation policies and infrastructure investments that discourage urban sprawl and:

- Balance vehicular mobility with the needs for pedestrian, bicycle and mass transit mobility
- Preserve and protect existing viable neighborhoods and subdivisions;
- Support the land use goals for the district.

OBJECTIVE TRA 3.1: SUBURBAN LAND USE AND TRANSPORTATION COORDINATION

To establish and enforce ~~land use, design and transportation~~ policies, standards and regulations that align the existing and future transportation infrastructure to support the residential and non-residential uses in distinct patterns arranged in centers, districts, and corridors, as called for in the Suburban Development Pattern.

Policy TRA 3.1.1: Suburban Centers

The City shall adopt and enforce ~~land use policies, standards and regulations~~ that encourage the development of Suburban Centers where a system of streets, pedestrian walkways, and driveways support ~~a mix of commercial, office, or multi-family residential uses and uses~~ where development occurs at a density and intensity that can be feasible to support fixed-route transit.

Policy TRA 3.1.2: Suburban Corridors

The City shall ~~adopt and continue to~~ enforce ~~land use policies, standards, and regulations~~ that provide for adequate vehicular, bicycle, and pedestrian access and mobility to serve Suburban Corridors as well as the adjacent residential neighborhoods.

Policy TRA 3.1.3: Linking Neighborhoods to Shopping Areas

The City shall adopt and enforce ~~land use~~ policies, standards, and regulations that provide for multiple street connections and routing options between Suburban Neighborhoods and community-serving commercial areas.

Policy TRA 3.1.4: Access Management

The City shall continue to establish and enforce policies, standards and regulations for the management of access points along streets within the Suburban Development Pattern, ~~to include the consolidation of multiple driveways within a parcel, sharing of driveways among multiple parcels, and cross-access easements between properties.~~ The implementation of the State Access Management Program and the control of access connections to the State highway system shall be consistent with Chapter 14-96 and 14-97, F.A.C. and the Florida Department of Transportation Access Management Rule and will be coordinated with the Florida Department of Transportation through the City's access permitting process.

Policy TRA 3.1.5: Promote Shared Parking

~~To further encourage the use of alternative transportation modes, reduce the traffic demand, and encourage a "park-once" environment,~~ The City shall ~~adopt and continue to~~ enforce policies, standards and regulations that encourage shared parking among different parcels, through cross-access easements and a connected network of pedestrian walkways along Suburban Corridors and in Suburban Centers.

Policy TRA 3.1.6: Criteria for Designation of New Suburban Centers

~~The City's establishment of new Suburban Centers shall, in part, be based on the City's approval of plans for internal circulation which include, at a minimum, integrated roadway, transit, pedestrian and bikeway systems designed to reduce demand for automobile travel.~~

OBJECTIVE TRA 3.2: SUBURBAN MULTI-MODAL TRANSPORTATION

To establish and enforce policies, standards, and regulations that promote multi-modal mobility and access throughout the Suburban Development Pattern, including travel by automobile, bicycle, walking, and transit.

Policy TRA 3.2.1: Complete Streets

The City shall implement policies, including those standards already within the Land Development Regulations, to address the design and operation of all streets within and between Suburban Centers for safe and comfortable bicycling, walking, and transit operation.

Policy TRA 3.2.2: Street Types in Land Development Code

The City shall use the Street Types outlined in the Land Development Regulations as a guidance when designing and constructing new street sections within the Suburban Development Pattern ~~and ensure that all future streets are designed holistically, considering the pavement, curbing, bicycle facilities, sidewalks, lighting, signs, front yard setbacks, and building facades.~~

Policy TRA 3.2.3: ~~Street Connectivity~~

~~As called for in the City's East CRA Master Plan, the City shall work to restore local street network segments and construct new street connections within the Suburban Development Pattern, as feasible. In particular, the City shall achieve these street connections through development impact mitigation and as part of capital improvement projects.~~

Policy TRA 3.2.46: Sidewalk Connectivity

The City shall work to complete the network of sidewalks along all streets within the Suburban Centers, as part of construction of new streets as well as retrofitting of existing streets.

OBJECTIVE TRA 3.3: SUBURBAN DEVELOPMENT PATTERN PERFORMANCE STANDARDS

To establish and utilize performance standards for the provision and operation of a multi-modal transportation system (including pedestrian and bicycle facilities, mass transit and paratransit services, the City Road System and the portion of the County Road and State Highway Systems within the City). The performance standards will measure progress toward achieving the multi-modal mobility goals within the Suburban Development Pattern.

Policy TRA 3.3.1: Site and Building Design

The character of the built environment that frames a street contributes greatly to its walkability. Because of this, ~~the City shall ensure that at the minimum, future development within the~~ the has established the Suburban Development Pattern ~~shall conform to the intent and performance standards described in the Future Land Use Element and City's Land Development Regulations. These shall include but not be limited to standards that regulate suburban building lot types, setbacks and lot requirements, suburban public space, suburban landscape, building envelope standards, building height, and general building design standards. The general building design standards addressed in the Land Development Regulations include requirements related to public entrance locations, building orientation, building mass and scale, building façade treatments, storefront character, location of pedestrian access and walkways to buildings, among others.~~

Policy TRA 3.3.2: Sidewalks

The City shall work to ensure that within the Suburban Development Pattern sidewalks shall be provided on both sides for all streets within Suburban Centers and those streets within one mile of public schools, community centers, parks, and major transit stops.

Policy TRA 3.3.3: Intersection Design

The City shall work to ensure that all signalized intersections within

Suburban Centers have a protected signal phase for pedestrians on all legs of the intersection. In addition, all signalized intersections shall have striped crosswalks or other crosswalk treatments that would enhance the comfort and safety of pedestrians crossing a street. Crosswalk treatments shall be in compliance with requirements of the MUTCD.

Policy TRA 3.3.4: Americans with Disabilities Act (ADA)

The City shall work to ensure that all streets within Suburban Centers conform with the requirements of the ADA, including the provision of handicapped accessibility ramps and provision of handicapped accessible routes from the street to major public entrances of buildings.

Policy TRA 3.3.5: Block Size and Block Configuration

As prescribed in the City's Land Development Regulations, blocks within the Suburban Development Pattern shall be laid out within an interconnected network of streets. ~~Blocks will be laid out with consideration of natural and environmental features and incorporating these features as an amenity to a development, where protection is required by environmental regulations.~~

Policy TRA 3.3.6: Internal Streets

The City shall require a connected system of internal streets within new suburban developments ~~larger than five acres~~, per the standards established by the Land Development Regulations. ~~The internal street system shall connect to publicly accessible access roadways of adjacent developments and to the public street system.~~

Policy TRA 3.3.7: Internal Pedestrian Network

The City shall require all new suburban developments to provide sidewalks along streets or pedestrian paths that connect primary building entrances to one another and to the public street, adjacent trails, transit stops, parking areas, and to publicly accessible pedestrian walkways of adjacent development.

Policy TRA 3.3.8: Suburban Landscape Standards and Streetscaping

The City shall require new suburban developments to conform to the suburban landscape requirements called for by the City's Land Development Regulations, ~~specifically requirements related to the landscape buffers along streets in the Suburban Development Pattern.~~

Policy TRA 3.3.9: Bicycle Lanes and Multi-use Trails

As part of the development of the Citywide Bicycle and Pedestrian Master Plan, the City shall work to ensure that bicycle lanes or multi-use trails are accessible to residents within the Suburban Development Pattern.

Policy TRA 3.3.10: Connection to Recreational Amenities

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The City shall work to ensure that all public recreational amenities ~~such as parks, regional trails, and community facilities within the Suburban Development Pattern~~ can be accessed from the Suburban Centers through pedestrian, bicycle, or transit connections.

Policy TRA 3.3.11: Bicycle Parking

The City shall ensure that bicycle parking is required for all new development projects that will be accessed by the public within the Suburban Centers. ~~The number of bicycle parking spaces required shall conform to the standards listed in the City's Land Development Regulations.~~

Policy TRA 3.3.12: Transit Stops and Transit Shelters

The City shall work with Lake County to ensure that transit stops at major destinations (hospitals, employment centers, shopping centers, and schools) shall have, as feasible, shelters for transit users that would include bus route/schedule signs, bench, shelter from the elements, and be ADA compliant where required by law.

Policy TRA 3.3.13: Transit Service Headways

The City shall work with Lake County to improve transit service headways during peak periods at Suburban Centers.

Policy TRA 3.3.14: Transit Service Accessibility

The City shall work with Lake County to improve transit service to ensure that all residents within the Suburban Development Pattern have access to fixed-route transit service.

Policy TRA 3.3.15: Transit Service Span

The City shall work with Lake County to expand hours of operation for transit routes serving the City.

Policy TRA 3.3.16: Transit Serving Major Destinations

The City shall work with Lake County to ensure that all major public gathering venues and destinations are served by a local transit route. These include hospitals, employment centers, shopping centers, and schools.

GOAL TRA 4: RURAL DEVELOPMENT PATTERN

Manage the transportation system for the ~~rural areas of the City as described in the Rural Development Pattern Area~~ through transportation policies and infrastructure investments that:

- Address vehicular circulation ~~and in a manner that preserves and enhances the~~

rural character;

- ~~Allow for safe pedestrian and bicycle circulation in accordance with the rural character;~~
- **Value and preserve open spaces, agricultural areas, and scenic view sheds; and**
- **Support the land use goals for the district.**

OBJECTIVE TRA 4.1: RURAL LAND USE AND TRANSPORTATION COORDINATION

To establish and enforce land use, design and transportation policies, standards and regulations that align the existing and future transportation infrastructure ~~to support clustered residential development that allows for preservation of open space and the rural natural environment, as called for in~~ the Rural Development Pattern.

Policy TRA 4.1.1: Rural Centers

The City shall adopt and enforce ~~land use policies,~~ standards and regulations that encourage the development of Rural Centers where a system of streets and pedestrian walkways support ~~neighborhood-serving clusters of commercial uses integrated with other uses that may include office, residential, or open space.~~

Policy TRA 4.1.2: Rural Corridors

The City shall adopt and enforce ~~land use policies,~~ standards, and regulations ~~that provide adequate vehicular, bicycle, and pedestrian access and mobility to serve Rural Corridors as well as the adjacent residential neighborhoods, hat encourage new developments to occur in a pattern and intensity that respect and preserve the scenic views and character of a rural corridor.~~

Policy TRA 4.1.3: Multi-Modal Connectivity Between Development Phases

The City shall ensure that the street and trail layouts of subsequent phases of residential subdivision developments are coordinated with previous phases to ensure multi-modal connectivity.

Policy TRA 4.1.4: Open Space and Street Connectivity

~~The City shall ensure that residential subdivision developments delineate and preserve open space areas that are connected to the maximum extent practicable. The City shall uphold the principle that open space is still considered connected even if separated by a transportation facility that is necessary for overall area street connectivity.~~

OBJECTIVE TRA 4.2: RURAL Transportation and Environmental Quality

~~TO ESTABLISH POLICIES, STANDARDS AND REGULATIONS THAT SUPPORT THE CITY'S DESIRE TO MAINTAIN ENVIRONMENTAL SUSTAINABILITY, CONSERVE ENERGY AND NATURAL RESOURCES, DISCOURAGE URBAN SPRAWL, AND TO IMPROVE THE AESTHETIC QUALITY OF THE COMMUNITY THROUGH THE IMPLEMENTATION OF THE FOLLOWING POLICIES.~~

~~Policy TRA 4.2.1: Aesthetics and Visual Appearance of Transportation Facilities~~

~~The City shall promote the aesthetic and visual enhancement of roadways through the standards and in the City's Land Development Regulations. Existing scenic and canopy roadways shall be protected by restricting construction activity within rights-of-way to ensure preservation of canopy trees and vegetation.~~

~~Policy TRA 4.2.2: Public Access to Natural Features~~

~~The City shall ensure that to the maximum extent practicable, natural features, scenic vistas, and open space that are adjacent to or part of residential subdivision developments shall be accessible to the public through streets or multi-use trails. The City shall undertake corrective action if the quality of natural features is degraded due to public access.~~

~~Policy TRA 4.2.3: Cluster Development~~

~~The City shall enforce policies, standards and regulations that promote the clustering of development to preserve natural features, open space, and the rural character within the Rural Development Pattern.~~

OBJECTIVE TRA 4.32: RURAL DEVELOPMENT PATTERN PERFORMANCE STANDARDS

To establish and utilize performance standards for the provision and operation of a multi-modal transportation system (including pedestrian and bicycle facilities, mass transit and paratransit services, the City Road System and the portion of the County Road and State Highway Systems within the City). The performance standards will measure progress toward achieving the multi-modal mobility goals within the Rural Development Pattern.

Policy TRA 4.3.1: Site and Building Design

The character of the built environment that frames a street contributes greatly to its walkability. Because of this, the ~~City shall ensure that future development within the~~has adopted the Rural Development Pattern ~~shall conform to the intent and~~ performance standards described in the City's Future Land Use Element Land Development Regulations. ~~These shall include but not be limited to standards that regulate rural building lot types, setbacks and lot requirements, buffer requirements, rural public space, building envelope standards, building height, and general building design standards.~~

Policy TRA 4.3.2: Sidewalks

The City shall work to ensure that within the Rural Centers sidewalks shall be provided ~~on at least one side~~ for all streets connecting to public schools, community centers, parks, and transit stops.

Policy TRA 4.3.3: Intersection Design

The City shall work to ensure that all signalized intersections within Rural Centers have a protected signal phase for pedestrians on all legs of the intersection. In addition, all signalized intersections shall have striped crosswalks or other crosswalk treatments that would enhance the comfort and safety of pedestrians crossing a street. Crosswalk treatments shall be in compliance with requirements of the MUTCD.

Policy TRA 4.3.4: Americans with Disabilities Act (ADA)

The City shall work to ensure that all streets within Rural Centers conform with the requirements of the ADA, including the provision of handicapped accessibility ramps and provision of handicapped accessible routes from the street to major public entrances of buildings.

Policy TRA 4.3.5: Street Types in Land Development Code

The City shall use the Street Types outlined in the Land Development Regulations as guidance when designing and constructing new street sections within the Rural Development Pattern.

Policy TRA 4.3.6: Transit in Rural Centers

The City shall work with Lake County to ensure that fixed-route transit service is provided to Rural Centers as they are developed.

Policy TRA 4.3.7: Transit Stops

The City shall work with Lake County to ensure that transit stops are provided for all routes that serve Rural Centers.

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

Implement a land use and development framework that will:

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

OBJECTIVE FLU 1.1: DEVELOPMENT FRAMEWORK IMPLEMENTATION

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

Policy FLU 1.1.1: Planning Principles

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

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

Policy FLU 1.1.2: Strategy for Sustainability

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

- a. Continue to support alternative modes of travel as called for in the Transportation Element.
- b. Support energy conservation measures and practices in the administration, design, and construction of City buildings and facilities.
- c. Encourage the cooperation of public agencies and private owners in the provision of a multi-modal transportation system connecting all land uses along arterial and collector roads within recreational, commercial and multi-family residential areas.
- d. Cooperate with existing and future land owners in the locating of solar sheds, bus stops, shelters, and other passenger and system accommodations for a transportation system to service current and

future needs.

- e. Encourage energy efficient appliances and equipment, energy-efficient features in window design, use of operable windows and ceiling fans and other technology to conserve energy and encourage energy efficient lighting for streets, parking lots and other public areas.
- f. Continue to permit grassed parking areas and other permeable materials as a part of the City's Land Development Code and encourage reduced coverage by asphalt, concrete, rock and similar substances in streets, parking lots and other areas.
- g. Encourage the planting of Florida Friendly shade trees to provide reasonable shade for all recreation areas, streets and parking areas.

Policy FLU 1.1.3: Development Incentives

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

Policy FLU 1.1.4: Building and Development Conservation Principles

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

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

OBJECTIVE FLU 1.2: FUTURE LAND USE MAP (FLUM)

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

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

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

Map #1:	2035 Future Land Use Map
Map #3:	Soils
Map #4:	Topography and Drainage Basins
Map #5:	Designated Water Wellhead Protection Areas
Map #6:	Surface Water Features
Map #7:	Areas Subject to Flooding
Map #8:	Vegetation
Map #9:	Washington Avenue Historic District
Map #10:	National Register of Historic Places and Sites
Map #11:	Local Landmark Sites
Map #12:	Wekiva Study Area: Most Effective Undeveloped Recharge Areas
Map #13:	Wekiva Study Area: Undeveloped and Water-Filled Karst Areas
Map #14:	Wekiva Study Area: Integrated Wildlife Habitat Ranking System
Map #15:	Wekiva Basin Land Cover
Map #16:	Priority Wetlands
Map #17:	Wekiva Basin: Strategic Habitat Ranking Systems, Public Lands and Proposed Acquisitions
Map #18:	Biodiversity Hotspots

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

Policy FLU 1.2.2: Future Land Use Map Limitations

The Future Land Use Classifications set forth the current and long-range potential uses of property in the context of the lawful planning horizon and provide for a wide array of density or intensity of use within each land use classification. A property owner is not entitled to the most potentially dense

or intense uses permitted within a land use classification. Thus, in some cases, the application of compatibility standards in the land development regulations may result in an actual project density less than the maximum permitted by the Comprehensive Plan. The Future Land Use Map does not guarantee that maximum densities will be achieved in all cases and does not serve as a substitute density limit in place of any other regulations that would place further restrictions and/or limitations on the development density of a parcel.

Policy FLU 1.2.3: Urban Services Required

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

Policy FLU 1.2.4: Development Patterns

To discourage urban sprawl and to protect and enhance the community's unique character, the City shall implement regulations within the Land Development Code that encourage a mix of uses in specific areas of the City. Those areas are identified in the development patterns of urban, suburban and rural. Each development pattern is further divided into neighborhoods, centers, corridors and districts. The City shall adopt performance standards for the land uses within each development pattern as prescribed by the City's Land Development Code. In general, the patterns are as follows:

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

Policy FLU 1.2.5: Joint Planning Area

The City shall continue to coordinate with Lake County to address annexation and land use issues.

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

To implement the policies, standards and land use classifications of the City's Comprehensive Plan

through the Land Development Code.

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

The City shall continue to rely upon its Land Development Regulations to promote compact growth and preservation of open space

Policy FLU 1.3.2: Maintain Residential Compatibility

The City shall continue to rely upon the Land Development Code to address specific standards for the review of residential compatibility to provide standard and predictable measures for establishing and creating compatibility. At a minimum these standards shall conform to the following guidelines:

- a. The review and analysis of development applications and future land use map amendments shall recognize as a fundamental principle of the City's Comprehensive Plan that the highest concentration of development density and intensity within the City shall be permitted in the downtown and that this overall density/intensity decreases incrementally outward from the downtown to lower densities that are located on the periphery of the Eustis urbanized area or in areas of the City which have physical limitations to development. Higher density in locations away from downtown, but supported with urban services is permitted as an exception to this principle.
- b. Landscapes, buffers, natural areas or transitional development practices shall be utilized in site planning to demonstrate that the project transitions appropriately to adjacent uses or to lessen impacts and integrate development along the edges of different land use categories, screen undesirable views, preserve tree canopy and vegetation.
- c. The location of development on a site shall:
 - (1) Protect existing natural and environmental features on and adjacent to the site to the extent practicable, including wetlands and wetland systems, karst features, and tree canopy;
 - (2) Respect the existing development transect;
 - (3) Permit the most density and intensity in areas that are served or may be served by public utilities, or are most proximate to support services.
- d. The location of required minimum open space on a site shall be configured to:
 - (1) To create external connectedness by adding to a larger contiguous off-site network of interconnected open space, particularly existing habitats, where applicable.
 - (2) To create internal connectedness through connected and integrated open space within the subdivision parcel where applicable and shall be based upon the context sensitive site design standards.

Policy FLU 1.3.3: Right-of Way Standards for Utilities

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

Policy FLU 1.3.4: Compatibility with the Placement of Utility Structures

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

OBJECTIVE FLU 1.4: PROTECTION OF HISTORIC RESOURCES

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

Policy FLU 1.4.1: Protect Historic Character and Preserve Historic Properties

Land Development Regulations and development review procedures shall continue to recognize the need to maintain or improve the character of designated historic properties and the historic district, and incorporate incentives to preserve designated historic properties, including advice to applicants on the tax benefits of historic preservation.

Policy FLU 1.4.2: Downtown Main Street Character

In addition to adding beauty to the Downtown, walkable design standards shall be included in the Land Development Regulations regarding development and redevelopment in the Urban Core.

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

Pursuant to the Intergovernmental Coordination element, provide ongoing affirmational support to preservation organizations.

Policy FLU 1.4.5: Historic Structures

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

Policy FLU 1.4.6: Historic Overlay

When an area is designated as a local Historic District, the designation shall be entered as an overlay to the Future Land Use map in accordance with State law.

Policy FLU 1.4.7: Archaeological Discovery

By year-end 2035, the Land Development Regulations shall provide for notification of the archaeological discovery to and request for guidance from the Florida Division of Historical Resources in instances when an archaeological discovery occurs in the city; and will provide for best management practices to address the discovery.

GOAL FLU 2: URBAN DEVELOPMENT PATTERN AREA

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

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

OBJECTIVE FLU 2.1: REDEVELOPMENT AND INFILL

To implement programs which facilitate redevelopment of and infill development in older sections of the city and to promote the revitalization of the Downtown and East Town Community Redevelopment Area as a safe, attractive, and stable residential and business area.

Policy FLU 2.1.1: Downtown Redevelopment

The City shall continue to implement the redevelopment and revitalization vision for the Community Redevelopment Area as provided for in the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan, and Economic Element.

Policy FLU 2.1.2: Funding Assistance for Housing Needs

The City shall continue to pursue funding pursuant to the Housing Element Policy HSG 1.3.3.

Policy FLU 2.1.3: Code Enforcement & Displacement

The City shall continue to address substandard housing and displacement pursuant to the Housing Element Policies HSG 1.2.1 and 1.2.2.

GOAL FLU 3: SUBURBAN DEVELOPMENT PATTERN AREA

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

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

OBJECTIVE FLU 3.1: PROTECTION OF RESIDENTIAL NEIGHBORHOODS

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

Policy FLU 3.1.1: Neighborhood Compatibility

The City shall protect the quality and integrity of established neighborhoods by relying upon the standards of the adopted Land Development Regulations to address residential compatibility.

Policy FLU 3.1.2: Roadway Compatibility

The City shall maintain and protect the long-term viability of residential neighborhoods where they are developed adjacent to collector and arterial roadways by relying upon the standards of the adopted Land Development Regulations

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

The City shall ensure that future Plan amendments to industrial uses adjacent to existing Residential Land Use categories shall be light industrial uses only to protect residences from the adverse impacts of smoke, fumes, vibrations, light, glare, odors, and noise.

OBJECTIVE FLU 3.2: DISCOURAGE URBAN SPRAWL

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

Policy FLU 3.2.1: Neighborhood Revitalization

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

GOAL FLU 4: RURAL DEVELOPMENT PATTERN AREA

Manage the form, pattern and timing of future growth and development for the areas on the periphery of the Eustis urbanized area through a clear and predictable land use strategy that:

- Facilitates the transition of land uses over time into sustainable, livable places (communities).
- Provides for a transitional area between suburban development and the County's rural areas;
- Allows the continuance of agricultural land uses;
- Values and preserves open spaces; and

OBJECTIVE FLU 4.1: PROTECTION OF RURAL CHARACTER

To protect the character of those areas that are designated as Rural Design Districts.

Policy FLU 4.1.1: Rural Residential

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

GOAL FLU 5: WEKIVA SPRINGS OVERLAY PROTECTION DISTRICT

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

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

The City shall establish an overlay district described herein for the purpose of providing an appropriate transition between the City's urban core and the County's rural areas, and implementing enhanced standards for the protection of significant open space. The following policies and open space requirements recognize the relative position of the City within the Wekiva Springs Overlay Protection District/

Policy FLU 5.1.1: Land Use Activity Restrictions

The City designates the Wekiva Springs Overlay Protection District as provided on the Future Land Use Map. The City shall restrict new land use

activities within the Wekiva Springs Overlay Protection District, that are adjacent to most effective recharge areas, karst features and sensitive natural habitats, that have a potential to adversely impact ground water and surface water quality; such as mining, landfills, spray-fields, golf courses, heavy industry, intense animal operations, and other uses or activities with extensive impervious surface area, involving hazardous chemicals or materials, having potential to contaminate groundwater, or requiring significant consumption of groundwater beyond the City's adopted level of service.

Policy FLU 5.1.2: Best Management Practices and Standards

Where avoidance of impacts through the limitation of land use activities is not feasible, the City shall require implementation of Best Management Practices and development/redevelopment standards, such as buffering, setbacks and open space standards, that will minimize the impact of land use and development within the Wekiva Springs Overlay Protection District, consistent with Objectives FLU 5.1, and 5.2 and supporting policies applicable to the Wekiva Springs Overlay Protection District.

Policy FLU 5.1.3: Surveys and Studies

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

- a. An analysis of soils, by a professional qualified to determine the location of most effective recharge areas. Unless otherwise provided for by rule of the St. Johns River Water Management District (SJRWMD), most effective recharge areas shall be defined as Type "A" Hydrologic soils described by the National Resources Conservation Service (NRCS) Soil Survey.
- b. An analysis of the site, by a professional qualified to determine the location and nature of sinkholes and other karst features of the property, such as stream-to-sink and other direct connections to the aquifer including an analysis to determine the depth of the water table, location of the Floridan Aquifer relative to ground surface and thickness and extent of the bedrock or other confining layers over the aquifer. This analysis may include the use of geophysical surveys, such as microgravity and ground penetrating radar surveys, and may be supplemented with documented locations of sinkholes, light detection and ranging surveys, and aerial photographs. If karst features are determined to exist on site, further analysis may be required to evaluate surface and sub-surface characteristics that provide potential connection to the aquifer, assess the potential for contamination of the aquifer from development, and identify protective solutions to be incorporated into the site design. Such design solutions shall utilize Best Management Practices described in Protecting Florida's Springs Manual – Land Use Planning Strategies and Best

- Management Practices (November 2002).
- c. An analysis of the site by a professional qualified to identify flora and fauna, state and federally listed species, and vegetative habitat types including but not limited to wetlands and sensitive natural habitat defined as Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub. This analysis shall include field surveys and use of best available information from federal, state, regional, and local agencies. The site analysis shall also consider ecosystem connectivity in relationship to adjacent properties and surrounding area in coordination with the Florida Fish and Wildlife Conservation Commission and the Florida Department of Environmental Protection.
 - d. The analysis required above shall be used to characterize on-site soils and determine locations of geologic features including sinkholes, solution pipes, depressions, and depth of soil to lime rock, including karst features like sinkholes with a direct connection to the aquifer and stream-to-sink features that require protection.

