



HISTORIC TOWN OF EATONVILLE, FLORIDA

REGULAR COUNCIL MEETING AGENDA

Tuesday, February 07, 2023 at 7:30 PM

Denton Johnson Center – 400 Ruffel Street, Eatonville Florida 32751

CHANGED LOCATION

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 Second Reading of Request for Plat Revision To Partially Release A Portion of An Existing 20 Foot Utilities Easement (**Planning**)

B. Approval of Second Reading of the Hungerford Park Development (**Planning**)

VI. CONSENT AGENDA

1. Approval of Town Council Meeting Minutes – January 17, 2023 (**Clerk Office**)

2. Approval of Town Council Special Meeting Minutes – January 19, 2023 (**Clerk Office**)

3. Approval of Audit Firm Carr, Riggs & Ingram CPA and Advisors Engagement Letter for FY 2022 Financial Audit (**Finance**)

VII. COUNCIL DECISIONS

VIII. REPORTS

CHIEF ADMINISTRATIVE OFFICER'S REPORT

TOWN ATTORNEY'S REPORT

TOWN COUNCIL REPORT/DISCUSSION ITEMS

MAYOR'S REPORT

IX. ADJOURNMENT

The Town of Eatonville is subject to the Public Records Law. Under Florida law, e-mail addresses are public records. If you do not want your e-mail address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

****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

FEBRUARY 7, 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 Second Reading of Request for Plat Revision To Partially Release A Portion of An Existing 20 Foot Utilities Easement (**Planning**)

TOWN COUNCIL ACTION:

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

REQUEST: For Town Council to approve 2nd Reading for a plat revision to partially release a portion of an existing 20-foot utilities easement situated on lots 2 and 3 of Eatonville commercial center, as recorded in plat book 57, pages 52 through 57 of the public records of Orange County Florida.

SUMMARY: BSBC Forest City, LLC wishes to obtain a release from the Town of Eatonville for a portion of the easement described above to add a new restaurant to the local community. The request is being recommended by way of Ordinance 2023-1

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA TO RELEASE A PORTION OF AN EXISTING 20-FOOT UTILITY EASEMENT SITUATED ON LOTS 2 AND 3 OF EATONVILLE COMMERCIAL CENTER, AS RECORDED IN PLAT BOOK 57, PAGES 52 THROUGH 57 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA

RECOMMENDATION: Staff is recommending for Town Council to approve the 2nd (Final Reading) for a plat revision to partially release a portion of an existing 20-foot utilities easement situated on lots 2 and 3 of Eatonville commercial center, as recorded in plat book 57, pages 52 through 57 of the public records of Orange County Florida.

FISCAL & EFFICIENCY DATA: N/A

ORDINANCE #2023-1

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA TO RELEASE A PORTION OF AN EXISTING 20-FOOT UTILITY EASEMENT SITUATED ON LOTS 2 AND 3 OF EATONVILLE COMMERCIAL CENTER, AS RECORDED IN PLAT BOOK 57, PAGES 52 THROUGH 57 OF THE PUBLIC RECORDS OF ORANGE COUNTY, FLORIDA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCE AT THE SOUTHEAST CORNER OF SAID LOT 2; THENCE NORTH 88°40'11" WEST ALONG THE SOUTH LINE OF SAID LOT 2, A DISTANCE OF 45.98 FEET; TO THE **POINT OF BEGINNING**; THENCE SOUTH 1°18'13" WEST, A DISTANCE OF 7.43 FEET; THENCE SOUTH 37°37'00" WEST, A DISTANCE OF 3.19 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF AN EXISTING 20-FOOT WIDE UTILITY EASEMENT, AS SHOWN ON SAID PLAT; THENCE NORTH 88°40'11" WEST ALONG SAID SOUTH LINE OF EASEMENT, A DISTANCE OF 255.15 FEET; THENCE DEPARTING SAID SOUTH LINE NORTH 0°44'33" WEST, A DISTANCE OF 20.01 FEET TO A POINT ON THE EAST LINE OF A UTILITY EASEMENT PER SAID PLAT AND A POINT ON THE NORTH LINE OF SAID 20.00 FOOT UTILITY EASEMENT; THENCE SOUTH 88°40'11" EAST ALONG SAID NORTH LINE OF EASEMENT, A DISTANCE OF 257.76 FEET; THENCE DEPARTING SAID NORTH LINE SOUTH 1°18'13" WEST, A DISTANCE OF 10.00 FEET TO THE **POINT OF BEGINNING**; **CONTAINING: 5,146 SQUARE FEET** MORE OR LESS; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

WHEREAS BSBC Forest City, LLC wishes to obtain a release from the Town of Eatonville for a portion of the easement described above to add a new restaurant to the local community.

WHEREAS the Town of Eatonville desires it to be in the best interests of the Town to release that certain portion of the easement.

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

SECTION 1: LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

SECTION 2: The certain portion of the easement as depicted in the attached Exhibit "A" is hereby released.

SECTION 3: CONFLICTS. After the effective date of this Ordinance, in any case where all or part of this Ordinance is found to conflict with any provision of any other Ordinance of the Town of Eatonville, to the extent of such conflict, all such Ordinances are hereby repealed.

SECTION 4: SEVERABILITY. If any section, phrase, word or portion of this Ordinance or Exhibit “A” is determined to be invalid, unenforceable, unlawful, or unconstitutional by a Court of Competent jurisdiction, said determination should not be held to invalidate or impair the validity, force, or effect of any other section, sentence, phrase, word, or portion of this Ordinance.

SECTION 5: EFFECTIVE DATE. This Ordinance shall become effective upon adoption.

This Ordinance was advertised in the Orlando Sentinel on 7 day of **January** 2023 for a Public Hearing to be held on the 17 day of **January**, 2023, at which time it was moved for adoption by Councilmember: Wanda Randolph, and seconded by Marlin Daniels Councilmember, and adopted by the following vote:

FIRST READING HELD this 17 day of **January** 2023.

	AYE:	NAY:	ABSENT:
Angie Gardner, Mayor:	√	_____	_____
Rodney Daniels, Vice Mayor:	√	_____	_____
Wanda Randolph, Councilwoman:	√	_____	_____
Marlin Daniels, Councilman:	√	_____	_____
Theo Washington, Councilman:	√	_____	_____

SECOND AND FINAL READING held this _____ day of _____, 2023.

	AYE:	NAY:	ABSENT:
Angie Gardner, Mayor :	_____	_____	_____
Rodney Daniels, Vice Mayor:	_____	_____	_____
Wanda Randolph, Councilwoman:	_____	_____	_____
Marlin Daniels, Councilman:	_____	_____	_____
Theo Washington, Councilman:	_____	_____	_____

PASSED AND ADOPTED this _____ day _____, 2023.

Attest:

TOWN OF EATONVILLE

Veronica King
Town Clerk

Angie Gardner
Mayor

Approved as to Form and Legality:

Clifford B. Shepard, Town Attorney



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

FEBRUARY 7, 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 Second Reading of the Hungerford Park Development
(Planning)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATION
PUBLIC HEARING 1ST / 2ND READING	YES	Exhibits: <ul style="list-style-type: none"> • Staff Report • Ordinance 2022-9 • Ordinance 2022-07 • Ordinance 2022-08
CONSENT AGENDA		
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Approval of the **second** reading of Ordinance #2022-07, Ordinance #2022-08, and Ordinance #2022-9 inclusive in the Hungerford Park development with proposed amendments through the stated Ordinances.

SUMMARY: The Planning and Zoning met on Thursday, August 18, 2022. After much review and discussion, recommendations are being made to adopt the Hungerford Large Scale Amendment and HPRD Zoning Amendment for approval of a Large-Scale Comprehensive Plan Amendment changing portion of Table 1.6.8 (A), Table 1.6.8 (B) and Companion Revisions to H-PRD Ordinance 2016-08; By Ordinance 2022-07, Amending the Text of the Town's Comprehensive Plan to Amend the Text Of Future Land Use Element Policy 1.6.8; The Future Land Use Map and Density/Intensity Tables; also By Ordinance 2022-08, Amending The Town's Comprehensive Plan to Change the Future Land Use Map Designation for Property Generally Located South of E. Kennedy Boulevard and West Of N. Wymore Road, From Commercial To Mixed Use on the Town's Official Future Land Use Map; By Ordinance 2022-9, Amending the Text of Ordinance 2016-8 Pertaining to Certain Land Generally Located South of E. Kennedy Boulevard And East Of N. Wymore Road. The approval of the first reading was held on Tuesday, September 20, 2022.

RECOMMENDATION: For Town Council to Approve the **second** reading of Ordinances 2022-07, Ordinance 2022-08, and Ordinance 2022-9 of the Hungerford Park development with proposed amendments through the stated Ordinances.

FISCAL & EFFICIENCY DATA: N/A



Town Council
Staff Report

Town of Eatonville

APPLICATION INFORMATION

APPLICATION NUMBER: #DEV2022.02
OWNER: Orange County Public Schools
APPLICANT: Alex J. Stringfellow, Stringfellow Planning & Design, Hungerford Park LLC
PREPARED BY: Tara Salmieri, AICP Town Planner
MEETING DATE: February 7, 2023

REQUEST:	DEV 2022.02 A request by Alex Stringfellow of Stringfellow Planning & Design on behalf of Orange County Public Schools., property owners, for approval of a Large-Scale Comprehensive Plan Map Amendment changing Commercial Land Use to a Mixed Land Use Designation and Comprehensive Plan Text Amendments changing the text of Table 1.6.8 (A), Table 1.6.8 (B) and Companion Revisions to H-PRD Ordinance 2016-08.
LOCATION:	100 E Kennedy Boulevard, Eatonville, FL Parcel ID 35-21-29-0000-00-090, 35-21-29-0000-00-192 and 02-22-29-0000-00-002.
ACREAGE:	Approximately 100.6 +/-acres
EXISTING ZONING	PUD and C-3
FUTURE LAND USE	Commercial and Mixed Use
SURROUNDING ZONING and FUTURE LAND DESIGNATIONS:	North – C-3/Commercial South – Winter Park East – C-3/Commercial, R-1/ Low Density Residential West – Interstate 4

TRANSMITTAL

Town Planner submitted, on September 30th, a Comprehensive Plan Amendment Package for Department of Economic Opportunity and other reviewing agencies. In accordance with the F.S. 163.3184 (3) Expedited State Review process for adoption of comprehensive plan amendments and as voted and approval of the first hearing at the Town Council Meeting, September 20th, all ordinances and supporting documentation was packaged to the required State and local reviewing agencies as follows:

- (1) Orange County
- (2) East Central Florida Planning Council
- (3) Department of Transportation (District 5)
- (4) Department of Environmental Protection Agency
- (5) Department of State
- (6) St Johns Water Management District.

All review agencies that responded are located in the appendix “A” Responses from Agencies. No agency found significant impacts to the requested items for this applicant.

NEXT STEPS

If the Town Council approves the second reading of Ordinances 2022-07 and 2022-08, per the F.S. The adopted amendment must be rendered to the Department of Economic Opportunity. Under Sections 163.3184(3)(c)2. and 4., F.S., the amendment effective date is 31 days after the Department notifies the Town that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Ordinance 2022-09 only requires the Town Council approval, under the 2nd reading.

RECOMMENDATION

The Town Council will provide one of the following for **Ordinances 2022-07,2022-08 and 2022-09 (appendix B)**:

- (a) Recommendation of denial
- (b) Recommendation of approval
- (c) Recommendation of approval with conditions
- (d) Recommendation of approval in part, with or without conditions, and denial in part.

Ron DeSantis
GOVERNOR



Dane Eagle
SECRETARY

October 28, 2022

The Honorable Angie Gardner, Mayor
Town of Eatonville
307 East Kennedy Boulevard
Eatonville, Florida 32751

Dear Mayor Gardner:

The Department of Economic Opportunity ("Department") has reviewed the Town of Eatonville's proposed comprehensive plan amendment (Amendment No. 22-01ESR), received on September 30, 2022, pursuant to the expedited state review process in Section 163.3184(2)(3), Florida Statutes (F.S.). We have identified no comment related to adverse impacts to important state resources and facilities within the Department's authorized scope of review.

We are, however, providing a technical assistance comment consistent with Section 163.3168(3), F.S. The technical assistance comment will not form the basis of a challenge. It is offered either as a suggestion which can strengthen the Town's comprehensive plan in order to foster a vibrant, healthy community or is technical in nature and designed to ensure consistency with the Community Planning Act in Chapter 163, Part II, F.S. The technical assistance comment is:

Section 163.3177(6)(i)1., F.S. (Ch. 2021-195, Laws of Fla.), requires each local government to include a property rights element in its comprehensive plan. The local government has proposed its own property rights element instead of the statement of rights provided by Section 163.3177(6)(i)1., F.S. The proposed property rights element limits consideration of private property rights to "land use and zoning matters" in Objective 13.1 and Policy 13.1.1 as opposed to considering them in "local decisionmaking."

The Department recommends that the proposed amendment be revised to consider private property rights in all of the Town's local decision making.

Please be advised the property rights element adopted by the local government may not conflict with the statement of rights provided under Section 163.3177(6)(i)1., F.S. To ensure adopted language does not conflict, the Department recommends that the local government consult with its legal department.

The Town should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the Town is reminded that:

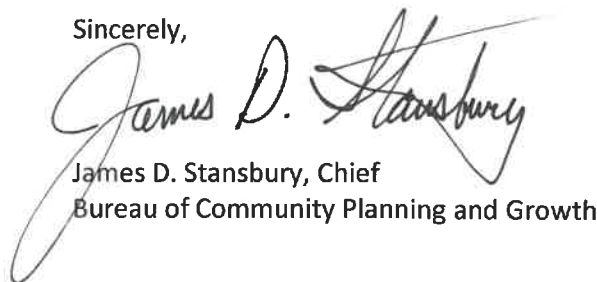
Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
(850) 245.7105 | www.FloridaJobs.org | [www.Twitter.com/FLDEO](https://twitter.com/FLDEO) | www.Facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

- Section 163.3184(3)(b), F.S., authorizes other reviewing agencies to provide comments directly to the Town. **If the Town receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Sections 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the Town that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

If you have any questions concerning this review, please contact Paul Lim, Planning Analyst, by telephone at (850) 717-8511 or by email at Paul.Lim@deo.myflorida.com.

Sincerely,


James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/pl

Enclosure(s): Procedures for Adoption

cc: Tara Salmieri, Town Planning Consultant, Town of Eatonville
Tara McCue, AICP, Executive Director, East Central Florida Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit electronically using the Department's electronic amendment submittal portal "**Comprehensive Plan and Amendment Upload**" (<https://floridajobs.secure.force.com/cp/>) **or** submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the State Land Planning Agency and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ State Land Planning Agency identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

"The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If the amendment is timely challenged, this amendment shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance."

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the State Land Planning Agency in response to the comment letter from the State Land Planning Agency.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

719 S. Woodland Boulevard
DeLand, Florida 32720

JARED W. PERDUE, P.E.
SECRETARY

November 3rd, 2022

Ms. Tara Salmieri, AICP
Town Planning Consultant
Town of Eatonville
307 East Kennedy Boulevard
Eatonville, Florida 32751

Subject: City of Eatonville 22-01ESR
Response Type: **No Comments**

Dear Ms. Salmieri,

Pursuant to Section 163.3184(3), Florida Statutes (F.S.), in its role as a reviewing agency as identified in Section 163.3184(1)(c), F.S., the Florida Department of Transportation (FDOT) reviewed the amendment of City of Eatonville Proposed 22-01ESR, as requested in your transmittal letter, dated October 3rd, 2022.

The following highlights the intent of each comprehensive plan amendment included within the amendment transmittal package:

Ordinance 2202-06:

A text amendment to amend the town's comprehensive plan to add a private property rights element to the existing comprehensive plan as required by general law. House Bill 59, which was passed in June of 2021 and modified Chapter 163.3177, Florida Statutes (F.S.), requires local government comprehensive plans to contain a Property Rights Element.

Ordinance 2202-07:

A text amendment to amend the text of Future Land Use Element Policy 1.6.8, THE FUTURE LAND USE MAP AND DENSITY/INTENSITY TABLES. The changes in this amendment would alter the minimum and maximum percentages for land use mixes for the Hungerford Mixed Use Developments. In Policy 1.6.8(A), the Residential Maximum percentage would change from 20% to 25%. The Commercial Offices Minimum percentage would change from 20% to 5%, and the Commercial Retail/Service Use Minimum percentage would change from 40% to 10%. In Policy 1.6.8(B), the maximum height intensity for High Density Multi-Family Residential land uses would change from 40 feet to 50 feet.



