



# HISTORIC TOWN OF EATONVILLE, FLORIDA

## REGULAR COUNCIL MEETING AGENDA

Tuesday, May 02, 2023 at 7:30 PM

Town Hall - 307 E Kennedy Blvd

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- I. CALL TO ORDER AND VERIFICATION OF QUORUM
  - II. INVOCATION AND PLEDGE OF ALLEGIANCE
  - III. APPROVAL OF THE AGENDA
  - IV. CITIZEN PARTICIPATION (Three minutes strictly enforced)
  - V. PUBLIC HEARING

- A. Approval of 2<sup>nd</sup> Reading of Ordinance 2023-6 Establishing A Temporary Moratorium On The Issuance of New Building Permits (**Administration**)
  - B. Approval of the rezone of 1000 W. Kennedy Boulevard, parcel ID 34-21-29-0000-00-078, from C-3 Zoning District (Commercial) to R-3 (Multifamily Residential) by Ordinance 2023-5. (**Planning**)

- VI. CONSENT AGENDA

1. Approval of Town Council Meeting Minutes – April 18, 2023 (**Clerk Office**)

- VII. COUNCIL DECISIONS

2. Approval Resolution 2023-2 Appointment of Vice-Mayor

- VIII. REPORTS

CHIEF ADMINISTRATIVE OFFICER'S REPORT

TOWN ATTORNEY'S REPORT

TOWN COUNCIL REPORT/DISCUSSION ITEMS

MAYOR'S REPORT

- IX. ADJOURNMENT

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**\*\*PUBLIC NOTICE\*\***

*This is a Public Meeting, and the public is invited to attend. This Agenda is subject to change. Please be advised that one (1) or more Members of any of the Town's Advisory Boards/Committees may attend this Meeting and may participate in discussions. Any person who desires to appeal any decision made at this meeting will need a verbatim record of the proceedings and for this purpose may need to ensure that a verbatim record of the proceedings is made which includes the testimony and evidence upon which the appeal is to be based – per Section 286.0105 Florida Statutes. Persons with disabilities needing assistance to participate in any of these proceedings should contact the Town of Eatonville at (407) 623-8910 "at least 48 hours prior to the meeting, a written request by a physically handicapped person to attend the meeting, directed to the chairperson or director of such board, commission, agency, or authority" - per Section 286.26*



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MAY 2, 2023 AT 7:30 PM

Cover Sheet

**\*\*NOTE\*\*** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

**ITEM TITLE:** Approval of 2<sup>nd</sup> Reading of Ordinance 2023-6 Establishing A Temporary Moratorium On The Issuance of New Building Permits (**Administration**)

**TOWN COUNCIL ACTION:**

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1 <sup>ST</sup> / 2 <sup>ND</sup> READING	YES	<b>Exhibits:</b> <ul style="list-style-type: none"><li>Ordinance 2023-6</li></ul>
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

**REQUEST:** Approval of 2<sup>nd</sup> Reading of Ordinance 2023-6 Establishing A Temporary Moratorium On The Issuance of New Building Permits.

**SUMMARY:** There is an urgent need for the Town Council to enact this temporary moratorium on the issuance of new building permits for new multi-family, mixed use, commercial, and all single family residential development in order to temporarily preserve the status quo while the Town completes the Impact Fee Feasibility Study, adopts a new impact fee ordinance and schedule of fees by resolution, and receives input from the public, property owners, consultants and staff. Preserving the status quo will allow the Town to continue the application process for development, such as comprehensive plan and future land use map amendments, re-zoning applications, plats, variances, site plans, and special exceptions, while insuring that public infrastructure and facilities are not unduly burdened through the issuance of significant new building permits that will have an immediate and negative impact on said infrastructure and facilities without the assessment of properly adopted impact fees.

Approval of the 1<sup>st</sup> Reading was established at the Town Council Meeting held on Tuesday, 4-18-2023. The Ordinance has been amended removing the (LESS THAN 2,500 SQUARE FEET) stipulation in the original ordinance discussed in the first reading.

**RECOMMENDATION:** Staff request approval of the 2nd reading of Ordinance 2023-6.

**FISCAL & EFFICIENCY DATA:** N/A

**ORDINANCE #2023-6**

**AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, ESTABLISHING A TEMPORARY MORATORIUM ON THE ISSUANCE OF NEW BUILDING PERMITS FOR NEW MULTI-FAMILY, MIXED USE, COMMERCIAL OR SINGLE FAMILY RESIDENTIAL FOR A MAXIMUM OF THREE HUNDRED SIXTY FIVE (365) DAYS OR 90 DAYS AFTER THE ADOPTION OF AN IMPACT FEE ORDINANCE, WHICH EVER IS EARLIER; PROVIDING LEGISLATIVE FINDINGS AND INTENT; PROVIDING FOR THE TERM OF MORATORIUM; PROVIDING EXEMPTIONS; PROVIDING FOR VESTED RIGHTS AND PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR NON-CODIFICATION; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**SECTION 1.        Legislative Findings and Intent.**

Following are the legislative findings and intent of the Town Council of the Town of Eatonville relative to this Moratorium Ordinance:

- (a)     The State of Florida, pursuant to the *Florida Impact Fee Act*, FLA. STAT. § 163.31801(1)-(2), has found “that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth,” and “impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction.” *Id.*
- (b)     In accordance with Section 1.01 of the Town Charter, Article VIII of the Florida Constitution, and Chapters 163 and 166, Florida Statutes, as well as Section 163.31801, *Florida Statutes*, the Town Council has the authority to adopt an impact fee ordinance.
- (c)     Impact fees are charges assessed on new developments to help offset the costs and impacts on public infrastructure and facilities required to accommodate and maintain levels of service resulting from new developments.
- (d)     Impact fees are typically charged and collected in the final states of the development process, at the time a building permit is issued for new development.
- (e)     The Town of Eatonville expects substantial growth in new development and new development applications, particularly in multi-family, mixed use, commercial, and single family residential.
- (f)     Currently, the Town of Eatonville lacks an enforceable method under Section 163.31801, *Florida Statutes*, for assessing and collecting impact fees on new development.
- (g)     Impact fees must be proportional and reasonably connected to, or have a rational nexus with, the need for additional capital facilities and/or infrastructure and the increased impact

generated by the new development. Similarly, impact fees must be proportional and reasonably connected to, or have a rational nexus between the expenditures of the funds collected and the benefits accruing to the new development.