Policy FLU 5.1.4: Open Space Requirements

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

Policy FLU 5.1.5: Open Space Priority and Assignment

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

Policy FLU 5.1.6: Dedication of Open Space

Natural open space designated as part of a development project shall remain undeveloped and protected in perpetuity through the use of conservation easements, plat restrictions, deed restrictions or similar legal instruments that run with the land and establish the conditions and restrictions on the use of open space areas. The boundaries of the designated open space shall be clearly delineated on project site plans, including recorded plats

Policy FLU 5.1.7: Ownership and Maintenance of Open Space

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

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

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

OBJECTIVE FLU 5.2: Conservation Design Standards

All development within the Wekiva Springs Overlay Protection District shall meet the conservation design standards as set forth below as provided for in the Conservation Element

Policy FLU 5.2.1: Principles of Conservation Design

Within the Wekiva Springs Overlay Protection District, all new development shall be required to implement the following principles of conservation design:

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

- with the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element;
- h. Installation of reclaimed water lines in order to ensure the present or future capability to receive treated reuse water.

Policy FLU 5.2.2: Setback from Karst Features

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

Development Setbacks

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

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

Land Use Setbacks

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

Policy FLU 5.2.3: Setback Exceptions

Where an existing lot of record as of the effective date of the previous Policy is too small to accommodate the minimum amount of development necessary for the setbacks set forth in Policy FLU 5.2.2, the allowable use may be established provided that the building and associated paved areas are located the maximum distance possible from the karst features, and

further provided that a swale and berm are located between the development and the karst feature with a direct connection to the aquifer. The swale and berm shall be designed to direct drainage away from the karst feature.

Policy FLU 5.2.6: Minimization of Connected Impervious Areas

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

- a. Development shall use joint or shared access and stormwater facilities to the maximum extent feasible when it serves to minimize impervious surfaces.
- b. Non-residential development shall use shared parking and pervious pavement to the maximum extent feasible in order to minimize impervious surfaces.
- c. Directing flows from roof drains to vegetated areas or to rain barrels or cisterns for reuse of the water; Directing flows from paved areas to vegetated areas; Locating impervious surfaces so that they drain to vegetated buffers or natural areas; and
- d. Breaking up flow directions from large paved surfaces.

Policy FLU 5.2.7: Use of Pervious Materials

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

Policy FLU 5.2.8: Stormwater Drainage

Drainage for streets and roads within new development shall be consistent with the St. Johns River Water Management District requirement and the Land Development Regulations.

Policy FLU 5.2.9: Minimization of Site Disturbance

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

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

Policy FLU 5.2.10: Golf Courses

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

Policy FLU 5.2.11: Landscape Best Management Practices

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

- a. Planted turf grass and landscaping within residential lots shall be restricted wherever feasible to minimize the use of fertilization and water for irrigation;
- b. Florida Friendly landscaping shall be required wherever feasible; and
- c. The City will adopt Land Development Regulations for managing future lawns and landscapes within the Wekiva Springs Overlay Protection Area using the educational guidelines contained in the University of Florida Extension's Florida Yards and Neighborhoods Program, Environmental Landscape Management (ELM) principles and Best Management Practices wherever feasible. Such Land Development Regulations shall include practices that are designed to reduce nitrate infiltration into ground and surface water.

Policy FLU 5.2.12: Protection of Sensitive Natural Habitats

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

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

Policy FLU 5.2.13: Management of Sensitive Natural Habitats

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

- a. Eventual removal of invasive plants and replanting with Florida

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

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

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

GENERAL

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

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

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

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

AMENDMENTS WITHIN THE WEKIVA SPRINGS OVERLAY PROTECTION DISTRICT

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

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

SECTION FLU A-2: ZONING STANDARDS OF REVIEW

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

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

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

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

TABLE A-3.1 FUTURE LAND USE DESIGNATIONS

LAND USE DISTRICT	MAP SYMBOL	Maximum Net Density (Total dwelling units per net acre)	Intensity Range (Floor Area Ratio)	Maximum Impervious Surface (% of net buildable area)
Suburban Residential	SR	5 dwelling units/acre ⁽²⁾	N/A	50% ⁽⁴⁾
Urban Residential	UR	12 dwelling units/acre ⁽²⁾	N/A	50% ⁽⁴⁾
Manufactured Home Community	MH	8 dwelling units/acre	N/A	50% ⁽⁴⁾
General Commercial	GC	N/A	up to 2.5 ⁽³⁾	75%
General Industrial	GI	N/A	up to 2.5 ⁽³⁾	75%
Central Business District	CBD			100%
	Residential	40 dwelling units/acre ⁽¹⁾		
	Non-Residential		up to 3.0	
Residential/Office Transitional	RT			50% ⁽⁴⁾
	Residential	12 dwelling units/acre ⁽²⁾		
	Non-Residential		up to 2.5 ⁽³⁾	75%
Mixed Commercial/ Residential	MCR			50% ⁽⁴⁾
	Residential	12 dwelling units/acre ⁽²⁾		
	Non-Residential		up to 2.5 ⁽³⁾	75%
Mixed Commercial/ Industrial	MCI	N/A	up to 2.5 ⁽³⁾	75%
Public and Institutional	PI	N/A	up to 2.5 ⁽³⁾	75%
Conservation	CON	N/A	up to 0.20 ⁽³⁾	10%

Table Footnotes

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

- (1) In the Central Business District, the maximum of 40 units per acre is permitted in the portion of the central business district bordered on the west by Bay Street, south by Orange Avenue, east by Center Street and north by Clifford Avenue. The remainder of the Central Business District shall have a base maximum density of 12 du/ac and shall require a conditional use permit to develop up to 40 units per acre.
- (2) Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density in these classifications where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent.
- (3) Allowable intensities incrementally decrease between downtown and outlying areas, and between corridors and neighborhoods, as specified in Section 109-3 of the Land Development Regulations. Higher intensities apply in urban districts, medium intensities in suburban districts and lower intensities in rural districts. Similarly, within those districts, higher intensities apply along corridors and lower intensities in neighborhoods.
- (4) Maximum impervious surface requirements apply to the development as a whole, when common area is provided. In no case shall individual building lot coverage exceed 80 percent.

For more information regarding open space and impervious definitions see the City of Eustis Land Development Regulations, Definitions and Chapter 115, Section 115-4.1

DEFINITIONS OF FUTURE LAND USE DESIGNATIONS

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

Residential Districts

Suburban Residential

Urban Residential

Mobile Home Community

Suburban Residential (SR)

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

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

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

Special Provisions:

- (1) Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density in the Suburban Residential (SR) classification where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent. A density bonus may also be allowed for energy conservation or green certification as provided for in the LDRs. The combined density bonus for affordable housing and energy conservation/green certification is limited to a total increase of 15%.
- (2) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:
 - a. all such housing is attached to foundations as in the case of conventional site-built construction; and
 - b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.
- (3) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Urban Residential (UR)

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

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

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

Special Provisions:

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

Mobile Home Community (MH/RV)

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

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

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

Special Provisions:

- (1) Permit the placement of residential units manufactured off site which otherwise meet all applicable federal and state regulations and standards, provided that:

- a. all such housing is attached to foundations as in the case of conventional site-built construction; and
- b. all such housing otherwise meets applicable lot, yard, and related residential classification as set forth in the Land Development Regulations.

Commercial Districts

General Commercial (GC)

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

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

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

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

Industrial Districts

General Industrial (GI)

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

General Range of Uses: General Industrial development includes existing industrial development of light-to-heavy nature along the rail line both north and south of downtown. Outdoor recreation, schools, and public and utility services and facilities that are 5 acres or less in size are also permitted.

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

Special Provisions:

- (1) New development within GI areas shall continue to be required to:
 - a. Provide adequate setbacks and buffering from residential areas and public roads;
 - b. Comply with all federal and state environmental regulations and local performance standards contained in the Land Development Regulations; and
 - c. Limit effluent discharges to the municipal sewer system to approved pretreated industrial wastes and domestic wastes only.

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

Mixed Use Districts

Central Business District

Residential / Office Transitional

Mixed Commercial / Residential

Mixed Commercial / Industrial

Central Business District (CBD)

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

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

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

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

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

Commercial/Office: 50% - 80% of total CBD building square footage

Residential: 20% - 60% of total CBD building square footage

Institutional: 5% - 15% of total CBD building square footage

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

Residential / Office Transitional (RT)

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

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

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

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

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

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

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

Special Provisions:

- (1) Future amendments to designate areas as RT shall be required to be designated near thoroughfares and commercial areas to allow for limited transitional commercial uses in recognition that these areas are impacted by adjacent commercial use and to provide an economic use of property while maintaining their general residential character by:
 - a. limiting commercial uses to retail, business and professional offices, group homes, and home occupations as defined in the Land Development Regulations;
 - b. limiting external lighting and signs to that which would normally be permitted in adjacent residential zoning districts;
 - c. screening any permitted non-residential use from abutting residential properties by a landscape buffer, in accordance with city requirements;
- (2) Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Mixed Commercial / Residential (MCR)

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

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

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

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

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

Residential: 15% - 25% of total MCR acreage
Commercial/Office: 75% - 85% of total MCR acreage

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

Special Provisions:

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

Mixed Commercial / Industrial (MCI)

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

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

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

Maximum Density: Not applicable.

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

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

Commercial: No more than 20% of total MCI acreage

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

Special Provisions:

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

Other Districts

Public and Institutional
Conservation

Public and Institutional (PI)

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

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

Maximum Density: Not Applicable

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

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

EXHIBIT C

**CONSERVATION
GOALS, OBJECTIVES AND POLICIES****GOAL CON 1: AIR AND WATER RESOURCES**

Promote the attainment and preservation of clean air and water in the Eustis Planning Area.

OBJECTIVE CON 1.1: WATER AND AIR QUALITY

To assist federal, state, regional, and county efforts on an ongoing basis to improve water and air quality within prescribed standards and compliance schedules.

Policy CON 1.1.1: Water Quality Permit Requirements

The City shall continue to mandate that applicants meet all applicable permit requirements relating to water quality, including those of the St. Johns River Water Management District and Florida Department of Environmental Protection, as provided for the Land Development Regulations.

Policy CON 1.1.2: Water Quality Program

The City shall, on a continuing basis, participate in discussions with Lake County, the Lake County Water Authority, and the St. Johns River Water Management District leading to the design and implementation of a program to monitor water quality in key lakes in the planning area and the establishment of joint stormwater runoff management and waste disposal guidelines and improvement programs.

Policy CON 1.1.3: Growth Control Programs for Invasive Aquatic Weeds

The City shall continue to participate in discussions with the Lake County Water Authority, the St. Johns River Water Management District, and/or the Florida Department of Environmental Protection leading to design and implementation of programs to control growth of invasive aquatic weeds in local lakes and waterways.

Policy CON 1.1.4: Floodplains

Land development shall not be permitted in the 100-year floodplain unless the following criteria are met:

- a. Public wastewater service is provided. Alternatively, on-site waste disposal may be used only where it is permissible by state and local agencies having jurisdiction and where public sewer service is unavailable and is not included in the current five-year Capital Improvements Program;
- b. Public water service is provided;
- c. Wetlands and other designated environmentally sensitive resources are not displaced;
- d. Impervious surfaces in a development, including road pavement, are limited; and

- e. There is no net loss of flood storage capacity.

Policy CON 1.1.5: Lakeshore Development Limitations

The Land Development Regulations shall continue to limit development in areas near lake shorelines, as provided for in the Land Development Regulations

Policy CON 1.1.8: Air Quality

The City shall coordinate with adjacent municipalities and Lake County to comply with or exceed air quality standards established by the Florida Department of Environmental Protection (FDEP), including the following actions:

- a. Through the adopted land development regulations and the development review and approval process, regulate uses to prevent adverse impacts to air quality.
- b. Through enforcement of building codes, provide proper ventilation and restrict use of hazardous construction materials in order to promote safe indoor air quality.

Policy CON 1.1.19: Protection and Replanting of Trees

The City shall maintain provisions in the Land Development Regulations for the protection and replanting of trees on public property as natural air pollution filters in the community.

OBJECTIVE CON 1.2: STORMWATER MANAGEMENT

To take actions on a continuing basis to improve local surface water quality through implementation of Best Management Practices and regulations to minimize potential nonpoint pollution sources in accordance with the policies below.

Policy CON 1.2.1: Drainage Program

As provided for in Policy INT 1.3.6., the City will coordinate with state and local agencies regarding drainage in existing developed areas.

Policy CON 1.2.2: Correction of Existing Drainage Deficiencies

The City will participate, on an ongoing basis, (based on facts and needs determined using the process outlined in Policy CON 1.2.1 above) in the correction of existing drainage deficiencies, including remediation of surface water pollution from urban runoff, consistent with the requirements of Rule 62-40.420, FAC through the following actions:

- a. Establishment of Best Management Practices (BMPs) applicable to existing areas of development and
- b. Improvement of facilities as recommended in the 2005 Update to the

Master Stormwater Plan and any subsequent updates.

Policy CON 1.2.3: Best Management Practices for Surface Water Quality

The City shall implement Best Management Practices (BMPs) on an ongoing basis to improve surface water quality through the Land Development Regulations and through public improvements as scheduled in the annually updated five-year Capital Improvements Program commensurate with the availability of funds through the stormwater utility, grants from other levels of government, and other sources. Such BMPs, based on recommendations contained in the 2002 Master Stormwater Plan, the 2005 Update, and any subsequent updates shall include, where appropriate:

- a. Reverse berms in areas where existing drainage facilities outlet directly into lakes;
- b. Dry retention/detention basins for soils with good percolation;
- c. Wet retention/detention basins for soils with high water table characteristics and poor percolation;
- d. Construction of roadway swales;
- e. Exfiltration trenches;
- f. Use of wetland systems;
- g. Use of grass inlets;
- h. Multi-component sedimentation/filtration retention/detention ponds; and
- i. Vegetative swales, landscaped bump-outs, and bio-retention systems

Policy CON 1.2.4: Mitigation of Stormwater Impacts

The City shall on a continuing basis implement a phased multi-year program of improvements needed to mitigate existing runoff impacts commensurate with available local, state, and federal funding. The City will aggressively seek outside support in the form of grants from the Florida Department of Transportation, Florida Department of Environmental Protection, the St. Johns River Water Management District, and the Lake County Water Authority for the implementation of this program.

Policy CON 1.2.5: LOS Standards for New Development

The City shall adopt level of service (LOS) standards principally applicable to new development as follows:

- a. Rate of Discharge. The post-development peak rate of discharge shall not exceed predevelopment conditions based on a 50-year, 24-hour storm for areas having positive drainage outfall, and a 100-year, 24-hour storm for areas which do not have positive drainage outfall.
- b. Volume of Discharge. The post-development volume of discharge shall not exceed predevelopment conditions based on a 100-year, 24-hour storm for certain drainage basins identified in the 1990 Stormwater

Facilities Study. Volumes of discharge for other basins may meet lesser requirements to be determined.

- c. Retention/Detention. Minimum on-site retention/detention for pollution abatement purposes shall be as determined by the St. Johns River Water Management District (SJRWMD) per Rule 40C-42, FAC.

Policy CON 1.2.6: Requirements for Water Quality Standards for Stormwater Discharge

The City shall adopt the requirements of Rule 62-25, FAC for water quality standards for stormwater discharge for all new and existing stormwater management systems. As part of this adoption by reference, the City includes the following clarifications and exceptions:

- a. The City does not mandate that existing facilities must be retrofitted to meet these standards. Such retrofitting will be accomplished through the funding constraints of the City's stormwater utility and other revenue sources.
- b. Stormwater management systems which satisfy the appropriate state or regional regulatory design and performance criteria are deemed to satisfy the stormwater discharge water quality standards.
- c. Stormwater management systems that comply with adequate locally or regionally established level of service standards shall also be deemed to satisfy the stormwater discharge water quality standards.
- d. The City of Eustis may, at its discretion, allow exemptions to the stormwater management water quality standards to the extent that such appear in state or regional stormwater management water quality laws or regulations.

This policy does not mandate that the City conduct water quality sampling or testing of stormwater discharge receiving waters to implement the standards of the policy.

Policy CON 1.2.7: Provision of Public Sewer Service to Lake Shoreline Areas

The City shall initiate, in accordance with the final rules resulting from the implementation of the Wekiva Parkway and Preservation Act, a phased program to provide public sewer service to developed and developing areas within 400 feet of lake shorelines where such service is not presently available, provided that such service extensions are found to be economically feasible or otherwise determined to be necessary to maintain water quality. When service is available in these areas, the City will mandate connection to the public sewer system.

OBJECTIVE CON 1.3: GROUNDWATER PROTECTION

To continue to protect the integrity of groundwater resources in the community through the implementation of design standards (performance and technical) and operating standards including Best Management Practices (BMPs) regarding water consumption and location of development in relation to high recharge areas and designated wellhead protection areas.

Policy CON 1.3.1: Development Regulation within Wellhead Protection Areas and High Recharge Areas

The City shall continue to regulate development within designated wellhead protection areas of public water supply wellheads and in high recharge areas as follows:

- a. At a minimum, conform to Rule 62-521, FAC (Wellhead Protection) adopted by the Florida Department of Environmental Protection regarding types of restrictions within designated wellhead protection areas;
- b. Limit impervious surface areas, including roofs and pavement, in high recharge areas and designated wellhead protection areas, except that impervious cover factors may be increased in areas with central sewer service; and
- c. On-site waste disposal methods may be used only where permissible by state and local agencies having jurisdiction and where public sewer service is unavailable and is not included in the current five-year Capital Improvements Program.

High recharge areas are generally identified in Map #12 and Designated Wellhead Protection Areas are generally those set forth in Map #5. Specific site information will determine actual applicability.

Policy CON 1.3.2. Public Sewer Service to High Recharge Areas

The city will continue to implement its phased program to provide public sewer service in high recharge areas, and in designated wellhead protection areas, where such service is not presently available, provided that such service extensions are found to be economically feasible or otherwise determined to be necessary to maintain water quality. When service is available in these areas, the city will mandate connection to the public sewer system.

OBJECTIVE CON 1.4: WATER CONSERVATION

To continue to implement water conservation measures to reduce per capita consumption of potable water supplies and depletion of groundwater resources during times of drought, based on the specific policies and timetables set forth below.

Policy CON 1.4.1: Installation of Low Volume Plumbing Fixtures in New and Renovated Buildings

The City shall continue to require the installation of low volume plumbing

fixtures in new and renovated buildings, consistent with requirements of the State Water Conservation Act (Chapter 553.14, FS).

Policy CON 1.4.2: Leak Detection and Correction Program

The City shall, on an ongoing basis, implement a leak detection and correction program for the City's water system and schedule needed improvements through the annually updated five-year Capital Improvements Program.

Policy CON 1.4.3: Water Conservation Programs

The City shall, on an ongoing basis, cooperate with the St. Johns River Water Management District in implementing educational and regulatory programs related to water conservation, including enforcement of periodic water consumption restrictions.

Policy CON 1.4.4: Water Use Rate Structure

The City shall review local water consumption trends no less frequently than biannually and, as needed, adjust the city's water use rate structure accordingly to maintain per capita consumption at or below previous levels.

Policy CON 1.4.5: Programs for Recycled Non-Potable Water Sources

The City shall continue to expand programs using recycled non-potable water sources for irrigation of public and private properties, including grey water, collected runoff, and treated effluent.

Policy CON 1.4.6: Criteria for Reuse of Stormwater

The City shall maintain criteria for reuse of stormwater for irrigation purposes and supplementation of reclaimed water.

OBJECTIVE CON 1.5: WEKIVA SPRINGS WATER CONSERVATION/RESOURCES

To conserve water and protect the Wekiva spring system and groundwater and surface water resources of the Wekiva Springs Overlay Protection District.

Policy CON 1.5.1: Landscape Best Management Practices

The City shall require the use of landscaping Best Management Practices as described in *Guidelines for Model Ordinance Language for Protection of Water Quality and Quantity Using Florida Friendly Lawns and Landscapes* (Florida Department of Environmental Protection, September 2, 2003).

Policy CON 1.5.2: Landscaping at City Facilities

The City shall manage existing and future lawns and landscapes at all City facilities using the educational guidelines contained in the University of Florida Extension's Florida Yards and Neighborhoods Program, Environmental Landscape Management (ELM) principles, and Best Management Practices.

Policy CON 1.5.3: Best Management Practices Education

The City shall continue to coordinate with other local governments to develop and maintain programs to educate and encourage homeowners and private land owners to use Best Management Practices to protect natural habitat and to protect the quality and quantity of surface and groundwater resources within the Wekiva Springs Overlay Protection District.

Policy CON 1.5.4: Landscaping and Lawn Care Certification

The City shall encourage homeowners to be responsible in the application of fertilizers and pesticides, especially within the Wekiva Springs Overlay Protection District.

GOAL CON 2: LAND, VEGETATION, AND WILDLIFE RESOURCES

Protect and conserve environmentally sensitive resources, including soils, wetlands, woodlands, and other resources which provide habitat for endangered, threatened, and rare species of plants and wildlife and other important ecological functions.

OBJECTIVE CON 2.1: SOILS

To prevent soil erosion, on an ongoing basis, by recognizing soil limitations for development and requiring the utilization of Best Management Practices (BMPs).

Policy CON 2.1.1: Use of Septic Systems

The City shall continue to regulate the use of septic systems for on-site waste disposal in accordance with Florida Statutes and the requirements of FAC rule 64E 6. On-site sub-surface waste disposal methods may be used only where permissible by state and local agencies having jurisdiction and where public service is unavailable and not included in the Five-Year Capital Improvements Element at the time of application.

No on-site subsurface waste disposal is permitted in areas having the soil types listed below, except for existing lots-of-record of not less than 25,000 square feet and provided that the on-site disposal method is permissible by state and local agencies having jurisdiction under Florida Statute.

- a. Anclote
- b. Manatee
- c. Iberia
- d. Felda
- e. Oklawaha
- f. Placid
- g. Pelham
- h. Ocoee
- i. Pompano
- j. Iberia and Manatee

- k. Anclote and Myakka
- l. Swamp
- m. Placid and Myakka
- n. Emerald
- o. Myakka and Placid
- p. Fellowship
- q. Brighton
- r. Montverde

Policy CON 2.1.2: Erosion Prevention

The City shall continue to provide for, in the Land Development Regulations, standards, site plan review procedures, and Best Management Practices to prevent soil erosion and loss during construction on and occupancy of a site, including provisions which address the following:

- a. Density and land coverage in areas having highly erodible soils.
- b. Time period between site clearance and initiation of construction standards for tree protection and removal;
- c. Time period between completion of construction and replanting, sodding, or seeding the site; and
- d. Submittal of soil removal and erosion prevention plans for all major subdivisions and developments, as defined in the Land Development Regulations, including procedures for removal of vegetation, temporary soil stockpiling, and soil stabilization.

OBJECTIVE CON 2.2: MINERAL RESOURCES

To promote, on an ongoing basis, the conservation and commercial use of locally available mineral resources in an environmentally acceptable manner.

Policy CON 2.2.1: Extraction of Mineral Resources

The City may permit the extraction of mineral resources , provided that:

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

OBJECTIVE CON 2.3: WETLANDS

To continue to preserve the integrity of locally and regionally significant wetland communities from urban encroachment and degradation through the Land Development Regulations and Best Management Practices.

Policy CON 2.3.1 Wetland Protection

The City shall continue to protect the natural functions provided by wetlands by first directing incompatible uses away from wetlands, and then by requiring conservation easements, setbacks/buffers, and/or mitigation consistent with the Uniform Mitigation Assessment method used by the St. John's River Water Management District.

Policy CON 2.3.2: Wetland Mitigation

The City shall consider wetland alteration with mitigation only as a last resort, and only if the City determines that encroachment in the wetland is the least damaging alternative and no practicable on-site alternative exists. Such mitigation activities should replace similar habitat and function, and shall result in no net loss of wetland functions as determined by SJRWMD. Preservation of upland habitat may be considered in certain instances if deemed appropriate by the City but shall not result in a net loss of wetland functions.

Policy CON 2.3.3: Wetland Encroachment

In determining whether an encroachment in the wetland is the least damaging to the wetland and that no practicable on-site (or when in same ownership, adjacent off-site) alternative exists, the City shall evaluate the following:

- a. The land use category according to the Future Land Use Map (FLUM) series of the site and surrounding parcels;
- b. Alternative designs which could accomplish the purpose of providing a minimal, reasonable, beneficial use including the encroachment on the wetland of such alternative design;
- c. The degree of impact to the wetlands; and
- d. The quality of the wetland and the wetland functions being served by the area proposed to be encroached upon.
- e. The requirements applied by SJRWMD through the permitting process.

Policy CON 2.3.4: Wetland Buffer

The City shall require, for all natural, protected wetlands, an undisturbed upland buffer consistent with SJRWMD requirements, except where exemptions are established by SJRWMD and the Land Development Regulations. The size of the buffer shall vary in proportion to the ecological value of the adjacent wetland. The wetland classes are as follows:

- a. Isolated – on-site wetlands entirely isolated hydrologically from off-site wetlands and not considered waters of the state
- b. Non-isolated – on-site wetlands that are connected hydrologically to off-site wetlands, but not through permanently standing water

- c. Stream or lake – on-site wetlands which are riparian or otherwise connected to off-site wetlands via permanent bodies of water.