Florida Department of Transportation

RON DESANTIS
GOVERNOR

719 S. Woodland Boulevard
DeLand, Florida 32720

JARED W. PERDUE, P.E.
SECRETARY

Ordinance 2202-08:

A comprehensive plan map amendment to change the Future Land Use Map (FLUM) designation from the Commercial Land Use Assignment to the Mixed Land Use Category Future Land Use Map, on approximately 11.13+/- acres of property located at 100 E Kennedy Boulevard, Eatonville, FL.

While the acreage for the entire project is approximately 100.6+/- acres, the FLUM amendment falls underneath the 50-acre designation for review as a large-scale comprehensive plan amendment.

FDOT has determined the proposed amendments mentioned above have no significant adverse impacts to transportation resources or facilities of state importance.

Please transmit a copy of the amendment, along with the supporting data and analysis, to the district upon its adoption.

We appreciate the opportunity to participate in this review process. After completing the review, the Department does not have any comments.

If you have any questions, please do not hesitate to contact me by email at Stephen.Browning@dot.state.fl.us or by phone at 386-943-5077.

Sincerely,

Stephen Browning, P.E.
Systems Planning Coordinator

cc: Kirsten Warren, Orange County
Alberto Vargas, Orange County
Renzo Nastasi, Orange County
Tara McCue, ECFRPC
Melissa McKinney, FDOT
Tiffany Hill, FDOT
Ben Naselius, FDOT
James Rodriguez, FDOT
Melissa Corbett, DEO
D. Ray Eubanks, DEO

Subject: Eatonville 22-01ESR Proposed
Date: Thursday, November 3, 2022 at 5:31:23 PM Eastern Daylight Time
From: Plan_Review
To: Tara Salmieri, dcpxexternalagencycomments@deo.myflorida.com
CC: Plan_Review
Attachments: image001.png

To: Tara Salmieri, AICP, Town Planning Consultant

Re: Eatonville 22-01ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Please submit all future amendments by email to Plan.Review@FloridaDEP.gov. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.




Subject: Town of Eatonville: Water Supply Facilities Work Plan Update - 2020 CFWI RWSP
Date: Friday, May 7, 2021 at 3:49:58 PM Eastern Daylight Time
From: Steve Fitzgibbons
To: 'cwilliams@townofeatonville.org', 'randerson@townofeatonville.org',
 'ecole@townofeatonville.org', 'jbenderson@eatonvillecra.org',
 'jmathis@townofeatonville.org'
Attachments: image003.png

Good afternoon,

In November 2020, the respective governing boards of the St. Johns, South Florida, and Southwest Water Management Districts approved the 2020 Central Florida Water Initiative Regional Water Supply Plan (CFWI RWSP). The District is providing this email as a reminder about the requirement to adopt an updated Water Supply Facilities Work Plan and related comprehensive plan amendment within 18 months of governing board approval of the 2020 CFWI RWSP.

The CFWI RWSP planning area encompasses all of Orange, Osceola, Polk and Seminole counties and southern Lake County. To promote consistency among local government comprehensive plans and the 2020 CFWI RWSP, Section 163.3177(6)(c)3, *Florida Statutes*, requires each local government within the CFWI RWSP planning area to amend its comprehensive plan to adopt an updated Water Supply Facilities Work Plan within 18 months of governing board approval of the 2020 CFWI RWSP. For local governments within the CFWI RWSP planning area, updated Water Supply Facilities Work Plans and related comprehensive plan amendments should be adopted by May 2022.

The 2020 CFWI RWSP contains an assessment of projected water demands and potential sources of water to meet these demands through 2040. A Water Supply Facilities Work must cover at least a 10-year planning period, identify alternative and traditional water supply projects, and identify the conservation and reuse measures needed to meet the projected future demands. Information about the CFWI can be found at cfwiwater.com. The CFWI RWSP and associated appendices can be found at cfwiwater.com/RWSP.

Information about Water Supply Facilities Work Plan-related requirements can be found at sjrwmd.com/localgovernments/comprehensive-planning or on DEO website at floridajobs.org/community-planning-and-development/programs/community-planning-table-of-contents/water-supply-planning.

District staff are available to assist local government planning staff as they amend the comprehensive plan to update the Water Supply Facilities Work Plan. If you have any questions or would like to discuss the comprehensive planning requirements, please let me know.

Sincerely,

Steve Fitzgibbons

Steven Fitzgibbons, AICP

Intergovernmental Planner

Division of Strategic Planning and Initiatives

St. Johns River Water Management District

7775 Baymeadows Way, Suite 102

Jacksonville, FL 32256

Office (386) 312-2369

Website: www.sjrwmd.com

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www.sjrwmd.com/ePermit

Subject: Town of Eatonville proposed comprehensive plan amendments 22-01ESR
Date: Monday, October 24, 2022 at 4:28:43 PM Eastern Daylight Time
From: Steve Fitzgibbons
To: Tara Salmieri
CC: DCPexternalagencycomments@deo.myflorida.com
Attachments: image001.png, Town of Eatonville: Water Supply Facilities Work Plan Update - 2020 CFWI RWSP.eml

Dear Tara Salmieri,

St. Johns River Water Management District (District) staff have reviewed Town of Eatonville proposed comprehensive plan amendments 22-01ESR in accordance with the provisions of Chapter 163, Florida Statutes. Based on review of the submitted materials, District staff have no comments on the proposed amendments.

As a reminder, the District approved the 2020 Central Florida Water Initiative Regional Water Supply Plan (CFWI RWSP) in November 2020. The District has previously contacted the Town (attached) regarding the need to update their Water Supply Facilities Work Plan (Work Plan) within 18 months (i.e., by May 2022) of approval of the CFWI RWSP, in accordance with section 163.3177(6)(c)3, F.S. The District is also providing this email as an additional reminder about the requirement to adopt an updated Work Plan and related comprehensive plan amendment.

If you have any questions or need additional information, please contact me. Please note that all proposed and adopted comprehensive plan amendments can be submitted to the District by email at sfitzgibbons@sjrwmd.com.

Sincerely,
 Steve Fitzgibbons

Steven Fitzgibbons, AICP
 Intergovernmental Planner
 Division of Strategic Planning and Initiatives
 St. Johns River Water Management District
 7775 Baymeadows Way, Suite 102
 Jacksonville, FL 32256
 Office (386) 312-2369
 Website: www.sjrwmd.com
 Connect with us: [Newsletter](#), [Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [Pinterest](#)



www.sjrwmd.com/ePermit

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking this [link](#)

Notices

- Emails to and from the St. Johns River Water Management District are archived and, unless exempt or confidential by law, are subject to being made available to the public upon request. Users should not have an expectation of

confidentiality or privacy.

- Individuals lobbying the District must be registered as lobbyists (§112.3261, Florida Statutes). Details, applicability and the registration form are available at <http://www.sjrwmd.com/lobbyist/>

APPENDIX B

ORDINANCE 2022-07

ORDINANCE 2022-08

ORDINANCE 2022-09

ORDINANCE #2022-9

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, ORD. NO. 2022-9, AMENDING THE TEXT OF ORD. NO. 2016-8 PERTAINING TO CERTAIN LAND GENERALLY LOCATED SOUTH OF E. KENNEDY BOULEVARD AND EAST OF N. WYMORE ROAD; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on June 21, 2016, the Town of Eatonville adopted Ordinance 2016-8, creating the Hungerford-Planned Redevelopment District regulations;

WHEREAS, The Town of Eatonville Planning Board on August 18, 2022 recommended that the Town Council consider adopting the proposed amendments to the Hungerford-Planned Redevelopment District regulations as a contemporary regulatory framework that will promote the planned redevelopment of the Hungerford property and assist in achieving the following objectives:

1. A innovative and high quality sense of place, character and image with high performance infrastructure.
2. Mixed use redevelopment within the Hungerford Town Center that includes commercial, residential, public and semi-public land uses that exemplify best planning and management principles and practices of economic development, urban design, and amenities that foster economic development, healthy living and working environments and cultural enrichment.
3. Achieve unified design and function of the various uses comprising the Hungerford-Planned Redevelopment District.
4. Encourage a more productive use of land consistent with the public objectives and standards for accessibility, land use compatibility and effective connectivity among activity centers in the Hungerford Planned Redevelopment District and to other portions of the Town Center along East Kennedy Boulevard.
5. Promote efficient use of land by facilitating cost effective infrastructure by ensuring implementation of master plans for drainage and stormwater management; transportation improvements, and expansion of upgraded water and wastewater systems.
6. Stimulate opportunities for economic development and varied housing opportunities and an attractive business climate.
7. Conserve and protect the natural environment including wetlands, flood prone lands, natural habitat, flood prone lands, and other environmentally sensitive lands; and
8. Ensure suitably located open space, recreational opportunities, waterfront amenities, an expansive pedestrian system that links pedestrians with civic amenities, working and living areas, consumer markets, communication venues, and places for gathering, cultural enrichment, education, and healthy life pursuits.

- 9. Achieve low impact designed “green streets” and sidewalks, and promote environmentally designed parking facilities throughout the district.
- 10. Effectuate Community Redevelopment Agency cost sharing policies for infrastructure improvements and coordinate infrastructure sharing with the proposed new elementary school.

WHEREAS, the Town Council has considered the recommendations of the Town Planning Board and desires to promote the above stated objectives for the redevelopment of the Hungerford property.

NOW THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF EATONVILLE, FLORIDA:

SECTION 1. ORDINANCE 2016-8. Sections I through XV of Ordinance 2016-8 in their entirety shall be amended to read as follows:

SECTION I: LEGAL DESCRIPTION OF HUNGERFORD PROPERTY REGULATED PURSUANT TO EXHIBIT “A” AS ATTACHED TO ORDINANCE 2022-9.

SECTION II. PURPOSE AND INTENT

SECTION 2.16.2: PURPOSE AND INTENT OF HUNGERFORD PLANNED REDEVELOPMENT) DISTRICT (H-PRD). This district is intended to implement Hungerford redevelopment objectives and policies of the Town of Eatonville Comprehensive Plan and the Community Redevelopment Plan. The H-PRD district provides a flexible management framework for achieving objectives for Hungerford redevelopment consistent with the Town of Eatonville Comprehensive Plan for the redevelopment for mixed use development in the historic downtown Hungerford property. For instance, the H-PRD district provides for negotiating private sector redevelopment objectives that reinforce and advance public sector goals, objectives and policies for mixed use redevelopment and resource conservation. The purpose of the H-PRD district is to:

- (1)Create a quality sense of place, character and image with high performance infrastructure.
- (2)Require mixed use redevelopment within the Hungerford Town Center as well as commercial, residential, public and semi-public land uses that exemplify best planning and management principles and practices of economic development, urban design, and amenities that foster economic development, healthy living and working environments and cultural enrichment.
- (3)Achieve unified design and function of the various uses comprising the Hungerford-Planned Redevelopment District.
- (4)Encourage a more productive use of land consistent with the public objectives and standards for accessibility, land use compatibility and effective connectivity among activity centers in the Hungerford Planned Redevelopment District and to other portions of the Town Center along East Kennedy Boulevard.
- (5)Promote efficient use of land by facilitating cost effective infrastructure by ensuring implementation of master plans for drainage and stormwater management; transportation improvements, and expansion of upgraded water and wastewater systems.

- (6)Stimulate opportunities for economic development and varied housing opportunities and an attractive business climate.
- (7)Conserve and protect the natural environment including wetlands, flood prone lands, natural habitat, flood prone lands, and other environmentally sensitive lands; and
- (8)Ensure suitably located open space, recreational opportunities, waterfront amenities, an expansive pedestrian system that links pedestrians with civic amenities, working and living areas, consumer markets, communication venues, and places for gathering, cultural enrichment, education, and healthy life pursuits.
- (9) Achieve low impact designed “green streets” and sidewalks, and promote environmentally designed parking facilities throughout the district.
- (10) Effectuate CRA cost sharing policies for infrastructure improvements and coordinate infrastructure sharing with the proposed new elementary school.

SECTION III: COMPLIANCE WITH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE.

SECTION 2.16.3: COMPLIANCE WITH COMPREHENSIVE PLAN AND LAND DEVELOPMENT CODE. All development within the Hungerford-Planned Redevelopment District (H-PRD) shall comply with the Town’s Comprehensive Plan, the Community Redevelopment Agency Plan, and applicable provisions of the Land Development Code, including, but not limited to, the following provisions:

- A. Unified Control. All developments proposed Hungerford Planned Redevelopment District (H-PRD) district shall be under unified ownership or control as evidenced by legal instruments submitted by the applicant. These legal instruments shall be approved by the Town Attorney.
- B. Compliance with Other Regulatory Provisions of the Land Development Code as generally described below, excepting cases where an executed H-PRD Development Agreement over-rides more conventional regulatory provisions of the Land Development Code. The regulatory provisions of the Land Development Code are generally summarized below:
 - 1. Subdivision Regulations (Chapter 3, Articles 1-6, Town of Eatonville Land Development Code). Subdivision means the division of land into three or more lots, parcels, tracts, tiers, blocks, sites, units, or any other division of land; and includes establishment of new streets and alleys, additions, and resubdivisions pursuant to Florida Statutes §177.031. Applications for H-PRO development located on a site that is not duly subdivided shall comply with Ch. 3 Subdivision Regulations that require the preparation and Town approval of a duly certified engineered preliminary subdivision plat and a duly certified engineered final plat pursuant to procedures and specifications contained in Chapter 3.
 - a. Preliminary Plat. Pursuant to the above paragraph, in cases where a preliminary plat is required for a development proposed in the H-PRD, the preliminary plat shall include engineering data and analysis address design factors, computations and specifications demonstrating estimated demand and designed capacity of proposed public facilities, and anticipated impacts on the levels of service of respective systems for; a) distribution of an

adequate supply of potable water; 2) waste water collection and treatment; 3) transportation system; 4) drainage and storm water management, including environmental impacts; and 5) pedestrian circulation plan consistent with subsection 2-16.1(8) herein. Also several Chapter 3 preliminary and final subdivision plat requirements state that supportive development information, data or planning and design illustrations that are not included in the preliminary plat shall be submitted with supportive site plan components consistent with Chapter 3 and Chapter 14 site plan regulations.

b. Final Plat. Final plat shall comply with Chapter 3 procedures and specifications for final plats.

2. Minimum Property Maintenance Standards (Reference: Chapter 4).

3. Landscape Regulations. Landscaping plans compliant with Chapter 5 shall become part of the requisite site plan required pursuant to Chapter 14 and shall be submitted with preliminary subdivision plats as required pursuant to Chapter 3.

4. Tree Protection Regulations. Tree planting, protection and/or removal plans compliant with Chapter 6 shall become part of the requisite site plan required pursuant to Chapter 14 and shall be submitted with preliminary subdivision plats as required pursuant to Chapter 3.

5. Storm Water Management Regulations. Storm water management plans compliant with Chapter 7 and the most recent NPDES standards shall become part of the requisite site plan required pursuant to Chapter 14 and shall be submitted with preliminary subdivision plats as required pursuant to Chapter 3.

The proposed stormwater management plan shall be consistent with Florida laws and applicable administrative rules of the Florida Department of Environmental Protection and Department of Transportation addressing stormwater and state administrative oversight procedures for implementing the National Pollutant Discharge Elimination System permit program. Planning and design illustrations and/or analysis which are not integrated in a preliminary plat shall be contained in the required drainage and storm water management site plan component required pursuant to Chapter 2, §3-1.5 and §3-2.1 and pursuant to Chapter 14, §14-5(3)(o), Chapter 14 Site Plan Review.

6. Sign Regulations. Plans for signs shall be compliant with Chapter 8 but provisions of this Article shall override any provisions of Chapter 8 that conflict with provisions of this Article. Plans for new signs shall become part of the site plan required pursuant to Chapter 14 and shall be submitted with preliminary subdivision plats as required pursuant to Chapter 3.

7. Legal Provisions (Reference: Chapter 9).

8. Flood Damage Protection. Plans for flood damage protection shall be compliant with Chapter 8; however, provisions in this Article shall override any those of Chapter 8 that conflict with provisions of this Article. Plans for new signs shall become part of the requisite site plan required pursuant to Chapter 14 and shall be submitted with preliminary subdivision plats as required pursuant to Chapter 3.