(h) All impact fees must be calculated based upon the most recent and localized data. Thus, before enacting any impact fee ordinance or resolution, the Town of Eatonville must first commission an impact fee feasibility study.

(i) On April 4, 2023, the Town Council approved the commission of an Impact Fee Feasibility Study, which is a prerequisite to adopting an impact fee ordinance.

(j) Once the study is completed, the ordinance adoption process will take at least an additional 90-days, and the Town of Eatonville must provide at least an additional 90-day period after adoption before the effective date of any new impact fee ordinance.

(k) The impacts of the substantial new development expected in the Town of Eatonville on public facilities and infrastructure needed to serve such new development and maintain levels of service without the ability to offset those costs or having new development share in same will negatively affect the public, health, safety, and welfare of the Town.

(l) In the period between now and when a new impact fee ordinance is effective, building permits issued for new multi-family, mixed use, commercial, and single family residential development will have a greater negative effect on public facilities and infrastructure than any other form of new development due to their size and strain on existing infrastructure and facilities.

(m) There is an urgent need for the Town Council to enact this temporary moratorium on the issuance of new building permits for new multi-family, mixed use, commercial, and single family residential development in order to temporarily preserve the status quo while the Town completes the Impact Fee Feasibility Study, adopts a new impact fee ordinance and schedule of fees by resolution, and receives input from the public, property owners, consultants and staff. Preserving the status quo will allow the Town to continue the application process for development, such as comprehensive plan and future land use map amendments, re-zoning applications, plats, variances, site plans, and special exceptions, while insuring that public infrastructure and facilities are not unduly burdened through the issuance of significant new building permits that will have an immediate and negative impact on said infrastructure and facilities without the assessment of properly adopted impact fees.

(n) The Town Council has the authority to adopt this Ordinance by virtue of the Town's home rule authority under Section 166.021(4), Florida Statutes, and its general police power; by virtue of Section 163.31801, Florida Statutes, which recognizes the critical importance of properly adopted impact fee ordinances to offset the impacts on public facilities and infrastructure from new development; and based on the inherent authority conferred by general law with respect to comprehensive planning.

**SECTION 2. Temporary Moratorium.**

- (a) There is hereby imposed a temporary moratorium on the issuance of all new building permits for new development for multi-family, mixed use, commercial and single-family residential development in the Town of Eatonville.
- (b) During the time this moratorium is in effect, no building permits for new development subject to the provisions of this Ordinance, as set forth in subsection (a), shall be issued or approved within the Town of Eatonville.

**SECTION 3. Term of Moratorium.**

- (a) The provisions of this Ordinance shall terminate upon the **earliest** of two occurrences: (1) 90-days after the adoption of a new impact fee ordinance; or (2) one calendar year at 11:59 p.m. on the 365th day after the effective date of this Ordinance, as set forth in Section 9.
- (b) The provisions of this Ordinance may be extended once by ordinance for a period of not more than six additional months (180) days, upon a finding by the Town Council following public comment that good cause or excusable neglect exists, the harm to the public infrastructure and facilities from the issuance of new building permits for new multi-family, mixed use, commercial and single family residential development continues to exist, and a new impact fee ordinance has not been enacted.

**SECTION 4. Exemptions.**

Exemptions from this Ordinance are as follows:

- (a) Building permits for general maintenance, repairs, and/or health and safety improvements on lawfully existing structures or accessory structures, so long as any such altered structures shall remain within the footprint of the original structure. Maintenance, repairs, and improvements, all of which are proposed for health and safety purposes, shall be certified by a professional engineer registered in the State of Florida as repairs which are necessary to correct structural deficiencies which pose a health and safety hazard and shall be approved by the Town Building Official; and
- (b) Building permits for interior remodeling and decorating of currently and lawfully existing structures or accessory structures; and
- (c) Building permits for exterior repainting or reroofing of lawfully existing structures or accessory structures;
- (d) Building permits for the replacement of lawfully existing structures which pose a life, health, and safety hazard, so long as the structure, once replaced, complies with all provisions of the Town’s code and comprehensive plan. Building permits for replacement shall be approved, but must be certified by a professional engineer registered in the State of Florida as being necessary to correct structural deficiencies which pose a threat to the public life, health and safety and shall be approved by the Town Building Official; and

- (e) Building permits for landscaping and pavers; and
- (f) Any vested improvements as provided in this Ordinance; and
- (g) Any application for development or a development order that would not result in a building permit being issued; and
- (h) Building permits that are not for new multi-family, mixed use, commercial or single-family residential development.

#### **SECTION 5. Vested Rights and Administrative/Quasi-Judicial Review Procedures.**

- (a) Owner(s) of real property within the Town or owner(s)' expressly authorized agent may request a determination of vested rights by paying an application fee, provided hereunder, and filing a technically complete application with the Town's Chief Administrative Officer or designee.
- (b) The application form shall, at a minimum, contain the following information:
  1. The name and address of the applicant(s), who must be the owner(s) of the subject parcel(s) or real property, or an agent expressly authorized to apply on behalf of the owner(s).
  2. A legal description, current tax parcel identification number and survey or a sketch of the real property that is the subject of the application.
  3. The name and address of each owner of the parcel(s) or real property.
  4. Any approved site plan or development plans or plat that is applicable to the real property.
  5. Identify with particularity with specific reference to any ordinance, resolution or other action of the Town of Eatonville or failure to act by the Town of Eatonville, any statute or other general law, upon which the applicant relied and which the applicant believes supports the applicant's position that a building permit should be issued during the moratorium.
  6. A statement of fact that the applicant intends to prove or demonstrate, in support of the application that vested rights exist which warrant the issuance of a building permit during the moratorium.
  7. The application shall fully articulate the legal basis for being issued a building permit notwithstanding the moratorium.