The minimum and average size buffers are as follows:

Type	Average width	Minimum width
Isolated	25 ft.	10 ft.
Non-isolated	35 ft.	15 ft.
Stream/lake	50 ft.	35 ft.

Policy CON 2.3.5 Enforcement

The City shall continue to enforce and apply all special Federal, State, and local provisions that relate to the protection of wetlands and their functions.

OBJECTIVE CON 2.4: WILDLIFE

To protect, on a continuing basis, locally significant habitat for endangered, threatened, and rare species of terrestrial and aquatic animals.

Policy CON 2.4.1: Development Application Requirements

The City shall, on an ongoing basis, require applications for major subdivisions and developments requiring site plan approval to identify locally significant habitat areas potentially impacted by proposed development and include a plan and procedures for avoiding or mitigating potential impacts.

OBJECTIVE CON 2.5: OPEN SPACE/ENVIRONMENTAL PROTECTION

To conserve open space in the Eustis Planning Area for passive recreation use and natural beauty consistent with the Future Land Use and Recreation and Open Space elements.

Policy CON 2.5.1: Required Open Space

The City shall establish minimum open space standards by limiting the amount of impervious coverage for each future land use designation, where applicable, through the Future Land Use Element Appendix.

Policy CON 2.5.2: Reservation and Maintenance of Open Space

The City shall allow clustering of development in subdivisions or developments to provide for the reservation and maintenance of common open spaces.

Policy CON 2.5.3: Open Space Maintenance

The City may accept jurisdiction for a dedicated common open space area where it finds the following:

- a. Public recreational opportunities are lacking and the site is well located to meet local needs based on adopted levels of service;
- b. The site is accessible for both public use and maintenance;
- c. Public access to and use of the site will be compatible with the proposed development and surrounding land uses; and
- d. Funding can be accommodated within normal budgeting processes and limitations and insurance liabilities are maintained within reasonable limits.

Policy CON 2.5.4: Acquisition of Open Space

The City may acquire open spaces needed to preserve and protect sensitive environmental and historical resources where it determines one or more of the following:

- a. The open space is part of a connected system of open spaces and will protect and preserve a sensitive environmental resource designated or delineated in the City or County Conservation Element;
- b. Requirements of the Land Development Regulations provide insufficient protection; or
- c. Grants are available to help defray acquisition costs.

Policy CON 2.5.5: Protection of Environmentally Sensitive Areas

The City shall, on an ongoing basis, undertake efforts to protect designated environmentally sensitive areas in perpetuity as common open space through conservation easements, deed restrictions, or other means.

Policy CON 2.5.6: Intergovernmental Coordination

The City shall coordinate with Lake County and other jurisdictions to ensure the protection of environmentally sensitive areas that cross jurisdictional boundaries.

OBJECTIVE CON 2.6: LAND ACQUISITION

To support public land acquisition within the Wekiva Springs Overlay Protection District to protect and preserve through acquisition and management most effective recharge areas, karst features, and sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub.

Policy CON 2.6.1: Acquisition Partnerships

The City shall support funding opportunities and partnerships with state agencies and local governments through programs such as the Florida Communities Trust to acquire lands for preservation within the Wekiva Springs Overlay Protection District including, but not limited to, karst features, habitat, corridors for wildlife movement, and most effective recharge areas. Both fee-simple acquisition of environmentally-sensitive land and less-than-fee simple conservation easements should be considered.

Policy CON 2.6.2: Wildlife Corridors and Greenways

The City shall coordinate with pertinent state and regional land acquisition

and wildlife agencies to identify natural greenways and wildlife corridors to link public parks, preservation areas, and similar areas for aquifer recharge, conservation and habitat preservation purposes.

GOAL CON 3: EFFICIENT DESIGN FOR THE BUILT ENVIRONMENT

Minimize the effects of urban development on the natural resources of the City, and to the regional environment.

OBJECTIVE CON 3.1: Efficient Design and Sustainable Techniques

To continue to review and update policies, codes and practices to provide guidance for new development to utilize worthwhile sustainable techniques, measures and materials as appropriate.

Policy CON 3.1.1: Incentives for Conservation Certified Projects

The City shall continue to provide incentives for energy efficient development as provided in the Land Development Code as detailed in Policy FLU 1.1.4

Policy CON 3.1.2: Existing Efficient Design at the Site Planning Scale

As provided for in the Future Land Use Element, the City shall continue to support and require efficient design concepts as a part of the site plan review and approval process through the City's Land Development Regulations.

Policy CON 3.1.3 City Projects

The City, in its public development projects, will utilize worthwhile sustainable techniques, measures and materials as appropriate.

EXHIBIT D**ECONOMIC DEVELOPMENT
GOALS, OBJECTIVES AND POLICIES****GOAL ECD 1: ECONOMIC DEVELOPMENT**

Promote a healthy and growing local employment and tax base in terms of new job opportunities provided, wages paid and revenues generated.

OBJECTIVE ECD 1.1: TARGET INDUSTRIES

To provide an environment favorable for the development of new target industries within the City.

Policy ECD 1.1.1: Industrial Development

The City shall continue to provide locations for industrial development on the Future Land Use Map, consistent with the standards and provisions for each district as defined in the Future Land Use Appendix.

Policy ECD 1.1.2: Land Development Regulations Standards

The City shall continue to ensure that Land Development Regulations standards regarding industrial development are contextually appropriate and do not place onerous site standards on new industrial development.

Policy ECD 1.1.3: Coordination with the Orlando Economic Partnership

The City shall maintain regular communications with the Orlando Economic Partnership to promote the Eustis area as a location for industrial development.

Policy ECD 1.1.4: Coordination with Local Economic Development Organizations

The City shall maintain regular communications with the, Lake Technical College, the Lake County Agency for Economic Prosperity and Lake-Sumter State College to ensure that labor force skills and training programs are relevant to local economic development needs and opportunities.

OBJECTIVE ECD 1.2: DOWNTOWN EUSTIS

To promote the continued development and redevelopment of Downtown Eustis, consistent with the adopted Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan.

Policy ECD 1.2.1: Land Development Regulations Standards

The City shall ensure that the Land Development Regulations promote investments in the Downtown and do not create significant regulatory impediments to redevelopment and infill projects.

Policy ECD 1.2.2: Walkability and Beautification

The City shall continue to pursue projects that enhance the beauty and walkability of the Eustis Downtown through streetscaping projects such as the addition of street trees, sidewalks, bike lanes, on-street parking,

improved crosswalks, and Florida Friendly plantings.

Policy ECD 1.2.3: Land Acquisition

The City may consider programs for purchasing key downtown parcels for economic development, redevelopment, and/or housing.

Policy ECD 1.2.4: Downtown Signage

The City shall maintain a cohesive wayfinding and signage Master Plan for the Downtown area.

OBJECTIVE ECD 1.3: EUSTIS COMMUNITY REDEVELOPMENT AGENCY

To coordinate economic development efforts by the City with the Community Redevelopment Agency.

Policy ECD 1.3.1: CRA Master Plan

The City shall consider the specific action items in the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan when reviewing applications for redevelopment, site plans, or amendments to the Future Land Use Map within the CRA.

Policy ECD 1.3.2: CRA Plan Implementation

The City shall incorporate goals and objectives of the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan into the City's Strategic Plan.

Policy ECD 1.3.3: Infrastructure Coordination

The City shall coordinate with the CRA in developing updates to the City's Five-Year Capital Improvements Plan.

EXHIBIT E**HOUSING ELEMENT
GOALS OBJECTIVES AND POLICIES****GOAL HSG 1: SAFE AFFORDABLE SANITARY HOUSING**

Promote safe, sanitary, and affordable housing to meet current and projected future needs.

OBJECTIVE: HSG 1.1: ADEQUATE AND AFFORDABLE HOUSING

To provide sufficient land and incentives and take other actions necessary to accommodate and facilitate construction of housing to meet projected demand and to accommodate the needs of the various household types and income groups characteristic of the city and planning area.

Policy HSG 1.1.1: Future Land Use

The City shall maintain land use classifications and density criteria to accommodate the varying housing needs of the community, as provided for in the Future Land Use Element Appendix.

Policy HSG 1.1.2: Land Development Regulations

The City shall continue to rely upon its Land Development Regulations to promote compact growth and preservation of open space.

Policy HSG 1.1.3: Future Permit Placement

The City shall continue to permit placement in residential districts of residential units manufactured off site which otherwise meet all applicable building codes and federal and state regulations and standards.

Policy HSG 1.1.4: Energy Efficiency

The City shall encourage construction methods, materials, and appliances that minimize energy and water consumption, limit or eliminate the use of toxic materials and reduce waste in housing construction to help reduce the overall cost of home maintenance and operation. As provided for in FLU 1.1.4 the City may participate in green residential programs.

OBJECTIVE HSG 1.2: SUBSTANDARD HOUSING

To eliminate substandard housing within the City while providing relocation assistance to displaced persons.

Policy HSG 1.2.1: Code Enforcement

The City shall continue to carry out systematic code enforcement activities to condemn and clear substandard structures which are beyond reasonable rehabilitation, based on the provisions of City Ordinances dealing with unsafe structures and minimum conditions for habitation.

Policy HSG 1.2.2: City Code Enforcement Displaced Residents

Where residents are displaced by city code enforcement activities or other local public actions, the City shall assist residents as follows in seeking standard housing in the community:

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

OBJECTIVE HSG 1.3: DISADVANTAGED POPULATIONS

To provide housing opportunities commensurate with identified needs and available resources for individuals and families having physical, economic or other limitations or who require assistance, care, or supervision through the following policies and implementing regulations and programs.

Policy HSG 1.3.1: Permit Group Homes and Foster Care Facilities

The City shall continue to permit group homes and foster care facilities in residential areas, and through the Land Development Regulations, provide minimum standards designed to limit impacts to other residential uses

Policy HSG 1.3.2: High Density Residential Development

The City shall continue to allow higher density residential development as one way to reduce per-unit costs.

Policy HSG 1.3.3: Extremely Low, Low and Moderate Income Housing Funding

The City shall continue to pursue, directly or through the Eustis Housing Authority and/or agencies of Lake County, available federal and state funds to help meet the projected housing needs of extremely low-, low-, and moderate-income families and elderly households, and permit participation by the city in partnership arrangements with private and non-profit housing providers, including the following programs or their successors:

- a. SAIL;
- b. Section 8;
- c. Rental Rehabilitation;
- d. Weatherization; and
- e. Section 202.

- f. Community Development Block Grants
- g. HOPE VI

OBJECTIVE HSG 1.4: NEIGHBORHOOD ENVIRONMENT

To take actions to conserve and rehabilitate standard and deteriorating housing in the community and to improve living conditions in residential neighborhoods.

Policy HSG 1.4.1: Repair and Upgrade Funding

The City shall monitor, apply for, and utilize available federal and state funding programs to repair and upgrade residential properties to meet minimum applicable construction and sanitary standards.

Policy HSG 1.4.2: Housing Conservation

The City shall consult with federal and state housing agencies to help refine and apply principles and criteria for local housing conservation, code enforcement, and rehabilitation activities, such criteria to consider cost of repair versus economic value and health and safety issues, among others.

OBJECTIVE HSG 1.5: HISTORIC HOUSING

To preserve historically significant housing in the community.

Policy HSG 1.5.1: Maintain Historic Character

The City shall maintain or improve the character of designated historic properties and areas by implementing the Historic Preservation Ordinance.

OBJECTIVE HSG 1.6: HOUSING IMPLEMENTATION

To pursue available means, including federal and state grants and its local regulatory authority to implement housing needs and activities.

Policy HSG 1.6.1: Nonprofit Technical Assistance

The city shall provide technical assistance to private, nonprofit, and other entities wishing to participate in meeting local housing needs

Policy HSG 1.6.2: Affordable Housing

The city shall facilitate provision of infill and affordable housing by making a percentage of the City-owned residential parcels available for residential construction and utilization to Habitat for Humanity and similar not for profit organizations at no cost and to private parties at minimal cost.

OBJECTIVE HSG 1.7: RELOCATION

To provide for the relocation of residents when City actions, such as the acquisition and clearance of property for construction of public facilities, result in the displacement of residents.

Policy HSG 1.7.2: Displacement Compensation

The City shall compensate owners and occupants according to applicable state requirements and, prior to displacement, assist occupants in seeking standard housing in the community in the manner provided in Policy HSG 1.2.2 of this element.

EXHIBIT F**INTERGOVERNMENTAL COORDINATION
GOALS, OBJECTIVES AND POLICIES****GOAL 1: INTERGOVERNMENTAL COORDINATION**

Promote adequate coordination among local governments in the Eustis area and with other public agencies on all matters of mutual interest.

OBJECTIVE INT 1.1: LAND USE AND DEVELOPMENT

To coordinate with adjacent local governments on mutual land use and development issues.

Policy INT 1.1.1: Dispute Resolution Process

The City shall use the dispute resolution process prescribed in Section 186.509, Florida Statutes, if or when conflicts of purpose among jurisdictions cannot be resolved locally.

Policy INT 1.1.3: Joint Planning Agreement with Lake County

The City shall continue to observe the joint planning area agreement with Lake County.

Policy INT 1.1.4: Amending the Joint Planning Agreement with Lake County

The City shall amend the joint planning agreement with Lake County as necessary to update the location of public utility facilities.

Policy INT 1.1.5: Level of Service Standards

The City shall continue to coordinate level-of-service standards and the impacts of development proposed in this plan upon adjacent cities, the county, the region and the State.

OBJECTIVE INT 1.2: TRANSPORTATION

To coordinate with adjacent local governments, the Lake-Sumter MPO and the Florida Department of Transportation on transportation mobility and transportation service issues according to the specific policies listed below.

Policy INT 1.2.1: Transportation Performance Standards

The City and County shall coordinate transportation needs for county-maintained roads in unincorporated sections of the Eustis Planning Area.

Policy INT 1.2.2: Five-Year Work Program

The City shall continue to meet with the Florida Department of Transportation, Lake County, the Lake-Sumter MPO and adjacent municipal jurisdictions annually to ensure that the FDOT Five-Year Work Program adequately reflects local needs.

Policy INT 1.2.3: Regional Bicycle and Trails Network

The City shall coordinate with the Lake-Sumter MPO in implementing the

regional bicycle and trails network identified in its 2035 Long-Range Plan and any subsequent updates.

Policy INT 1.2.4: Regional Mass Transit Systems

The City shall coordinate with the Lake-Sumter MPO and Lake Xpress in implementing the regional transit systems plan identified in the MPO's 2035 Long Range Plan and any subsequent updates.

Policy INT 1.2.5: Transportation Impact Fees

The City shall coordinate with Lake County in implementing a transportation impact fee system to support mobility improvements consistent with the City's vision.

OBJECTIVE INT 1.3: UTILITIES

To continue to coordinate with adjacent local governments and federal, state, and regional agencies on issues related to provision of urban services and conservation and protection of natural resources which supply urban needs including local and regional water supply plans, according to the specific policies listed below:

Policy INT 1.3.1: Ten-Year Water Supply Plan

The City will implement the Ten-Year Water Supply Plan Update adopted February 2010; will coordinate with SJRWMD and local governments to identify potable water supply, infrastructure and facility projects; potable water sources; and estimated project costs; and will provide fiveyear updates within one year of the District's regional water supply plan update.

Policy INT 1.3.2: Water Management District Coordination

The City will coordinate with SJRWMD in evaluating alternative sources of providing potable water and will participate in the development of updates to the SJRWMD Water Supply Plan and other initiatives that affect the City.

Policy INT 1.3.3: Water Supply Project Selection

The City will work with other jurisdictions to consider the feasibility of interconnecting alternative water supply facilities and in the evaluation of alternative water supply sources.

Policy INT 1.3.4: Water Conservation Programs Coordination

The City shall cooperate with the St. Johns River Water Management District in implementing educational and regulatory programs related to water conservation, including enforcement of periodic water consumption restrictions.

Policy INT 1.3.5: Interlocal Agreements

The City shall continue to coordinate with Lake County and other municipalities in water supply planning.

Policy INT 1.3.6: Intergovernmental Coordination

The City shall participate in discussions with Lake County, the Lake County Water Authority, the St. Johns River Water Management District, the Florida Department of Transportation, and others leading to a program which (1) establishes reasonable and effective standards and procedures which can be applied to existing developed areas as a basis for programs designed to correct deficiencies and (2) delineates solutions to drainage problems in these areas. Such a program will also address or includes:

- a. Determination of those basins, sub-basins, and water bodies in the Eustis area to be included; and
- b.
- c. Establishment of a system to monitor the quality of discharges into receiving waters using certain pollution indicators.
- d. Identification of funding sources; and
- e. Establishment of stormwater recharge and supplemental stormwater irrigation to meet the requirements of the Wekiva Parkway and Protection Act; and

Policy INT 1.3.7: Mitigating Existing Impacts

The City shall implement a phased multi-year program of stormwater improvements needed to mitigate existing runoff impacts and remedy existing deficiencies, commensurate with available local, state, and federal funding. The City will aggressively seek outside support in the form of grants from the Florida Department of Transportation, Florida Department of Environmental Protection, the St. Johns River Water Management District, and the Lake County Water Authority for the implementation of this program.

Policy INT 1.3.8: Disposal Coordination

The City shall coordinate with Lake County to regulate sources and disposal of hazardous wastes, consistent with federal and state guidelines and requirements, and collection and disposal activities.

Policy INT 1.3.9: Used Oil and Battery Collection

The City shall cooperate with Lake County in implementing its used oil and battery collection programs according to procedures and timetables adopted by Lake County. **OBJECTIVE INT 1.4: NATURAL AND HISTORIC RESOURCES**

To coordinate with adjacent local governments and federal, state, and regional agencies on issues related to protection and conservation of local natural and historical resources according to the specific policies listed below.

Policy INT 1.4.1: Water Quality Requirements

The City's Land Development Regulations shall continue address applicable permit requirements relating to water quality, including those of the St. Johns River Water Management District and Florida Department of Environmental Protection.

Policy INT 1.4.3: Mapping Environmentally Sensitive Lands

The City shall continue to coordinate with Lake County regarding policies on environmentally sensitive lands. The City's Land Development Regulations continue to regulate these areas through one or more of the following approaches:

- a. Utilize the general information presented in this element, the Conservation Element, and the Future Land Use Element as a basis for development review; and
- b. Require applications for development within the Wekiva Study Area to include information on these environmental resources, including assessments of impacts and plans for avoidance or mitigation.

Policy INT 1.4.5: Historical Resources

The City shall provide ongoing affirmational support to organizations which have an individual or collective interest in preserving the architectural and historical heritage of Eustis.

Policy INT 1.4.6: National Register of Historic Resources

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

OBJECTIVE INT 1.5: RECREATION AND OPEN SPACE

To coordinate with adjacent local governments and other public providers on issues relating to provision of recreation services and facilities and preservation of open space, according to the specific policies listed below.

Policy INT 1.5.1: Inventory of Public Water Access Points

The City shall cooperate with Lake County and the Lake County Water Authority in preparing an inventory of existing public water access points and continue to develop and improve water access facilities in the Eustis area, including boat ramps, viewing areas, and nature trails. **OBJECTIVE**

INT 1.6: HOUSING AND REDEVELOPMENT

To coordinate with adjacent local governments and federal and state agencies on issues relating to delivery of affordable housing and urban revitalization and redevelopment, according to the specific policies listed below.

Policy INT 1.6.1: Coordination with Housing Needs

As provided for in the Housing Element, the City shall continue to pursue available federal and state funds to help meet the projected housing needs of very low-, low-, and moderate-income families and elderly households

Policy INT 1.6.2: Consult Federal and State Housing Agencies

The City shall consult with federal and state housing agencies to help refine and apply principles and criteria for local housing conservation, code enforcement, and rehabilitation activities

OBJECTIVE INT 1.8: PUBLIC SCHOOL FACILITIES

To abide by and enforce the interlocal agreement between the city and school board to require cooperation in terms of population projections and school siting.

Policy INT 1.1.2: Interlocal Agreement

The City shall continue to observe and uphold the requirements of the interlocal agreement executed between the City and Lake County School Board to establish joint processes for collaborative planning and decision-making. The joint processes included in the agreement include:

- c. Population projections;
- d. Public school siting;
- e. The location and extension of public facilities subject to concurrency; and
- f. The siting of facilities with countywide significance, including locally unwanted land uses.

Policy INT 1.8.1: Annual Reporting for facilities and population projections

The school board shall provide facilities plans and population projections on an annual basis to ensure that consistency is maintained between the two.

Policy INT 1.8.2: School Board Planning

The School Board shall provide the City with any plans to site schools within the corporate limits or joint planning area.

- Policy INT 1.8.3: Land Use Plan Amendments**
The City shall provide to the school board all applications for land use plan amendments that have the potential of increasing residential density and that may affect student enrollment, enrollment projections, or school facilities.
- Policy INT 1.8.4: School Board Member Local Planning Agency**
The City shall allow a member of the school board to sit on the local planning agency and comment on proposals that have the potential to increase density.
- Policy INT 1.8.5: Lake County Educational Concurrency Review Committee**
The City shall take part in the Lake County Educational Concurrency Review Committee established by the County, School Board and municipalities that shall meet at least annually, but more often if needed, as outlined in the Interlocal Agreement between Lake County, Lake County School Board and Municipalities for School Facilities Planning and Siting, and will hear reports and discuss issues concerning school concurrency.
- Policy INT 1.8.6: The Joint Staff School Concurrency Review Group**
The City shall take part in the Joint Staff School Concurrency Review Group, comprised of Staff of the County, Cities, and School Board, that shall meet at least quarterly, as outlined in the Interlocal Agreement between the City and the Lake County School Board, to discuss issues concerning school planning. The School Board staff shall be responsible for making meeting arrangements.

OBJECTIVE INT 1.9: INTERGOVERNMENTAL COORDINATION WITHIN THE WEKIVA SPRINGS OVERLAY PROTECTION DISTRICT

To coordinate with other local governments located in the Wekiva Springs Overlay Protection District to ensure a consistent approach to springs, springshed, and aquifer protection.

Policy INT 1.9.1: Cooperation with Local Governments and Agencies

The City shall coordinate with local governments and regulatory agencies within the Wekiva Springs Overlay Protection District regarding land development regulations, stormwater management, and other matters that impact the springs and springshed.

Policy INT 1.9.2: Water Resource and Supply Planning

The City shall pursue joint strategies with the SJRWMD and local governments within the Wekiva Springs Overlay Protection District for protection of water resources through water supply planning, specifically addressing identification and use of alternative water sources.

Policy INT 1.9.3: Joint Land Acquisition Strategies

Where possible, the City shall pursue joint strategies with local governments within the Wekiva Springs Overlay Protection District regarding land acquisition efforts and conservation easements for protection of water resources, environmentally sensitive lands and open spaces.

OBJECTIVE INT 1.10: WASTEWATER TREATMENT COORDINATION

To coordinate with the Department of Health regarding on-site sewerage treatment and disposal systems located in the Wekiva Springs Overlay Protection District to ensure a coordinated approach to the provision of wastewater treatment.

Policy INT 1.10.1: On-site Sewage Treatment and Disposal Systems

The City shall coordinate with the county health department regarding the owners of on-site sewerage treatment and disposal systems that will be required to connect to central sewer facilities, and owners of on-site sewerage treatment and disposal systems that will remain, including those that require a department of health permit or permit modification, because of failing systems or systems requiring major repairs.

Policy INT 1.10.2: Notification of Central Sewer Availability

The City shall coordinate with providers of public and private sewer systems regarding the process for notification of existing owners of the availability of central sewer facilities.

EXHIBIT G**PROPERTY RIGHTS
GOALS, OBJECTIVES AND POLICIES****GOAL 1: PROPERTY RIGHTS**

Consider property rights in local decision making.

OBJECTIVE PP 1.1:

The City Commission shall consider the following property rights in local decision making.

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of the property owner to the quiet enjoyment of the property, to the exclusion of all others.
3. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or the use of any other person, subject to state law and local ordinances.
4. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
5. The right of a property owner to dispose of his or her property through sale or gift.

EXHIBIT H

**RECREATION AND OPEN SPACE
GOALS, OBJECTIVES AND POLICIES**
GOAL REC 1: OPEN SPACE FOR RECREATIONAL USE

Ensure adequate open space for recreational use by all citizens and conservation of natural amenities.

OBJECTIVE REC 1.1: FACILITIES

To provide recreational facilities in accordance with current and projected demand.

Policy REC 1.1.1: Recreation Level of Service Standards

The City's recreation level of service standards reflect minimum land requirements for certain classifications of parks and recreation sites rather than standards for specific types of recreation facilities because of the variable nature of facility needs throughout the community. These level of service standards shall ensure that adequate lands are set aside for active and/or passive recreational use and protection of natural features in developed and developing areas.

Policy REC 1.1.2: Recreation Level of Service Standards

The City's recommended recreation level of service standards for certain classes of parks and recreation sites are as follows:

Table 1: Recreation Level of Service Standards

Class	Service Area	Standard
Neighborhood Park	Neighborhood (section of City)	1 acre per 1,000 people
Community Park	Citywide	2 acres per 1,000 people
*Special Use Facility (e.g., boat ramp)	Neighborhood or Citywide	No standard; location, size, and frequency will depend on presence or accessibility of natural resources.

**Can be separate or included in a neighborhood or community park.*

Policy REC 1.1.3: Neighborhood Parks Improvements

The City shall use the level of service standards for recreation facilities summarized in Table 1 for planning and developing future parks and recreation sites. Neighborhood parks shall include one or more of the following types of improvements as determined on a case-by-case basis by neighborhood needs and the size and physical characteristics of an individual site:

- a. Shuffleboard court;
- b. Basketball court;
- c. Tennis court;
- d. Multi-purpose field;
- e. Picnic area with tables;
- f. Children's play equipment area; and

- g. Open area for passive use.

Community parks may include larger quantities of the facilities in the previous list plus the following facilities as appropriate:

- a. Community building;
- b. Baseball and softball fields;
- c. Swimming pool; and
- d. Fishing pier.