9. Permit Fee Schedule (Reference: Chapter 12).

10. Supplemental Regulations (Reference: Chapter 13).

11. Site Plan Review Regulations (Reference: Chapter 14).
12. Administrative Processes and Procedures (Reference: Chapter 15).
13. Definitions (Reference: Chapter 1).

SECTION IV: LAND USES

SECTION 2-16.4: LAND USES. Table 2-16.4 below describes permitted uses, conditional uses, and special exception uses within the Hungerford-Planned Redevelopment District (H-PRD) that may be duly approved pursuant to the terms of an H-PRD Redevelopment uses may be allowed only after a finding that the use complies with respective conditional use or special exception use criteria and procedures.

TABLE 2-16.4: HUNGERFORD PLANNED UNIT REDEVELOPMENT DISTRICT (H-PRD) LAND USES			
LAND USES	PERMITTED USES (P)	CONDITIONAL USES (C)	SPECIAL EXCEPTION USES (SE)
RESIDENTIAL USES			
Detached Single Family or Attached Town House	x		
Mixed Use Projects	X		
Multiple Family Uses	x		
Accessory Uses	x		
Home Occupations		x	
COMMERCIAL USES			
Business and professional offices	x		
Business and financial service facilities	x		
Cultural arts, museums, and related exhibits	x		
Educational, religious, and philanthropic institutions	x		
Farmers' market	X		
Hotel or motel	x		
Mixed use projects	x		
Personal service stores	x		
Cultural arts, museums, and related exhibits	x		
Restaurants	x		
Retail stores	x		
Accessory Uses	x		
PUBLIC AND SEMI-PUBLIC USES			
Community center and performing arts facility	x		
Essential services	x		
General government facilities	x		
Parks and Recreation, and Performing Arts Facilities	x		
Schools		x	
MIXED USE DEVELOPMENTS*	MIN. % LAND USE MIX (1)	MAX % LAND USE MIX	
Residential	5%	25%	
Employment Center Use (Office/Business Park)	5%	60%	
Commercial Retail/Service Use	10%	60%	
Public/Semi-Public Uses, including Educational, Religious, and Philanthropic	5%	N/A	
*acreage percentages calculated using gross acreage of the PUD			

- (1) THE MINIMUM PERCENTAGE USE REQUIREMENTS SHALL BE MET FOR EACH USE CATEGORY PRIOR TO THE ALLOWANCE OF ANY MAXIMUM PERCENTAGE OF A USE CATEGORY AS PROVIDED IN THE TABLE.

SECTION V. SIZE AND DIMENSION REGULATIONS

SECTION 2.16.5: SIZE AND DIMENSION REGULATIONS. Encourage an overall planned mix of land uses within the Town Center Hungerford Redevelopment District. At the time of its creation the Hungerford Redevelopment District property was comprised of large tracts under the Orange County School Board’s unified ownership. The ownership of the subject property is transitioning from the Orange County School Board to the Town of Eatonville. The Town of Eatonville desires to encourage redevelopment of a large tract mixed use Town Center. The Town of Eatonville desires to implement a flexible planning and management framework that attracts private sector investment in innovative mixed use redevelopment that demonstrating consistency with the nation’s best planning, design and management principles and practices. Size and dimension specifications shall comply with the following standards and principles:

- A. Maximum Residential Density. The maximum overall residential density shall be 3.5 dwelling units per acre, not to exceed 350 dwelling units.
- B. Height and Other Size Dimension Regulations. Height, setback, yard, open space and other size dimension regulations are established in Table 2.16.5: Hungerford-Planned Redevelopment District Size and Dimension Regulations. However, modification in the minimum provisions of Table 2.16.5 may be negotiated and approved by the Town Council as part of the terms of a duly H-PRD development agreement pursuant to provisions of this Article. The Applicant shall propose the desired minimum size and dimension specifications in the required preliminary plat (if land is being subdivided) and in the required site plan.

The site plan shall provide detailed information on land use and planned improvements, proposed minimum site size, minimum lot size, setbacks, as well as proposed open space, screening and buffers as may be needed. The Town shall retain the authority to increase proposed setbacks or require buffers consistent with sound application of urban design principles and practices. The building setbacks shall provide adequate access to light and air and shall provide sufficient open areas to accommodate landscape improvements, sidewalks, and project amenities consistent with the term of this Article. In addition, distance between buildings shall be adequate for access be adequate for convenient access by fire trucks and emergency vehicles.

- C. Building Configuration and Open Space. The placement of building footprints and arrangement and orientation of structures, open space, landscaping, and pedestrian and vehicular circulation improvements shall provide a functional and an aesthetically pleasing environment for pedestrian users. Minimum open space requirement is 25% pursuant to Chapter 14: Site Plan Review, §14-8(5) Required Open Space.
- D. Frontage and Accessibility. All residential development shall have access to a paved public street either directly or via an approved private roadway.
- E. Minimum Lot Size. No detached single family residential lot area shall be smaller than 5,000 square feet excepting approved zero lot line developments. The minimum size lot for a proposed attached single family residential dwellings within a townhouse development or a proposed zero lot line single family residential development shall be a minimum of 1,800 square feet and will be reviewed during

the preliminary plat and site plan review process. The applicant shall include project amenities for the future residents of the development and the public.

- F. Setbacks. The minimum setbacks from perimeter boundary setbacks established in this Article shall be required unless otherwise established in a duly approved H-PRD development agreement pursuant to provisions of this Article. The Applicant shall propose minimum setbacks in the required site plan. The site plan shall provide detailed information on all setbacks for each respective lot as well as proposed buffers as may be needed. The Town shall retain the authority to increase proposed setbacks or require buffers consistent with sound application of urban design principles and practices. The building setbacks shall provide adequate access to light and air and shall provide sufficient open areas to accommodate landscape improvements, sidewalks, and pedestrian plazas. In addition, distance between buildings shall be adequate for access be adequate for convenient access by fire trucks and emergency vehicles.
- G. Distance between Buildings. A minimum of twenty (20) feet separating structures, excepting building with immediately adjoining or common walls. However, the minimum distance separating any one building or twenty-five (25) feet in height from an adjacent building shall be twenty (20) feet in height from an adjacent building shall be twenty (20) feet plus one (1) foot for each additional two (2) feet in height above twenty-five (25) feet unless otherwise approved by the Fire Marshal.

SECTION VI: PRD PRE-APPLICATION CONFERENCE

SECTION 2.16.6: H-PRD PRE-APPLICATION CONFERENCE REQUIRED. Applications for a preliminary plat and/or a site plan for a proposed development within the Hungerford- Planned Redevelopment District shall not be accepted until after the pre-application conference is completed. The purpose of a pre-application conference is to provide an opportunity for an informal evaluation of the applicant's proposal and to familiarize the applicant and the City staff with the applicable provisions of this Ordinance, the Comprehensive Plan, infrastructure requirements, and any other issues that may affect the applicant's proposal.

- A. Initiation of Pre-Application Conference. The potential applicant shall request a pre-application conference at the Town of Eatonville Planning Office. With the request for a pre-application conference, the applicant shall provide a description of the character, location, and magnitude of the proposed development and any other available supporting materials, including written statements, maps and/or available illustrations, as may be appropriate, that identify the name and contact information regarding the person or entity requesting the pre-application conference; the location and owner of the proposed development site; and a description of the proposed use and characteristics of the proposed development. The applicant maintains responsibility to provide sufficiently detailed plans and descriptions of the proposal for staff to make the informal recommendations discussed below. The materials should be submitted at least five (5) business days before the conference.
- B. Waiver of Pre-Application Conference. The Town Administrative Official or designee may waive the pre-application conference requirement for applications upon the Town Administrative Official's decision that the projected size, complexity, anticipated impacts, or other factors associated with the proposed development clearly support such waiver.
- C. Schedule and Convene Pre-Application Conference. The Town Administrative Official or designee shall schedule a pre-application conference after receipt of a proper request and supportive information as described in paragraph "1" above. At the conference, the applicant, the Town

Administrative Official or designee, and any other persons the Town deems appropriate to attend shall discuss the proposed development. Based upon the information provided by the applicant and the provisions of this Ordinance, the parties should discuss in general the proposed development and the applicable requirements and standards of this Ordinance and provide the applicant with applications for a preliminary plat if required, and an application for site plan review.

- D. Record of Pre-Application Conference. The applicant shall be responsible for recording a summary of topics discussed at the pre-application conference. The record shall be submitted as part of the formal application.
- E. Informal Pre-Application Meeting Evaluation Not Binding. The informal evaluations of the Town Administrative Official or designee and staff provided at the conference are not binding upon the applicant or the Town, but are intended to serve as a guide to the applicant in making the application and advising the applicant in advance of the formal application of issues that may be presented to the appropriate decision-making body.

Table 2.16.5: Hungerford-Planned Redevelopment District Size and Dimension Regulations.

Land Use	Min. Site Size		Lot Minimum Lot Area		Front	Rear	Lot: Side Yard Requirements			Minimum Living Floor Per Dwelling Unit	Area (sq. ft.) (1)	Max. Lot Coverage (%)	Max. Height (ft.)
	Site Area (Sq. Ft.)	Site Width (ft.)	Lot Area (Sq. Ft.)	Lot Width (ft.)			Min. Both Sides (ft.)	Min. One Side (ft.)	Corner Side (ft.)	# Bedrooms	Sq. Ft.		
Detached Single Family Low Density	(A) Max. density 5 u/a	(A)	7,500 Max. density 5 u/a	75	25	20	15	5	15	1-2 Bedroom; 3 or 2+den/office; 4 or 3+den/office; 5 or more	1,100; 1,300; 1,600; 1,900; (5)	35	35
Attached Single Family Res'l Low Density	(A) Max. density 5 u/a	(A)	(A) Max density 5 u/a	A	25	20	15	5	15			75	35
Detached Single Family Medium Density	(A) Max. density 8 u/a	(A)	5,000 Max. density 8 u/a	50	25	20	10	5	15			75	35
Attached Town House Zero Lot Line Res'l Medium Density	(A) density 8 u/a	(A)Max. Max.	density 8 u/a	(A)	(A)	(A)							
Attached-Town-Homes or--Multi-Family Residential High Density	2-acres Max density 17 u/a		(A) Max density 17 u/a	(A)	30	20	10	5	15	Single Family or Duplex Unit Same-as-above		75	50
										Efficiency or 1 2 3	600 800 1,200		
E. Kennedy Commercial Retail	(A)		(A)	(A)	(A)	(A)	None	5	15	none		40	40
Wymore Office South	2 acres	(A)	(A)	(A)	15	20	30	15	15	none		40	110/115 (C)
Wymore Office Central	1 acre	(A)	(A)	(A)	15	15	30	5	15	none		40	40/70
Hungerford West Central Office	(A)		20,000(A)	(A)	15	20	30	5	20	none		40	40
Public/Semi Public	(A)		(A)	(A)	None	20 (B)	None	None	15	none		65	48
Civic or Medical	(A)		(A)	(A)	35	20.	30	15	20	none		50	48

- A Minimum size and dimension standards not in the table shall be negotiated during the preliminary subdivision plat and site plan approval process as part of the terms of a duly executed H-PRD development agreement pursuant to provisions of this Article. The Applicant shall propose the desired minimum size and dimension specifications in the required preliminary plat (if land is being subdivided) and in the required plan. The site plan shall provide detailed information on land use and planned improvements, proposed minimum site size, minimum lot size, setbacks, as well as proposed open space, screening and buffers as needed.
- B The H-PRD Development Agreement negotiation may provide for a reduction in rear setback up to a minimum of 10.0 ft.
- C The maximum height permitted for building in the Wymore Office South and the Wymore Office Central Sector of the Hungerford-Planned Redevelopment District measured from the weighted average of finished ground elevation of the property to the peak of the roof is specified in Table 2.16.5. Through a negotiated H-PRD Development Agreement an increase in height may be negotiated to achieve an height up to 115 feet in the Wymore Office South Segment and up to 70 feet in the Wymore Office Central Segment as delineated on the zoning map if the applicant desires to negotiate an investment in water management, roadways, wastewater/potable water systems, mass transit system, fiber optics cable system expansion to site, or other off-site or on-site community improvements within the Hungerford Planned Redevelopment District that is not a requirement pursuant to Town of Eatonville regulatory powers. The objective is for applicant and Town to achieve mutually proportionate benefits through terms negotiated Development Agreement through the development review process. The Town Council and the Applicant/Owner, and any successor in title, would be bound by the terms of a duly negotiated Development Agreement.

SECTION: VII: PRELIMINARY PLAT AND SITE PLAN REQUIREMENTS

SECTION 2-16.7: H-PRD PRELIMINARY PLAT AND SITE PLAN REQUIREMENTS. This section addresses required adherence to preliminary plat requirements and site plan regulations for development within the Hungerford-Planned Redevelopment District (H-PRD). The preliminary plat and site plan shall include maps necessary to show at least the following:

- A. Purpose and Intent. Development within the H-PRD shall incorporate and demonstrate consistency with best planning, design, and management principles and practices in the overall planning and design of development and shall include but not limited to the following:
- B. Preliminary Plat and Site Plan Content. Reference §2-16.3(B)(1)(a) for a summary of preliminary plat which may be required. Chapter 3 of the Land Development Code addresses preliminary and final subdivision plat requirements; however, requisite supportive development information, data and planning and design illustrations that are not included in the preliminary plat shall be submitted with supportive site plan components consistent with Chapter 3 Subdivision Regulations and Chapter 14 Site Plan Review, Section 2-16.3 cross references other applicable Land Development Code requirements. The preliminary plat and site plan shall describe planning, design and specifications that fully describe the proposed development in the Hungerford Redevelopment District (H-PRD) and shall describe relevant procedures for construction as well as dimensions and character of buildings and structures consistent with Chapter 3 Subdivision Regulations and Chapter 14 Site Plan Review Regulations. The following identifies significant features applicable to site plans required for development in the H-PRD.
 1. Development Schedule. A development schedule indicating the approximate date when construction of the H-PRD or stages of the PRD can be expected to begin and be completed.
 2. Symbols, Descriptions and Quantitative Data: Symbols and quantitative data shall address the following as appropriate:
 - a. Proposed name of the H-PRD, title of map, name of Town, and description of section, township and range.
 - b. Name and address of record owners, applicant, and person preparing preliminary development plan.
 - c. The locations and names of abutting subdivisions and the names of owners of record of adjacent acreage.
 - d. Date, north arrow and graphic scale acceptable to the Town Engineer.
 - e. Legal description, survey of the proposed H-PRD boundaries with total number of acres made and certified by the Florida registered land surveyor.
 - f. Proposed lot or building site lines with dimensions, setbacks, and landscaped yards. Location and floor area size of all existing and proposed buildings, structures, and other improvements. Area in square feet of each lot or building site, to be indicated in a rectangle within each lot or building site. Designation of all dwelling unit types and number of units. Gross and net residential density

calculations. Plans for non-residential uses shall include the square footage allocated to each respective use.