8. Any other relevant, non-duplicative information that the applicant desires the Town Council to consider.
  9. Such other relevant information that the Town's Chief Administrative Officer or designee may request so long as it does not impose an undue burden on the applicant.
- (c) The applicant shall provide a sworn statement, executed by all owners of the real property at issue or an authorized agent averring that all factual information set forth in the application is true and accurate.
- (d) The Town's Chief Administrative Officer or designee shall screen each application to determine whether the application is technically complete, as set forth herein. No screening shall take place until an applicant has paid an application processing fee of \$200.00. This sufficiency determination shall be made within fourteen (14) calendar days after receipt of the application. If not technically complete, the application shall be returned to the applicant with written notification identifying the deficiencies in the application and the applicant shall be granted fourteen (14) additional calendar days to complete a technically sufficient application. If a response is not submitted to the Town's Chief Administrative Officer or designee within the time specified in this subsection, the application shall be deemed abandoned.
- (e) Upon the Town's Chief Administrative Officer or designee's acceptance of a technically complete application, for which the application fee has been submitted, the Town Council shall review the application, hold a public hearing, and make a final determination within forty-five (45) calendar days as to whether or not it has been clearly and convincingly demonstrated that the real property at issue has vested status and should be issued a building permit for new development notwithstanding this moratorium.
- (f) Within seven (7) calendar days after making a final determination of vested rights status, the Town Council shall provide the applicant with a written order, notifying the applicant of the determination vested rights status. Notwithstanding the moratorium, if the Town Council determines that vested rights exist, and all other applicable provisions of the Town's code and comprehensive plan have been met, then a building permit for the new development shall issue and the applicant shall have the right to rely upon such written notification that the real property is vested. The Town Council's written notification shall be final and not subject to further appeal to the Town, revocation, or modification.
- (g) The public hearing on the application for vested rights shall be a quasi-judicial hearing before the Town Council. The applicant shall present all the applicant's evidence in support of the application. The technical Florida Rules of Evidence shall not apply to the hearing, but basic notions of due process will be observed, and all testimony of witnesses shall be given under oath.

- (h) The Town Council’s decision to grant vested rights status shall be based on common law criteria for vested rights determinations. The Town Council’s decision shall be final.
- (i) Any property expressly exempt from this moratorium, as set forth in Section 4 is presumptively vested for purposes of this Ordinance and shall not be required to file an application under this Section.

**SECTION 6. Severability.**

If any section, subpart, or part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason, held or declared to be unconstitutional, inoperative, preempted or void, such provisions may be severed and such holding shall not affect the remaining portions of this Ordinance and shall be construed to have been the legislative intent to pass this Ordinance without such parts therein; and the remainder of this Ordinance, after the exclusion of such part or parts, shall be deemed to be valid as if this Ordinance had been adopted without such unconstitutional, invalid or inoperative part therein. If this Ordinance or any provision or part thereof shall be held unconstitutional, invalid, or inoperative as applied to any person, group, real property, kind of or classification of property, and/or circumstances, such holding shall not affect the application of the Ordinance to any other person, group, real property, kind of or classification of property or circumstances.

**SECTION 7. Conflicts.**

Any ordinances or resolutions in conflict herewith are hereby repealed to the extent of such conflict for the effective term of this Ordinance.

**SECTION 8. Non-Codification.**

The provisions of this Ordinance shall NOT be included and incorporated within the Code of Ordinances of the Town of Eatonville.

**SECTION 9. Effective Date; Repeal or Expiration.**

This Ordinance shall become effective immediately upon approval by the Town Council and shall stand repealed as set forth in Section 3 above. The Town Council may also repeal this Ordinance at any time and may extend it as set forth in Section 3 above.

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed and transmitted upon the first reading on the **18** day of **April**, 2023.

**Upon motion duly made and carried,** the foregoing Ordinance was approved and passed upon the second reading on the \_\_\_\_ day of \_\_\_\_\_, 2023.



Attest:

**TOWN OF EATONVILLE**

\_\_\_\_\_  
Veronica King,  
Town Clerk

\_\_\_\_\_  
Angie Gardner, Mayor

Approved as to Form:

\_\_\_\_\_  
Clifford B. Shepard, Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

MAY 2, 2023 AT 7:30 PM

Cover Sheet

**\*\*NOTE\*\*** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

**ITEM TITLE:** Approval of the rezone of 1000 W. Kennedy Boulevard, parcel ID 34-21-29-0000-00-078, from C-3 Zoning District (Commercial) to R-3 (Multifamily Residential) by Ordinance 2023-5. **(Planning)**

**TOWN COUNCIL ACTION:**

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATIVE
PUBLIC HEARING 1 <sup>ST</sup> / 2 <sup>ND</sup> READING	YES	<b>Exhibits:</b> <ul style="list-style-type: none"><li>• Staff Report</li><li>• Other Support Materials</li></ul>
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

**REQUEST:** Request approval of request for the rezone of 1000 W. Kennedy Boulevard, parcel ID 34-21-29-0000-00-078 by Ordinance 2023-5

**SUMMARY:** The applicant’s proposal is to rezone 4.07 +/- acres from C-3 Zoning to R-3 Zoning. The property is located on W. Kennedy boulevard as highlighted above. The property currently has 77 Units that are occupied and were built in the early 80’s with renovations (under this ownership) approximately done in 2018. In addition, the property has a parking lot variance approved on April 26th, 2018 by the Board of Zoning Adjustments.

**RECOMMENDATION:** It is the recommendation of staff to approve the rezone of 1000 W. Kennedy Boulevard, parcel ID 34-21-29-0000-00-078 by Ordinance 2023-5 as outlined under Findings and Planner Recommendation provided in the attached staff report.

**FISCAL & EFFICIENCY DATA:** N/A



**Town Council  
Staff Report (Quasi-Judicial)**

**Town of Eatonville**

**APPLICATION INFORMATION**

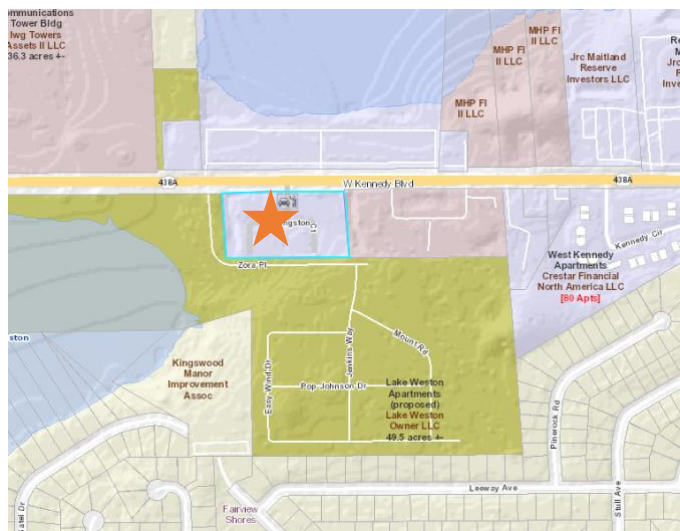
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**APPLICATION NUMBER:** #DEV.2023.301  
**OWNER:** Ability WDC, LLC  
**APPLICANT:** Town of Eatonville  
**PREPARED BY:** Tara Salmieri, AICP Town Planner  
**MEETING DATE:** May 2, 2023