Policy REC 1.1.4: Parks and Recreation Funding Program

The City shall continue to use its long-range program developed prior to 1992 to fund development, operations, and maintenance of the public parks and recreation system.

Policy REC 1.1.5: Parks Master Plan & Bicycle and Pedestrian Master Plan

The City shall develop a Parks Master Plan by the year 2035. The City shall develop a City-wide Bicycle and Pedestrian Master Plan by the year 2035. This Master Plan will address local circulation via sidewalks, trails and bikeways to connect the City's downtown, neighborhoods, parks, and environmental features. The plan shall build on the Future Network – Bicycle and Trail Plan illustrated in Transportation Map #12, the Lake-Sumter MPO Greenways and Trail Plan, the Downtown and East Town Community Redevelopment Area Plan.

Policy REC 1.1.6: Private Recreation Connections

The City shall encourage private residential subdivisions to provide bicycle and pedestrian connections to the City's planned and existing trail system.

Policy REC 1.1.7: Local Recreation Preferences

The City shall make use of citizen surveys or other methods to ensure that the parks and recreation facilities provided by the City reflect the local preferences and needs for such facilities.

OBJECTIVE REC 1.2: ACCESS

To make recreational facilities and important open space resources available to and accessible by the general public, including the physically impaired and economically disadvantaged.

Policy REC 1.2.1: Acquisition of Recreation Sites

The City shall locate and invest primarily in acquiring and developing recreation sites which are accessible by a variety of means of transportation, including automobile, public transit, bicycle, and foot to the largest number of community residents. This will include sites which relate well with the adopted bicycle and sidewalk plans, as well as to major population concentrations.

- Policy REC 1.2.2: Access to Recreational Facilities for the Physically Handicapped**
The City shall require that new recreational facilities are designed to facilitate access by the physically handicapped.
- Policy REC 1.2.3: Special Programs**
The City shall continue to implement community recreational programs to serve the economically disadvantaged and physically impaired populations in the Eustis area including special programs for the elderly and school-age populations in existing community buildings and parks. Information on these programs shall be posted in key locations around the community. The City shall seek outside funding support to assist in paying for these programs.
- Policy REC 1.2.4: Urban Waterfront Park**
The City shall maintain Ferran Park, the urban waterfront park along the Lake Eustis shoreline to serve as a catalyst for economic growth and revitalization in downtown Eustis.
- Policy REC 1.2.5: Water Access Facilities Planning**
The City shall cooperate with Lake County and the Lake County Water Authority in preparing an inventory of existing public water access points and shall continue to develop and improve water access facilities in the Eustis area, including boat ramps, viewing areas, and nature trails. This plan shall identify opportunities on Lake Eustis and other water bodies in the Eustis Planning Area that shall include recommended parking provisions and other access criteria.
- Policy REC 1.2.6: Provision of Bicycle Racks and/or Storage Facilities**
The City shall provide for bicycle racks and/or storage facilities at all recreation sites. Private recreation facilities permitted under the Land Development Regulations shall also meet this criterion.
- Policy REC 1.2.7: Listing and Map of Recreational Sites and Facilities**
The City's Recreation Department shall publish and distribute and/or post a listing and map of recreational sites and facilities, including conditions regarding public access and use, to better inform the local residents of recreational opportunities in the area.
- OBJECTIVE REC 1.3: PUBLIC-PRIVATE COORDINATION**
To provide for ongoing coordination of public and private resources to meet recreational demands of City residents.
- Policy REC 1.3.1: Opportunities for Joint Public/Private Development and/or Use of Existing and Potential Recreation Facilities**
The City staff shall continue to meet with private providers in the Eustis area and Lake County recreation officials on future opportunities for joint public/private development and/or use of existing and potential recreation facilities, including the nature of any operating arrangements between the public and private sectors.

OBJECTIVE REC 1.4: OPEN SPACE

The City will continue to conserve open space for passive recreation use and natural beauty, and acquire open space to protect sensitive environmental resources consistent with the Future Land Use and Conservation elements

EXHIBIT I

**TRANSPORTATION
GOALS, OBJECTIVES AND POLICIES****GOAL TRA 1: SYSTEMS FRAMEWORK**

Implement a transportation systems framework based upon principles that will:

- Promote diversified economic development;
- Protect and enhance residential neighborhoods;
- Ensure adequate services and facilities to serve new and existing development;
- Discourage urban sprawl;
- Preserve and protect natural resources; and
- Respect private property rights.

OBJECTIVE TRA 1.1: LAND USE AND TRANSPORTATION COORDINATION

To enforce land use, design and transportation policies, standards and regulations that coordinate the existing and future transportation infrastructure with land uses shown in the Future Land Use map exhibit and that encourage development patterns consistent with the City's various design districts.

Policy TRA 1.1.1: Consistency with Future Land Use Element

The City shall coordinate the development of new transportation regulations, policies, standards, and plans with the Future Land Use element. The City will also consider both the Transportation Element and the Future Land Use Element when evaluating all development proposals.

Policy TRA 1.1.2: Transportation and Development Patterns

To discourage urban sprawl and to maximize the use of existing transportation infrastructure, the City shall implement regulations within the Land Development Code consistent with the development patterns identified in FLU 1.2.4.

Policy TRA 1.1.3: Roadway Improvements and Land Use Amendments

The City shall prohibit the use of new or expanded roadway facilities as sole justification for amendments to the Future Land Use Element where new or expanded development will adversely impact resource/ conservation areas or neighborhoods.

OBJECTIVE TRA 1.2: PROMOTE ECONOMIC DEVELOPMENT

To promote a safe, efficient and livable transportation system that provides for mobility to support the City of Eustis' continued economic development.

Policy TRA 1.2.1: Right of Way Preservation

The City shall continue to adopt and enforce policies, standards and regulations which specify the City's right-of-way needs.

Policy TRA 1.2.2: Dedication of Rights-of-Way

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The City shall continue to require as authorized by law, the dedication of rights-of-way as conditions of approval for all development proposals and subdivision plats.

Policy TRA 1.2.3: Identification of Future Enhanced Transit Corridors

The City shall work with appropriate agencies and entities to evaluate deed reservations, rail rights-of-way, major utility corridors and undeveloped platted road rights-of-way for potential use as future multi-use corridors and determine if these corridors are consistent with other elements of the Plan.

Policy TRA 1.2.4: Coordinate Transportation with Other Public Facilities

As part of the process for the acquisition or development of land for public uses, such as, parks, open space, environmental protection or other public purpose, the City shall evaluate the impacts of the proposed project on the future transportation system and the potential for the development of future transportation corridors as a joint use.

OBJECTIVE TRA 1.3 PROTECT AND ENHANCE RESIDENTIAL NEIGHBORHOODS

To develop and maintain an effective, convenient and economically feasible multi-modal transportation system in its neighborhoods that preserves and strengthens the residential quality of life by providing local accessibility for multiple modes, and provides access to neighborhood developments and attractors.

Policy TRA 1.3.1: Coordination with Future Land Use Element

The City shall establish and enforce land use, design, and transportation policies, standards and regulations that coordinate the transportation system with the residential and residential-supportive land uses shown on the Future Land Use map exhibit.

Policy TRA 1.3.2: Discourage Speeding on Residential Streets

The City shall establish standards for infill and redevelopment projects to discourage high vehicle speeding on adjacent residential streets. This shall be accomplished through appropriate traffic calming methods, such as gateway treatments, roundabouts, reduced roadway width and turn radii, or other treatments as identified by the City.

Policy TRA 1.3.3: Travel Between Neighborhoods

The City shall ensure that existing and new developments are connected wherever feasible by roadways, bicycle and pedestrian systems, and access to transit that encourage travel between neighborhoods without requiring use of the major thoroughfare system.

Policy TRA 1.3.4: Multimodal Access to Commercial Centers

The City shall work to establish bicycle and pedestrian systems to provide access to Downtown Eustis and other commercial centers from surrounding residential areas.

OBJECTIVE TRA 1.4: TRANSPORTATION AND ENVIRONMENTAL QUALITY

To support the City's desire to maintain environmental sustainability, conserve energy and natural resources, discourage urban sprawl, and to improve the aesthetic quality of the community through the implementation of the following policies.

Policy TRA1.4.1: Reducing Travel Demand through Land Use Measures

The City shall recognize Future Land Use Element policies that support reduced travel demand, shortened trip lengths, higher internal capture, and balanced trip demand.

Policy TRA 1.4.2: Promotion of Energy Efficient Vehicles and Alternative Fuel Sources

The City shall establish policies, standards, and regulations that encourage the use of energy efficient vehicles and enable the development of infrastructure systems to support their use by establishing sites for alternative energy fueling stations. Where appropriate, the City shall acquire energy-efficient vehicles as part of its vehicle fleet for police, fire, and maintenance needs.

Policy TRA 1.4.3: Travel Demand Management

The City shall establish policies, standards, and regulations that will result in lower vehicle miles traveled (VMT) through travel demand strategies such as telecommuting, ride-sharing, transit use, and employee guaranteed ride home programs.

Policy TRA 1.4.4: Promoting Non-Motorized Travel

The City shall establish and enforce policies, standards and regulations within the City's Land Development Regulations that promote pedestrian and bicycle mobility and access, including standards related to street design and connectivity; accommodate non-motorized travel; the provision of bicycle parking; and bicycle and trail access and connectivity.

Policy TRA 1.4.5: Roadway Speeds

To facilitate safe pedestrian movement, the City shall work with Lake County and the Florida Department of Transportation to limit posted speed limits within the City to 45 miles per hour or less.

Policy TRA 1.4.6: Protecting Natural Resources and Environmental Quality

In the planning, design and construction of transportation improvements, the City shall consider design techniques to mitigate adverse impacts on natural and environmental resources as well as design and operational techniques which can complement adjacent development and enhance the aesthetic quality of the transportation corridor.

Policy TRA 1.4.7: Enforcement of Environmental Regulations

In the planning, design and construction of new transportation facilities, the City shall continue to recognize policies in the Conservation Element.

Policy TRA 1.4.8: Lakeshore Drive Scenic Road

Lakeshore Drive is hereby designated a scenic road requiring preservation of a two-lane cross section, posting for low-to-moderate travel speeds, limited improvements for bicycle use, and careful regulation of roadside development. The City shall coordinate with Lake County and the Lake-Sumter MPO to establish a consistent functional classification of Urban Local for the Lakeshore Drive/Lake Eustis Drive corridor.

OBJECTIVE TRA 1.5: PROMOTE MULTI-MODAL TRAVEL

To establish and enforce policies, standards, and regulations that promote multi-modal mobility and access throughout the City, including travel by automobile, bicycle, walking, and transit.

Policy TRA 1.5.1: Multi-Modal Connectivity

The City shall preserve existing roadway, sidewalk and bicycle system connections, and restore networks that previously were disconnected, where appropriate. In particular, the City shall encourage future redevelopment and development projects to improve street connectivity by developing new local streets with appropriate sidewalk and bicycle facilities, where feasible. Priority shall be given to those proposed roadway connections identified in the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan..

Policy TRA 1.5.2: Align Roadways to Connect to Stub-outs to Adjacent Parcels

The City shall continue to require joint connectivity and block structure requirements, including stub-outs to adjacent parcels and roadway alignment as provided for in the Land Development Regulations.

Policy TRA 1.5.3: Citywide Bicycle and Pedestrian Master Plan

The City shall improve mobility through infrastructure improvements to be included in the citywide Bicycle and Pedestrian Master Plan proposed for completion by 2035 as provided for in the Recreation and Open Space Element.

Policy TRA 1.5.4: Demand Response Transit

The City shall work with Lake County to continue to provide demand-response transit service to cater to the transit dependent populations within the City.

Policy TRA 1.5.5: Evaluate Transit Service Options

The City shall work with Lake County to monitor and evaluate and, as deemed necessary, implement additional mass transit, paratransit and transportation demand management strategies and programs which support the Future Land Use Element, address the special needs of the service population, and increase the efficiency of transit services. Such strategies and programs may include rail services, intra-city trolley, carpools/vanpools, Park-and-Ride, demand response transit service, parking management, express bus services, transfer stations and increased frequency of bus service.

- Policy TRA 1.5.6: Roadway Functional Classification**
The City shall adopt Transportation Map 1 – Roadway Functional Classification System that identifies the existing functional classification for collector and arterial roadways within the City.
- Policy TRA 1.5.7: Orange Avenue Functional Classification**
To further the goals of Eustis in improving multi-modal mobility, the City shall continue working with Lake-Sumter MPO to reclassify Orange Avenue (old SR 44) from an arterial to a collector within the City limits.
- Policy TRA 1.5.8: Constrained Facilities**
All collector and arterial roadways within the City shall be limited to the maximum number of through lanes shown on Transportation Map 10 - Year 2035 Roadway Number of Lanes. Small-scale modifications such as turn lanes may still be provided as warranted.
- Policy TRA 1.5.9: Bicycle and Pedestrian Access to Schools**
In coordination with the Lake County School Board, the City shall work to establish sidewalks, bicycle paths, and/or a network of low-speed neighborhood streets to provide safe and convenient access to all elementary, middle and high schools.

OBJECTIVE TRA 1.6: TRANSPORTATION MOBILITY APPROACH

To support urban infill and redevelopment efforts of the City and to target economic development, job creation, housing, transportation, crime prevention, and neighborhood revitalization and preservation within the City, the City rescinds transportation concurrency for all areas within the City limits .

- Policy TRA1.6.1: Mobility Planning**
The City shall continue to develop integrated land use and transportation planning studies for geographic areas of the city according to the Future Land Use Element
- Policy TRA 1.6.2: City Plans that Address Multi-Modal Mobility**
The City shall implement land use and transportation strategies that call for multi-modal mobility within recently completed and adopted city plans, including the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan and Land Development Regulations.
- Policy TRA 1.6.3: Development Review focused on Multi-Modal Mobility**
Through the policies, standards and regulations in the Land Development Regulations, the City shall continue to encourage the provision of multi-modal facilities.
- Policy TRA 1.6.4: Supporting Regional Multi-Modal Plans**
The City shall continue to participate in initiatives to promote regional and

local transit, including future expansion plans for LakeXpress, Central Florida Commuter Rail, and other proposed light rail or bus rapid transit projects (as illustrated in Transportation Map #13, Future Transportation Network-Mass Transit). The City shall continue to participate in the development of the MPO's Long Range Transit Plan and Greenways and Trails Plan, and coordinate with the County and adjacent municipalities in planning for and implementing future bicycle and multi-use trail facilities.

Policy TRA 1.6.5: Roadway Level of Service Standard

The City shall adopt a roadway Level of Service standard of E for collector and arterial roadways within the City. The roadway Level of Service shall be measured for daily conditions. In cases where individual roadway segments exceed the Level of Service standard, the available capacity on parallel corridors within the City shall be included in the evaluation.

Policy TRA 1.6.6: Multi-Modal Transportation Level of Service

The City shall adopt transportation system performance measures to address its multimodal goals for bicycle, pedestrian and transit circulation.

Policy TRA 1.6.7: Refined Roadway Level of Service Analysis Techniques

The City may authorize refined transportation methodologies and techniques to be used in situations where more precise input data and analysis is desired prior to final action associated with development review or transportation infrastructure modifications. Acceptable methodologies and techniques may include, but are not limited to:

- Trip generation studies
- Traffic studies
- Trip characteristics studies
- Travel time/speed/delay studies
- Passer-by and internal trip analysis
- Person trip analysis
- Planning level models
- Traffic operation models
- Intersection analysis
- Corridor/subarea analysis
- Multi-modal analysis

Policy TRA 1.6.8: Multi-Modal Transportation Level of Service Analysis Techniques/Standards

The City shall develop special area plans, as needed, for areas of special concern. When appropriate, the City shall adopt additional or alternative level of service standards and methods of applying levels of service standards that address accessibility for vehicular traffic, pedestrians, cyclists, and transit modes.

OBJECTIVE TRA 1.7: TRANSPORTATION PLANNING COORDINATION

The City shall coordinate its plans with all transportation planning bodies including but not limited to the Florida Department of Transportation, Lake County, East Central Florida Regional Planning Council, and the Lake-Sumter MPO.

Policy TRA 1.7.1: FDOT Five-Year Work Program Coordination

Through the Lake-Sumter MPO, the City shall review on an annual basis the FDOT Five-Year Work Program to address right-of-way needs, access management and level of service standards.

Policy TRA 1.7.2: Lake County Transportation Element Coordination

The City shall review on an annual basis the Transportation Element for Lake County to address right-of-way needs, access management, and level of service standards.

Policy TRA 1.7.3: City of Tavares and City of Mount Dora Coordination

The City shall review on an annual basis the Transportation Elements for Tavares and Mount Dora to address right-of-way needs, access management, and level of service standards.

OBJECTIVE TRA 1.8: ACCESS AND CONNECTION TO REGIONAL FACILITIES

To establish and enforce policies, standards, and regulations that recommend access and connection to regional transportation facilities and amenities.

Policy TRA 1.8.1: Access to Recreational Facilities and Resources

The City shall work with the County, the MPO, and other adjoining cities, to connect local trails and the sidewalks and bicycle facilities within the City to existing and proposed regional trail facilities and bicycle systems.

Policy TRA 1.8.2: Access to Community Facilities and Downtown

The City shall establish policies, standards, and regulations to ensure that residential neighborhoods have reasonable access to the City's community facilities and to Downtown via trails or bicycle facilities, transit service, and street network, as described under the Performance Standards for Goals TRA 2, TRA 3 and TRA 4.

OBJECTIVE TRA 1.9: FUNDING TRANSPORTATION IMPROVEMENTS

To identify multiple sources for funding transportation improvements necessary to support the growth forecasts, goals, objectives and policies of the Future Land Use Element and to provide for a safe, convenient and efficient transportation system.

Policy TRA 1.9.1: Funding Sources

The City shall work with the Lake-Sumter MPO, FDOT, Lake County, the Eustis CRA, and private developers in funding and implementing transportation improvements, as described in the policies contained in the Intergovernmental Coordination Element, Objective 1.2, Transportation.

Policy TRA 1.9.2: Transportation Improvements as part of Development and Redevelopment

As feasible, the City shall work to implement transportation improvements as part of development and redevelopment within the City through implementation of standards in the Land Development Regulations.

GOAL TRA 2: URBAN DEVELOPMENT PATTERN

Enhance the livability and viability of the urban core area of the City as described by the Urban Development Pattern Area through transportation policies and infrastructure investments that:

- Prioritize the safety, comfort and convenience of the pedestrian, bicycle and mass transit environments;
- Accommodate vehicular circulation in a manner that is responsive to the needs of alternate modes; and
- Support the land use goals for the district.

OBJECTIVE TRA 2.1: URBAN LAND USE AND TRANSPORTATION COORDINATION

To establish and enforce policies, standards and regulations that align the existing and future transportation infrastructure with higher density mixed-use development called for in the Urban Development Design District.

Policy TRA 2.1.1: Promote Land Use Patterns to Support Mass Transit Service

To promote the viability of existing and planned transit service, the City shall adopt and enforce land use policies, standards and regulations that promote high intensity residential-based mixed use developments in Urban Centers.

Policy TRA 2.1.2: Promote Shared and Reduced Parking

The City shall continue to enforce policies, standards and regulations that encourage shared parking across development parcels within Urban Centers and Urban Corridors.

OBJECTIVE TRA 2.2 URBAN MULTI-MODAL TRANSPORTATION

To establish and enforce policies, standards, and regulations that promote multi-modal mobility and access throughout the Urban Development Pattern, including travel by automobile, bicycle, walking, and transit.

Policy TRA 2.2.1: Complete Streets

The City shall implement policies, including those standards already within the Land Development Regulations, to address the design and operation of all streets within the Urban Development Pattern for all users, including drivers, bicyclists, transit users, pedestrians of all ages and abilities, business owners and residents.

Policy TRA 2.2.2: Street Types in Land Development Regulations

The City shall use the Street Types outlined in the Land Development Regulations as a guidance when designing and constructing new street sections within the Urban Development Pattern.

Policy TRA 2.2.3: Street Connectivity

As identified in the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan, the City shall work to restore local street network segments that previously were disconnected and construct new street connections within the Urban Development Pattern. In particular, the City shall implement these street connections through development impact mitigation and as part of capital improvement projects.

Policy TRA 2.2.4: Downtown and East Town Community Redevelopment Area Mobility Needs

The City shall support the implementation of the mobility needs identified in the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan.

Policy TRA 2.25: Lake-Sumter MPO Long Range Mobility Needs

The City shall support the implementation of the Lake-Sumter MPO Long Range Transportation Plan,

Policy TRA 2.2.7: Lake County Transit Shelter Needs

The City shall support the implementation of the 2010 Lake County Shelter Placement Site Recommendations Report, as may be amendment

Policy TRA 2.2.8: Sidewalk Connectivity

The City shall work to complete the network of sidewalks along all streets within the Urban Development Pattern, as part of construction of new streets as well as retrofitting of existing streets.

Policy TRA 2.2.11: Pedestrian-Oriented Development Design

Provisions in the City's Land Development Regulations require new developments in Urban Development Patterns to support the highest levels of pedestrian access and mobility.

OBJECTIVE TRA 2.3: ENCOURAGING URBAN TRANSIT USE

To establish and enforce policies, standards, and regulations that promote transit use within the Urban Development Pattern.

Policy TRA 2.3.1: Transit-Oriented Density, Diversity, and Design

The City shall enforce provisions in the Future Land Use Element and the City's Land Development Regulations that encourage development patterns, densities, design, and a mix of uses in the Urban Development Pattern that will support expanded mass transit service in the future.

Policy TRA 2.3.2: Transit in Urban Development Pattern

The City shall work with the County, the MPO, and other regional and state agencies to increase transit service within the Urban Development Pattern, in particular encouraging the location of transit stops within the City's Urban Centers and along Urban Corridors.

OBJECTIVE TRA 2.5: URBAN DEVELOPMENT PATTERN PERFORMANCE STANDARDS

To establish and utilize performance standards for the provision and operation of a multi-modal transportation system (including pedestrian and bicycle facilities, mass transit and paratransit services, the City Road System and the portion of the County Road and State Highway Systems within the City). The performance standards will measure progress toward achieving the multi-modal mobility goals within the Urban Development Pattern.

Policy TRA 2.5.1: Site and Building Design

The character of the built environment that frames a street contributes greatly to its walkability. Because of this, the City has established the Urban Development Pattern intent and performance standards described in the Future Land Use Element and Land Development Regulations.

Policy TRA 2.5.2: Sidewalks

The City shall ensure through its Land Development Regulations that within the Urban Development Pattern, continuous sidewalks of at least five feet in width are provided on both sides of all public and private streets to the greatest extent practicable.

Policy TRA 2.5.3: Intersection Design

The City shall work to ensure that all signalized intersections within the Urban Development Pattern have a protected signal phase for pedestrians on all legs of the intersection. In addition, all signalized intersections shall have striped crosswalks or other crosswalk treatments that would enhance the comfort and safety of pedestrians crossing a street. Crosswalk treatments shall be in compliance with requirements of the Manual on Uniform Traffic Control Devices (MUTCD).

Policy TRA 2.5.4: Americans with Disabilities Act (ADA)

The City shall work to ensure that all streets within the Urban Development Pattern conform with the requirements of the ADA, including the provision of handicapped accessibility ramps and provision of handicapped accessible routes from the street to major public entrances of buildings.

Policy TRA 2.5.5: Block Size and Block Configuration

As prescribed in the City's Land Development Regulations, blocks within the Urban Development Pattern shall be laid out within an interconnected network of streets.

Policy TRA 2.5.6: Roadway Speeds

To facilitate safe pedestrian movement, the City shall ensure that all City-maintained streets within the Urban Centers and the Urban Neighborhoods

have a posted speed limit of 25 mph or less.

Policy TRA 2.5.7: Complete Streets

The Street Types outlined in the Land Development Regulations can serve as a guide for developing new complete streets within the Urban Development Pattern.

Policy TRA 2.5.8: Trees and Street Furnishings

Based on the recommendations of the Downtown and East Town Community Redevelopment Area 2016 Redevelopment Plan, the City shall work to ensure that all new and existing “A” streets within Urban Centers and Urban Corridors have basic street furnishings and streetscape amenities, including street trees, pedestrian-scale lighting, seating, and bus stop shelters (where appropriate).

Policy TRA 2.5.9: Downtown Wayfinding

To improve circulation for all users, the City shall implement the recommendations of the Wayfinding Plan developed for Downtown Eustis.

Policy TRA 2.5.10: Pedestrian Destinations

Through implementation of the policies in the Future Land Use Element, the City shall work to ensure that community-serving destinations are accessible to residents within the Urban Development Pattern.

Policy TRA 2.5.11: Bicycle Lanes and Multi-use Trails

As part of the development of the Citywide Bicycle and Pedestrian Master Plan, the City shall work to provide bicycle lanes or multi-use trails accessible to residents within the Urban Development Pattern.

Policy TRA 2.5.12: Connection to Recreational Amenities

The City shall ensure that all public recreational amenities such as parks, regional trails, and the Lake Eustis waterfront can be accessed from the Urban Centers via direct pedestrian connection.

Policy TRA 2.5.13: Bicycle Parking

The City shall ensure that bicycle parking is required for all new development projects that will be accessed by the public within the Urban Development Pattern.

Policy TRA 2.5.14: Transit Stops and Transit Shelters

The City shall work with Lake County to ensure that transit stops within Urban Centers and major destinations (hospitals, employment centers, shopping centers and schools) have, as feasible, shelters for transit users that would include bus route/schedule signs, seating, shelter from the elements, and be ADA compliant when required by law.

Policy TRA 2.5.15: Transit Service Headways

The City shall work with Lake County to improve transit service within the Urban Development Pattern during peak periods.

Policy TRA 2.5.16: Transit Service Accessibility

The City shall work with Lake County to improve transit service to ensure that all residents within the Urban Development Pattern have access to fixed-route transit service.

Policy TRA 2.5.17: Transit Service Span

The City shall work with Lake County to expand hours of operation for transit routes serving the City.