- g. Proposed lot or building site coverage by buildings, structure and other impermeable surfaces each identified and listed separately.
 - h. Proposed amount of open space.
 - i. Proposed amount of public lands including all dedicated rights-of-way, easements, and other lands dedicated for public facilities and services. Location, name and dimensions of all existing and proposed dedicated public lands and the conditions of such dedication. Location and width of proposed permanent utility easements. The easements shall provide satisfactory access to existing rights-of-way or other open space shown upon the tentative H-PRO plat. Proposed locations and proposed designs for sidewalks, curbs, storm drainage facilities, water mains, sanitary sewers, fire hydrants, and flow facilities. Permanent drainage easements shall also be shown. The location and size, in acres or square feet, of all areas to be conveyed, dedicated or preserved as open spaces, public parks, recreational areas, school sites, and similar public uses.
 - j. A legend of all symbols and abbreviations shall be shown.
3. Site Plan Drawings and Supportive Analysis. Site plan and supportive analysis shall address the following:
- a. Site Boundaries and Topography. Information on adjacent areas sufficient to indicate the relations between the proposed development and the adjoining areas, including:
 - (i) Site Preparation. Address methods for excavation, site preparation, existing and finished grade and resource conservation.
 - (ii) Land ownership within 500 feet of the exterior boundary of the property. Where lands in the vicinity include substantial acreage under unified control, the applicant may be required to submit land ownership data, including principal officers/owners of corporately owned property.
 - (iii) Existing land use.
 - (iv) Circulation system
 - (v) Density.
 - (vi) Public facilities.
 - (vii) Unique natural features.
 - b. Storm Water Management Master Plan. Reference §2-16.3(B)(5) herein. The following factors shall be considered:
 - (i) Natural environmental conditions of the site;

- (ii) Existing and proposed future hydrological conditions of the site, including existing and proposed site elevations, amounts and rates of water run-off, water quality, and other related factors; and
 - (iii) Available drainage improvements on and off site.
- c. Potable Water Distribution System Plan. Include projected demand and supply factors anticipated, proposed designed capacity and system components specifications including, but not limited to: distribution lines, force mains, and fire flow specifications. Location of closest available public water supply system and proposed design for water service improvements, including proposed level of service, general location of facility improvements, and schematic drawings as required by the Town Engineer.
 - d. Sanitary Sewerage System Improvements. Include the location of proposed wastewater collection system and proposed design of wastewater collection improvements, including proposed location of improvements, level of service proposed, and schematic drawings as required by the Town Engineer. Describe projected demand and supply factors anticipated including the designed capacity and system components specifications including, but not limited to: collection lines, lift stations, and other relevant specifications.
 - e. Vehicular and Pedestrian Circulation Systems. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way (including major points of ingress and egress to the development). Include the width and location of any street or other public way shown upon the comprehensive plan within the H-PRD and the proposed width, location and grade of all streets or other public ways proposed by the applicant. Notations of proposed ownership--public or private--shall be included where appropriate. The existing and proposed pedestrian and bicycle circulation system, including its interrelationship with the vehicular circulation system indicating proposed treatments of points of conflict. Include engineered design specifications for system components, such as pavement specifications for roadways, improvements for on and off-site improvements for access and egress, bikeways, and sidewalks; and specifications for directory or other relevant on-site signage for safe and convenient internal vehicular and pedestrian circulation. Sidewalks shall link vehicle use areas including parking areas with all principal buildings and other principal pedestrian destinations. The pedestrian circulation system shall include marked pedestrian crossings in order to separate vehicular and pedestrian traffic.
 - f. Land Use. Specific land uses and mixed use activity centers, including residential, office, commercial, public and semi-public uses, and supportive infrastructure improvements that provide a functional and an aesthetically pleasing environment for pedestrian users. The intent is to incorporate a flexible management policy, require urban design amenities, and foster innovative master planning in the design of the proposed development. Such land uses and improvements shall demonstrate best planning and management principles and practices of economic development, urban design, and cultural enrichment. Where the tentative H-PRD plat covers only a part of contiguous rear property owned by the applicant, a master phasing plan shall also be required unless the application certifies that the remaining real property shall be developed independently of the proposed H-PRD plat.

- g. Floor Plans. Scaled drawings shall illustrate the floor plans, including the allocation of uses and activities proposed for all buildings and structures, including inhabited and uninhabited space.
- h. Placement and Design of Buildings. The scaled site plan shall describe and illustrate with appropriate professional drawings demonstrating the location and dimensions of the building footprint, architectural treatment of buildings, building orientation, including character and articulation of building facades, windows, roof lines, building materials, building height, color schemes, and other design attributes. Elevations, sections and/or perspectives as necessary to indicate the basic architectural intent, the height of buildings and structures, and the general window and door arrangements.
 - (i) Wall Articulation. Primary structures having single walls exceeding fifty feet (50') in length shall incorporate two or more of the following features at least every fifty feet (50') in length:
 - (1) Changes in color, graphical patterning, changes in texture, or changes in material;
 - (2) Projections, recesses, and reveals, expressing structural bays or other aspects of the architecture with a minimum change of plane of twelve inches (12");
 - (3) Windows and fenestration;
 - (4) Gable projections; and
 - (5) Horizontal/vertical breaks.
 - (ii) Entrances. Each primary structure shall have a clearly defined main pedestrian entrance featuring at least three of the following elements:
 - i. Canopies or porticos, or
 - ii. Overhangs, or
 - iii. Recesses or projections
 - iv. Arcades, or
 - v. Arches, or
 - vi. Peaked roof forms, or
 - vii. Outdoor patios, or
 - viii. Architectural tile work or moldings integrated in building design, or
 - ix. Integrated planters or wing walls that incorporate landscaped areas or seating areas.
 - (iii) Multiple Buildings in Commercial Centers. In order to achieve unity between all buildings in a commercial development consisting of more than one building, all buildings

in such a development shall employ a consistent architectural style or theme, be constructed of similar exterior materials, and feature similar colors.

- i. Open Space, Court Yards, Plazas, and Other Amenities. Site plans shall comply with open space requirements of Chapter 14. An explanation of proposed open space areas, landscaping, screening and buffering features, including specification of the size of open space and landscaped areas and a tabular accounting of permeable and impermeable surfaces, and setbacks is required. The proposed treatment of the perimeter of the H-PRD plat, including material and techniques used, such as landscape, fences and walls for screening and buffering.
- j. Street Furniture, Street Trees, and Other Streetscape Amenities. Site plans shall describe and illustrate streetscape amenities, including open plazas, walkways, possible uses and functions, aesthetic treatment and materials comprising paved areas, proposed streetscape and/or sidewalk furniture, street benches, waste disposal receptacles, and sidewalk plantings which promote the project's urban design and aesthetics. Typical cross-sections of proposed streets, sidewalks, canals and ditches and other proposed improvements.
- k. Landscaping. Reference Chapter 5 Landscape Requirements. Site plans must include the type and specifications of trees and plant material, proposed installation and protective measures.
- l. Common Areas and Maintenance Agreements. Site plans shall denote the character, magnitude and dimensions of common areas. A Maintenance Agreement shall include an explanation of intended ownership of common areas including open space and the entity or entities responsible for the maintenance of common areas, including wet and dry ponds and retention/detention areas.
- m. Street Graphics and Signage. Reference Chapter 8 general requirements for signage. Within the Hungerford-Planned Redevelopment District proposed developments shall include a unified scheme for signage which describes plans for coordinating the character, scale, and specifications for signage on each site.
- n. Outdoor Lighting. All outdoor lighting must be harmonious with the urban design theme of the project, and shall promote aesthetics and reinforce good principles and practices of streetscape design. Street lighting shall be installed on all internal and perimeter streets, within parking areas, and along pedestrian walkways. All outdoor lighting shall comply with §2-16.13 of this Article.
- o. Loading Docks together with Shipping and Receiving Operations. Loading docks and related shipping and receiving operations are prohibited on interior streets. Loading docks shall be located at the rear of all principal structures. Parking for trucks and all other company owned or controlled vehicles customarily used in shipping and receiving operations shall be located at the rear of all principal structures. Shipping or receiving areas shall be screened and buffered from adjacent residential areas.
- p. Screening of Loading and Refuse Collection. All loading and refuse collection facilities shall be screened pursuant to Ordinance 2005-5.
- q. Utilities. Unless a waiver is authorized by the Town Council, all electrical and telephone lines and wires including, but not limited to, street lighting, shall be placed underground. Feeder and

other major transmission lines may remain overhead. All utility installation shall conform to the Town’s protocols for standards and specifications.

- r. Additional Information. Any other additional material and information as the Town Staff, Planning Board or Town Council may reasonably require.

SECTION VIII: GENERAL REVIEW PROCEDURE FOR PRELIMINARY PLAT AND SITE PLAN

SECTION 2.16.8: GENERAL REVIEW PROCEDURE FOR PRELIMINARY PLAT AND SITE PLAN.

- A. Fee for H-PRD Preliminary Plat and Site Plan. The minimum fee for filing said applications for a Preliminary Plat Review and Site Plan Review shall be as established in Chapter 12, Permit Fees, Land Development Code. Before a development in the Hungerford-Planned Redevelopment District (H-PRD) shall be approved, the applicant for a development approval shall request a Pre-Application Conference prior to submitting a preliminary plat, as may be required [Reference §2-16.3(6)(a)(i)} as well as site plan approval filed together with the requisite fee at the Town Public Works and Planning Office.
- B. Review Procedures for Preliminary Plat and Site Plan. Each applicant for approval of a development application within the Hungerford-Planned Redevelopment District (H-PRD) shall submit appropriate applications for review by Town officials. The review process shall be carried out pursuant to this Article. If a required preliminary plat is approved and the site plan are approved, the applicant shall submit a final plat for review by Town officials.
 - 1. Staff Review. Copies of the preliminary plat and site plan shall be submitted to the Planning Office and shall be reviewed by the Building Official, the Town Planner and Engineer, and such other staff or professional consultants as the Town Council deems appropriate.
 - 2. Criteria for Review. The Town staff shall present its findings in written report to the Planning Board. Staff review shall be accomplished expeditiously in order to prevent undue delay or inconvenience, but shall not be limited to the subdivision ordinance time frame for review of plats. The preliminary plat and site plan shall comply with the preliminary plat and site plan requirements of the Land Development Code.
 - 3. Review by Planning Board and Town Council. The Planning Board shall hold a meeting to review the preliminary plat and site plan. If approved by the Planning Board, the Town Council shall also review the plan and approve said plan prior to the submission of any Final Development Plan.
 - a. Considerations by the Planning Board. The Board shall consider all aspects of the preliminary plat and site plan necessary to meet the intent and requirements of this article and the comprehensive plan. The Board shall also consider the recommendations and comments of the staff.
 - b. Action by the Planning Board. The Board shall recommend approval, approval with modifications or conditions, or disapproval; and such recommendation shall be endorsed on the face of each copy of the preliminary plat and site plan, by the Chairman of the Board. The

recommendation and reasons for the Board action shall be reduced to writing and forwarded to the Town Council.

- c. Consideration by Town Council. The Town Council shall consider the recommendations and comments of the Planning Board and staff. The Town Council may make such investigations as may be deemed reasonably necessary to ensure conformity with the intent and requirements of this Article.
- d. Action by the Town Council. The Town Council shall approve, approve with modifications or conditions, or deny the preliminary plat and site plan, or may refer the preliminary plat and site plan to the Planning Board for further consideration. In making its decision, the Town Council shall consider all aspects of the preliminary plat and site plan necessary to meet the intent and requirements of the Land Development Code and the Comprehensive Plan.
- e. Conditions. In approving a preliminary plat and site plan, the Town Council may establish such conditions and may require such modifications as shall assure compliance with the Hungerford-Planned Redevelopment District (H-PRD) standards and regulations and further, the Town Council may waive or modify subdivision, site plan or other zoning requirements otherwise applicable to the development when such waiver or conflict is not in conflict with said standards and regulations.
- f. Requests for Additional Information. Prior to, or in addition to, approval of a preliminary plat and site plan, and upon a determination that additional information is necessary for proper review of the H-PRD project, the Town Council may require the submission of additional information by the applicant.

The review of such additional information shall follow the procedures applicable to the review of the Preliminary Development Plan. The Town Council should approve a preliminary plat and site plan application subject to a prescribed time limit of not more than eighteen (18) months for the applicant to submit a Final Plat for approval.

- g. Amendments of Preliminary Plat and Site Plan. Once the H-PRD preliminary plat and site plan have been approved, and there is cause for amendment of the same, or any portion thereof, such amendment shall be processed in a like manner as the original submission.
- h. Changes in Preliminary Development Plan. If a Final H-PRD Plat is submitted which includes changes from the approved preliminary plat and site plan, the Administrative Official or designee shall review the plan to determine the effect of the H-PRD and consistency with applicable ordinances and recommend appropriate action to the Planning Board. The Planning Board shall determine whether any changes are of such significance that the preliminary plat and site plan should be re-submitted to the Planning Board. In any case of doubt, the revised preliminary plat and site plan shall be re-submitted for approval by the Planning Board and the Town Council. The prescribed time limit for the submission and approval of the Final H-PRO Plan may be extended by the Town Council, for good cause if the developer presents evidence within the eighteen-month period which demonstrates that the developer has progressed in good faith toward implementing the Preliminary Development Plan.

SECTION IX: GENERAL PROCEDURE FOR FINAL H-PRD PLAT REVIEW

SECTION 2-16.9: GENERAL PROCEDURE FOR FINAL H-PRD PLAT REVIEW. Approval of the preliminary plat and site plan by the Town Council shall constitute authority for the applicant to submit a Final H-PRD Plat prepared in accordance with the approved preliminary plat and site plan and all conditions as may have been required by the Town Council. A Final H-PRD Plat shall not be considered approved by the Town Council and shall not be recorded in the records of Orange County until it has been approved in a manner prescribed herein. After the final plat is duly approved by the Town of Eatonville, the applicant shall file the final plat at the Orange County Recording Office.

- A. Filing Final H-PRD Plat. No Final H-PRD Plat shall be filed unless it has been prepared on the basis of a duly approved preliminary plat. The appropriate number of copies of the Final H-PRD Plat shall be filed with the Town Clerk together with the requisite fee for processing and reviewing the said plan.
- B. Filing Staged Final H-PRD Plat. A Final H-PRD Plat may be prepared and submitted for the entire Hungerford-Planned Redevelopment District at one time, or for the approved development stages on an individual basis.
- C. Time Limit for Submission of Final H-PRD Plan. The Final H-PRD Plat for either the entire H-PRD or the first phase(s) thereof shall be submitted within eighteen (18) months of the date of approval of the preliminary plat or within such extended periods as the Council may authorize.
- D. Fee for Town Review of Final H-PRD Plat. A minimum fee for filing a Final H-PRD Plat shall be as resolved by the Town Council.
- E. Ownership Requirements for Application. The ownership requirements for filing a Final H-PRD Plat shall be the same as for filing the preliminary plat and site plan
- F. Review Procedures for Final H-PRD Plat. Each applicant that receives Town Council approval of a preliminary plat must file a Final Plat for review by Town Officials pursuant to the requirements for a Final Plat as addressed in Chapter 3 Subdivision Regulations and the final plat must be consistent with the terms of this Article.
 1. Staff Review and Surety. The Administrative Official or designee shall transmit the final plat to the Building Official, Town Planner and Town Engineer and/or such other staff or professional consultants as may be deemed necessary. The professional review the Final H-PRD Plat shall assure that all public improvements are constructed and in place pursuant to the approved plans and specifications, and that no outstanding indebtedness is due for said improvements. As an alternate surety, the applicant may deposit a certified check, cash, performance bond, or such surety as the Town Council deems adequate to ensure total compliance pursuant to §2-5.1 of Chapter 3 and §14-7 of Chapter 14. The bond requirement shall be established based on procedures to be adopted by resolution of the Town Council.
 2. Criteria for Final H-PRD Plat Review. The Town staff shall report its findings in a written report to the Planning Board. The staff report shall evaluate the said plan based on the following criteria:
 - a. Compliance with Preliminary Plat and Site Plan. The Final H-PRD Plat shall incorporate all changes, modifications, and conditions required for approval of the preliminary plat, site

plan and final plat which pertain to the final plat. The Final H-PRD Plat may constitute only that portion of an approved preliminary plat which the applicant proposes to currently record and develop, provided all requirements of this Article are satisfied by such portion standing alone. If a Final H-PRD Plat is submitted which includes changes from the approved Preliminary Development Plat, the Building Official or other designated professional shall review the plat to determine the effect of such changes on the proposed H-PRD development and consistency with applicable ordinances. The Building Official or other designated professional shall review the Final plat and file a written report to the Planning Board evaluating whether the Final Plan complies with the preliminary plat and all applicable regulations and laws. The Planning Board shall determine whether any changes are of such significance that a revised Preliminary Development Plan should be re-submitted to the Planning Board and the Town Council. In any case of doubt, a revised Preliminary Development Plan shall be re-submitted for approval by the Planning Board and the Town Council.

- b. Compliance with Subdivision Ordinance. The Final H-PRD Plan and plat thereof shall comply with all applicable provisions of the Land Development Code, including Chapter 3, "Subdivision Regulations" as well as site plan requirements of Chapter 3 and Chapter 14 Site Plan Review.
 - c. Compliance with Final H-PRD Plat Requirements. The Final H-PRD Plan shall comply with all requirements for form and content of a Final Plat herein stated. This information shall be used to evaluate compliance with the purpose and intent of the H-PRD district. All permitted and conditional uses shall be allowed only in the location shown on the approved Final H-PRD Plat.
 - d. Compliance with Other Regulations, Ordinances, and Statutes. The Final H-PRD Plat shall comply with all other provisions of this Article as well as provisions of this Chapter which are not in conflict with this Article and shall comply with all other applicable regulations, ordinances, and statutes of the Town, County and State concerning final plats and site plan review.
3. Review and Action by Town Council. Upon receipt of the written staff evaluation of the Final H-PRD Plat, the Town Council shall consider said plan. Such consideration shall be predicated on criteria listed in the above paragraph. The Town Council shall approve, approve with conditions or modifications, or deny the Final Plat. The signature of the Town Clerk and Mayor of the Town Council, date of approval and the Seal of the Town Council on the Final Plat shall certify that the Final Plat has been adopted. However, no final plat approved with conditions or modifications shall be executed until such conditions or modifications are carried out and duly approved. The Town Clerk shall provide the applicant with written notice of its action, including reasons for rejection in cases of denial.
- G. Commencement of Development. Following the approval of a Final Plat for development within the Hungerford-Planned Redevelopment District (H-PRD) by the Town Council, the plat shall be filed by the applicant with the Orange County Court Clerk. The applicant shall be authorized to apply for other necessary permits to proceed with the construction of cited in the duly approved plans for the H-PRD development.