<b>REQUEST:</b>	A request to change the zoning classification from C-3 Commercial to R-3 Multifamily Residential, amending the Town’s Zoning Map
<b>LOCATION:</b>	1000 W Kennedy Boulevard, Parcel ID 34-21-29-0000-00-078
<b>ACREAGE:</b>	4.07 +/- Acres
<b>EXISTING ZONING</b>	C-3
<b>FUTURE LAND USE</b>	High Density Residential
<b>SURROUNDING ZONING and FUTURE LAND DESIGNATIONS:</b>	North – Mx Office Overlay/R3 South – Lake Weston Planned Development East – Lake Weston Planned Development West – C3 (multifamily- existing)

STAFF EVALUATION AND FINDINGS

1. PROPOSAL

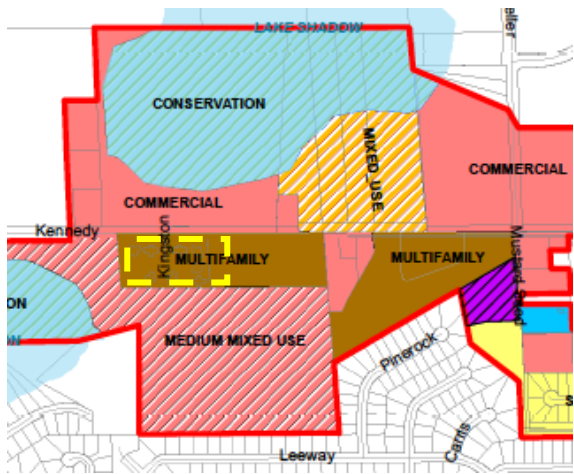


The proposal, is to rezone 4.07 +/- acres from C-3 Zoning to R-3 Zoning. The property is located on W. Kennedy boulevard as identified (★) above.

**History**

The property currently has 77 multi family units that were built in the early 1980's with renovations (under this ownership) approximately done in 2018. In addition, the property has a parking space reduction that was approved on April 26<sup>th</sup>, 2018 by the Board of Zoning Adjustments. Also, in 2018, the Town changed the land use to High Density Residential and there is no information that has been found to support the Town updating the zoning district to be consistent with the adopted Comprehensive Plan by either a PD or R-3 Zoning designation.

**Land Use and Zoning Designations**



**Future Land Use Map**



**Zoning Map**

The property has a future land use designation of High Density Multifamily and is assigned C-3 as the zoning district. The subject parcel should have R-3 zoning district to be consistent with

the Town's Comprehensive Plan. The table, below is from the Town's Comprehensive Plan. As highlighted, a parcel with **High Residential Land Use** should have a consistent zoning assignment of either: R-3 or PUD. The parcel is zoned C-3, which is not consistent with the Town's Comprehensive Plan and Zoning as outlined in the table.


TABLE 1.6.8 (A): FUTURE LAND USE DESIGNATIONS AND ALLOWABLE USES		
FUTURE LAND USE DESIGNATIONS	CONSISTENT ZONING	ALLOWABLE USES/MAXIMUM INTENSITY
Conservation (Con)	Environmental Conservation (EC)	Lakes and adjacent wetlands and environmentally fragile resources. Limited controlled access only for passive use. There are no uses currently permitted in this category. Maximum Intensity is a Floor Area Ratio (FAR) of 0.05.
Industrial (I)	Planned Industrial (I-1)	Light manufacturing, wholesale, warehousing and similar uses identified in the Town's Land Development Code. Maximum Intensity: 48 feet in height.
Commercial (C)	Planned Commercial District (C-1) Planned Office (C-2) General Commercial (C-3)	Retail, professional offices, hotels & motels, shopping centers and similar uses identified in the Town's Land Development Code. Maximum Intensity: Up to 40 feet Up to 60 feet Up to 48 feet
Residential (R) Low Density (RLD) Medium Density (MD) High Density (RHD)	R-1 R-2, PUD R-3, PUD	Maximum Density up to 5 dwelling units per acre up to 8 dwelling units per acre up to 17 dwelling units per acre
Public Institutional	PU, R-1, R-2, PUD	Public services, Institutional including municipal, county, state or federal land use, medical, semi-public uses and religious worship facilities. Maximum Intensity: 40 ft. in height.
Recreational (REC)	R-1, R-2	Public parks and recreation areas and related open space for recreation or performing arts. Maximum Intensity: 40 ft. in height.
Medium Mixed Use (MMU)**	Lake Weston Overlay Planned Commercial District (C-1) PUD	Up to 13 dwelling units per acre Commercial .45 FAR
Mixed-Use (MU)	Planned Development Hungerford- Planned Redevelopment	Planned development or redevelopment featuring mixed land use. See Table 1.6.8(B) for Land Uses in the Hungerford Mixed Use designation.