Policy TRA 2.5.18: Transit Serving Major Destinations

The City shall work with Lake County to ensure that major public gathering venues and destinations are served by a local transit route. These include hospitals, employment centers, shopping centers, and schools.

GOAL TRA 3: SUBURBAN DEVELOPMENT PATTERN

Enhance the livability and viability of neighborhoods and existing commercial corridors as described in the Suburban Development Pattern Area (in Appendix) through transportation policies and infrastructure investments that discourage urban sprawl and:

- Balance vehicular mobility with the needs for pedestrian, bicycle and mass transit mobility
- Preserve and protect existing viable neighborhoods and subdivisions;
- Support the land use goals for the district.

OBJECTIVE TRA 3.1: SUBURBAN LAND USE AND TRANSPORTATION COORDINATION

To establish and enforce policies, standards and regulations that align the existing and future transportation infrastructure to support the residential and non-residential uses in distinct patterns arranged in centers, districts, and corridors, as called for in the Suburban Development Pattern.

Policy TRA 3.1.1: Suburban Centers

The City shall adopt and enforce standards that encourage the development of Suburban Centers where a system of streets, pedestrian walkways, and driveways support uses where development occurs at a density and intensity that can be feasible to support fixed-route transit.

Policy TRA 3.1.2: Suburban Corridors

The City shall continue to enforce standards, and regulations that provide for adequate vehicular, bicycle, and pedestrian access and mobility to serve Suburban Corridors as well as the adjacent residential neighborhoods.

Policy TRA 3.1.3: Linking Neighborhoods to Shopping Areas

The City shall adopt and enforce policies, standards, and regulations that provide for multiple street connections and routing options between Suburban Neighborhoods and community-serving commercial areas.

Policy TRA 3.1.4: Access Management

The City shall continue to establish and enforce policies, standards and regulations for the management of access points along streets within the

Suburban Development PatternThe implementation of the State Access Management Program and the control of access connections to the State highway system shall be consistent with Chapter 14-96 and 14-97, F.A.C. and the Florida Department of Transportation Access Management Rule and will be coordinated with the Florida Department of Transportation through the City's access permitting process.

Policy TRA 3.1.5: Promote Shared Parking

The City shall continue to enforce policies, standards and regulations that encourage shared parking among different parcels, through cross-access easements and a connected network of pedestrian walkways along Suburban Corridors and in Suburban Centers.

OBJECTIVE TRA 3.2: SUBURBAN MULTI-MODAL TRANSPORTATION

To establish and enforce policies, standards, and regulations that promote multi-modal mobility and access throughout the Suburban Development Pattern, including travel by automobile, bicycle, walking, and transit.

Policy TRA 3.2.1: Complete Streets

The City shall implement policies, including those standards already within the Land Development Regulations, to address the design and operation of all streets within and between Suburban Centers for safe and comfortable bicycling, walking, and transit operation.

Policy TRA 3.2.2: Street Types in Land Development Code

The City shall use the Street Types outlined in the Land Development Regulations as a guidance when designing and constructing new street sections within the Suburban Development Pattern.

Policy TRA 3.2.6: Sidewalk Connectivity

The City shall work to complete the network of sidewalks along all streets within the Suburban Centers, as part of construction of new streets as well as retrofitting of existing streets.

OBJECTIVE TRA 3.3: SUBURBAN DEVELOPMENT PATTERN PERFORMANCE STANDARDS

To establish and utilize performance standards for the provision and operation of a multi-modal transportation system (including pedestrian and bicycle facilities, mass transit and paratransit services, the City Road System and the portion of the County Road and State Highway Systems within the City). The performance standards will measure progress toward achieving the multi-modal mobility goals within the Suburban Development Pattern.

Policy TRA 3.3.1: Site and Building Design

The character of the built environment that frames a street contributes greatly to its walkability. Because of this, the City has established the Suburban Development Pattern standards and performance standards described in the Future

Land Use Element and Land Development Regulations.

- Policy TRA 3.3.2: Sidewalks**
The City shall work to ensure that within the Suburban Development Pattern sidewalks shall be provided on both sides for all streets within Suburban Centers and those streets within one mile of public schools, community centers, parks, and major transit stops.
- Policy TRA 3.3.3: Intersection Design**
The City shall work to ensure that all signalized intersections within Suburban Centers have a protected signal phase for pedestrians on all legs of the intersection. In addition, all signalized intersections shall have striped crosswalks or other crosswalk treatments that would enhance the comfort and safety of pedestrians crossing a street. Crosswalk treatments shall be in compliance with requirements of the MUTCD.
- Policy TRA 3.3.4: Americans with Disabilities Act (ADA)**
The City shall work to ensure that all streets within Suburban Centers conform with the requirements of the ADA, including the provision of handicapped accessibility ramps and provision of handicapped accessible routes from the street to major public entrances of buildings.
- Policy TRA 3.3.5: Block Size and Block Configuration**
As prescribed in the City's Land Development Regulations, blocks within the Suburban Development Pattern shall be laid out within an interconnected network of streets.
- Policy TRA 3.3.6: Internal Streets**
The City shall require a connected system of internal streets within new suburban developments, per the standards established by the Land Development Regulations.
- Policy TRA 3.3.7: Internal Pedestrian Network**
The City shall require all new suburban developments to provide sidewalks along streets or pedestrian paths that connect primary building entrances to one another and to the public street, adjacent trails, transit stops, parking areas, and to publicly accessible pedestrian walkways of adjacent development.
- Policy TRA 3.3.8: Suburban Landscape Standards and Streetscaping**
The City shall require new suburban developments to conform to the suburban landscape requirements called for by the City's Land Development Regulations.
- Policy TRA 3.3.9: Bicycle Lanes and Multi-use Trails**
As part of the development of the Citywide Bicycle and Pedestrian Master Plan, the City shall work to ensure that bicycle lanes or multi-use trails are accessible to residents within the Suburban Development Pattern.
- Policy TRA 3.3.10: Connection to Recreational Amenities**

The City shall work to ensure that all public recreational amenities can be accessed from the Suburban Centers through pedestrian, bicycle, or transit connections.

Policy TRA 3.3.11: Bicycle Parking

The City shall ensure that bicycle parking is required for all new development projects that will be accessed by the public within the Suburban Centers.

Policy TRA 3.3.12: Transit Stops and Transit Shelters

The City shall work with Lake County to ensure that transit stops at major destinations (hospitals, employment centers, shopping centers, and schools) shall have, as feasible, shelters for transit users that would include bus route/schedule signs, bench, shelter from the elements, and be ADA compliant where required by law.

Policy TRA 3.3.13: Transit Service Headways

The City shall work with Lake County to improve transit service headways during peak periods at Suburban Centers.

Policy TRA 3.3.14: Transit Service Accessibility

The City shall work with Lake County to improve transit service to ensure that all residents within the Suburban Development Pattern have access to fixed-route transit service.

Policy TRA 3.3.15: Transit Service Span

The City shall work with Lake County to expand hours of operation for transit routes serving the City.

Policy TRA 3.3.16: Transit Serving Major Destinations

The City shall work with Lake County to ensure that all major public gathering venues and destinations are served by a local transit route. These include hospitals, employment centers, shopping centers, and schools.

GOAL TRA 4: RURAL DEVELOPMENT PATTERN

Manage the transportation system for the Rural Development Pattern Area through transportation policies and infrastructure investments that:

- Address vehicular circulation and allow for safe pedestrian and bicycle circulation
- Support the land use goals for the district.

OBJECTIVE TRA 4.1: RURAL LAND USE AND TRANSPORTATION COORDINATION

To establish and enforce land use, design and transportation policies, standards and regulations that align the existing and future transportation infrastructure to the Rural Development Pattern.

Policy TRA 4.1.1: Rural Centers

The City shall adopt and enforce standards and regulations that encourage the development of Rural Centers where a system of streets and pedestrian

walkways support uses.

Policy TRA 4.1.2: Rural Corridors

The City shall adopt and enforce standards, and regulations that provide adequate vehicular, bicycle, and pedestrian access and mobility to serve Rural Corridors as well as the adjacent residential neighborhoods.

Policy TRA 4.1.3: Multi-Modal Connectivity Between Development Phases

The City shall ensure that the street and trail layouts of subsequent phases of residential subdivision developments are coordinated with previous phases to ensure multi-modal connectivity.

OBJECTIVE TRA 4.2: RURAL DEVELOPMENT PATTERN PERFORMANCE STANDARDS

To establish and utilize performance standards for the provision and operation of a multi-modal transportation system (including pedestrian and bicycle facilities, mass transit and paratransit services, the City Road System and the portion of the County Road and State Highway Systems within the City). The performance standards will measure progress toward achieving the multi-modal mobility goals within the Rural Development Pattern.

Policy TRA 4.3.1: Site and Building Design

The character of the built environment that frames a street contributes greatly to its walkability. Because of this, the City has adopted the Rural Development Pattern and performance standards described in the Future Land Use Element Land Development Regulations.

Policy TRA 4.3.2: Sidewalks

The City shall work to ensure that within the Rural Centers sidewalks shall be provided for all streets connecting to public schools, community centers, parks, and transit stops.

Policy TRA 4.3.3: Intersection Design

The City shall work to ensure that all signalized intersections within Rural Centers have a protected signal phase for pedestrians on all legs of the intersection. In addition, all signalized intersections shall have striped crosswalks or other crosswalk treatments that would enhance the comfort and safety of pedestrians crossing a street. Crosswalk treatments shall be in compliance with requirements of the MUTCD.

Policy TRA 4.3.4: Americans with Disabilities Act (ADA)

The City shall work to ensure that all streets within Rural Centers conform with the requirements of the ADA, including the provision of handicapped accessibility ramps and provision of handicapped accessible routes from the street to major public entrances of buildings.

Policy TRA 4.3.5: Street Types in Land Development Code

The City shall use the Street Types outlined in the Land Development Regulations as guidance when designing and constructing new street sections within the Rural Development Pattern.

Policy TRA 4.3.6: Transit in Rural Centers

The City shall work with Lake County to ensure that fixed-route transit service is provided to Rural Centers as they are developed.

Policy TRA 4.3.7: Transit Stops

The City shall work with Lake County to ensure that transit stops are provided for all routes that serve Rural Centers.

Map #1

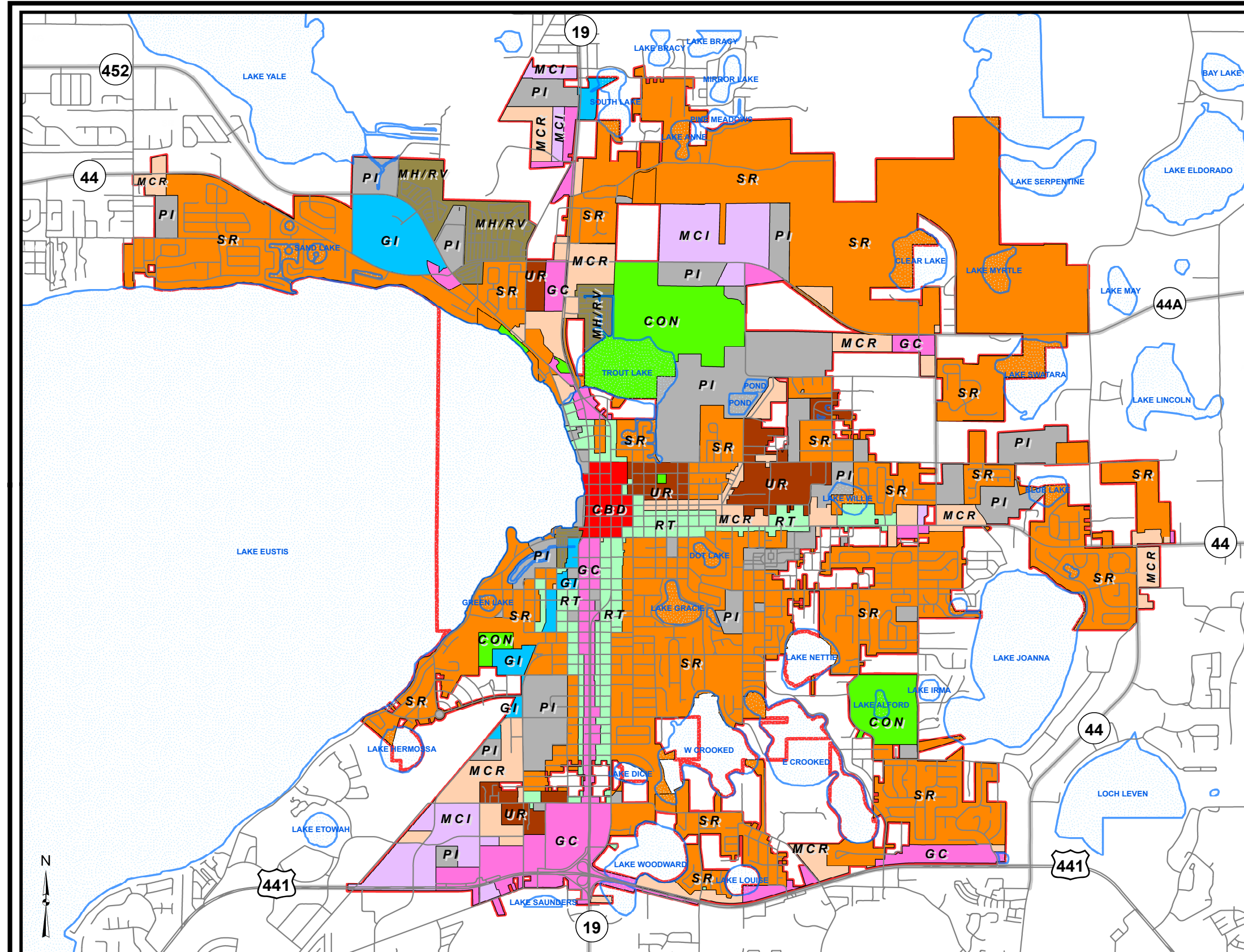
2035 Future Land Use Map

	CBD- Central Business District
	CON- Conservation
	GC- General Commercial
	GI- General Industrial
	MCI- Mixed Commercial/Industrial
	MCR- Mixed Commercial/Residential
	MH/RV- Mobile Homes/RV
	PI- Public/Institutional
	RT- Residential/Office Transitional
	SR- Suburban Residential
	UR- Urban Residential



A horizontal scale bar with a black and white alternating pattern. Above the bar are numerical markers for 0, 0.5, and 1. To the right of the bar is the word "Miles".

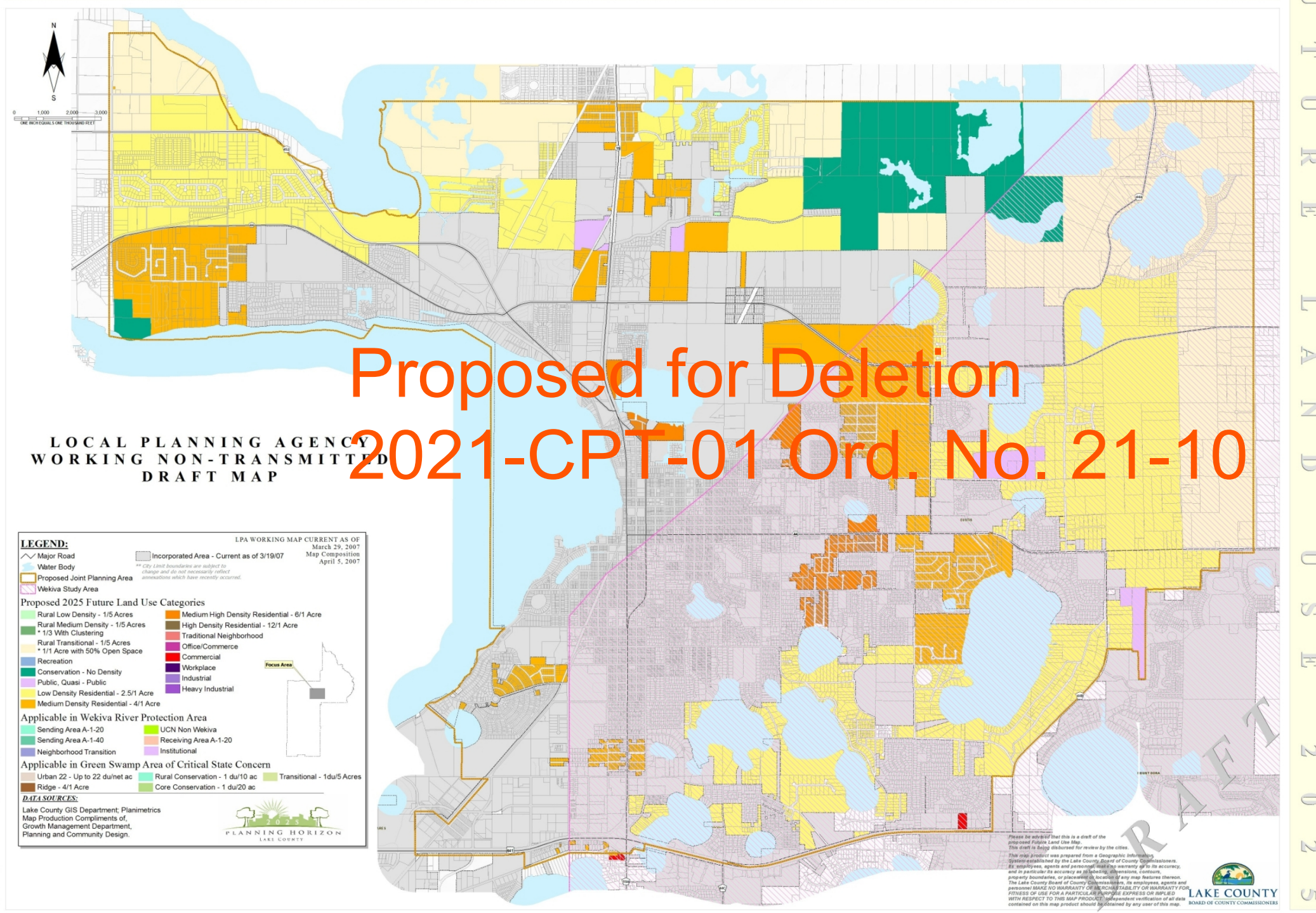
Map Date: April 30, 2021



CITY OF EUSTIS LAKE COUNTY, FLORIDA

PROPOSED 2025 FUTURE LAND USE PROPOSED JOINT PLANNING AREA

FUTURE LAND USE 2025



City of Eustis Comprehensive Plan Map #19 Eustis-Lake County Joint Planning Area

Source: City of Eustis



Map Date: March 10, 2010



AECOM



City of Eustis

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

Staff Report

TO: Eustis City Commission
FROM: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: EXPLANATION OF ORDINANCES FOR PROPERTY LOCATED AT THE
NORTHEAST CORNER OF FISH CAMP ROAD AND GRAND ISLAND
SHORES ROAD
ORDINANCE NUMBER 21-11: VOLUNTARY ANNEXATION
ORDINANCE NUMBER 21-12: COMPREHENSIVE PLAN AMENDMENT
ORDINANCE NUMBER 21-13: DESIGN DISTRICT ASSIGNMENT

Introduction:

Ordinance Number 21-11 provides for the voluntary annexation of approximately 10.72 acres at the northeast corner of Fish Camp Road and Grand Island Shores Road. Provided the annexation of the subject property is approved, Ordinance Number 21-12 would change the future land use designation from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 21-13 would assign the subject property a design district designation of Suburban Neighborhood. If Ordinance Number 21-11 is denied, then there can be no consideration of Ordinance Numbers 21-12 and 21-13.

Background:

See attached Staff Report.

Recommended Action:

The administration recommends approval of Ordinance Numbers 21-11, 21-12 and 21-13.

Alternatives:

1. Approve Ordinance Numbers 21-11 (Annexation), 21-12 (Comp. Plan Amendment), and 21-13 (Design District Designation).
2. Deny Ordinance Number 21-11. (If Ordinance No. 21-11 is denied, then there can be no consideration of Ordinance Nos. 21-12 and 21-13).

Attachments:

[Staff Report Ord. Nos. 21-11 21-13 21-14](#)
[Ordinance No. 21-11 Annexation](#)

[Ordinance No. 21-12](#)

[Ordinance No. 21-13 Design Dist](#)

Reviewed by:

Ronald Neibert, City Manager

Mary Montez, City Clerk

Approved - 28 May 2021

Approved - 28 May 2021



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: RONALD R. NEIBERT, CITY MANAGER

DATE: JUNE 3, 2021

RE: **EXPLANATION OF ORDINANCES FOR PROPERTY LOCATED AT THE
NORTHEAST CORNER OF FISH CAMP ROAD AND GRAND ISLAND
SHORES ROAD**

Ordinance Number 21-11: Voluntary Annexation

Ordinance Number 21-12: Comprehensive Plan Amendment

Ordinance Number 21-13: Design District Assignment

Introduction

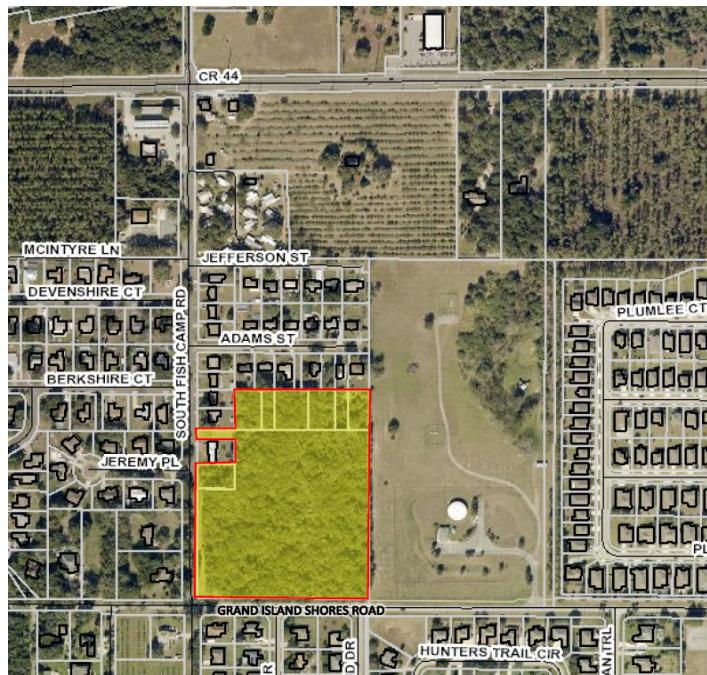
Ordinance Number 21-11 provides for the voluntary annexation of approximately 10.72 acres at the northeast corner of Fish Camp Road and Grand Island Shores Road. Provided the annexation of the subject property is approved, Ordinance Number 21-12 would change the future land use designation from Urban Low in Lake County to Suburban Residential (SR) in the City of Eustis, and Ordinance Number 21-13 would assign the subject property a design district designation of Suburban Neighborhood. If Ordinance Number 21-11 is denied, then there can be no consideration of Ordinance Numbers 21-12 and 21-13.

Recommended Action

The administration recommends approval of Ordinance Numbers 21-11, 21-12, and 21-13.

Background/Pertinent Site Information

1. The site contains approximately 10.72 acres (8 parcels) and is within the Eustis Joint Planning Area and the Eustis 180 Utility District.
2. The site is contiguous to the City limits on its southern and eastern boundaries.
3. The site is vacant and the Lake County Property Appraiser has classified the current property use as Vacant Residential.



4. The site and surrounding properties have the following land use designations:

Location	Existing (Current) Use	Future Land Use	Design District
Site	Vacant Residential	Urban Low	N/A
North	Single-Family	Urban Low (Lake County)	N/A
South	Single-Family	Suburban Residential	Suburban Neighborhood
East	Improved Municipal Government	Public Institutional	Suburban Neighborhood
West	Single Family	Urban Low (Lake County)	N/A

Applicant's Request

The applicant, Summerpark, LLC, applied for voluntary annexation, and assignment of Eustis future land use (Suburban Residential) and design district (Suburban Neighborhood) designations.

Analysis of Annexation Request (Ordinance Number 21-11)

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 Joint Planning Area boundaries established in 1987 define the reasonably compact area where the City could provide services effectively and efficiently. The subject property lies within that planning area which area has been envisioned to be part of the City limits for over 30 years. Water is available to the site and wastewater is available approximately 1,300 feet to the east on Grand Island Shores Road. (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 property is contiguous to the City limits on its eastern and southern boundary. The property is reasonably compact 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 on May 20 and May 27, 2021.

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 enclaves.

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 the required notice to the Lake County Board of County Commissioners on April 29, 2021.

Analysis of Comprehensive Plan/Future Land Use Request (Ordinance Number 21-12)

In Accordance with Florida Statutes Chapter 163.3177:

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 Suburban Residential (SR) future land use designation will provide for a suburban medium-intensity development. Within the city limits in nearby areas, a mix of uses already exists.

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 area in which the property is located already has suburban development. The requested designation in this

geographic area will provide for development of a suburban nature within approximately 3-miles of the City's urban core (central business district). Available and suitable undeveloped lands of comparable acreage and access do not exist within the City's urban 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 property subject to this annexation request and Eustis future land use assignment is adjacent to suburban residential property in the city limits. The property has sufficient size and depth to avoid strip development.

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 Comprehensive Plan and the Land Development Regulations include standards for protection of environmentally sensitive lands that would apply at time of development review.

5. *Agricultural Area Protection:*

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

This indicator does not apply. The site is not prime farmland but a portion of the site includes soils identified as farmlands of unique importance. However, this is a wooded 10.7-acre site completely surrounded by suburban development and not suitable for farming; the property is within an area designated for urban development (JPA/180 Utility District).

6. *Public Facilities:*

Fails to maximize use of existing public facilities and services.

This indicator does not apply. Water is available and wastewater is available in close proximity (approximately 1,300 feet to the east); adequate capacity is available to serve future development consistent with the requested Suburban Residential (SR) future land use designation. Upon annexation, the City will also provide other services such as fire and police protection, library services, parks, and recreation.

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 future development consistent with the requested SR future land use designation.

The land use pattern allowing suburban development decreases costs and inefficiency in delivering services. As the city's service area becomes more compact, per capita costs will be reduced.