- H. Failure to Comply with Approved Final H-PRD Plat. Failure to comply with the requirements of the approved Final Plat and any conditions imposed in its final approval, including time conditions, shall constitute a violation of this Article. Upon finding by the Town Council that the developer has failed to comply with the conditions of any staging plans or prescribed time limits, the approval of the Final Plat shall be automatically terminated. Prior to continuing with finalizing plans for development with the Hungerford-Planned Redevelopment District, the developer shall reapply to the Town Council for approval to continue. The Town Council may authorize the petitioner to continue under the terms of the Final Plat approval or may require the developer to re-submit the application in conformance with any step outlined in the procedure for preliminary plat and site plan approval or Final Plat approval. No subsequent plan or re-approval shall effect an increase in the overall project density or change in use as established in the original approval.
- I. Minor Changes in Approved Final H-PRD Plat. Minor final plat changes in the location or siting of buildings and structures or in the landscape plan may be authorized by signature of the Administrative Official or designee, the Chairman of the Planning Board and Chair of the Town Council, if required by engineering or other circumstances not foreseen at the time the Final H-PRD Plat was approved. A staff or consulting professional shall first review the preliminary plat, site plan, Final Plat and provide an appropriate recommendation to the Chair of the Town Council and the Chair of the Planning Board. No change authorized by this subsection may cause any of the following:
1. A change in the use or character of the H-PRD site plan and/or the preliminary plat or final plat;
 2. An increase in overall coverage of structures;
 3. An increase in the intensity of use, or the density;
 4. An increase in the problems of traffic circulation and public utilities;
 5. A reduction in approved open space;
 6. A reduction in required pavement widths;
 7. A violation of a specific requirement or condition of this Article. Changes, erasures, modifications, additions or revisions shall not be made to a final H-PRD plat after the Town Council approval has been given, unless the final H-PRD plat is resubmitted for approval, except as required by law for clarification. All changes in use, re-arrangement of lots and blocks, changes in the provision of common open spaces, and other changes except those listed in the paragraph above, may be allowed at the discretion of the Town Council. Such amendments may be made only if they are shown to be required by changes in conditions that have occurred since the Final H-PRD Plan was approved, or by changes in adopted community policy. Any changes which are approved in the Final H-PRD Plan must be recorded as amendments in accordance with the procedure established for the recording of the Final H-PRD Plan.
- J. Occupancy and Use of Premises. Prior to the use or occupancy of any portion of the H-PRD project, the developer must satisfy all the provisions of the approved Final H-PRD Plan as stipulated herein, and obtain all necessary permits.

SECTION X: FINAL PLAT: FORM AND CONTENT

SECTION 2-16.10: FINAL PLAT: FORM AND CONTENT. The form and content of a Final H-PRD Plat shall be consistent and shall comply with requirements of Chapter 177, Part I, s. 177.011 - 177.151, F.S. A final H-PRD shall also include the attached approved preliminary plat and site plan components. The final H-PRD plan, shall include the Preliminary Plat and all site plan components as approved by the Town Council, or as subsequently amended pursuant to applicable regulations, shall comprise the elements of the Final H-PRD Plan. The final H-PRD plat shall be consistent with all form, content, criteria, and procedures as presented in Chapter 3, Subdivision Regulations of the Land Development Code.

SECTION XI: FINAL PLAT: FORM AND CONTENT

SECTION 2-16.11: OPEN SPACE AND LANDSCAPED AREAS. All open space required by this Chapter shall be either private, reserved for common use, or dedicated to the public. All required open space shall be reserved as such through appropriate deed restrictions which cannot be removed without the consent of the Town Council. Private open space shall be owned in fee simple title as part of a lot or parcel in private ownership. The use of private open space shall be reserved and limited through appropriate deed restrictions. The deed restriction shall require the property owner to maintain the private open space in perpetuity. All open space reserved for common use shall ultimately be owned in fee simple by an organization of property owners within the H-PRD plat. The organization shall be established by the applicant, and all organizational documents, including, but not limited to, article of incorporation, bylaws and restrictive deed covenants, shall be submitted to the Town Attorney for approval prior to recording in the public records of the County. The organization shall be responsible for the maintenance of all common open spaces. The organization shall be empowered to assess reasonable maintenance fees upon the owners of real property within the H-PRO plat for the maintenance of the common open space.

- (1) All open space reserved for common use shall be conveyed to the organization prior to or at the time when two-thirds (2/3) of all the dwelling units of the H-PRD plat under development have been sold. Conveyance shall be by a general warranty deed in fee simple absolute, acceptable to the Town Attorney. The deed shall include a deed restriction providing for the perpetual maintenance of the common open space by the organization.
- (2) The organization may offer to convey the common open space to the Town at no cost. If the Town accepts the offer, then the conveyance shall be of general warranty deed in fee simple absolute, acceptable to the Town Attorney. Upon acceptance, the open space shall be available for use by the general public. The Town shall not accept a conveyance of common open space unless arrangements acceptable to it are made for the continued maintenance of the open space.
- (3) Open space dedicated to the public shall be open to the general public.
- (4) All landscaped yards shall be owned in fee simple as part of an approved lot or parcel, and the landscaped yards shall be reserved and limited through appropriate deed restriction. The deed restrictions shall require the property owner to maintain the landscaping in perpetuity.

SECTION XII: OUTDOOR LIGHTING REGULATIONS FOR SITE PLAN REVIEW

SECTION 2-16.12: OUTDOOR LIGHTING REGULATIONS FOR SITE PLAN REVIEW

- A. Purpose and Intent. The purpose of the outdoor lighting regulations is to provide outdoor lighting standards to ensure that improvements do not unreasonably interfere with safety, security, comfort and productivity. The regulations are intended to encourage the types, kinds, construction, installation, and uses of outdoor electrically powered illuminating devices, lighting practices and systems to conserve energy without decreasing safety, utility, security, and productivity while enhancing nighttime enjoyment of property within the jurisdiction.
- B. Outdoor Lighting Must Conform to Applicable Codes. All outdoor electrically powered illuminating devices shall be installed in conformance with the provisions of this Code, the Building Code, the Electrical Code as applicable and under appropriate permit and inspection.
- C. Approved Lighting Materials and Methods of Construction or Installation/Operation. The provisions of this Code are not intended to prevent the use of any design, material, or method of installation or operation not specifically prescribed by this Code, provided any such alternate has been approved. The building official may approve any such proposed alternate providing he finds that it:
1. Provides at least approximate equivalence to that applicable specific requirements of this Code
 2. Is otherwise satisfactory and complies with the intent of this Code; or
 3. Has been designed or approved by a registered professional engineer and content and function promotes intent of this Code.
- D. Definitions. As used in these outdoor lighting regulations, unless the context clearly indicates, certain word and phrases used in this chapter shall mean the following:
1. “*Person*” means any individual, tenant, lessee, owner, or any commercial entity including but not limited to firm, business, partnership, joint venture or corporation.
 2. “*Installed*” means the attachment, or assembly fixed in place, whether or not connected to a power source, of any outdoor light fixture.
 3. “*Outdoor Luminaire*” means outdoor electrically powered illuminating devices, outdoor lighting or reflective surfaces, lamps and similar devices, permanently installed or portable, used for illumination or advertisement. Such devices shall include, but are not limited to search, spot, area and flood lights for:

<ol style="list-style-type: none"> a. Buildings and Structures; b. Recreational Areas; c. Parking Lot Lighting; d. Landscape Lighting; 	<ol style="list-style-type: none"> e. Signs (Advertising or other); f. Street Lighting; g. Product Display Area Lighting; h. Building Overhangs and Open Canopies.
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- E. Shielding of Light Source. Shielded light sources shall be used to illuminate signs, building facades, parking and loading areas; and shall be so arranged as to eliminate glare onto roadways and streets; and shall be directed away from adjacent properties. No neon lights, intermittent, or flashing lights or such lighted signs shall be allowed. Following are more finite specifications for implementing the intent and purpose of the outdoor lighting regulations:

1. Areas with Intrinsically Dark Landscapes. All outdoor luminaires adjacent to areas with intrinsically dark landscapes such as areas of outstanding natural beauty and residential areas shall have full cut-off optics with fully shielded lamps. Equip luminaire with house side shields in areas with intrinsically dark landscapes.
2. Areas of Low Ambient Brightness. All outdoor luminaires adjacent to low ambient brightness such as wetlands and lake areas shall have lamps with fully shielded cut-off optics. Equip luminaire with house side shields adjacent to all residential property and other light sensitive areas.
3. Areas of Medium Ambient Brightness. All outdoor luminaires adjacent to areas of medium ambient brightness in urban and residential areas shall have cut-off optics with fully shielded lamps. Equip luminaire with house side shields adjacent to all residential property and other light sensitive areas.
4. Areas of High Ambient Brightness. All outdoor luminaires adjacent to areas of high ambient brightness such as commercial areas may be semi-cutoff optics with shielding as required for compliance with other sections of the outdoor lighting regulations and as approved by the Town of Eatonville.
5. Definitions for Shielding Lighting. Following are related definitions for interpreting the outdoor lighting regulation of this Code:
 - a. *“Partially Shielded:”* shielded in such a manner that more than zero but less than ten percent of the light emitted directly from the lamp or indirectly from any part of the fixture is projected above the horizontal zones.
 - b. *“Semi-cutoff.”* Intensity at 80 degrees from nadir does not exceed 200 candelas per 1000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 50 candelas per 1000 lamp lumens.
 - c. *“Cutoff”* Intensity at 80 degrees from nadir does not exceed 100 candelas per 1000 lamp lumens, nor at 90 degrees from nadir does intensity exceed 25 candelas per 1000 lamp lumens.
 - d. *“Fully Shielded:”* constructed in such a manner that all light emitted by the fixture, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below the horizontal.
 - e. *“Full Cutoff.”* A luminaire light distribution where no candlepower occurs at or above an angle of 90 degrees from nadir. Additionally, the candela per 1000 lamp lumens does not numerically exceed 100 at a vertical angle of 80 degrees above nadir. This applies to all lateral angles around the luminaire.
- F. Plans and Evidence of Compliance. The applicant for any permit required by the Town in connection with proposed work involving outdoor lighting shall submit (as part of the application for permit) evidence that the proposed work will comply with this Code. The submission of plans shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in this code, upon application for the required permit.

1. Scaled site plan drawings. Scaled drawings shall include but are not limited to the following:
 - (a) All property boundaries, land use of abutting properties and all abutting streets and right-of-ways. Whether or not the adjacent streets are local, residential, private, collector, arterial, expressway, freeway, or frontage roads (service or access road).
 - (b) Outdoor luminaire locations on the premise including but not limited to wall mounted luminaires and recessed down and up lights.
 - (c) Showing all existing and proposed structures
 - (d) North arrow
 - (e) Title block with project name, date prepared, date of any revisions, the name, address, phone and fax number of the firm responsible for preparing the plan.
2. Outdoor luminaire descriptions shall include manufacturer's name and catalog number, lamp type and lamp burning position, lamp wattage, lens type and luminaire mounting height above finished grade.
3. Certified point by point photometric data shall be submitted with foot-candle levels on a five (5) foot grid extending 5 feet beyond abutting properties and all abutting streets & rights-of-ways. Point by point statistics with IES photometric file number, "Lamp Lumen Factor" (LLF) and luminaire "Coefficient of Utilization" (CU), luminaire mounting height and NEMA distribution such as type II, III, IV or V.
4. Submit certifications signed and sealed by a registered professional engineer that all calculations comply with this code and applicable State of Florida energy code.
5. Additional Submission. The above required plan submission, luminaire descriptions and data in subsections F (1-4) shall be sufficiently complete to enable the Town of Eatonville to readily determine whether compliance with the requirements of this Code is met. If such plans submission, luminaire description and data cannot determine compliance with this code applicant shall additionally submit as evidence of compliance to enable such determination. Additional submissions such certified reports of tests provided these tests have been performed and certified by a recognized testing laboratory.
6. Subdivision Plat Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the Town of Eatonville Code will be adhered to.
7. Lamp or Fixture Substitution. Should any outdoor light fixture or the type of light source therein be changed after the permit has been issued, a change request must be submitted to the building official for his approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.
- G. Prohibited Fixtures and Lamps. The installation, sale, offering for sale, lease or purchase of any low pressure sodium, high pressure sodium, metal halide, fluorescent, quartz or incandescent outdoor

lighting fixture or lamp the use of which do not comply with this code is prohibited. Exemptions and Exceptions are as follows:

- (1) Residential fixtures consisting of a single incandescent light having an output of less than 1800 lumens or 100 watts.
- (2) Floodlights and spotlight, provided that the total beam width is less than 120 degrees and the beam center is directed at least 65 degrees below the horizontal.
- (3) Grade mounted up lighting for signs and architectural illumination, provided that the total output is less than 5400 initial lumens per property parcel and less than 1800 initial lumens per fixture. No luminaire shall project beyond the highest point of the structure.
- (4) Seasonal decorative lighting consists of incandescent lamps in a temporary installation.
- (5) Full cutoff street lighting which is part of a federal, state, or municipal installations.
- (6) Specialized lighting necessary for safety, such as navigated or runway lighting of airports, or temporary lighting associated with emergency operations, road hazard warnings, etc.
- (7) Lighting of sports facilities or stadiums prior to 11:00 p.m. Illumination after 11:00 p.m. is also permitted if it is necessary in order to conclude a recreational, sporting or other scheduled activity which is in progress prior to that time.
- (8) Phosphor coated metal halide lamps are recommended. Other light sources submitted shall demonstrate to the satisfaction of the Town that light source is equally effective in eliminating adverse spill light, glare, and light intensities in compliance with latest edition of IESNA recommendations and applicable NEMA standards.
- (9) Flat lenses shall be used on pole mounted luminaires with a means to control glare and spill light
- (10) All pole mounted luminaires shall be equipped with horizontally mounted lamps.
- (11) Spill light and glare onto residential property shall comply with this code and latest edition of IESNA recommendations.
- (12) Luminaires with adjustable aiming brackets are prohibited.
- (13) Lighting as required for emergency egress, security and safety subject to approval by the Town.

H. Grandfathering. The following provisions address exceptions and exemptions to outdoor lighting regulations herein stated:

- (1) Existing lighting is exempt from the provision of this code except that replacement fixtures, must be fully compliant.
- (2) Luminaires with adjustable aiming brackets shall be modified in compliance with this code within ninety (90) days from notification of non-compliance.

- (3) These Grandfathering provisions do not apply to lighting on a property, which ceases operations or is unoccupied for more than twelve (12) months. Site lighting must be brought into full compliance before reoccupation or reuse.
- (4) These Grandfathering provisions do not apply to lighting on a property where renovation work exceeds the value of existing property by twenty-five percent. Site lighting must be brought into full compliance before reoccupation or reuse.
- (5) All existing lighting installations that do not qualify under the grandfather clause must be brought into full compliance with the provisions of this ordinance within ten (10) years of its effective date.