## Zoning District Dimensional Standards:

The following standards are the requirements for R-3 Zoning

### Sec. 64-418. Established.

The density, intensity, size and dimension standards for each district are as contained in the following table:

District	Min. Lot Width	Min. Lot Area (sq. ft.)	Min. Front Yard	Min. Rear Yard	Min. Both Side Yards	Min. One Side Yard	Min. Corner Side Yard	Minimum Living Floor Area Per Dwelling Unit (sq. ft.)		Max. Building Coverage	Max. Height
								# Bedrooms	Sq. ft.		
R-3 Multi-Family Residential	50 ft.	3 acres (1)	30 ft.	20 ft.	15 ft.	5 ft.	15 ft.	Single-Family Same as R-1 & R-2		40% 	40 ft.
		2,500 (2)						Efficiency or 1 2 3	600 800 1,200 (4)		

**Zoning District Uses Permitted:**

The R-3 Zoning District permits the following primary uses and accessory uses:

**Primary Uses**

- 1- Two family dwellings
- 2- Multiple family dwellings**
- 3- Parks and recreational areas
- 4- Essential services
- 5- Nursing homes

**Accessory Uses**

- 1- Private Swimming pool
- 2- Private recreational facilities for the elusive use of occupants and guest of a multifamily project
- 3- Off-street parking and loading area

**2. Findings and Planner Recommendation**

The parcel of land does not have a zoning district that is consistent with the FLU assigned for High Density Residential. By approving the rezoning, the parcel of land will be consistent with the land use that is assigned to the parcel. Section 44-19, Relationship to the comprehensive plan, states **“In accordance with F.S. § 163.3194, all applications made as provided for in this Land Development Code shall be consistent with the town's adopted comprehensive plan. Where desired development activities are not consistent with the plan, the issuance of any permits or the granting of any approvals shall be preceded by a plan amendment as provided in section 44-21.”**

Given the Florida Statue requirements and the Town’s Land Development Code, the Town Planner recommends approval of the rezoning so the parcel of land is consistent with the Comprehensive Plan.

**3. Planning Board Recommendation**

The Planning Board, at their regularly scheduled meeting on April 13<sup>th</sup>, 2023, recommended approval of the rezoning request.

There were no comments of objections or support from any attendees and/or property owners within 200’ of the subject property.

**TOWN COUNCIL DECISION**

The Town Council will provide approve or deny **Rezoning Property 1000 W. Kennedy Boulevard from C-3 zoning to R-3 Zoning District to comply and be consistent with the Town’s Comprehensive Plan.**

**ORDINANCE NO. 2023-5**  
**(Rezoning Ordinance for 1000 W. Kennedy Boulevard, Eatonville FL)**

**TAX PARCEL ID: 34-21-29-0000-00-078**

**AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, CHANGING THE ZONING CLASSIFICATION FROM C-3 (COMMERCIAL) TO R-3 (MULTIFAMILY RESIDENTIAL) ON CERTAIN REAL PROPERTY CONTAINING APPROXIMATELY 4.07 ACRES; FINDING SUCH ZONING TO BE CONSISTENT WITH THE EATONVILLE COMPREHENSIVE PLAN; PROVIDING FOR AN AUTHORIZING THE REVISION OF THE OFFICIAL TOWN ZONING MAP; REPEALING INCONSISTENT ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Eatonville, Florida has submitted an application, with property owners consent, to the Town Council of the Town of Eatonville, Florida (the “Eatonville Town Council”) to rezone said real property (the “Rezoning”); and

**WHEREAS**, the Town seeks to rezone certain real property containing approximately 4.07 acres, more particularly described in Exhibit “A” attached hereto and by this reference made a part hereof, from C-3 (Commercial) to R-3 (Multifamily Residential); and

**WHEREAS**, said Rezoning application was scheduled for review and recommendation by the Planning and Zoning Board of the Town of Eatonville, Florida (the “Planning and Zoning Board”); and

**WHEREAS**, on April 13, 2023, the Planning and Zoning Board held a public hearing and reviewed said Rezoning application for consistency with the Eatonville Comprehensive Plan and determined that the Rezoning is consistent with the Eatonville Comprehensive Plan and is in the best interest of the Town, and recommended to the Eatonville Town Council that the zoning classification of said real property be rezoned as requested by the Applicant and that the Eatonville Town Council find the Rezoning requested by the Applicant to be consistent with the Eatonville Comprehensive Plan; and

**WHEREAS**, on \_\_\_\_\_, the Eatonville Town Council held a de novo advertised public hearing with respect to the proposed Rezoning of said real property and determined that the Rezoning is consistent with the Eatonville Comprehensive Plan; and

**WHEREAS**, this Ordinance has been considered by the Eatonville Town Council in accordance with the procedures set forth in Section 166.041(3)(a), Florida Statutes.

**NOW, THEREFORE, BE IT ENACTED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AS FOLLOWS:**

**SECTION 1. AUTHORITY.** The Eatonville Town Council has the authority to adopt this Ordinance pursuant to Article VIII of the Constitution of the State of Florida and Chapters 163 and 166, Florida Statutes.

**SECTION 2. REZONING.** The zoning classification, as defined in the Eatonville Town Code, of the Property described in **Exhibit “A”** containing approximately 4.01 acres located within the corporate limits of the Town of Eatonville, Florida, is hereby changed from C-3 (Commercial) to R-3 (Residential). A map of said land herein described which clearly shows the area of the Rezoning is attached hereto as **Exhibit “B”** and by this reference is made a part hereof.

**SECTION 3. COMPREHENSIVE PLAN.** The Eatonville Town Council hereby finds the Rezoning of the land described in this Ordinance to be consistent with the Eatonville Comprehensive Plan.

**SECTION 4. ZONING MAP.** The Town Clerk is hereby authorized and directed to revise the Official Zoning Map of the Town of Eatonville in order to incorporate the Rezoning enacted by this Ordinance, and the Mayor and Town Clerk are hereby authorized to execute said revised Official Zoning Map in accordance with the Eatonville Town Code.

**SECTION 5. CONFLICTING ORDINANCES.** All ordinances or parts of ordinances in conflict herewith are hereby repealed and rescinded.