8. Separation of Urban and Rural:

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

This indicator does not apply. The Land Development Regulations include standards to protect adjacent properties having alternate land use designations at time of development. The suburban character of the SR land use designation coupled with a Suburban Neighborhood design district is consistent with the existing suburban development in the area.

9. Infill and Redevelopment:

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

This indicator does not apply. Infill development and redevelopment of existing neighborhoods would most appropriately apply to properties within or near the City's urban core. Undeveloped lands suitable for suburban development types do not exist within the City's urban core.

10. Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. Within the city limits, in close proximity along CR 44 and SR 19, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services.

11. Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The property has access to existing transportation corridors. The Land Development Regulations include provisions to provide adequate accessibility and linkages between related uses. Development Services will ensure compliance with these standards at time of any future development review.

12. Open Space:

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

This indicator does not apply. The property in its existing condition does not provide functional open space. Future development under the Suburban Residential (SR) land use will be required to include functional dedicated open space and park space consistent with the Land Development Regulations and Comprehensive Plan requirements.

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 located approximately 3-miles from the City's downtown core (central business district); and is located in a geographic area where nearby properties already have been approved for Suburban Residential (SR) development. 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.

b. Efficient and Cost-Effective Services:

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

Adequate capacity is available to serve future development consistent with the requested SR 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 land use pattern allowing suburban development decreases costs and inefficiency in delivering 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.

The SR future land use designation provides for housing choices including single-family detached and single-family attached, residential, duplex and townhome dwelling up to a maximum density of 5 dwelling units per acre (subject to compatibility requirements). A Planned Unit Development can allow neighborhood commercial uses. The Land Development Regulations include pedestrian and roadway network standards, block structure and park space requirements to ensure compact development that supports walkability and connection. A Lake Express bus stop currently exists approximately 3.5-miles away; as growth occurs, the transit provider could add stops or routes.

d. Water and Energy Conservation:

Promotes conservation of water and energy.

Future design of the project may include water and energy conservation measures; however, those details are not available at this time.

e. Agricultural Preservation:

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

This indicator does not apply. The site is not prime farmland but a portion of the site includes soils identified as farmlands of unique importance. However, this is a wooded 10.7-acre site completely surrounded by suburban development and not suitable for farming; the property is within an area designated for urban development (JPA/180 Utility District).

f. Open Space:

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

The Land Development Regulations (LDRs) require that all new residential developments incorporate land for parks for the residents of the development and that all development include dedicated open space consistent with the LDR and Comprehensive Plan requirements.

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.

Within the city limits, in close proximity along CR 44 and SR 19, property designated General Commercial and Mixed Commercial/Residential exists to provide commercial support services.

h. Urban Form Densities and Intensities:

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

Not applicable.

In Accordance with 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-miles from the downtown core and 4-miles from the police station. Fire/emergency service is approximately 3 and a half miles away from the subject property.

b. *Parks & Recreation:*

In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and Appraisal Report. The results show that a surplus of park area exists up to and beyond the City's population reaching 20,015.

Furthermore, the Land Development Regulations require that all new residential developments incorporate parks for the residents of the development to ensure that the City maintains this level of service.

c. *Potable Water & Sanitary Sewer:*

The following outlines the water and wastewater demand based on a maximum development potential scenario. Actual build-out conditions will be determined by design district regulations, residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

Potential Residential Demand

5 du/ac x 10.72 ac. = 53 Dwelling Units x 2.52 p/hh = 134 persons

Water – 134 x 140 GPCD = 18,760 GPD

Wastewater – 134 x 120 GPCD = 16,080 GPD

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

d. *Schools:*

The Lake County Public Schools Adequate Public Facilities Determination indicates that one of the schools in the attendance zone would be over capacity in 2024-2025 even without the impacts of this development. The Lake County Schools Senior Planner concludes that in order to provide capacity relief to Treadway Elementary School, a potential attendance boundary adjustment may be necessary in the future. Furthermore, if a development is proposed in the future, a school concurrency review will be required.

e. *Solid Waste:*

The City contracts with Waste Management for hauling of solid waste. The company already services properties nearby 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:

(Institute of Traffic Engineers Trip Generation Manual, 10th Edition). The following estimates are based on possible maximum development scenarios. Actual build-out conditions will be determined by design district regulations, residential compatibility, minimum open space requirements and maximum impervious surface area requirements.

1) Trip Generation for SR

As any future development housing type is yet to be determined, staff utilized Land Use 210, Single family detached housing for purposes of estimating the general trips of the proposed Suburban Residential (SR) parcel. Land use 210 represents single family detached housing which includes all single family detached homes on individual lots and represents a typical suburban subdivision.

Estimated Dwelling Units (theoretical maximum): 53

PM Peak Hour of generator on a weekday

Ave. Rate @ $1.0 \times 53 = 53$ trips

36% exiting: 19

64% entering: 34

The adopted LOS for CR 44 between Esmerelda Avenue and CR 452 is a D with a capacity of 14,850 trips. The 2019 average daily traffic trips 0.39 miles west of Grand Island Shores Road was 13,073. At this time, it appears the adjacent transportation network has the capacity to serve the proposed SR property without negatively affecting the adopted level of service, and the impact of 53 dwelling units would be de minimis.

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 subject property is located in a medium recharge area; 8 to 12 inches per year. 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. Should any historical sites or archaeological sites be uncovered during future development, work in the vicinity shall cease until the proper authorities can be contacted and an evaluation is conducted.

c. **Flood zones:**

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

d. **Soil and topography:**

The site soils are Candler sand, 0 to 5 percent slopes, a nearly level to gently sloping and excessively drained sandy soil, and Lake sand, 0 to 5% slopes.

The depth to a restriction or the water table is at 80 inches or more below the surface. Permeability is rapid. While the Candler sand is suited to shallow rooted field and truck crops, this 10.72-acre wooded site is surrounded by suburban development and not suited to agriculture.

As subdivision or site plan 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.

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.

The current Lake County land use designation is Urban Low. The property owner has requested the Suburban Residential land use designation within the City of Eustis. The evaluation below supports the requested designation.

a. **Review of Land Use, Form Based Code and Surrounding Properties**

Existing Land Use According to the Lake County Comprehensive Plan:

The Lake County, "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, 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, unless permitted as an Economic Development Overlay District 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 uses and Economic Development Overlay District uses, which shall be 0.35. The maximum Impervious Surface Ratio shall be 0.60.

Proposed Land Use According to the Eustis Comprehensive Plan:

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

The Suburban Residential (SR) land use designation is provided to accommodate the majority of residential development within the City. The general range of uses include: a mix of single family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools. Apartments may be permitted through the PUD process. Public and utility services and facilities that are 2 acres or less in size are also permitted. Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre.

The City uses a form-based code instead of traditional Euclidian zoning. The Future Land Use determines density/intensity and allowable uses. Design Districts determine allowable lot typologies that determine lot sizes, setbacks and other development criteria. (Actual build-out conditions are determined by design district regulations, residential compatibility, minimum open space requirements and maximum impervious surface area requirements).

The pairing of the proposed SR land use and Suburban Neighborhood design district in this case would limit development as follows:

Allowable lot types: Estate, House, Duplex

Landscape buffer: 15-24-feet along public right-of-way

Open space: 25%

Site design criteria: *Create interconnected open space; protect listed species; provide and restore native habitat; preserve the function and integrity of the natural features of the land to the extent practicable; provide external and internal connectivity while minimizing impacts on designed open space.*

Rural residential compatibility: *Utilize transitional development practices, landscapes, buffers, or natural areas in site planning to demonstrate that transition to adjacent uses undesirable views, preserve tree canopy and vegetation.*

The Eustis residential land use designations in the surrounding area are generally Suburban Residential (SR) with a maximum density of 5 dwelling units per acre (du/ac). The surrounding unincorporated areas are designated Urban Low with a maximum density of 4 dwelling units per acre, despite the County zoning of R-6 which would allow 6 units per acre.

Source: Lake County GIS Zoning & FLU Codes – 5/15/14

b. *Comparison of Lake County Development Conditions*

The existing Lake County future land use designations of the properties is Urban Low with allowable density of 4 dwelling units per acres. This portion of the property has a Lake County R-6 zoning district which allows up to 6 dwelling units per acre and is inconsistent with the assigned future land use. The county land use designation would allow a theoretical maximum of 42 dwelling units.

The proposed City of Eustis future land use designation of the property is Suburban Residential (SR), which allows residential densities up to 5 dwelling units per acre (subject to design district regulations, compatibility requirements, open space, etc.). At 5 units per acre, the site could support a theoretical maximum of 53 dwelling units. The difference in development potential is 11 dwelling units.

Increased density is to be expected when transitioning from unincorporated area to a municipality. In keeping with FS 163.3177, directing density to municipalities reduces the proliferation of sprawl thereby protecting true rural and agricultural lands. By directing development to municipalities, development pressure on outlying areas is reduced. Provision of cost-effective public services is not only provided for in Eustis' Strategic Plan, it is an important factor in protecting natural resources, including groundwater. Greater densities are warranted and necessary for cost effective provision of public services where both water and sewer are provided. Compact service areas reduce per capita costs of public services.

c. *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. There are no commercial or industrial uses to be mitigated at this time.

d. 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.

The proposed land use designation is consistent with the Transportation Element. As described above, the level of service on adjacent roadways could accommodate the maximum development scenario on this parcel.

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.

Public utilities and services capacities are available for each utility or service. Refer to 5.A. above for more information. The property is in the City's 180 Utility District. 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 assignment is consistent with the Comprehensive Plan. See analysis above under item 5, A through D.

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 assignment is not in conflict with the Land Development Regulations. At the time of future 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.

The assignment of a Suburban Residential future land use designation coupled with a Suburban Neighborhood design district is intended to

provide for residential development that has a character and scale that promotes compatibility with adjacent or nearby residential uses. (See Page 12 for suburban design district development limitations).

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 the opportunity to extend and connect to central water and wastewater. 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 is available and wastewater service is located in close proximity. Adequate capacity is available to serve future development consistent with the requested SR 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. The Lake County Public Schools Adequate Public Facilities Report indicates a potential attendance boundary adjustment may be necessary in the future to address capacity at Treadway Elementary.

f. *Impact on Environment:*

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

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.

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 annexation would create a logical development pattern as it makes the City limits more compact, to reach the eventual goal of a Eustis area under one local government jurisdiction. Assigning land uses (and design districts) consistent with those in the city limits nearby will provide a consistent development pattern, efficient use of land, and cost-effective provision of infrastructure.

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.”

This designation would advance the public interest by providing housing options and services, and application of the LDRs to the future development will ensure consistency with the community character and lifestyle.

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.

None.

Analysis of Design District Request (Ordinance Number 21-13):

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. Standard 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 109-5.7 Rural 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 of Suburban Neighborhood. The Suburban development pattern and intent, definition, structure and form description are stated below. The assignment of a Suburban Neighborhood design district designation is appropriate due to the established development patterns in the area.

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

(a) Intent . The suburban development pattern relies primarily on a pattern of residential development that provides the majority of property owners with substantial yards on their own property. The street layout, comprised of streets with fewer vehicular connections, helps to reduce cut-through traffic and establishes distinct boundaries for residential communities/subdivisions. Nonresidential uses are primarily located on corridors, districts and a mix of uses is prominent in centers. Each land use provides for pedestrian and bicycle connections.

Suburban neighborhood .

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

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

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

b. Section 102-17(a)

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

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

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

c. **Consistent with Comprehensive Plan:**

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

The requested design district assignment for this annexation parcel is consistent with the Future Land Use element (including Policy FLU 1.1.1, Planning Principals, 1.2.4, Development Patterns and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

d. Consistent with Surrounding Uses:

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

The Suburban Neighborhood designation definition, structure and form are compatible with the existing uses and any proposed uses permitted under the SR future land use designation.

e. Changed Conditions:

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

The subject property is proposed for annexation and a design district assignment is necessary. The conditions have changed from land located in unincorporated Lake County without central services to a site within the City of Eustis which is eligible for full municipal services.

f. Public Facilities.

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

A redistricting is not proposed. Assigning a design district to an annexation property will not change 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.

g. Impact to Environment:

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property. Design Districts control the form and function of any development that may occur. The Future Land Use designation controls the density, intensity and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. Site plan/preliminary subdivision plat review for any future development will include environmental review to assess impacts to flora, fauna and wetlands, and provide for protection of sensitive areas.

h. Property Values:

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to annexed property.

i. Orderly Development Pattern:

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

The request is assignment of a design district to an annexation parcel, not redistricting. However, the proposed Design District designation is consistent with the suburban development pattern identified in Section 109-5.5 of the Land Development Regulations. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.

j. Public Interest and Intent of Regulations:

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

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

k. Other Matters:

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

The request is 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 Development Regulations Section 109.2.3(b) Suburban Residential Land Use District (SR)

Suburban residential district (SR). Areas designated suburban residential (SR) have a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.

3. Land Development Regulations Section 109-2.3: Suburban residential district (SR). Areas designated suburban residential (SR) have a maximum density of five units to one acre. The SR designation is intended to provide for a mix of single-family detached, patio homes and townhouse-type dwellings in a suburban atmosphere.
4. Land Development Regulations Section 109-5.5: The Suburban Neighborhood Design District has predominately residential uses where a mix of detached residential uses exist with supporting retail, parks and civic spaces. Land Development Regulations

Fiscal Impact:

The Lake County Property Appraiser shows a market value of the subject property at \$134,210. Based on the current millage rate of 7.581, annexation of the property could increase annual operating revenues by as much as \$1,017, pre-development.

Alternatives:

1. Approve Ordinance Numbers 21-11 (Annexation), 21-12 (Comp. Plan Amendment), and 21-13 (Design District Designation)
2. Deny Ordinance Numbers 21-11. (If Ordinance Number 21-11 is denied, then there can be no consideration of Ordinance Numbers 21-12 and 21-13).

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 city's strategic plan, planning documents and utility districts.
- Annexation would increase the tax base of the City and increase the annual operating revenues.
- 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.
- The applicant can move forward with planning a future development, if desired.
- The proposed land use and design district assignment are consistent with Comprehensive Plan.
- The action could encourage additional annexations in that area.

Disadvantages:

- There is no disadvantage to annexing property and assigning Eustis land use and design district designations.

Alternative 2 denies the Ordinances.

(If Ordinance Number 21-11 is denied, the Commission cannot approve Ordinance Numbers 21-12 and 21-13.)

Advantages:

- The Commission could consider a different Land Use or Design District designation for the property.

Disadvantages:

- Denying annexation would delay expansion plans for the City in accordance with the city's strategic plan, planning documents and utility districts.
- The action would eliminate the potential for increased operating revenue and the subject property may 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 property could remain underutilized.
- The City could lose a future 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. Through May 27, the department has received two inquiries regarding this case. Additional opportunities for public input will be available at the public hearings.

Budget / Staff Impact:

Based on the current assessment and millage rate, the City can anticipate approximately \$1,017 annually in additional operating revenue, pre-development. 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:

Lori Barnes, AICP, Development Services Director

Attachments:

Ordinance Number 21-11
Ordinance Number 21-12
Ordinance Number 21-13

To be provided on request:

Legal Advertisements
Notice to Surrounding Property Owners
Notice to Lake County Board of County Commissioners
Lake County Schools Adequate Public Facilities Report
Application Documents

ORDINANCE NUMBER 21-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 10.72 ACRES OF REAL PROPERTY AT THE NORTHEAST CORNER OF SOUTH FISH CAMP ROAD AND GRAND ISLAND SHORES ROAD.

WHEREAS, Mariann T Burgess Trustee, the legal owner of record, has made application for voluntary annexation of approximately 10.72-acres of real property at the northeast corner of South Fish Camp Road and Grand Island Shores Road, more particularly described as:

Alternate keys:	Parcel #'s
2510277	32-18-26-0300-002-03100
3922792	32-18-26-0300-002-03900
1407745	32-18-26-0004-000-04500
1462029	32-18-26-0300-002-03300
1462037	32-18-26-0300-002-03500
1796717	32-18-26-0300-002-04400
3922793	32-18-26-0300-002-04600
2728892	32-18-26-0004-000-04502

(PER OFFICIAL RECORDS BOOK 1369, PAGES 1090-1096):

PARCEL 1:

THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LESS THE NORTH 187 FEET OF THE SOUTH 635 FEET OF THE WEST 167 FEET OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 26 EAST IN LAKE COUNTY, FLORIDA; SUBJECT TO RIGHT-OF-WAY FOR COUNTY ROAD 5-6748 ON THE WEST SIDE THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 31, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL 2:

LOTS 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 AND 49, BLOCK 2, MIDLAND HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 68, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL 3:

THE NORTH 93 FEET OF THE SOUTH 541 FEET OF THE WEST 167 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST

QUARTER OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; SUBJECT TO RIGHT-OF-WAY FOR COUNTY ROAD 5-6748 ON THE WEST SIDE THEREOF.

(WRITTEN BY SURVEYOR)

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 1 AND THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, "ISLAND PARK", ACCORDING TO THE VACATED PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 31 AND VACATED BY DOCUMENT RECORDED IN DEED BOOK 305, PAGES 69 AND 70, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN NORTH 00°16'25" WEST ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°16'25" WEST ALONG THE WEST LINE OF LOT 1, ALSO BEING THE EAST RIGHT OF WAY LINE OF SOUTH FISH CAMP ROAD (FORMERLY KNOWN AS DIXIE HIGHWAY), A DISTANCE OF 486.08 FEET TO THE SOUTHWEST CORNER OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5138, PAGES 321, AFORESAID PUBLIC RECORDS; THENCE RUN SOUTH 89°41'24" EAST ALONG THE SOUTH LINE OF SAID LAND, A DISTANCE OF 142.01 FEET TO THE SOUTHEAST CORNER OF SAID LAND; THENCE RUN NORTH 00°16'25" WEST ALONG THE EAST LINE OF SAID LAND, A DISTANCE OF 94.00 FEET TO THE NE CORNER OF SAID LAND, ALSO BEING THE SOUTH VACATED RIGHT OF WAY LINE OF PEARCE STREET, ACCORDING TO THE AFORESAID VACATED PLAT OF "ISLAND PARK"; THENCE RUN NORTH 89°41'24" WEST ALONG THE NORTH LINE OF SAID LAND AND SAID SOUTH VACATED RIGHT OF WAY LINE, A DISTANCE OF 142.01 FEET TO THE NORTHWEST CORNER OF SAID LAND, ALSO BEING THE AFORESAID EAST RIGHT OF WAY LINE OF SOUTH FISH CAMP ROAD; THENCE RUN NORTH 00°16'25" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.00 FEET TO THE NORTH LINE OF AFORESAID VACATED PLAT OF "ISLAND PARK"; THENCE RUN SOUTH 89°41'24" EAST ALONG SAID NORTH LINE, A DISTANCE OF 135.21 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 49, BLOCK 2, "MIDLAND HEIGHTS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 68, AFORESAID PUBLIC RECORDS; THENCE RUN NORTH 00°18'30" WEST ALONG SAID WEST LINE, A DISTANCE OF 164.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 49; THENCE RUN SOUTH 89°44'34" EAST ALONG THE NORTH LINE OF LOTS 31 THROUGH 49, SAID PLAT OF "MIDLAND HEIGHTS", A DISTANCE OF 500.09 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, ALSO BEING THE BOUNDARY LINE ACCORDING THE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1182, PAGES 758 THROUGH 760, AFORESAID PUBLIC RECORDS; THENCE RUN SOUTH 00°13'21" EAST ALONG SAID EAST LINE, A DISTANCE OF 792.45 FEET TO THE NORTH RIGHT OF WAY LINE OF GRAND ISLAND SHORES ROAD (FORMERLY KNOWN AS DIXIE HIGHWAY) AS RECORDED IN OFFICIAL RECORDS BOOK 3961, PAGES 1669 THROUGH 1673, AFORESAID PUBLIC RECORDS; THENCE RUN NORTH 89°41'24"

WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 612.53 FEET;
THENCE RUN NORTH 45°00'55" WEST ALONG SAID RIGHT OF WAY LINE, A
DISTANCE OF 31.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 467,003 SQUARE FEET (10.72 ACRES), MORE OR LESS.

WHEREAS, the subject property is reasonably compact, 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 June 3, 2021 the City Commission held the 1st Public Hearing to
consider the voluntary annexation of the property contained herein; and

WHEREAS, on August 5, 2021, 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 10.72 acres of real property, as described above.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

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

SECTION 5.

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

SECTION 6.

That this Ordinance shall become effective upon passing.

SECTION 7.

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

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 5th day of August 2021.

**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 physical presence, this 5th day of August, 2021, 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 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

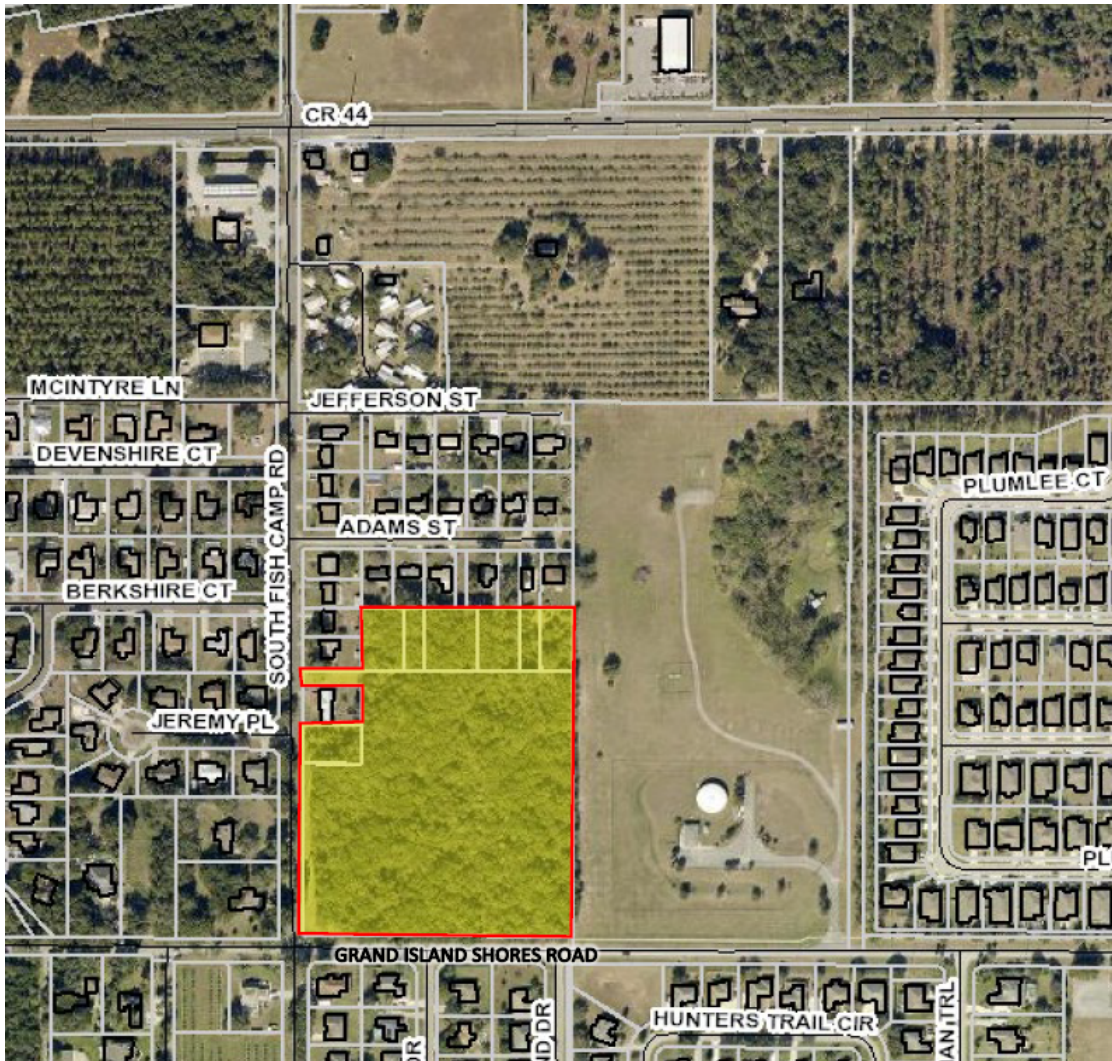
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 21-11 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



ORDINANCE NUMBER 21-12

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3184 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 10.72 ACRES OF RECENTLY ANNEXED REAL PROPERTY LOCATED ON OF RECENTLY ANNEXED REAL PROPERTY AT THE NORTHEAST CORNER OF SOUTH FISH CAMP ROAD AND GRAND ISLAND SHORES ROAD, AS MORE PARTICULARLY DESCRIBED HEREIN, FROM URBAN LOW IN LAKE COUNTY TO SUBURBAN RESIDENTIAL (SR) IN THE CITY OF EUSTIS.

WHEREAS, Ordinance 21-11 annexed certain real property into the corporate limits of the City of Eustis; and

WHEREAS, Mariann T. Burgess, Trustee, the owner of said property as more particularly described herein submitted an application (2021-CPLU-01) requesting a future land use designation of Suburban Residential (SR) be assigned to the 10-72 acres of annexed property; and

WHEREAS, on June 3, 2021, the Land Planning Agency held a Public Hearing to consider the adoption of a Large-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on June 3, 2021, the City Commission held the first of two required Public Hearings to accept the Land Planning Agency's recommendation to adopt the Large-Scale Future Land Use Amendment contained herein, and approved Transmittal to the Florida Department of Economic Opportunity; and

WHEREAS, the Florida Department of Economic Opportunity has reviewed the proposed change to the Comprehensive Plan and Future Land Use Map without objection; and

WHEREAS, on August 5, 2021, the City Commission held the second Public Hearing to consider the adoption of the Large-Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation

That the Future Land Use Designation of the real properties as described below shall be changed from Lake County Urban Low to Suburban Residential (SR) within the City of Eustis:

Alternate keys:

2510277
3922792
1407745
1462029
1462037
1796717
3922793

Parcel #'s

32-18-26-0300-002-03100
32-18-26-0300-002-03900
32-18-26-0004-000-04500
32-18-26-0300-002-03300
32-18-26-0300-002-03500
32-18-26-0300-002-04400
32-18-26-0300-002-04600

2728892

32-18-26-0004-000-04502

(PER OFFICIAL RECORDS BOOK 1369, PAGES 1090-1096):

PARCEL 1:

THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LESS THE NORTH 187 FEET OF THE SOUTH 635 FEET OF THE WEST 167 FEET OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 26 EAST IN LAKE COUNTY, FLORIDA; SUBJECT TO RIGHT-OF-WAY FOR COUNTY ROAD 5-6748 ON THE WEST SIDE THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 31, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL 2:

LOTS 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 AND 49, BLOCK 2, MIDLAND HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 68, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL 3:

THE NORTH 93 FEET OF THE SOUTH 541 FEET OF THE WEST 167 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; SUBJECT TO RIGHT-OF-WAY FOR COUNTY ROAD 5-6748 ON THE WEST SIDE THEREOF.