I. Lighting Standards. The following additional lighting standards shall apply:

1. For parking areas and general areas not under canopy: 30-foot maximum and a 20-foot minimum mounting height from finished grade to light source/luminaire in compliance with this code. The lamp shall be metal halide with a maximum wattage of 250 or as otherwise approved by the Town.
2. For pedestrian areas and walkways with luminaires mounted lower than twenty feet: 16 feet maximum height from finished grade to light source/luminaire. The lamp shall be metal halide, with a maximum wattage of 100 watts or as otherwise approved by the Town.
3. For decorative post top, acorn or globe type outdoor lighting: 16-foot maximum height from finished grade to light source/luminaire. Luminaire shall be equipped with an internal loupered optical system and textured clear acrylic lens/globe or equivalent. The lamp source shall be metal halide with a maximum wattage of 100 or as otherwise approved by the Town.
4. Fully Shielded Luminaires. Fully shielded luminaires such as shoe box lighting, shall have lamps mounted in the horizontal burn position. Decorative post top, acorn, or globe type lighting is exempt from the horizontal lamp burning position requirement.
5. “Shoe Box” rectilinear type luminaires. It is recommended that all “Shoe Box” rectilinear type luminaires be equipped with a flat tempered glass lens. Quartz lenses are prohibited.
6. Paved Driveway and Fire Lane at Front of Building. Maximum of 5 foot-candles for paved driveway and fire lane at front of building and an average maintained illumination across the lighted area of 1 to 2 foot-candles.
7. On/Off Time Controls. On/off time controls shall be provided. General outdoor lighting shall be turned off within thirty minutes after closing of business. Under no circumstances shall the full illumination of the lighted site be permitted after 11:00 p.m. without Town approval. All lighting used after 11:00 p.m. shall be used for security lighting and pedestrian safety only.
8. Required Phosphor Coated Lamps. Phosphor coated lamps shall be utilized in all luminaires where the lamp source is not hidden by the luminaire housing or equipped with a diffused lens.
9. For areas under a canopy. For areas under a canopy the following lighting standards shall apply:
 - a. The light source shall be metal halide (maximum of 250 watts) or fluorescent

- b. The light fixture shall have a flat lens, if recessed or, if not recessed but dropped and attached, a flat lens and opaque on all sides
 - c. The metal halide source shall be phosphor coated when used with a clear flat glass lens or may be clear, when used with a diffused flat glass lens
 - d. The maximum foot-candle level shall not exceed 30 foot-candles (average maintained maximum) — see IES Lighting Handbook, 8th edition, Chapter 11, Figure 11-1, Part IV, Outdoor Facilities, Service Station (at grade).
10. Lighting intensities. Lighting intensities at the property line shall range from 0 to 1 foot-candles, with .5 next to residential; house side shields shall be used to direct light away from light sensitive areas such as residential.
11. On-site building lighting. On-site building lighting shall be limited to wall-washer or up-light fixtures which do not produce spillover lighting; flood-light fixtures mounted on building walls, roofs or poles are prohibited.
12. Compliance with Statutes and IES Standards:
- 1. Lighting intensities for ATM's shall comply with Florida Statutes
 - 2. Lighting intensities shall be designed as recommended by the Illuminating Engineering Society of North America (IESNA)
13. Flood Lighting Restriction. Flood lighting is prohibited under this code without compliance for cutoff luminaire as specified herein and recommended by IESNA. **If** a flood light type luminaire is used its mounting shall be permanently fixed with no vertical adjustment.
14. Lighting for Facilities Served by a Canopy: Facilities located under a canopy the luminaire lamp wattage shall not exceed 250 watts. Light fixtures shall have flat lens, if recessed or, if not recessed, the fixture shall have a flat lens and shall be opaque on all sides.
15. Public Safety Considerations: Illumination shall not be designed, arranged, or installed in any manner that creates a hazard or nuisance to traffic flow or to adjacent properties. Sufficient details shall be submitted to show compliance.
- J. Lighting for Recreational Facilities: Any light source permitted by this Code may be used for lighting of outdoor recreational facilities (public or private) such as football, soccer, baseball and softball fields, tennis courts, and other similar Town approved recreational land uses, provided all of the following conditions are satisfied:
- a. Lighting for parking lots and other areas surrounding football, soccer, baseball, and softball fields, tennis courts, auto and similar approved recreational land uses shall comply with this Code.
 - b. All luminaires used for football, soccer, baseball, and softball fields, tennis courts, and similar approved recreational land uses shall be fully shielded as defined in this Code, or shall be designed to provide sharp cut-off capability, so as to minimize up-light, spill-light, and glare.

SECTION XIII: DEVELOPMENT AGREEMENT REQUIRED

SECTION 2-16.13: DEVELOPMENT AGREEMENT REQUIRED. Any approval of a Preliminary Plat, Final Plat and/or Site Plan within the Hungerford-Planned Redevelopment District by the Town Council shall be executed based on a written Development Agreement. The Development Agreement shall be approved by the Town Council and approved by the Town Attorney as to form and content pursuant to the provisions of §2-26.12 Hungerford-Planned Redevelopment District, Chapter 2, Town of Eatonville Land Development Code. Development Agreement files shall embrace the plans, documents, drawings, and tabulations comprising terms of negotiated agreement pertaining to:

- Preliminary plats and supportive plans;
- Site plans and construction drawings (i.e., building plans);
- Final plats.

Within the Hungerford-Planned Redevelopment District a written Development Agreement shall be required to duly verify each Town Council action required as a prerequisite approval to duly authorize subdivision of property, development, redevelopment, and/or expansion of property within the Hungerford Redevelopment District.

A plat and subdivision Development Agreement shall incorporate the duly approved preliminary and final plats required to authorize the subdivision of land within Hungerford-Planned Redevelopment District. A preliminary plat and final plat shall be required to be duly approved by Town Council and shall provide notice of the compliant actions associated with the subdivision of property, including detailed data and illustrations of the size, shape, dimensions, topography, approved excavation and other actions taken by the owner/applicant in reconfiguring and preparing property for development. Each file for a such a Development Agreement shall include a Resolution verifying Town Council action in approving the subject plat and related subdivision plans and shall specifically reference the copy of the signed official copy of the plat and subdivision documents as well as any supportive documents affixed thereto as may be required to describe special conditions negotiated in the process of achieving a Hungerford-Planned Redevelopment Development Agreement. Such plats, supportive subdivision plans, and documents shall describe and illustrate site improvements desired by the applicant/owner and required to verify compliance with the applicable subdivision provisions of the Town of Eatonville Land Development Code:

A site plan and building plan Development Agreement shall incorporate the duly approved components of the site plan and building plan required to initiate new, changed or expanded land uses and construct buildings and other supportive improvements on property within the Hungerford-Planned Redevelopment District. Development Agreements for respective site plans and construction drawings shall include a Resolution verifying Town Council’s duly processed approval of the site plan and construction drawings and shall specifically reference signed official copy of the site plan and construction drawings as well as any supportive documents affixed thereto as may be required to describe special conditions negotiated in the process of achieving a Hungerford-Planned Redevelopment Development Agreement. Such plans and supportive documents shall describe and illustrate the buildings, on-site parking and landscaping, signage, access and egress improvements, including location and design of curb cuts, internal traffic circulation, and other feature of the proposed development desired by the applicant/owner and required to verify compliance with the applicable provisions of the Town of Eatonville Land Development Code. Key supplemental documents related to rezonings or specific negotiations addressing minimum lot sizes, building setbacks; minimum and maximum building areas,

maximum densities, maximum lot coverage, maximum building heights, and proposed architectural standards shall be described in the written development agreement.

The duly approved Development Agreement document shall reference and incorporate the duly approved preliminary plat, site plan, final plat and other documents as needed that address specific issues associated with proposed development within the Hungerford-Redevelopment District, including such issues as:

1. Stated agreements to:
 - a. Proceed with the proposed development according to all regulations;
 - b. Provide appropriate performance and maintenance guarantees;
 - c. Comply with all other provisions of the Land Development Code to the extent not expressly inconsistent with the written development agreement; and bind the applicant’s successors in title to his commitments.
2. Acreage and percentage of the total land area devoted to each of the proposed land uses.
3. Maximum density for each type of dwelling unit.
4. Maximum building height.
5. Minimum building spacing and floor areas.
6. Lot sizes, yard areas, and buffer areas, including perimeter buffers.
7. Statement regarding the disposition of sewage and storm water and arrangements for potable water.
8. When the PUD is planned for phased development, a schedule of the phases.
9. The proposed language of any covenants, easements, or other restrictions.
10. Any additional information or statements subsequently deemed necessary by any reviewing department or agency.

SECTION XIV: ENFORCEMENT AND PENALTIES

SECTION 2-16.14: ENFORCEMENT AND PENALTIES. In the event of a non-compliance with this Article, the Town Council or a designated representative of the Town Council shall have the authority to suspend construction activity and revoke any building permit used under this Article, and to take all actions necessary to halt construction until such time as the provisions herein are complied with, including any direct costs, expenses, and fees. In the event legal action is necessary, and costs, expenses and fees, including attorney fees and any professional fees are incurred by the Town in forcing compliance, these expenses shall be borne by the developer or parties violating the terms of this Article.

SECTION XV: SAVINGS CLAUSE

SECTION 2-16.15: SAVINGS CLAUSE. If any section, part of a section, paragraph, sentence, clause, phrase or word of this Article is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this Article without such constitutional, invalid, or inoperative part therein; and the remainder of this Article, after the exclusion of such part of parts, shall be deemed to be held valid as if such part or parts had not been included therein; or, if this Article or any of the provisions thereof shall be held inapplicable to any person, groups of persons, property, kind of property, circumstances, or set of circumstances, such holding shall not affect the applicability hereof to any other person, property or circumstances.

SECTION 2. Resolution of Conflicts.

All Ordinances or parts of Ordinances insofar as they are inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any conflict.

SECTION 3. Severability.

If any section, phrase, sentence 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 portions thereof.

SECTION 4. Effective Date.

This Ordinance shall be effective immediately upon passage.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the first reading on the ____ day of _____, 2022.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ____ day of _____, 2022.

Advertised in the Orlando Sentinel on August 8, 2022.

Attest:

TOWN OF EATONVILLE

Veronica King,
Town Clerk

Angie Gardner, Mayor

Approved as to Form:

Clifford B. Shepard, Town Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at Town Hall and on the Town's Official Website this ____ day of _____ 2022.

Veronica King
Town Clerk

Exhibit "A"
Legal Description

N. WYMORE ROAD AND E KENNEDY BOULEVARD

A portion of Section 35, Township 21 South, Range 29 East, and Section 2, Township 22 South, Range 29 East, Orange County, Florida, being more particularly described as follows:

COMMENCE at the North 1/4 Corner of Section 2, Township 22 South, Range 29 East Orange County, Florida; thence along the North line of said Section 2, North 88°54'36" East, 5.08 feet to a point on the Easterly Right of Way line of Wymore Road, as recorded in Official Records Book 2008, Pages 623 through 625, Public Records of Orange County, Florida, said point also being the POINT OF BEGINNING, said point also being on a non-tangent curve concave Southwesterly, having a radius of 863.00 feet, a central angle of 13°38'31" and a chord bearing and distance of North 16°55'56" West, 204.99 feet; thence from a tangent bearing of North 10°06'41" West along the arc of said curve and said Easterly Right of Way line, 205.48 feet to a point; thence departing said Easterly Right of Way line North 89°49'10" East, 281.14 feet; thence North 00°10'50" West, 556.92 feet; thence South 89°49'10" West, 577.83 feet to a point on the aforementioned Easterly Right of Way line and being a point on a non-tangent curve concave Easterly, having a radius of 761.78 feet, a central angle of 4°34'41" and a chord bearing and distance of North 09°43'56" West, 60.85 feet; thence from a tangent bearing of North 12°01'17" West along the arc of said curve and said Easterly Right of Way line, 60.87 feet to a point on the South line of lands described in Document number 20160285054, Public Records of Orange County, Florida; thence departing said Easterly Right of Way line South 89°47'23" East, 445.28 feet along the said South line of said lands to a point on the East line of said lands; thence North 00°12'37" West, 484.90 feet along said East line to a point on the North line of said lands; thence North 89°47'23" West, 446.54 feet along said North line to a point on said Easterly Right of Way line, as shown on Orange County Engineering Department Right of Way Map for Kennedy Boulevard/Lake Avenue contract NO. Y7-805A prepared by PEC INC., Dated 04/11/1989; thence along said Easterly Right of Way line the following six (6) courses and distances: (1) North 00°37'38" East, 294.19 feet; (2) thence North 03°44'24" East, 180.30 feet; (3) thence North 00°36'03" East, 119.97 feet; (4) thence North 03°41'24" East, 210.43 feet; (5) thence North 00°33'28" East, 249.99 feet to the point of curvature of a curve concave Southeasterly, having a radius of 65.00 feet, a central angle of 90°03'17" and a chord bearing and distance of North 45°35'07" East, 91.97 feet; (6) thence along the arc of said curve 102.16 feet to the point of tangency, said point being on the South Right of Way line of East Kennedy Boulevard, as shown on said Orange County Engineering Department Right of Way Map for Kennedy Boulevard/Lake Avenue; thence along said South Right of Way line the following four (4) courses and distances: South 89°23'15" East, 620.61 feet to a point hereinafter referred to as REFERENCE POINT "A"; (2) thence South 88°11'32" East, 128.68 feet to the point of curvature of a curve concave Northerly, having a radius of 2,904.93 feet, a central angle of 04°40'34" and a chord bearing and distance of North 89°28'11" East, 237.02 feet; (3) thence along the arc of said curve 237.08 feet to the point of tangency; (4) thence South 88°20'00" East, 109.77 feet; thence departing said South Right of Way line, South 02°26'36" East, 206.61 feet;

thence North 87°33'24" East, 175.13 feet to a point on the West Right of Way line of College Avenue as recorded in Official Records Book 286, Page 845, Public Records of Orange County, Florida; thence along said West Right of Way line, South 02°26'09" East, 814.29 feet; thence departing said West Right of Way line, North 89°30'56" West, 643.40 feet; thence South 00°00'00" East, 645.52 feet; thence South 89°30'56" East, 1166.09 feet; thence South 00°17'47" East, 204.75 feet; thence South 89°33'47" East, 435.03 feet; thence South 00°26'13" West, 204.95 feet; thence South 89°33'47" East, 227.64 feet to the West Right of Way line of West Street as recorded in Official Records Book 3154, Page 690, Public Records of Orange County, Florida; thence along said West Right of Way line, South 00°17'47" East, 283.74 feet; thence departing said West Right of Way line, along the South line of the Southeast 1/4 of the Southeast 1/4 of said Section 35, South 88°54'03" West, 1,385.96 feet; thence South 00°32'26" East, 705.06 feet; thence South 72°26'24" East, 88.29 feet; thence South 00°32'26" East, 136.40 feet; thence South 85°51'44" West, 77.02 feet; thence South 07°13'24" West, 431.30 feet to a point on the North line of lands

described in Official Records Book 5637, Pages 1378 and 1379, Public Records of Orange County, Florida; thence along said North line, South 89°33'35" West, 198.52 feet to the Northwest corner of said parcel; thence South 00°27'20" East along the West line of said Official Records Book 5637, Pages 1378 and 1379, 80.83 feet to the North line of the Southwest 1/4 of the Northeast 1/4 of Section 2, Township 22 South, Range 29 East; thence along said North line, South 89°10'50" West, 316.40 feet; thence South 01°17'30" East, 30.00 feet to the North line of Vacated Right of Way as recorded in Official Records Book 4548, Pages 4029 through 4031, Public Records of Orange County, Florida; thence along said North line, South 89°10'50" West, 334.73 feet to the Easterly Right of Way line of aforesaid Wymore Road; thence along said East Right of Way line the following three (3) courses and distances: (1) North 03°41'45" East, 1,201.08 feet; (2) thence North 86°18'15" West, 20.00 feet to a point on a non-tangent curve concave Westerly, having a radius of 863.00 feet, a central angle of 13°48'26" and a chord bearing and distance of North 03°12'28" West, 207.46 feet; (3) thence along the arc of said curve 207.97 feet to the POINT OF BEGINNING.

Less the following:

Commence at the intersection of the South right of way line of Ruffel Street and the West right of way line of College Avenue per Plat Book K, Page 121 and Official Records Book 2849, Pages 295-296 and Official Records Book 286, Page 845, Public Records of Orange County, Florida; thence North 02°26'09" West, a distance of 190.92 feet along the West line of said College Avenue to the POINT OF BEGINNING; thence North 89°30'56" West, a distance of 200.26 feet to a point on a line that is 200.00 feet West of and parallel with said West right of way line; thence North 02°26'09" West, a distance of 699.68 feet along said parallel line; thence departing said parallel line South 87°33'51" West, a distance of 255.12 feet; thence North 02°26'36" West, a distance of 322.57 feet to a point on a non-tangent curve concave Northerly, having a radius of 2904.93 feet, a central angle of 03°21'52" and a chord bearing of North 88°48'50" East, said point being on the South right of way line of East Kennedy Boulevard per Orange County Engineering Department right of way Contract No. Y7-805A, dated 04-22-1989; thence from a tangent bearing South 89°30'14" East, Easterly, a distance of 170.58 feet along the

arc of said curve and along said South right of way line; thence continue along said right of way line South $88^{\circ}20'00''$ East, a distance of 109.77 feet to a point on the West line of lands described in Official Records Book 6210, pages 4681 through 4685, Public Records of Orange County, Florida; thence South $02^{\circ}26'36''$ East, a distance of 206.61 feet along the West line of said lands to a point on the South line of said lands; thence North $87^{\circ}33'24''$ East, a distance of 175.13 feet along said South line to a point on said West right of way line; thence South $02^{\circ}26'09''$ East, a distance of 814.29 feet along said West right of way line to the POINT OF BEGINNING.