**SECTION 6. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereto.

**SECTION 7. EFFECTIVE DATE.** This ordinance shall become effective upon passage and adoption.

**PASSED AND ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

**APPROVED:  
TOWN OF EATONVILLE, FLORIDA**

\_\_\_\_\_  
Town Clerk

\_\_\_\_\_  
Mayor

FOR USE AND RELIANCE ONLY BY THE  
TOWN OF EATONVILLE, FLORIDA;  
APPROVED AS TO FORM AND  
LEGALITY this \_\_\_\_ day of  
\_\_\_\_\_, 2023

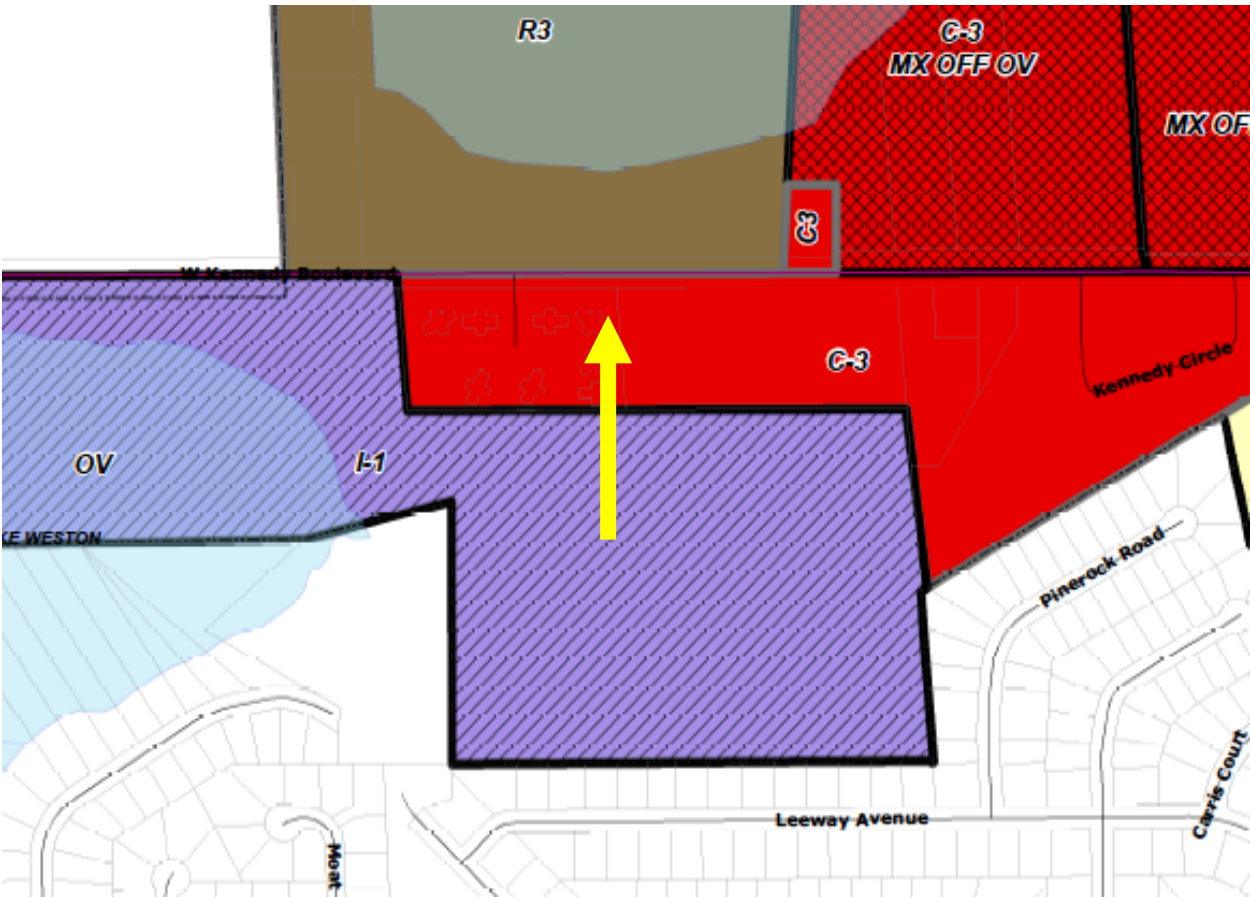
By: \_\_\_\_\_  
Town Attorney



**EXHIBIT "A"****LEGAL DESCRIPTION OF PROPERTY**

COMM AT THE NE COR OF THE SW 1/4 OF 34-21-29 TH RUN WEST ALONG THE N LINE OF SAID SW 1/4 743 FT FOR A POB TH CONT W ALONG SAID N LINE 577 FT TH S04-00-30E 363 FT TH RUN PARALLEL WITH SAID N LINE OF SAID SW 1/4 577 FT TH RUN N04-00-30W 363 FT TO POB (LESS THE N 40 FT THEREOF FOR W KENNEDY BLVD R/W) & (LESS PT TAKEN FOR R/W DESC AS COMM AT NW COR OF SW1/4 OF SEC 34-21-29 TH N89-48-40E 2073.83 FT TH S4-11-35E 40.1 FT TO POB TH S4-11-35E 13.03 FT TH S89-48-40W 326.18 FT TH S87-45-36W 250.05 FT TH N4-9-52W 22 FT TH N89-48-40E 576.69 FT TO POB PER DOC 20200384721)

**EXHIBIT “B”**  
**AREA OF REZONING**





# HISTORIC TOWN OF EATONVILLE, FLORIDA

## TOWN COUNCIL MEETING

### MAY 2, 2023 AT 7:30 PM

### Cover Sheet

**\*\*NOTE\*\*** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

**ITEM TITLE:** Approval of Town Council Meeting Minutes – April 18, 2023  
(Clerk Office)

**TOWN COUNCIL ACTION:**

<b>PROCLAMATIONS, AWARDS, AND PRESENTATIONS</b>		<b>Department:</b> LEGISLATIVE (CLERK OFFICE)
<b>PUBLIC HEARING 1<sup>ST</sup> / 2<sup>ND</sup> READING</b>		<b>Exhibits:</b> <ul style="list-style-type: none"> <li>Meeting Minutes – April 18, 2023</li> </ul>
<b>CONSENT AGENDA</b>	YES	
<b>COUNCIL DECISION</b>		
<b>ADMINISTRATIVE</b>		

**REQUEST:** Approval of meeting minutes for the Town Council Meeting held on April 18, 2023.

**SUMMARY:** The Town Council Meeting was held on the 3<sup>rd</sup> Tuesday, April 18, 2023, 7:30 p.m. and minutes were transcribed from the audio archive for approval for the public records.