(WRITTEN BY SURVEYOR)

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 1 AND THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, "ISLAND PARK", ACCORDING TO THE VACATED PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 31 AND VACATED BY DOCUMENT RECORDED IN DEED BOOK 305, PAGES 69 AND 70, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN NORTH 00°16'25" WEST ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°16'25" WEST ALONG THE WEST LINE OF LOT 1, ALSO BEING THE EAST RIGHT OF WAY LINE OF SOUTH FISH CAMP ROAD (FORMERLY KNOWN AS DIXIE HIGHWAY), A DISTANCE OF 486.08 FEET TO THE SOUTHWEST CORNER OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5138, PAGES 321, AFORESAID PUBLIC RECORDS; THENCE RUN SOUTH 89°41'24" EAST ALONG THE SOUTH LINE OF SAID LAND, A DISTANCE OF 142.01 FEET TO THE SOUTHEAST CORNER OF SAID LAND; THENCE RUN NORTH 00°16'25" WEST ALONG THE EAST LINE OF SAID LAND, A DISTANCE OF 94.00 FEET TO THE NE CORNER OF SAID LAND, ALSO BEING THE SOUTH VACATED RIGHT OF WAY LINE OF PEARCE STREET, ACCORDING TO THE AFORESAID VACATED PLAT OF "ISLAND PARK"; THENCE RUN NORTH 89°41'24" WEST ALONG THE NORTH LINE OF SAID LAND AND SAID SOUTH VACATED RIGHT OF WAY LINE, A DISTANCE OF 142.01 FEET TO THE NORTHWEST CORNER OF SAID LAND, ALSO BEING THE AFORESAID EAST RIGHT OF

WAY LINE OF SOUTH FISH CAMP ROAD; THENCE RUN NORTH 00°16'25" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.00 FEET TO THE NORTH LINE OF AFORESAID VACATED PLAT OF "ISLAND PARK"; THENCE RUN SOUTH 89°41'24" EAST ALONG SAID NORTH LINE, A DISTANCE OF 135.21 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 49, BLOCK 2, "MIDLAND HEIGHTS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 68, AFORESAID PUBLIC RECORDS; THENCE RUN NORTH 00°18'30" WEST ALONG SAID WEST LINE, A DISTANCE OF 164.96 FEET TO THE NORTHWEST CORNER OF SAID LOT 49; THENCE RUN SOUTH 89°44'34" EAST ALONG THE NORTH LINE OF LOTS 31 THROUGH 49, SAID PLAT OF "MIDLAND HEIGHTS", A DISTANCE OF 500.09 FEET TO THE EAST LINE OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, ALSO BEING THE BOUNDARY LINE ACCORDING THE AGREEMENT RECORDED IN OFFICIAL RECORDS BOOK 1182, PAGES 758 THROUGH 760, AFORESAID PUBLIC RECORDS; THENCE RUN SOUTH 00°13'21" EAST ALONG SAID EAST LINE, A DISTANCE OF 792.45 FEET TO THE NORTH RIGHT OF WAY LINE OF GRAND ISLAND SHORES ROAD (FORMERLY KNOWN AS DIXIE HIGHWAY) AS RECORDED IN OFFICIAL RECORDS BOOK 3961, PAGES 1669 THROUGH 1673, AFORESAID PUBLIC RECORDS; THENCE RUN NORTH 89°41'24" WEST ALONG SAID NORTH RIGHT OF WAY LINE, A DISTANCE OF 612.53 FEET; THENCE RUN NORTH 45°00'55" WEST ALONG SAID RIGHT OF WAY LINE, A DISTANCE OF 31.21 FEET TO THE POINT OF BEGINNING.

CONTAINING 467,003 SQUARE FEET (10.72 ACRES), MORE OR LESS.

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

That this Ordinance shall not become effective unless and until the annexation of the subject property becomes effective through approval of Ordinance Number 20-41. Further, 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 5th day of August 2021.

**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 physical presence, this 5th day of August, 2021, 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, but I have not performed an independent title examination as to the accuracy of the legal description.

City Attorney's Office

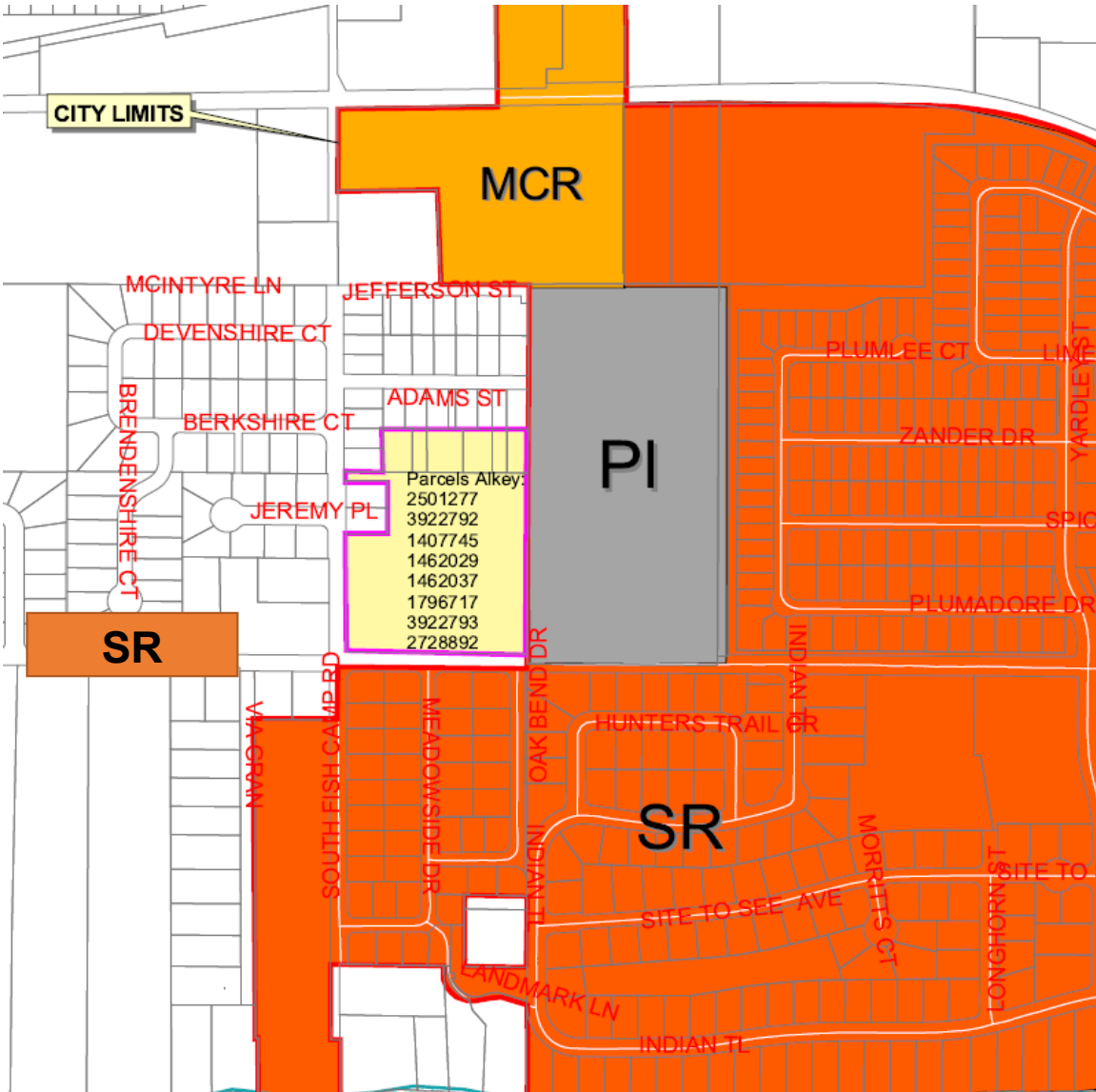
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 21-12 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: FUTURE LAND USE MAP



ORDINANCE NUMBER 21-13

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN NEIGHBORHOOD DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 10.72 ACRES OF RECENTLY ANNEXED REAL PROPERTY AT THE NORTHEAST CORNER OF SOUTH FISH CAMP ROAD AND GRAND ISLAND SHORES ROAD.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Neighborhood to approximately 10.72 acres of recently annexed real property further described below, and

WHEREAS, on June 3, 2021, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on August 5, 2021, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real property described below shall be Suburban Neighborhood:

Alternate keys:	Parcel #'s
2510277	32-18-26-0300-002-03100
3922792	32-18-26-0300-002-03900
1407745	32-18-26-0004-000-04500
1462029	32-18-26-0300-002-03300
1462037	32-18-26-0300-002-03500
1796717	32-18-26-0300-002-04400
3922793	32-18-26-0300-002-04600
2728892	32-18-26-0004-000-04502

(PER OFFICIAL RECORDS BOOK 1369, PAGES 1090-1096):

PARCEL 1:

THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 LESS THE NORTH 187 FEET OF THE SOUTH 635 FEET OF THE WEST 167 FEET OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 26 EAST IN LAKE COUNTY, FLORIDA; SUBJECT

TO RIGHT-OF-WAY FOR COUNTY ROAD 5-6748 ON THE WEST SIDE THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 31, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL 2:

LOTS 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48 AND 49, BLOCK 2, MIDLAND HEIGHTS, ACCORDING TO THE PLAT THEREOF AS RECORDED IN PLAT BOOK 6, PAGE 68, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

PARCEL 3:

THE NORTH 93 FEET OF THE SOUTH 541 FEET OF THE WEST 167 FEET OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 32, TOWNSHIP 18 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; SUBJECT TO RIGHT-OF-WAY FOR COUNTY ROAD 5-6748 ON THE WEST SIDE THEREOF.

(WRITTEN BY SURVEYOR)

BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE INTERSECTION OF THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 1 AND THE WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, "ISLAND PARK", ACCORDING TO THE VACATED PLAT THEREOF, AS RECORDED IN PLAT BOOK 6, PAGE 31 AND VACATED BY DOCUMENT RECORDED IN DEED BOOK 305, PAGES 69 AND 70, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA; THENCE RUN NORTH 00°16'25" WEST ALONG SAID SOUTHERLY EXTENSION, A DISTANCE OF 30.00 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 00°16'25" WEST ALONG THE WEST LINE OF LOT 1, ALSO BEING THE EAST RIGHT OF WAY LINE OF SOUTH FISH CAMP ROAD (FORMERLY KNOWN AS DIXIE HIGHWAY), A DISTANCE OF 486.08 FEET TO THE SOUTHWEST CORNER OF LAND DESCRIBED IN OFFICIAL RECORDS BOOK 5138, PAGES 321, AFORESAID PUBLIC RECORDS; THENCE RUN SOUTH 89°41'24" EAST ALONG THE SOUTH LINE OF SAID LAND, A DISTANCE OF 142.01 FEET TO THE SOUTHEAST CORNER OF SAID LAND; THENCE RUN NORTH 00°16'25" WEST ALONG THE EAST LINE OF SAID LAND, A DISTANCE OF 94.00 FEET TO THE NE CORNER OF SAID LAND, ALSO BEING THE SOUTH VACATED RIGHT OF WAY LINE OF PEARCE STREET, ACCORDING TO THE AFORESAID VACATED PLAT OF "ISLAND PARK"; THENCE RUN NORTH 89°41'24" WEST ALONG THE NORTH LINE OF SAID LAND AND SAID SOUTH VACATED RIGHT OF WAY LINE, A DISTANCE OF 142.01 FEET TO THE NORTHWEST CORNER OF SAID LAND, ALSO BEING THE AFORESAID EAST RIGHT OF WAY LINE OF SOUTH FISH CAMP ROAD; THENCE RUN NORTH 00°16'25" WEST ALONG SAID EAST RIGHT OF WAY LINE, A DISTANCE OF 25.00 FEET TO THE NORTH LINE OF AFORESAID VACATED PLAT OF "ISLAND PARK"; THENCE RUN SOUTH 89°41'24" EAST ALONG SAID NORTH LINE, A DISTANCE OF 135.21 FEET TO THE SOUTHERLY EXTENSION OF THE WEST LINE OF LOT 49, BLOCK 2, "MIDLAND HEIGHTS", ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 6,

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CONTAINING 467,003 SQUARE FEET (10.72 ACRES), MORE OR LESS.

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 21-11.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 5th day of August 2021.

**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 physical presence, this 5th day of August, 2021, 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, 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 21-13 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: Ronald Neibert, City Manager
DATE: June 3, 2021
RE: ORDINANCE NUMBER 21-14: ESTABLISHING A FIRE ASSESSMENT FEE PROCEDURE

Introduction:

Ordinance Number 21-14 establishes the procedure for implementing a fire assessment fee.

Background:

See attached Staff Report.

Attachments:

[Staff Report - Ord 21-14 Fire Assessment](#)
[Ordinance 21-14 Fire Assessment Fee](#)

Reviewed by:

Ronald Neibert, City Manager
Mary Montez, City Clerk

Approved - 28 May 2021
Approved - 28 May 2021



City of Eustis

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

TO: EUSTIS CITY COMMISSION
FROM: RONALD R. NEIBERT, CITY MANAGER
DATE: June 3, 2021
RE: Ordinance Number 21-14
Establishing a fire assessment fee procedure

Introduction

Ordinance Number 21-14 establishes the procedure for implementing a fire assessment fee.

Recommended Action

This is an ordinance which establishes how a Fire Assessment Fee shall be determined. Regardless of how the Commission wishes to proceed with a Fire Assessment Fee the minimum recommendation would be to have the second reading on June 17th. Depending on the decision to move forward will determine future steps in the implementation of the Fire Assessment Fee. This will in no way establish a fee at this time. The establishment of a fee would be with a subsequent adoption via a separate initial assessment resolution.

Background

During the May 20, 2021 commission meeting it was suggested that an ordinance be added to our code. The ordinance would provide for a means to establish a Fire Services Special Assessment. Section 238-01 provides for various definitions as well as referencing the Florida Statutes allowing for the Fire Assessment Fee.

Government Services Group has provided the study which will allow the City to establish a Special Fire Assessment Fee which will be good for another three years.

Section 238-07 authorizes the City to impose an annual Fire Services Assessment to fund all or any portion of the cost assessed to benefit real property excluding raw undeveloped land.

The remaining process will be as follows:

- First Reading of Fire Assessment Ordinance June 3, 2021
- Publish Notice of Fire Assessment Ordinance by June 6th and publish Notice of Fire Assessment Ordinance for second reading.

- Adopt Fire Assessment Ordinance June 17th.
- Adopt initial Assessment Resolution June 17th. If commission chooses not to move forward the process will stop at the second reading of the Ordinance.

Should the commission decide to proceed during the June 3rd meeting the following will take place:

- Submit Assessment Roll to Property Appraiser for TRIM notice by July 30th
- Publish Notice of Public Hearing (at least 20 days prior to public hearing August 16th
- Property Appraiser Mails TRIM Notices August 16th
- Adopt Final Assessment Resolution between September 6th and 14th
- Certify Fire Assessment Roll to Tax Collector by September 15th @ 5:pm
- Tax bills mailed with Fire Assessment Charge November 2021

Budget and Staff Impact

Should commission choose to move forward the 2021-22 budget would see an increase of revenues in the amount of \$1,063,167. The funds will be used to supplement fire services increasing the safety as well as freeing other general fund money to accommodate other public safety needs.

Attachments:

Copy of Ad if Commission wishes to proceed

Copy of Ordinance if Commission wishes to proceed (Attorney needs to review)

Copy of Rate Scenarios under separate cover

Presentation under separate cover

Prepared By:

Mike Sheppard, Finance Director

ORDINANCE NUMBER 21-14

AN ORDINANCE BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; AMENDING CHAPTER 86 OF THE CODE OF ORDINANCES; CREATING ARTICLE VI – FIRE SERVICES SPECIAL ASSESSMENT; PROVIDING FOR THE IMPLEMENTATION OF A FIRE SERVICES SPECIAL ASSESSMENT; PROVIDING DEFINITIONS FOR THE PROPOSED FIRE ASSESSMENT AND COLLECTION METHOD; PROVIDING FOR LEGISLATIVE DETERMINATIONS OF SPECIAL BENEFIT, GENERAL AUTHORITY, AND APPLICABILITY THROUGHOUT THE CITY; PROVIDING FOR INITIAL PROCEEDINGS; DIRECTING IMPOSITION OF INITIAL ASSESSMENT ROLL; PROVIDING NOTICE BY PUBLICATION AND MAIL; PROVIDING FOR ADOPTION AND EFFECT OF FINAL ASSESSMENT RESOLUTION; PROVIDING ANNUAL ADOPTION PROCEDURES; PROVIDING LIENS FOR AND REVISIONS TO FIRE SERVICES ASSESSMENTS; PROVIDING FOR PROCEDURAL IRREGULARITIES AND CORRECTION OF ERRORS AND OMISSIONS; PROVIDING FOR INTERIM ASSESSMENTS AND AN ALTERNATIVE METHOD OF COLLECTION; PROVIDING FOR CONFLICTS, CODIFICATION, AND SEVERABILITY; PROVIDING AN EFFECTIVE DATE

WHEREAS, Pursuant to Article VIII, section 2(b), Florida Constitution, and sections 166.021 and 166.041, Florida Statutes, the City Commission has all powers of local self-government to perform municipal functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of City ordinances.

WHEREAS, the City Commission desires to provide procedures and standards for the imposition of City-wide fire services assessments under the general home rule powers of a municipality to impose special assessments.

WHEREAS, the City Commission finds that the property assessed herein enjoys a special benefit from the provision of fire protection services.

WHEREAS, the City Commission of the City of Eustis hereby finds this Ordinance to be in the best interests of the public health, safety, and welfare of the citizens of Eustis.

NOT, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA:

Section 1. Recitals. The foregoing recitals are true and correct and incorporated herein by reference as legislative findings of the City Commission.

Section 2. Chapter 86, Taxation, of the City of Eustis Code of Ordinances is hereby amended to add a new Article VI which shall be known as "FIRE SERVICES SPECIAL ASSESSMENT," and shall read as follows:

CHAPTER 86 – TAXATION

ARTICLE VI. – FIRE SERVICES SPECIAL ASSESSMENT

SUBPART 1 - INTRODUCTION

Sec.238-01 - Definitions.

As used in this part, the following words and terms shall have the following meanings, unless the context clearly otherwise requires:

Annual rate resolution means the resolution described in section 238-14 establishing the rate at which a fire services assessment for a specific fiscal year will be computed. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which a fire services assessment is imposed or reimposed.

Assessed property means all parcels of land included on the assessment roll that receive a special benefit from the delivery of the fire services, programs or facilities identified in the initial assessment resolution or a subsequent preliminary rate resolution.

Assessment roll means the special assessment roll relating to a fire services assessment approved by a final assessment resolution pursuant to section 238-12 or an annual rate resolution pursuant to section 238-14.

Building means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind, including mobile homes. This term shall include the use of land in which lot or spaces are offered for use, rent or lease for the placement of mobile homes, travel trailers, or the like for residential purposes.

Certificate of occupancy means the written certification issued by the city that a building is ready for occupancy for its intended use. For the purposes of this part, a set up or tie down permit or its equivalent issued for a mobile home shall be considered a certificate of occupancy.

City means the City of Eustis, Florida.

City clerk means the clerk of the city commission.

City Commission means the city commission of the City of Eustis, Florida.

City manager means the chief administrative officer of the city, designated by the city commission to be responsible for coordinating fire services assessments or such person's designee.

County means Lake County, Florida.

Final assessment resolution means the resolution described in section 238-12 hereof which shall confirm, modify, or repeal the initial assessment resolution and which shall be the final proceeding for the initial imposition of fire services assessments.

Fire services assessment means a special assessment lawfully imposed by the city commission against assessed property to fund all or any portion of the cost of the provision of fire services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the assessed property.

Fire services assessed cost means the amount determined by the city commission to be assessed in any fiscal year to fund all or any portion of the cost of the provision of fire services, facilities, or programs which provide a special benefit to assessed property, and shall include, but not be limited to, the following components:

- (1) The cost of physical construction, reconstruction or completion of any required facility or improvement;
- (2) The costs incurred in any required acquisition or purchase;
- (3) The cost of all labor, materials, machinery, and equipment;
- (4) The cost of fuel, parts, supplies, maintenance, repairs, and utilities;
- (5) The cost of computer services, data processing, and communications;
- (6) The cost of all lands and interest therein, leases, property rights, easements, and franchises of any nature whatsoever;
- (7) The cost of any indemnity or surety bonds and premiums for insurance;
- (8) The cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits;
- (9) The cost of uniforms, training, travel, and per diem;
- (10) The cost of construction plans and specifications, surveys, and estimates of costs;
- (11) The cost of engineering, financial, legal, and other professional services;
- (12) The cost of compliance with any contracts or agreements entered into by the city to provide fire services;
- (13) All costs associated with the structure, implementation, collection, and enforcement of the fire services assessments, including any service charges of the tax collector, or property appraiser and amounts necessary to off-set discounts received for early payment of fire services assessments pursuant to the uniform assessment collection act or for early payment of fire services assessments collected pursuant to section 238-21;
- (14) All other costs and expenses necessary or incidental to the acquisition, provision, or construction of fire services, facilities, or programs, and such other expenses as may be necessary or incidental to any related financing authorized by the city commission by subsequent resolution;

(15)A reasonable amount for contingency and anticipated delinquencies and uncollectible fire services assessments; and

(16)Reimbursement to the city or any other person for any moneys advanced for any costs incurred by the city or such person in connection with any of the foregoing components of fire services assessed cost.

In the event the city also imposes an impact fee upon new growth or development for fire services related capital improvements, the fire services assessed cost shall not include costs attributable to capital improvements necessitated by new growth or development that will be paid by such impact fees. The fire services assessed cost shall also not include costs for the provision of emergency medical services by the city.

Fiscal year means that period commencing October 1st of each year and continuing through the next succeeding September 30th, or such other period as may be prescribed by law as the fiscal year for the city.

Government property means property owned by the United States of America or any agency thereof, a sovereign state or nation, the State of Florida or any agency thereof, a county, a special district or a municipal corporation.

Initial assessment resolution means the resolution described in section 238-08 which shall be the initial proceeding for the identification of the fire services assessed cost for which an assessment is to be made and for the imposition of a fire services assessment.

Maximum assessment rate means the highest rate of a fire services assessment established by the city commission in an initial assessment resolution or preliminary rate resolution and confirmed by the city commission in the final assessment resolution or annual rate resolution.

Ordinance means the fire services special assessment ordinance from which this part is derived.

Owner shall mean the person reflected as the owner of assessed property on the tax roll.

Part means this Article VI, "Fire Services Special Assessment."

Person means any individual, partnership, firm, organization, corporation, association, or any other legal entity, whether singular or plural, masculine or feminine, as the context may require.

Preliminary rate resolution means the resolution described in section 238-14 initiating the annual process for updating the assessment roll and directing the reimposition of fire services assessments pursuant to an annual rate resolution.

Property appraiser means the Lake County Property Appraiser.

Tax collector means the Lake County Tax Collector.

Tax roll means the real property ad valorem tax assessment roll maintained by the property appraiser for the purpose of the levy and collection of ad valorem taxes.

Uniform Assessment Collection Act means F.S. §§ 197.3632 and 197.3635, or any successor statutes authorizing the collection of non-ad valorem assessments on the same bill as ad valorem taxes, and any applicable regulations promulgated thereunder.

Sec. 238-02. – Interpretation; title and citation.

- (a) Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa; the terms "hereof," "hereby," "herein," "hereto", "hereunder," and similar terms refer to this part; and the term "hereafter" means after, and the term "heretofore" means before, the effective date of the Ordinance from which this part derives. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.
- (b) This part, being necessary for the welfare of the inhabitants of the city, shall be liberally construed to effect the purposes hereof.
- (c) This part shall be known and cited as "Fire Services Special Assessment Ordinance."

Sec. 238-03. - General findings.

It is hereby ascertained, determined, and declared that:

- (1) Pursuant to Article VIII, section 2(b), Florida Constitution and F.S. §§ 166.021 and 166.041, the city commission has all powers of local self government to perform municipal functions and to render municipal services in a manner not inconsistent with law, and such power may be exercised by the enactment of city ordinances.
- (2) The city commission may exercise any governmental, corporate, or proprietary power for a municipal purpose except when expressly prohibited by law, and the city commission may legislate on any subject matter on which the Florida Legislature may act, except those subjects described in of F.S. § 166.021(3) (a), (b), (c), and (d). The subject matter of F.S. § 166.021(3)(a), (b), (c), and (d), are not relevant to the imposition of assessments related to fire services, facilities or programs of the city.
- (3) The purpose of this part is to:
 - a. Provide procedures and standards for the imposition of citywide fire services assessments under the general home rule powers of a municipality to impose special assessments;
 - b. Authorize a procedure for the funding of fire services, facilities, or programs providing special benefits to property within the city; and
 - c. Legislatively determine the special benefit provided to assessed property from the provision of the city's fire services.
- (4) The annual fire services assessments, to be imposed using the procedures provided in this part, shall constitute non-ad valorem assessments within the meaning and intent of the Uniform Assessment Collection Act.