An Also Less that part conveyed to Orange County, a charter county and political subdivision of the State of Florida, in Instrument No. 20210749461, Public Records of Orange County, Florida.

Together with all Owner's real property right, title and interest within those certain easements recorded in Official Records Book 5592, Page 3926, Public Records of Orange County, Florida.

ORDINANCE #2022-07

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, ORD. NO. 2022-7, AMENDING THE TEXT OF THE TOWN'S COMPREHENSIVE PLAN TO AMEND THE TEXT OF FUTURE LAND USE ELEMENT POLICY 1.6.8; THE FUTURE LAND USE MAP AND DENSITY/INTENSITY TABLES; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Eatonville adopted a Comprehensive Plan, which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the Town of Eatonville is committed to planning and managing the future growth and development of the Town; and

WHEREAS, the Town Council of the Town of Eatonville, upon the recommendation of the Planning and Zoning Commission of the Town of Eatonville, has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Local Planning Agency held a public hearing on August 18, 2022, has reviewed and recommended by the adoption of the proposed Comprehensive Plan amendment; and

WHEREAS, the Town Council of the Town of Eatonville held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, the Town of Eatonville has complied with all other requirements and procedures of Florida law in processing this amendment to the Town's Comprehensive Plan; and

WHEREAS, the Town Council of the Town of Eatonville hereby finds and determines that this amendment is internally consistent with the Town's Comprehensive Plan and is consistent with other controlling law to include, but not limited to Chapter 163, Florida Statutes; and

WHEREAS, the Town Council of the Town of Eatonville hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety, and welfare of the citizens of Eatonville, Florida.

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

Section 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

Section 2. COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT POLICY 1.6.8 “THE FUTURE LAND USE MAP AND DENSITY/INTENSITY TABLES.” Pursuant to subsection 163.3184(3), Florida Statutes, the table within Policy 1.6.8(A) regarding Hungerford Mixed Use Developments and the table representing Policy 1.6.8(B) in the Future Land Use Element of the Town’s Comprehensive Plan, shall be to read as follows in their entirety:

HUNGERFORD MIXED USE DEVELOPMENTS	MIN. % LAND USE MIX (1)	MAX. % LAND USE MIX
Residential	5%	20 25%
Commercial Offices	20 5%	60%
Commercial Retail/Service Use	40 10%	60%
Public / Institutional, including Educational, Religious, and Philanthropic	5%	N/A

- (1) The minimum percentage user requirements on Table 1.6.8 (A) shall be met for each use category prior to the allowance of any maximum percentage of a use category as provided in the table.

TABLE 1.6.8(B): ADOPTED DENSITY AND INTENSITY FOR HUNGERFORD MIXED-USE DEVELOPMENT			
Residential Land Use	Min. Site Size	Maximum Density (Units/Acre)	Maximum Intensity (Height in feet)
Low Density Single Family Residential: Detached or Attached	The minimum lot size and dimension shall be negotiated during the preliminary subdivision plat and site plan approval process as part of the terms of a duly executed H-PRD development agreement.	5 u/a	35 feet
Medium Density Single Family Residential: Detached Dwellings/Attached Town Houses Zero Lot Line Home		8 u/a	35 feet
High Density Multi-Family Residential or Attached Single Family Town Homes		17 u/a	40 50 feet 2
Non-Residential Land Uses		Intensity (Height)	
E. Kennedy-Wymore Commercial		40 ft.	
		40 ft.	
Public/Semi Public		48 ft.	
Civic or Medical		48 ft.	
Wymore Office South	2 acres	110 ft. Potential bonus up to 115 ft. ¹	

- ¹ **Bonus height may be permitted for building in the Wymore Office South and the Wymore Office Central Sector of the Hungerford-Planned Redevelopment Future Land Use Map Designated Area.** The height shall be measured from the weighted average of approved finished ground elevation of the property to the peak of the roof. Through a negotiated Hungerford-Planned Redevelopment Development Agreement an increase in height may be negotiated to achieve an additional height up to 115 feet in the Wymore Office South Segment if the applicant desires to negotiate an investment in storm water management, roadways, wastewater/potable water systems, mass transit system, fiber optics cable District system expansion to site, or other off-site or on-site community improvements within the Hungerford Planned Redevelopment District that is not a requirement pursuant to Town of Eatonville regulatory powers. The objective is for applicant and Town to achieve mutually proportionate benefits through terms of a negotiated Development Agreement through the development review process. The Town Council and the Applicant/Owner, and any successor in title, would be bound by the terms of a duly negotiated Development.
- ² **Architectural elements shall be incorporated to the overall design and height.**

Section 3. TRANSMISSION TO AGENCIES; DIRECTIONS TO THE CLERK.

Within ten (10) days after the first public hearing of this Ordinance and passage of same by the Town Council of the Town of Eatonville, the Town Clerk or her designee is hereby directed to transmit a copy of the adopted plan amendments, with any supporting data and analysis, to the Florida Department of Economic Opportunity (DEO), and all units of local governments or governmental agency in the State of Florida that has oversight and comment authority with respect to the Town of Eatonville’s comprehensive plan in accordance with Chapter 163, Florida Statutes.

Section 4. CONFLICTS. After the effective date of this Ordinance, in any case where all or any part of this Ordinance is found to be in conflict with any provision of any other ordinance of the Town of Eatonville, to the extent of such conflict, all such ordinances are hereby repealed.

Section 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unenforceable, unlawful or unconstitutional by a court of competent jurisdiction, 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.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the Town that the plan amendment package is complete. However, if timely challenged, this Ordinance shall not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance. *See* Fla. Stat. 163.3184(3)(c)4 (2021).

Upon motion duly made and carried, the foregoing Ordinance was approved and passed and transmitted upon the first reading on the ____ day of _____, 2022.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ____ day of _____, 2022.

Advertised in the Orlando Sentinel on _____, 2022.

Attest: **TOWN OF EATONVILLE**

Veronica King,
Town Clerk

Angie Gardner, Mayor

Approved as to Form:

Clifford B. Shepard, Town Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at Town Hall and on the Town’s Official Website this ____ day of _____ 2022.

Veronica King
Town Clerk

ORDINANCE #2022-08

AN ORDINANCE OF THE TOWN OF EATONVILLE, FLORIDA, ORD. NO. 2022-8, AMENDING THE TOWN'S COMPREHENSIVE PLAN TO CHANGE THE FUTURE LAND USE MAP DESIGNATION FOR PROPERTY GENERALLY LOCATED SOUTH OF E. KENNEDY BOULEVARD AND WEST OF N. WYMORE ROAD, FROM COMMERCIAL TO MIXED USE ON THE TOWN'S OFFICIAL FUTURE LAND USE MAP; PROVIDING FOR TRANSMISSION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Eatonville adopted a Comprehensive Plan, which meets the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act of 1985; and

WHEREAS, the Town of Eatonville is committed to planning and managing the future growth and development of the Town; and

WHEREAS, the Town Council of the Town of Eatonville, upon the recommendation of the Planning and Zoning Commission of the Town of Eatonville, has the authority to amend its Comprehensive Plan pursuant to Chapter 163, Florida Statutes; and

WHEREAS, the Local Planning Agency held a public hearing on August 18, 2022, has reviewed and recommended by the adoption of the proposed Comprehensive Plan amendment; and

WHEREAS, the Town Council of the Town of Eatonville held public hearings to consider this amendment, with due public notice having been provided, to obtain public comment, and considered all written and oral comments received during public hearings, including supporting documents; and

WHEREAS, the Town of Eatonville has complied with all other requirements and procedures of Florida law in processing this amendment to the Town's Comprehensive Plan; and

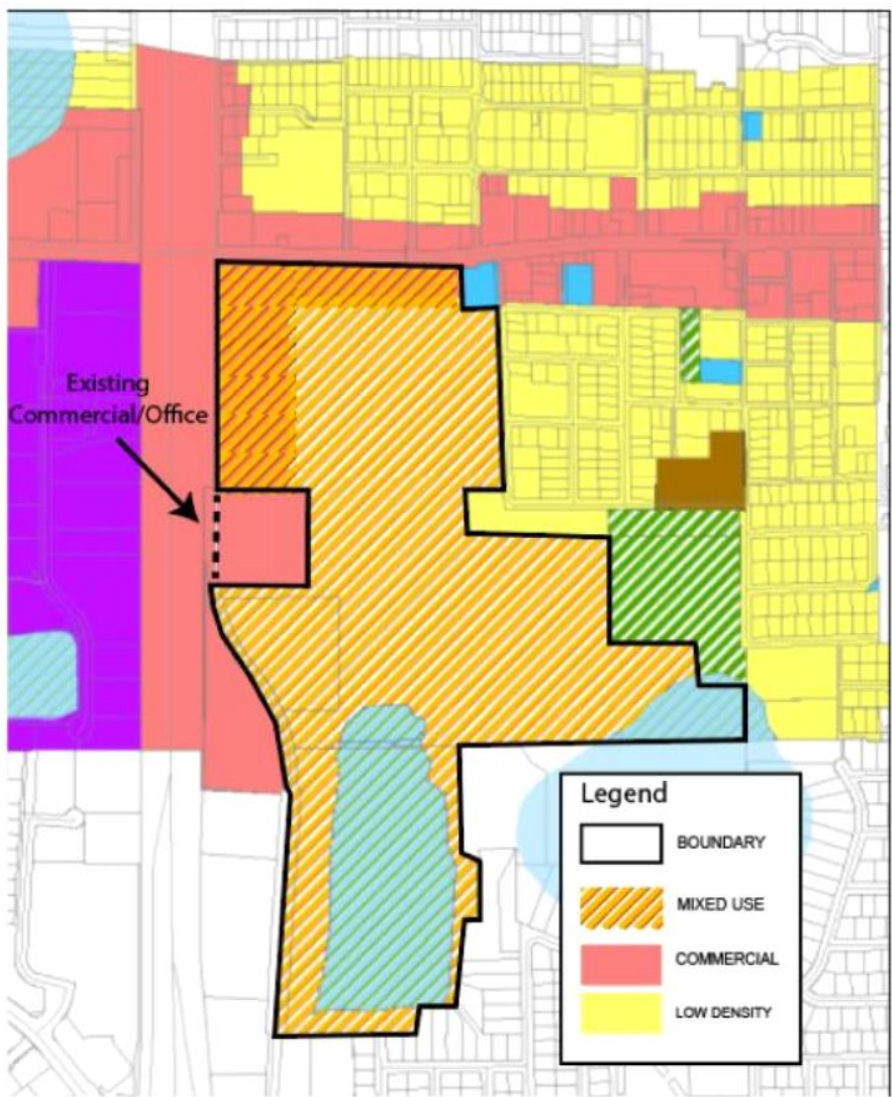
WHEREAS, the Town Council of the Town of Eatonville hereby finds and determines that this amendment is internally consistent with the Town's Comprehensive Plan and is consistent with other controlling law to include, but not limited to Chapter 163, Florida Statutes; and

WHEREAS, the Town Council of the Town of Eatonville hereby finds that this Ordinance serves a legitimate governmental purpose and is in the best interests of the public health, safety, and welfare of the citizens of Eatonville, Florida.

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

Section 1. LEGISLATIVE FINDINGS. The recitals set forth above are hereby adopted as the legislative findings of the Town Council of the Town of Eatonville, Florida.

Section 2. COMPREHENSIVE PLAN FUTURE LAND USE MAP AMENDMENT. Pursuant to subsection 163.3184(3), Florida Statutes, the proposed Future Land Use Map Amendment changing the Future Land Use Map designation for property generally located south of E. Kennedy Boulevard and west of N. Wymore Road, as more particularly described in Exhibit “A” attached hereto, from COMMERCIAL to MIXED USE on the Town’s Official Future Land Use Map as show below:



Section 3. TRANSMISSION TO AGENCIES; DIRECTIONS TO THE CLERK. Within ten (10) days after the first public hearing of this Ordinance and passage of same by the Town Council of the Town of Eatonville, the Town Clerk or her designee is hereby directed to transmit a copy of the adopted plan amendments, with any supporting data and analysis, to the Florida Department of Economic Opportunity (DEO), and all units of local governments or governmental agency in the State of Florida that has oversight and comment authority with respect to the Town of Eatonville’s comprehensive plan in accordance with Chapter 163, Florida Statutes.

Section 4. CONFLICTS. After the effective date of this Ordinance, in any case where all or any part of this Ordinance is found to be in conflict with any provision of any other ordinance of the Town of Eatonville, to the extent of such conflict, all such ordinances are hereby repealed.

Section 5. SEVERABILITY. If any section, sentence, phrase, word or portion of this Ordinance is determined to be invalid, unenforceable, unlawful or unconstitutional by a court of competent jurisdiction, 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.

Section 6. EFFECTIVE DATE. This Ordinance shall become effective thirty-one (31) days after the Department of Economic Opportunity notifies the Town that the plan amendment package is complete. However, if timely challenged, this Ordinance shall not become effective until the Department of Economic Opportunity or the Administration Commission enters a final order determining the adopted amendment to be in compliance. *See* Fla. Stat. 163.3184(3)(c)4 (2021).

Upon motion duly made and carried, the foregoing Ordinance was approved and passed and transmitted upon the first reading on the ____ day of _____, 2022.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second reading on the ____ day of _____, 2022.

Advertised in the Orlando Sentinel on _____, 2022.

Attest:

TOWN OF EATONVILLE

Veronica King,
Town Clerk

Angie Gardner, Mayor

Approved as to Form:

Clifford B. Shepard, Town Attorney

CERTIFICATE OF POSTING

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at Town Hall and on the Town’s Official Website this ____ day of _____ 2022.

Veronica King
Town Clerk



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

FEBRUARY 7, 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 – January 17, 2023
(Clerk Office)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE (CLERK OFFICE)
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Meeting Minutes – January 17, 2023
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Approval of meeting minutes for the Town Council Meeting held on January 17, 2023.

SUMMARY: The Town Council Meeting was held on the 3rd Tuesday, January 17, 2023, 7:30 p.m. and minutes were transcribed from the audio archive for approval for the public records.

RECOMMENDATION: Approval of January 17, 2023 meeting minutes.

FISCAL & EFFICIENCY DATA: N/A

TOWN COUNCIL
REGULAR MEETING
MINUTES
January 17, 2023

Section VI. Item #1.

PRESENT: Mayor Angie Gardner, Vice Mayor Rodney Daniels, Councilman Marlin Daniels, Councilwoman Wanda Randolph, and Councilman Theo Washington. **STAFF:** Clifford Shepard, **Town Attorney**, Randy Singh, **Chief Administrative Officer**, Veronica King, **Town Clerk**, Chief Jenkins, **Deputy Chief**, Albert English, **Public Works Director**, and Tara Salmieri, **Certified Planner**, and Katrina Gibson, **Finance Director**

CALL TO ORDER & VERIFICATION OF QUORUM

Mayor Gardner called meeting to order at 7:30pm with a verification of quorum through Mrs. King

INVOCATION & PLEDGE OF ALLEGIANCE

Pastor Critton led the Prayer of Invocation, followed by the Pledge of Allegiance.

APPROVAL OF AGENDA – Amended agenda removing the hearing of the DEV2022-03 Special Exception **Motion for approval of amended agenda;** moved by Councilwoman Randolph; second by Councilman Washington **AYE: ALL, MOTION PASSES.**

CITIZEN PARTICIPATION - THREE (3) MINUTES STRICTLY ENFORCED.

Mayor Gardner called for Citizen Participation; with (2) participating citizens.

DEREK BRUCE – (Accompanied by Sean Myers and George Williams) Made announcement about the upcoming Community Information meeting at the Hungerford Elementary School, January 31, 2023 at 6:30pm for citizens to ask questions and understand more about the Hungerford Park Project. The meeting is in partnership with the Unity Federal Credit Union represented by George Williams.