**RECOMMENDATION:** Approval of April 18, 2023 meeting minutes.

**FISCAL & EFFICIENCY DATA:** N/A



# HISTORIC TOWN OF EATONVILLE, FLORIDA

## REGULAR COUNCIL

## MEETING MINUTES

Tuesday, April 18, 2023 at 7:30 PM

Town Hall (Council Chamber) - 307 E Kennedy Blvd. 32751

**SPECIAL NOTICE:** These meeting minutes are presented in an abbreviated format intended as a public record discussion of stated meeting according to the Florida's Government-in-the-Sunshine law. Meetings are opened to the public, noticed within reasonable advance notice, and transcribed into minutes for public record. *\*\*Audio Recording are available through the Town's website on the Council Agenda Page.*

### CALL TO ORDER AND VERIFICATION OF QUORUM:

Mayor Gardner called the meeting to order at 7:31 p.m. and quorum was established through Mrs. Veronica King

**PRESENT:** (5) Councilwoman Wanda Randolph, Councilman Marlin Daniels, Councilman Theo Washington, Councilman Rodney Daniels, Mayor Angie Gardner.

**STAFF:** (6) Demetrius Pressley, **Interim Chief Administrator Officer**, Veronica King, **Town Clerk**, Clifford Shepard, **Attorney**, Joseph Jenkins, **Deputy Chief**, Katrina Gibson, **Finance Director**, Rachel McCoy, **Finance**

### INVOCATION AND PLEDGE OF ALLEGIANCE:

Rev. Critton led the Prayer of Invocation followed by the Pledge of Allegiance

### APPROVAL OF THE AGENDA:

**Mayor Gardner Motions** to approve agenda removing unrelated pages 29-32 from council package; pages were mistakenly included in the package; Moved by Councilman Theo Washington; Second by Councilman Marlin Daniels; **AYE: ALL, MOTION PASSES.**

### PRESENTATIONS

**Denton Johnson Tennis Corp.** – Tina Waters presented a history of the Denton Johnson Tennis Corporation and its contribution to the Town of Eatonville. It was established in 1968 and has serviced over 700 youth and adults. The program offers a summer program serving 100-150 youth. The summer program will run from Jun 12 until the first week in August. The cost is \$5500 which sponsors help to underwrite the summer program; more sponsors are welcomed. The council supports partnership; need to get the tennis courts up to standard.

### CITIZEN PARTICIPATION - (The Three-minute rule was strictly enforced)

**Melanie Feliciano** – Withdrew request to speak.

**Julius Dix** – Spoke on inconsistencies in the permitting fees. He was overly assessed fees for his permit. (Mayor Gardner will have Ms. Robinson to reach out to further discuss the details.)

**Angela Thomas** – Concern that staff is not in place at 8am to take payment for water bills; staff is arriving late. Unfair to be charged a late fee after payments beyond the 16<sup>th</sup> when there is a business who had a \$11,000 bill owed without being assessed any late fees.

**Julian Johnson** – Invites everyone to come out to the community meeting on April 19<sup>th</sup>, 6 p.m. to learn more about the lawsuit pertaining to the Hungerford property and to the community celebration on April 22 at the Denton Johnson Center.

**PUBLIC HEARING:** (Preamble read by Town Clerk) - Approval of 1<sup>st</sup> Reading of Ordinance 2023-6 Establishing A Temporary Moratorium On The Issuance of New Building Permits: Ordinance was written and vetted by Attorney Shepard who introduced and presented to council. A time of reprieve from future developments and to put impact fees in place. Impact fees are critical important to the survival of the town. The ordinance will stop the issuance of building permits for multifamily, mix use, plan use, or anything under 2500 sq.ft. of single family residential; does not apply to development in the pipeline. In the absence of a moratorium, we do not have a fee ordinance. On the other hand, the ordinance will allow for time to get the previous approval for a rate study completed and then an ordinance with a fee structure will require two readings to adopt and 90 days for fees to go into effect by law. The process for implementing a fee schedule could take up to 6 months to a year.

**Public Comments:** (*Angela Johnson*) Ask for clarity on ordinance to mean no construction due to the average home being under 2500 sq.ft.; yes, per legal (*Tiffany Simmons*) Ask for clarity on what is being done with the ordinance cannot impose fees on existing developments; do not have ordinance to allow it. (*Julian Johnson*) If a developer is in the process of building, does this ordinance affect the development; for developments in the pipeline, the answer is no. (*Angela Thomas*) How does the new “Live Well” house bill affect this; will create a challenge for those who want more control when it comes to affordable housing. The bill will change the comprehensive plan as the as being the constitution for land use as it relates to affordable housing. Also, the limits on how long affordable housing is to stay affordable would be flexible. **Council Comments:** Developments over 2500 sq.ft. for single family homes could be built without delay; Council changed 2500 sq.ft. to all single-family homes without the square footage stipulation. **Mayor Gardner Motions** to approve 1st Reading of Ordinance 2023-6 Establishing A Temporary Moratorium On The Issuance of New Building Permits; Moved by Councilman Theo Washington; Second by Councilman Marlin Daniels; **AYE: ALL, MOTION PASSES.**

**APPROVAL CONSENT AGENDA:** **Mayor Gardner Motions** to approve the consent agenda approving the Town Council Meeting Minutes for April 4, 2023; Resolution 2023-7 Reappointing Vera King to EPD Retirement Trust Board; Town of Eatonville – Master Water and Wastewater Plans by CHP Engineering, LLC; Public Works Surplus of Two Vehicles (Public Works); Moved by Councilman Theo Washington; Second by Councilman R. Daniels; **AYE: ALL, MOTION PASSES.**

### **COUNCIL DECISIONS:**

**Approval of Resolution 2023-6 approval review of the Town’s Charter - (*Councilman M. Daniels*)**  
The Charter is up for review, and it is important to start the process for review towards the necessary changes. It is the opinion of legal as stated consistently in the resolution that Council should be the Charter Review Committee. The next step would be to establish a schedule beyond the regular scheduled meetings; schedule should be inclusive of any deadlines established by the Supervisor of Election in order to make the next election as well as the requirements for adoption of ordinance by way of two readings. (Preamble of the amended resolution was read by the Clerk); **Mayor Gardner Motions** to approve the amended Resolution 2023-6 approval review of the Town’s Charter; Moved by Councilman Theo Washington; Second by Councilman R. Daniels; **AYE: ALL, MOTION PASSES. Comments:** Council can choose who they would like to facilitate the Charter Review.