- (5) The fire services assessments to be imposed using the procedures provided in this part are imposed by the city commission, not the Lake County Board of County Commissioners, property appraiser or tax collector. The duties of the property appraiser and tax collector under the provisions of this part and the Uniform Assessment Collection Act are ministerial.

Sec. 238-04. - Legislative determinations of special benefit.

It is hereby ascertained and declared that the fire services, facilities, and programs provide a special benefit to property because fire services possess a logical relationship to the use and enjoyment of property by:

- (1) Protecting the value and integrity of the improvements and structures through the provision of available fire services;
- (2) Protecting the life and safety of intended occupants in the use and enjoyment of property;
- (3) Lowering the cost of fire insurance by the presence of a professional and comprehensive fire program within the city; and
- (4) Containing the spread of fire incidents occurring on unimproved property with the potential to spread and endanger the structures and occupants of improved property.

Sec. 238-05. - Applicability.

This part and the city commission's authority to impose assessments pursuant hereto shall be applicable throughout the city.

Sec. 238-06. - Alternative method.

- (a) This part shall be deemed to provide an additional and alternative method for the doing of the things authorized hereby and shall be regarded as supplemental and additional to powers conferred by other laws, and shall not be regarded as in derogation of any powers now existing or which may hereafter come into existence.
- (b) Nothing herein shall preclude the city commission from directing and authorizing, by resolution, the combination with each other of:
 - (1) Any supplemental or additional notice deemed proper, necessary, or convenient by the city;
 - (2) Any notice required by this part; or
 - (3) Any notice required by law, including the Uniform Assessment Collection Act.

SUBPART 2. - ANNUAL FIRE SERVICES ASSESSMENT

Sec. 238-07. - General authority.

- (a) The city commission is hereby authorized to impose an annual fire services assessment to fund all or any portion of the fire services assessed cost upon benefited property within the incorporated area of the city at a rate of assessment based on the special benefit accruing to such property from the city's provision of fire services, facilities, or programs. All fire services assessments shall be imposed in conformity with the procedures set forth in this part.

- (b) The amount of the fire services assessment imposed in a fiscal year against a parcel of assessed property shall be determined pursuant to an apportionment methodology based upon a classification of property designed to provide a fair and reasonable apportionment of the fire services assessed cost among properties on a basis reasonably related to the special benefit provided by fire services, facilities, or programs funded with assessment proceeds.
- (c) Nothing contained in this part shall be construed to require the imposition of the fire services assessment against government property.

Sec. 238-08. - Initial proceedings.

The initial proceeding for the imposition of a fire services assessment shall be the adoption of an initial assessment resolution by the city commission:

- (1) Containing a brief and general description of the fire services, facilities, or programs to be provided;
- (2) Determining the fire services assessed cost to be assessed;
- (3) Describing the method of apportioning the fire services assessed cost and the computation of the fire services assessment for specific properties;
- (4) Establishing an estimated assessment rate for the applicable fiscal year;
- (5) Establishing a maximum assessment rate, if desired by the city commission; and
- (6) Directing the city manager to:
 - a. Prepare the initial assessment roll, as required by section 238-09;
 - b. Publish the notice required by section 238-10; and
 - c. Mail the notice required by section 238-11 using information then available from the tax roll.

Sec. 238-09. - Initial assessment roll.

- (a) The city manager shall prepare, or direct the preparation of, the initial assessment roll, which shall contain the following:
 - (1) A summary description of all assessed property conforming to the description contained on the tax roll.
 - (2) The name of the owner of the assessed property.
 - (3) The amount of the fire services assessment to be imposed against each such parcel of assessed property.
- (b) The initial assessment roll shall be retained by the city manager and shall be open to public inspection. The foregoing shall not be construed to require that the assessment roll be in printed form if the amount of the fire services assessment for each parcel of property can be determined by use of a computer terminal available to the public.

Sec. 238-10. - Notice by publication.

- (a) Upon completion of the initial assessment roll, the city manager shall publish, or direct the publication of, once in a newspaper of general circulation within the city a notice stating that at a meeting of the city commission on a certain day and hour, not earlier than 20 calendar days from such publication, which meeting shall be a regular, adjourned, or special meeting, the city commission will hear objections of all interested persons to the final assessment resolution which shall establish the rate of assessment and approve the aforementioned initial assessment roll.
- (b) The published notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Such notice shall include:
 - (1) A geographic depiction of the property subject to the fire services assessment;
 - (2) A brief and general description of the fire services, facilities, or programs to be provided;
 - (3) The rate of assessment including a maximum assessment rate in the event one was adopted;
 - (4) The procedure for objecting provided in section 238-12;
 - (5) The method by which the fire services assessment will be collected; and
 - (6) A statement that the initial assessment roll is available for inspection at the office of the city manager and all interested persons may ascertain the amount to be assessed against a parcel of assessed property at the office of the city manager.

Sec. 238-11. - Notice by mail.

- (a) In addition to the published notice required by section 238-10, the city manager shall provide notice, or direct the provision of notice, of the proposed fire services assessment by first class mail to the owner of each parcel of property subject to the fire services assessment.
- (b) Such notice shall include:
 - (1) The purpose of the fire services assessment;
 - (2) The rate of assessment to be levied against each parcel of property, including a maximum assessment rate in the event one was adopted;
 - (3) The unit of measurement applied to determine the fire services assessment;
 - (4) The number of such units contained in each parcel of property;
 - (5) The total revenue to be collected by the city from the fire services assessment;
 - (6) A statement that failure to pay the fire services assessment will cause a tax certificate to be issued against the property or foreclosure proceedings to be instituted, either of which may result in a loss of title to the property;
 - (7) A statement that all affected owners have a right to appear at the hearing and to file written objections with the city commission within 20 days of the notice; and

- (8) The date, time, and place of the hearing.
- (c) The mailed notice shall conform to the requirements set forth in the Uniform Assessment Collection Act. Notice shall be mailed at least 20 calendar days prior to the hearing to each owner at such address as is shown on the tax roll. Notice shall be deemed mailed upon delivery thereof to the possession of the United States Postal Service. The city manager may provide proof of such notice by affidavit. Failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a fire services assessment imposed by the city commission pursuant to this part.

Sec. 238-12. - Adoption of final assessment resolution.

- (a) At the public hearing as noticed pursuant to sections 238-10 and 238-11, or to which an adjournment or continuance may be taken by the city commission, the city commission shall receive any oral or written objections of interested persons and may then, or at any subsequent meeting of the city commission adopt the final assessment resolution which shall:
 - (1) Confirm, modify, or repeal the initial assessment resolution with such amendments, if any, as may be deemed appropriate by the city commission;
 - (2) Establish the rate of assessment to be imposed in the upcoming fiscal year;
 - (3) Establish a maximum assessment rate that may be imposed in the event such rate was adopted;
 - (4) Approve the initial assessment roll, with such amendments as it deems just and right; and
 - (5) Determine the method of collection.
- (b) The adoption of the final assessment resolution by the city commission shall constitute a legislative determination that all parcels assessed derive a special benefit from the fire services, facilities, or programs to be provided or constructed and a legislative determination that the fire services assessments are fairly and reasonably apportioned among the properties that receive the special benefit.
- (c) All written objections to the final assessment resolution shall be filed with the city manager at or before the time or adjourned time of such hearing. The final assessment resolution shall constitute the annual rate resolution for the initial fiscal year in which fire services assessments are imposed or reimposed hereunder.

Sec. 238-13. - Effect of final assessment resolution.

The fire services assessments for the initial fiscal year shall be established upon adoption of the final assessment resolution. The adoption of the final assessment resolution shall be the final adjudication of the issues presented (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property; the method of apportionment and assessment; the initial rate of assessment; the maximum assessment rate, if any; the initial assessment roll; and the levy and lien

of the fire services assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the city commission action on the final assessment resolution. The initial assessment roll, as approved by the final assessment resolution, shall be delivered to the tax collector, as required by the Uniform Assessment Collection Act, or if the alternative method described in section 238-21 is used to collect the fire services assessments, such other official as the city commission by resolution shall designate.

Sec. 238-14. - Adoption of annual rate resolution.

- (a) The city commission shall adopt an annual rate resolution during its budget adoption process for each fiscal year following the initial fiscal year for which a fire services assessment is imposed hereunder.
- (b) The initial proceedings for the adoption of an annual rate resolution shall be the adoption of a preliminary rate resolution by the city commission:
 - (1) Containing a brief and general description of the fire services, facilities, or programs to be provided;
 - (2) Determining the fire services assessed cost to be assessed for the upcoming fiscal year;
 - (3) Establishing the estimated assessment rate for the upcoming fiscal year;
 - (4) Establishing or increasing a maximum assessment rate, if desired by the city commission;
 - (5) Authorizing the date, time, and place of a public hearing to receive and consider comments from the public and consider the adoption of the annual rate resolution for the upcoming fiscal year; and
 - (6) Directing the city manager to:
 - a. Update the assessment roll;
 - b. Provide notice by publication and first-class mail to affected owners in the event circumstances described in subsection (f) of this section so require; and
 - c. Directing and authorizing any supplemental or additional notice deemed proper, necessary or convenient by the city.
- (c) The annual rate resolution shall (1) establish the rate of assessment to be imposed in the upcoming fiscal year and (2) approve the assessment roll for the upcoming fiscal year with such adjustments as the city commission deems just and right. The assessment roll shall be prepared in accordance with the method of apportionment set forth in the initial assessment resolution, or any subsequent preliminary rate resolution, together with modifications, if any, that are provided and confirmed in the final assessment resolution or any subsequent annual rate resolution.
- (d) Nothing herein shall preclude the city commission from providing annual notification to all owners of assessed property in the manner provided in sections 238-10 and 238-11 or any other method as provided by law.

- (e) The city commission may establish or increase a maximum assessment rate in an initial assessment resolution or preliminary rate resolution and confirm such maximum assessment rate in the event notice of such maximum rate assessment has been included in the notices required by sections 238-10 and 238-11 herein.
- (f) In the event (1) the proposed fire services assessment for any fiscal year exceeds the rates of assessment adopted by the city commission including a maximum assessment rate, if any, that were listed in the notices previously provided to the owners of assessed property pursuant to sections 238-10 and 238-11, (2) the purpose for which the fire services assessment is imposed or the use of the revenue from the fire services assessment is substantially changed from that represented by notice previously provided to the owners of assessed property pursuant to sections 238-10 and 238-11, (3) assessed property is reclassified or the method of apportionment is revised or altered resulting in an increased fire services assessment from that represented by notice previously provided to the owners of assessed property pursuant to sections 238-10 and 238-11, or (4) an assessment roll contains assessed property that was not included on the assessment roll approved for the prior fiscal year, notice shall be provided by publication and first class mail to the owners of such assessed property as provided by law. Such notice shall substantially conform with the notice requirements set forth in sections 238-10 and 238-11 and inform the owner of the date, time, and place for the adoption of the annual rate resolution. The failure of the owner to receive such notice due to mistake or inadvertence shall not affect the validity of the assessment roll nor release or discharge any obligation for payment of a fire services assessment imposed by the city commission pursuant to this part.
- (g) As to any assessed property not included on an assessment roll approved by the adoption of the final assessment resolution or a prior year's annual rate resolution, the adoption of the succeeding annual rate resolution shall be the final adjudication of the issues presented as to such assessed property (including, but not limited to, the determination of special benefit and fair apportionment to the assessed property, the method of apportionment and assessment, the rate of assessment, the establishment or increase of a maximum assessment rate, the assessment roll, and the levy and lien of the fire services assessments), unless proper steps shall be initiated in a court of competent jurisdiction to secure relief within 20 days from the date of the city commission action on the annual rate resolution. Nothing contained herein shall be construed or interpreted to affect the finality of any fire services assessment not challenged within the required 20-day period for those fire services assessments previously imposed against assessed property by the inclusion of the assessed property on an assessment roll approved in the final assessment resolution or any subsequent annual rate resolution.
- (h) The assessment roll, as approved by the annual rate resolution, shall be delivered to the tax collector as required by the Uniform Assessment Collection Act or if the alternative method described in section 238-21 is used to collect the fire services assessments, such other official as the city commission by resolution shall designate. If the fire services assessment against any property shall be sustained,

reduced, or abated by the court, an adjustment shall be made on the assessment roll.

Sec. 238-15. - Lien of fire services assessments.

Upon the adoption of the assessment roll, all fire services assessments shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments. Except as otherwise provided by law, such lien shall be superior in dignity to all other prior liens, mortgages, titles, and claims, until paid. The lien for a fire services assessment shall be deemed perfected upon the city commission's adoption of the final assessment resolution or the annual rate resolution, whichever is applicable. The lien for a fire services assessment collected under the Uniform Assessment Collection Act shall attach to the property included on the Assessment Roll as of the prior January 1, the lien date for ad valorem taxes imposed under the tax roll. The lien for a fire services assessment collected under the alternative method of collection provided in section 238-21 shall be deemed perfected upon the city commission's adoption of the final assessment resolution or the annual rate resolution, whichever is applicable, and shall attach to the property on such date of adoption.

Sec. 238-15.1. - Authorization for exemptions and hardship assistance.

- (a) The city commission, in its sole discretion, shall determine on an annual basis whether to provide exemptions from payment of the fire services assessment for government property or institutional property whose use is wholly or partially exempt from ad valorem taxation under Florida law.
- (b) The city commission, in its sole discretion, shall determine on an annual basis whether to provide a program of hardship assistance to city residents who are living below or close to the poverty level and are at risk of losing title to their homes as a result of the imposition of the fire services assessments.
- (c) On an annual basis, the city commission shall designate the funds available, if any, to provide any exemptions or hardship assistance. The provision of an exemption or hardship assistance in any one year shall in no way establish a right or entitlement to such exemption or assistance in any subsequent year and the provision of funds in any year may be limited to the extent funds are available and appropriated by the city commission. Any funds designated for exemptions or hardship assistance shall be paid by the city from funds other than those generated by the fire services assessment.
- (d) Any shortfall in the expected fire services assessment proceeds due to any hardship assistance or exemptions from payment of the fire services assessments required by law or authorized by the city commission shall be supplemented by any legally available funds, or combination of such funds, and shall not be paid for by proceeds or funds derived from the fire services assessments. In the event a court of competent jurisdiction determines any exemption or reduction by the city commission is improper or otherwise adversely affects the validity of the fire services assessment imposed for any fiscal year, the sole and exclusive remedy shall be the imposition of a fire services assessment upon each affected tax parcel.

in the amount of the fire services assessment that would have been otherwise imposed save for such reduction or exemption afforded to such tax parcel by the city commission.

Sec. 238-15.2 - Government property.

- (a) In the event fire services assessments are imposed against government property, the city commission shall provide fire services assessment bills by first class mail to the owner of each affected parcel of government property. The bill or accompanying explanatory material shall include:
 - (1) A brief explanation of the fire services assessment;
 - (2) A description of the unit of measurement used to determine the amount of the fire services assessment;
 - (3) The number of units contained within the parcel;
 - (4) The total amount of the parcel's fire services assessment for the appropriate period;
 - (5) The location at which payment will be accepted; and
 - (6) The date on which the fire services assessment is due.
- (b) Fire services assessments imposed against government property shall be due on the same date as all other fire services assessments and, if applicable, shall be subject to the same discounts for early payment.
- (c) A fire services assessment shall become delinquent if it is not paid within 30 days from the date payment was due, as identified in paragraph (a)(6) of this section. The city commission shall notify the owner of any government property that is delinquent in payment of its fire services assessment within sixty (60) days from the date such assessment was due. Such notice shall state that the city commission will initiate a mandamus or other appropriate judicial action to compel payment.
- (d) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any mandamus or other action as described herein shall be included in any judgment or decree rendered therein. All delinquent owners of government property against which a mandamus or other appropriate action is filed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the city, including reasonable attorney fees, in collection of such delinquent fire services assessments and any other costs incurred by the city commission as a result of such delinquent fire services assessments and the same shall be collectible as a part of or in addition to, the costs of the action.
- (e) As an alternative to the foregoing, a fire services assessment imposed against government property may be collected as a surcharge on a utility bill provided to such government property in periodic installments with a remedy of a mandamus action in the event of non-payment. The city commission may contract for such billing services with any utility, whether or not such utility is owned by the city.

Sec. 238-16. - Revisions to fire services assessments.

If any fire services assessment made under the provisions of this part is either in whole or in part annulled, vacated, or set aside by the judgment of any court, or if the city commission is satisfied that any such fire services assessment is so irregular or defective that the same cannot be enforced or collected, or if the city commission has failed to include or omitted any property on the assessment roll, which property should have been so included, the city commission may take all necessary steps to impose a new fire services assessment against any property benefited by the fire services assessed costs, following as nearly as may be practicable, the provisions of this part and in case such second fire services assessment is annulled, vacated, or set aside, the city commission may obtain and impose other fire services assessments until a valid fire services assessment is imposed.

Sec. 238-17. - Procedural irregularities.

Any informality or irregularity in the proceedings in connection with the levy of any fire services assessment under the provisions of this part shall not affect the validity of the same after the approval thereof, and any fire services assessment as finally approved shall be competent and sufficient evidence that such fire services assessment was duly levied, that the fire services assessment was duly made and adopted, and that all other proceedings adequate to such fire services assessment were duly had, taken, and performed as required by this part; and no variance from the directions hereunder shall be held material unless it be clearly shown that the party objecting was materially injured thereby.

Sec. 238-18. - Correction of errors and omissions.

- (a) No act of error or omission on the part of the property appraiser, tax collector, city manager, city commission, or their deputies or employees, shall operate to release or discharge any obligation for payment of a fire services assessment imposed by the city commission under the provision of this part.
- (b) When it shall appear that any fire services assessment should have been imposed under this part against a parcel of property specially benefited by the provision of fire services, facilities, or programs, but that such property was omitted from the assessment roll; or such property was erroneously assessed; or was not listed on the tax roll as an individual parcel of property as of the effective date of the assessment roll approved by the annual rate resolution for any upcoming fiscal year, the city commission may, upon provision of a notice by mail provided to the owner of the omitted or erroneously assessed parcel in the manner and form provided in section 238-11, impose the applicable fire services assessment for the fiscal year in which such error or omission is discovered, in addition to the applicable fire services assessment due for the prior two fiscal years. Such fire services assessment shall constitute a lien against assessed property equal in rank and dignity with the liens of all state, county, district, or municipal taxes and special assessments, and superior in rank and dignity to all other prior liens, mortgages, titles, and claims in and to or against the real property involved, shall be collected as provided in Subpart 3 of this part, and shall be deemed perfected on the date of adoption of the resolution imposing the omitted or delinquent assessments.

- (c) Prior to the delivery of the assessment roll to the tax collector in accordance with the Uniform Assessment Collection Act, the city manager shall have the authority at any time, upon his or her own initiative or in response to a timely filed petition from the owner of any property subject to a fire services assessment, to reclassify property based upon presentation of competent and substantial evidence, and correct any error in applying the fire services assessment apportionment method to any particular parcel of property not otherwise requiring the provision of notice pursuant to the Uniform Assessment Collection Act. Any such correction shall be considered valid ab initio and shall in no way affect the enforcement of the fire services assessment imposed under the provisions of this part. All requests from affected property owners for any such changes, modifications or corrections shall be referred to, and processed by, the city manager and not the property appraiser or tax collector.
- (d) After the assessment roll has been delivered to the tax collector in accordance with the Uniform Assessment Collection Act, any changes, modifications, or corrections thereto shall be made in accordance with the procedures applicable to correcting errors and insolvencies on the tax roll upon timely written request and direction of the city manager.

Sec. 238-19. - Interim assessments.

- (a) An interim fire services assessment may be imposed against all property for which a certificate of occupancy is issued after the adoption of the annual rate resolution. The amount of the interim fire services assessment shall be calculated upon a monthly rate, which shall be one-twelfth of the annual rate for such property computed in accordance with the annual rate resolution for the fiscal year for which the interim fire services assessment is being imposed. Such monthly rate shall be imposed for each full calendar month remaining in the fiscal year. In addition to the monthly rate, the interim fire services assessment may also include an estimate of the subsequent fiscal year's fire services assessment.
- (b) Issuance of the certificate of occupancy without the payment in full of the interim fire services assessment shall not relieve the owner of such property of the obligation of full payment. Any interim fire services assessment not collected prior to the issuance of the certificate of occupancy may be collected pursuant to the Uniform Assessment Collection Act as provided in section 238-20 of this part, under the alternative collection method provided in section 238-21 or by any other method authorized by law.
- (c) Any interim fire services assessment shall be deemed due and payable on the date the certificate of occupancy was issued and shall constitute a lien against such property as of that date. Said lien shall be equal in rank and dignity with the liens of all state, county, district or municipal taxes and special assessments, and superior in rank and dignity to all other liens, encumbrances, titles and claims in and to or against the real property involved and shall be deemed perfected upon the issuance of the certificate of occupancy.

SUBPART 3. - COLLECTION AND USE OF FIRE SERVICES ASSESSMENTS

Sec. 238-20. - Method of collection.

- (a) Unless otherwise directed by the city commission, the fire services assessments shall be collected pursuant to the uniform method provided in the Uniform Assessment Collection Act, and the city shall comply with all applicable provisions of the Uniform Assessment Collection Act. Any hearing or notice required by this part may be combined with any other hearing or notice required by the Uniform Assessment Collection Act or other provision of law.
- (b) The amount of a fire services assessment to be collected using the uniform method pursuant to the Uniform Assessment Collection Act for any specific parcel of benefited property may include an amount equivalent to the payment delinquency, delinquency fees and recording costs for a prior year's assessment for a comparable service, facility, or program provided:
 - (1) The collection method used in connection with the prior year's assessment did not employ the use of the uniform method of collection authorized by the Uniform Assessment Collection Act;
 - (2) Notice is provided to the owner as required under the Uniform Assessment Collection Act; and
 - (3) Any lien on the affected parcel for the prior year's assessment is supplanted and transferred to such fire services assessment upon certification of a non-ad valorem roll to the tax collector by the city.

Sec. 238-21. - Alternative method of collection.

In lieu of using the Uniform Assessment Collection Act, the city commission may elect to collect the fire services assessments by any other method which is authorized by law or under the alternative collection method provided by this section:

- (1) The city manager shall provide fire services assessment bills by first class mail to the owner of each affected parcel of property that is subject to the fire services assessment. The bill or accompanying explanatory material shall include:
 - a. A brief explanation of the fire services assessment;
 - b. A description of the unit of measurement used to determine the amount of the fire services assessment;
 - c. The number of units contained within the parcel;
 - d. The total amount of the fire services assessment imposed against the parcel for the appropriate period;
 - e. The location at which payment will be accepted;
 - f. The date on which the fire services assessment is due; and
 - g. A statement that the fire services assessment constitutes a lien against assessed property equal in rank and dignity with the liens of all state, county, district or municipal taxes and other non-ad valorem assessments.

- (2) A general notice of the lien resulting from imposition of the fire rescue assessments shall be recorded in the official records of the city. Nothing herein shall be construed to require that individual liens or releases be filed in the official records.
- (3) The city commission shall have the right to foreclose and collect all delinquent fire services assessments in the manner provided by law for the foreclosure of mortgages on real property or appoint or retain an agent to institute such foreclosure and collection proceedings. A fire services assessment shall become delinquent if it is not paid within 30 days from the date payment was due, as identified in accordance with subsection (1)f. of this section. The city manager or his or her designee shall notify any property owner who is delinquent in payment of his or her fire services assessment within 60 days from the date such assessment was due. Such notice shall state in effect that the city manager or his or her designee will either (1) initiate a foreclosure action or suit in equity and cause the foreclosure of such property subject to a delinquent fire services assessment in a method now or hereafter provided by law for foreclosure of mortgages on real property, or (2) cause an amount equivalent to the delinquent fire services assessment, not previously subject to collection using the uniform method under the Uniform Assessment Collection Act, to be collected on the tax bill for a subsequent year.
- (4) All costs, fees and expenses, including reasonable attorney fees and title search expenses, related to any foreclosure action as described herein shall be included in any judgment or decree rendered therein. At the sale pursuant to decree in any such action, the city may be the purchaser to the same extent as any person. The city manager or his or her designee may join in one foreclosure action the collection of fire services assessments against any or all property assessed in accordance with the provisions hereof. All delinquent owners whose property is foreclosed shall be liable for an apportioned amount of reasonable costs and expenses incurred by the city and its agents, including reasonable attorney fees, in collection of such delinquent fire services assessments and any other costs incurred by the city as a result of such delinquent fire services assessments and the same shall be collectible as a part of or in addition to, the costs of the action.
- (5) In lieu of foreclosure, any delinquent fire services assessment and the costs, fees and expenses attributable thereto, may be collected pursuant to the Uniform Assessment Collection Act; provided however, that (1) notice is provided to the owner in the manner required by the Uniform Assessment Collection Act and this part, and (2) any existing lien of record on the affected parcel for the delinquent fire services assessment is supplanted by the lien resulting from certification of the assessment roll, as applicable, to the tax collector.
- (6) Notwithstanding the city commission's use of an alternative method of collection, the city manager shall have the same power and authority to correct errors and omissions as provided to the city manager or other city officials in section 238-18

herein.

- (7) Any city commission action required in the collection of fire services assessments may be by resolution.

Section 3. Codification. It is the intent of the City Commission of the City of Eustis that the provisions of this Ordinance shall be codified. The codifier is granted broad and liberal authority in codifying the provision of this Ordinance.

Section 4. Severability. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unlawful or unconstitutional, said determination shall not be held to invalidate or impair the validity, force or effect of any other section, sentence, phrase, word or portion of this Ordinance not otherwise determined to be invalid, unlawful or unconstitutional.

Section 5. Conflicts. In any case where a provision of this Ordinance is found to be in conflict with a provision of any other ordinance of this City, the provision which establishes the higher standards for the promotion and protection of the health and safety of the people shall prevail.

Section 6. Effective Date. This Ordinance shall become effective immediately upon its passage and adoption.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Lake County, Florida, this 17th day of June, 2021.

**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 physical presence, this 17th day of June, 2021, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 21-14 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