### **REPORTS:**

**INTERIM CHIEF ADMINISTRATIVE OFFICER:** Demetrius Pressley

Reported out on the following: Getting with Mr. Dix, Mr. English resignation, Monthly report, Strategic Planning for April 22<sup>nd</sup>, the Budget, the upcoming Solid Waste Renewal, Impact Fee Study, the collection of information for the Capital Improvement Plan (CIP), the Audit, Meetings with Maitland discussing improvement needed by the town for Keller Rd, Updates on the pool (Citation for cleaning, state and

condition with no leakage, and operations by summer), conducting a pay rate study, confirmed attendance to the APAC conference, acknowledgement of the Community Celebration, and confirmation on Career Source as a current vendor.

**TOWN ATTORNEY’S REPORT:** Attorney Shepard

Reported out on “Live Local” Legislation; pay attention. Efforts are being done to affect the Home Rule of local power; resulting in less power.

**TOWN COUNCIL REPORT/DISCUSSION ITEMS-**

**Councilman T. Washington** – Condolences to the Haynes family; Assessment of fees for permitting needs attention; need to get a fix on residential and commercial assessment fees; Need to look at the impact of these new developments on the roads; need determine if turning lanes are needed among other needs due to the development’s impact.

**Councilman M. Daniels** – Need education and awareness of current legislation in Tallahassee: Live Local, 999 Piggyback; need lobbyist to represent the Town. Encourage People over Politics, Partnerships; Thanks to Tina Waters and support of the Summer Program; request update on Founder’s Day

**Vice-Mayor R. Daniels** – Emphasize a need for a Vice Mayor; there are others who could be considered as Vice Mayor; Meeting Decorum, Council members should be given the courtesy (respect) without interruption to give their report during their allotted time; Condolences to Loretha Brooks and those families who lost loved ones; thanks to Mr. English for service to the town; apology of absence to the health fair due to funeral obligation; traffic light at Keller Rd. is not working properly; need to look into clients released from Lakeside; concerned about the mental capacity of the clients and the safety of children; transportation of youth (Deacon Jones area) to the Boys and Girls Club; How do we move forward: looking for ideas for council to mend and interact better; Request from CAO more effort in assisting Tina Waters with the tennis summer program; concluded with birthday acknowledgements

**MAYOR’S REPORT**

**Mayor Angie Gardner** – Condolences to all families who have lost love; Acknowledge the Easter Egg Hunt and the Health Fair that took place in the community; Thanks to Mr. English for commitment to the Town; Acknowledgement of Mr. Pressley for doing a wonderful job with ensuring the Quarterly 1 & 2 Reports; Excited about the pool; Would like to sit down with Mr. Dix to resolve the permitting issues; Need clarity with the policy and on the ordinance associated with assessing fees for permits; Website is coming along with additional adjustments to be made; Charter for the County is up and welcome those interested to provide input and assistance (Call 406-623-8913 to express interest); Support working with Ms. Waters on the summer tennis program.

**ADJOURNMENT** Mayor Gardner Motions for Adjournment of Meeting (Moved by Councilman Washington; Second by Councilman M. Daniels; **AYE: ALL, MOTION PASSES. Meeting Adjourned at 8:44 P.M.**

**Respectfully Submitted by:**

**APPROVED**

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**Veronica L King, Town Clerk**

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**Angie Gardner, Mayor**



# HISTORIC TOWN OF EATONVILLE, FLORIDA

## TOWN COUNCIL MEETING

### MAY 2, 2023 AT 07:30 PM

### Cover Sheet

**\*\*NOTE\*\*** Please do not change the formatting of this document (font style, size, paragraph spacing etc.)

**ITEM TITLE:** Approval of Resolution #2023-2 Appointment of Vice Mayor per Section 2.04 of the Town of Eatonville's Charter.

**TOWN COUNCIL ACTION:**

<b>PROCLAMATIONS, AWARDS, AND PRESENTATIONS</b>		<b>Department:</b> ADMINISTRATION
<b>PUBLIC HEARING 1<sup>ST</sup> / 2<sup>ND</sup> READING</b>		<b>Exhibits:</b> <ul style="list-style-type: none"> <li>Resolution #2023-2 Appointment of Vice-Mayor</li> </ul>
<b>CONSENT AGENDA</b>		
<b>COUNCIL DECISION</b>	YES	
<b>ADMINISTRATIVE</b>		

**REQUEST:** Approval of Resolution 2023-2 appointment of Vice Mayor, per Section 2.04 of the Charter of the Town of Eatonville.

**SUMMARY:** A Resolution of the Town Council of the Town of Eatonville, Florida, is being presented authorizing the appointment of a Vice Mayor, Per Section 2.04 of the Town of Eatonville's Charter.

In accordance with Section 2.04 of the Town's Charter a Vice Mayor is to be recommended by the Mayor and confirmed by the Town Council annually from among its members no later than the second regular Council meeting in March. The Vice Mayor will assume the duties of Mayor in the absence of the Mayor.

This item is being brought back to the Council for reconsideration.

The Councilmember recommended as Vice Mayor is \_\_\_\_\_.

**RECOMMENDATION:** Approval of Resolution 2023-2 appointment of Vice Mayor per Section 2.04 of the Town of Eatonville's Charter.

**FISCAL & EFFICIENCY DATA:** N/A

**RESOLUTION #2023-2**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA, AUTHORIZING THE APPOINTMENT OF A VICE MAYOR, PER SECTION 2.04 OF THE TOWN OF EATONVILLE'S CHARTER, PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

**WHEREAS** in accordance with Section 2.04 of the Town's Charter a Vice Mayor will be recommended by the Mayor, and confirmed by the Town Council annually from among its members no later than the second regular Council meeting in March; and

**WHEREAS** the Vice Mayor will assume the duties of Mayor in the absence of the Mayor.

**NOW THEREFORE BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA THE FOLLOWING:**

**SECTION ONE:** The Councilperson recommended as Vice Mayor is:\_\_\_\_\_

**SECTION TWO: CONFLICTS:** All Resolution or parts of Resolutions in conflict with any other Resolution or any of the provisions of this Resolution are hereby repealed.

**SECTION THREE: SEVERABILITY:** If any section or portion of a section of this Resolution is found to be invalid, unlawful, or unconstitutional it shall not be held to invalidate or impair the validity, force or effect of any other section or part of this Resolution.

**SECTION FOUR: EFFECTIVE DATE:** This Resolution shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED this 4th day of April 2023.**

\_\_\_\_\_  
Angie Gardner, Mayor

ATTEST:

\_\_\_\_\_  
Veronica L. King, Town Clerk