LADWYANA JORDAN – Requesting update on the Tommy Dixon property located next door to the Chamber of Commerce; there is lots of unusual activity. Thanks for someone coming by to mow the lawn. What is the Town planning to do with the property? Requesting update on the lien placed on the Chambers and how will she be notified; in response, the Dixon property will be discussed at the CRA meeting. No updates today on the lien; updates forthcoming, will have to come back before the Council. Mayor Gardner will contact Ms. Jordan before the scheduled CRA meeting on Thursday.

APPROVAL OF PUBLIC HEARING (First Reading): Approval of First Reading of request for Plat Revision to partially release a portion of an existing 20-foot utility easement; read preamble. Tara Salmieri made introductions of the request; plat revision area next to Zaxby's requiring changes to the plat book by way of an Ordinance (text change). CPH reviewed and worked with applicant; CPH along with Winter Park are recommending the vacating of the easement. **(No Public Comments)** Aaron Hickman (CHW, agent for the applicant was present to answer questions. **(Council Comments)** (Councilwoman Randolph) Is this to make more room for a new restaurant; in response, the intent is to clear the area for potential sell or contract with a future developer (Council Washington) Where is the utilities from; in response, the utilities run north/south of the driveway, water runs off the backside and is to remain as is. Need to look into the possibility of losing income due to development in the future. (Mayor Gardner) Request for visual explanation of location; open grass area which is a pad ready site for a future building. (Aaron Hickman) All utilities are in the ground, no limitations for future connections to the current utilities that are in place. Easement area is between Zaxby's and NAPA, easement runs down the center. (Attorney Shepard) There is no real con to the release of easement; unless public works come back and say that we have a future need; that we do not already have. In this case public works has not indicated this. **Motion for Approval of First Reading of request for Plat Revision to partially release a**

portion of an existing 20-foot utility easement; moved by Councilwoman Randolph; second by Daniels; **AYE: ALL, MOTION PASSES.**

APPROVAL OF CONSENT AGENDA:

Motion for approval of Consent Agenda approving meeting minutes for January 3, 2023; moved by Councilman Washington; second by Councilwoman Randolph: **AYE: ALL, MOTION PASSES.**

COUNCIL DECISIONS:

Motion for approval of the Zora Festival 2023 Agreement between the Town of Eatonville and the Association to Preserve the Eatonville Community (PEC); moved by Councilman Theo Washington; second by Councilwoman Randolph; **with discussion:** (M. Daniels) Item is being presented at the last minute; unfair to businesses and residents to rush through this when information was requested 3-4 months ago. Attorney did not review the agreement. (Ms. Nithiri) Have had a series of meetings with administration and the police department; this is an agreement versus a resolution. PEC acknowledged the professionalism working with the administration and police department. Without Macedonia MBC, the festival could not be done in Eatonville. School Board did not allow use of Hungerford property due to pending sale. Handouts were provided to Council to include the map of the festival. Preparation for Zora 2023 took less than five months due to the previous Zora that was held in June 2022. Zora 2024 may not be able to take place in Eatonville due to parking. There will be national media coverage. (Exclusive Rights) means that the town endorses event and will not allow outside vendors who have not passed the criteria to vend at Zora. No permits have been made until the agreement is approved by Council. Event is being promoted prior to approval. There was no counter of the agreement presented by administration. The festival is the 27th – 29th, road will be closed until Monday 2am. Councilman M. Daniels request a copy of MOT. (Permits) Councilman M. Daniels made references to Ordinance 2010-18, Vendors have a permit under the sponsor's blanket permit, will pay a special event permit, will cover police costs, will acquire one-million-dollar liability policy, residents and children are free (except for VIP). \$12, 280 is to be paid this Friday (paid to the Town of Eatonville) by noon. When will the business and residents be notified; in response, flyers will be distributed (Friday the 20th), MOT will give road closure dates and must be approved by Council. Signs should be permitted. There are flaws in the agreement. Towing company will be handled through the police department. Mayor Gardner confirmed that the land use was discussed for use during the outdoor festival. Agreement needs a signature block and date. (Chief Jenkins) four hours is the minimum of hours the officers should be paid. If the crowd is larger than expected, a call to the Sheriff's office for assistance will be made. If crowd is less than expected, officers will be released if necessary during the mid-day meeting: Friday, there is 5 officers to a 500 crowd, Saturday and Sunday, there is 7 officers to a 700 crowd, (Councilwoman Randolph) I see this as a plan for failure; late notice for the agreement; the correct way is to submit application, get permits, then execute the plan. No one has the right to use of land without approval. How were the deadlines established; should have been set by the town. What town employees will be utilized for the festival? (Mayor Gardner) most of the information being referenced is not listed in the ordinances and is administrative, is outside of the legislative box. Ask that Council stay within their legislative role. Ms. Nithiri have spoken with Orange County, Chief, Officer Hernandez, and has gone through all the steps. It will help to have a special event permit process. Attorney Shepard confirmed that Council is to make sure the ordinances are followed; everyone should follow the ordinances. Time should be spent on what the agreement should say or not say, how can it be revised quickly as an agreement and guide for people? (Vice Mayor R. Daniels) For Zora, we want the process done right. To NY Nithiri, it was discussed that a percentage of the vendor proceeds were to come back to the town. In response, the event proceeds go towards the K-12 grade programs and the proceeds from vendors go towards the things connected to the festival; porta potties, fencing, the MOT, stage, and entertainment. In order to get sponsorship, we have to plan ahead. (Councilwoman Randolph) The festival is at a different place; need to step back to discuss what is wrong and what is right. Should evaluate, build trust in the people, sponsors, participants, and the Town of Eatonville. Planning should start in June. (NY Nithiri) Zora is the longest running arts and culture festival of humanities with a reputation and with an international draw. We need to reclaim the splendor of the outdoor festival. (Vice Mayor R. Daniels) Would like to know why legal was not involved with the contract, does the Mayor have the authority

to allow use of land owned by the Town and the CRA without coming to Council. The Town is finances from the festival. Who wrote the agreement and who helped write the agreement? (Councilman Washington) The Enclave project was given a blanket permit and all fees were waived; but we are giving Ms. Nithiri a hard time about permits for the festival. (Councilman M. Daniels) Concessions were given to the Zora Festival last time; purpose for collecting permit fees is to offset the cost of staff without a tax burden to the residents. For the residential homes located near the festival, has anyone spoken with them? (Ms. Nithiri) Requested for a point person from the Council; the Mayor indicated that she would be that person. Requested for a workshop on April 19, 2022 to discuss how to move forward. Have asked in the agreement for use of the land. (Councilman M. Daniels) Asked that this item be tabled and have Attorney Shepard to review the agreement. (Mr. Singh) Use of the Town and CRA property is a recommendation in the agreement and brought before the Council for consideration. (Attorney Shepard) The issue is the timetable to getting the agreement approved; I can review and get it turn around. (Mr. Singh) Recommend having legal to review the agreement and discuss on Thursday. This is the issue of not getting information on time; item was supposed to have been on the January 3rd meeting but did not receive the information. Timing is an issue and challenge for staff. (Attorney Shepard) Because this is a Council issue, the meeting would have to be noticed as a special council meeting. MOT is to be paid tomorrow. **Open Motion for approval Zora Festival 2023 Agreement between the Town of Eatonville and the Association to Preserve the Eatonville Community (PEC), AYE: Mayor Gardner, Councilman Washington; NAYE: Councilwoman Randolph, Councilman M. Daniels, Vice Mayor R. Daniels. MOTION FAILS. Comments:** Clerk will send Zora agreement and Ordinance 2010-18 to Attorney Shepard and Ms. Nithiri will send the approved MOT. Council came to a consensus to schedule for a special council meeting for Thursday, 2-19-23 at 5:30 p.m.

REPORTS:

CHIEF ADMINISTRATIVE OFFICER: (Randy Singh) Received letter/order between Florida Department of Environmental Protection and the Town of Eatonville; there are several violations that date back to 2019. The water is not up to EPA standards. There are chemical compounds in the water. (Carlos Tola, contracted consultant, Biometric) Made every effort to contact the previous administration; now working with Mr. English to flush the system. A test was done on Friday and another test will take place in two weeks. Currently in stage two, according to DEP, the water is unsafe. (Attorney Shepard) asked consultant would he drink the water; yes. The standards have built in margins for error. Adding ammonia to the chlorine will cut the reading down about 33 percent; will see a change in about 3-6 days. The process requires engineering and approval before beginning; estimated cost could be \$10,000-\$30,000. Need to notify the public by letter; constructed by DEP. The citing is for 2021-2022 and letter was sent to Mr. English. Consultant recommends waiting before deciding; until after the second test to compare with the first test. **Motion for approval of Biometrics to proceed to the next steps in making sure the chemical levels are in line with the state and with the health of the community, bringing back costs and contractual obligations;** moved by Councilman M. Daniels; second by Councilman Washington: **AYE: ALL, MOTION PASSES.**

LEGAL COUNSEL REPORT: (Clifford Shepard) There is a pending case between the Town and the Real Estate Commission; due to conflict, Attorney Jackson will take over as representing counsel.

COUNCIL REPORTS:

Councilman Marlin Daniels – Good time at the MLK Parade. Let's move forward and do things right, more transparency. Would like updates on the police department; see Chief Jenkins but thought Friday was his last day. Concerns about missing records, deleted emails, computers being wiped out, and terminated employee still having access.

Councilwoman Wanda Randolph – (Concerns) MLK Parade was good. Keep hearing about Thanksgiving event was for everyone and was not to takeover or take away from anyone; had nothing to do with the Town of Eatonville.

Councilman Theo Washington – No Report, thanks to everyone for coming.

Vice Mayor Rodney Daniels – Concerned about the water situation; letters went out, but nothing was done. As a board we cannot agree that missing files and a computer being wiped out is wrong; that is criminal.

Mayor Angie Gardner – Thanks to Jonita Robinson, staff, volunteers, fraternities, sororities, citizens, parade participants, sponsors, and attendees; it was a successful parade. Anticipate a great Zora Festival; prefer the street festival look. Let's make the planning process better. The World Conference of Mayors (WCM) and the HBTSA will meet in the Chambers on January 28, 2023 at 8am; Town Council is invited.

ADJOURNMENT: Motion to adjourn, moved by Councilman Washington; seconded by Mayor Gardner; **AYE: ALL, MOTION PASSES. MEETING ADJOURNED** at approximately 10:29PM.

Respectfully Submitted by:

APPROVED

Veronica L King, Town Clerk

Angie Gardner, Mayor



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

FEBRUARY 7, 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 Special Meeting Minutes – January 19, 2023
(Clerk Office)

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: LEGISLATIVE (CLERK OFFICE)
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Town Council Special Meeting Minutes – January 19, 2023
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Approval of meeting minutes for the Town Council Special Meeting held on January 19, 2023 at 5:30pm.

SUMMARY: The Special Town Council Meeting was held on the 3rd Thursday, January 19, 2023, 5:30 p.m. and minutes were transcribed from the audio archive for approval for the public records.

RECOMMENDATION: Approval of January 19, 2023 Special Town Council Meeting minutes.

FISCAL & EFFICIENCY DATA: N/A

TOWN COUNCIL
SPECIAL COUNCIL MEETING
MINUTES
January 19, 2023

Section VI. Item #2.

PRESENT: Mayor Angie Gardner, Vice Mayor Rodney Daniels, Councilman Marlin Daniels, Councilwoman Wanda Randolph. **STAFF:** Patrick Brackins, **Town Attorney**, Randy Singh, **Chief Administrative Officer**, Veronica King, **Town Clerk**, and Joseph Jenkins, **Deputy Chief**,

CALL TO ORDER & VERIFICATION OF QUORUM

Mayor Gardner called meeting to order at 5:30pm with a verification of quorum through roll call by Mrs. King

INVOCATION & PLEDGE OF ALLEGIANCE

Mayor Gardner led a Moment of Silence followed by the Pledge of Allegiance.

COUNCIL DECISIONS:

Approval of the Zora Festival 2023 Agreement between the Town of Eatonville and the Association to Preserve the Eatonville Community (PEC) (Attorney Brackins) Attorney Shepard has reviewed the agreement and a redlined draft along with a clean draft has been provided. In addition, there were recommended edits from Councilwoman Randolph for Council to consider. **Motion for approval of the Zora Festival 2023 Agreement between the Town of Eatonville and the Association to Preserve the Eatonville Community (PEC);** moved by Councilman Theo Washington; second by Councilwoman Randolph; **with discussion:** (Vice Mayor R. Daniels) Do we include the second item Resolution 2023-1 in with the motion to approve agreement; in response, the resolution would be a second motion. Handed out a second draft which includes the recommended edits from Councilwoman Randolph; edits read by Attorney Brackins. (Mayor Gardner) To Ny Nithiri, request feedback on the recommended changes for use of the Council Chambers instead of the CRA building; yes, in agreement. The Council Chambers would be conducive for use as a green room. (Councilman M. Daniels) Which map is being used for the festival; the correct map says 11-19; previously given during the Council meeting on Tuesday (Stage in the middle of street). The road closure was submitted to Orange County; no site map was required to be submitted, only the MOT (Movement of Traffic). Is there a copy of the detour plan that is outlined in the MOT? Attorney Brackins indicated that he has the copy of the detour plan. Ms. Nithiri is unable to speak to the professional work of the traffic engineers from Orange County. Do not see in the agreement where vendors are to pay a fee; referred to Ordinance 2010-18, Special events section. (Councilwoman Randolph) I recall participating as vendor paying PEC and the Health Inspector. PEC paid the cost for each vendor tent; Councilman Washington confirmed that vendors pay the sponsor and health department, not a third person. (Ms. Nithiri) Universal is to ensure that vendors are complying. (Councilman M. Daniels) Ms. Nithiri should collect the fees and pay the Town. Ms. Nithiri stated that she is paying Universal directly for Code Enforcement. Universal will invoice the Town and PEC will pay the \$175.00 cost to CPH. (Attorney Brackins) Ordinance 2010-18 is incorporated into the code, sections 45-60; section 12-48 speak to provisions. (Councilwoman Randolph) The town should receive its fair share; need to follow the ordinance. (Vice Mayor R. Daniels) found contract that states that a percentage of the vendor fee comes to the town; feel as though we are being pushed into this agreement. Questions: Why was the agreement not given to legal initially, What would happen if someone was to falls; need to ensure that the town is not held responsible? There was a breach of contract letter given in 2016 over the same issues; pay to officers, road closures. Next time, let's get started in October/November negotiating the agreement. (Ms. Nithiri) There is a 2-million-dollar liability policy (Certificate of Insurance), the language in the agreement states that the town requires a hold harmless. (Mr. Singh) in order for agreement to be done by December 1st, Vice R. Mayor Daniels is correct in wanting to start earlier. (Ms. Nithiri) In April, a workshop was presented to council to discuss the festival. Vendor fees cover all the expenses dealing with the outdoor festival.

(Vice Mayor R. Daniels) Want to be on the planning committee, consider going to a one-day know your entertainment and where you want to have festival by November. The post event meeting usually takes place on the 1st Saturday in March (open meeting). (Mayor Gardner) If this agreement is successful, we can keep the agreement and update when needed. (Attorney Brackins) In reading Ordinance 2010-18, it does not indicate that each vendor is to pay a fee; do not know the historical knowledge. Not seeing anything outside of the permit for special event where the vendor is required to pay for an additional permit. (Councilwoman Randolph) should be honest and transparent; Ms. Nithiri knows that there were assessed fees for each vendor tent; extra revenue to the town. Planning should start in June and PEC and the Town need to get together. There has been a decline in attendance and in vendor participation: there is no need for a three-day event. **Open Motion for approval Zora Festival 2023 Agreement between the Town of Eatonville and the Association to Preserve the Eatonville Community (PEC), AYE: Mayor Gardner, Councilman Washington, Councilwoman Randolph, Vice Mayor R. Daniels; NAYE: Councilman M. Daniels MOTION PASSES.**

Approval of Resolution 2023-1 approving use of Town owned property during the 2023 Zora Festival (Preamble read) – Attorney Brackins stated that the changes made in the approved agreement will have to be included in the resolution; changes were read by Attorney Brackins. The motion should include a waiver of the 30-day notice of provision requirements in respect to the perimeters. **Motion to Approve of Resolution 2023-1 approving use of Town owned property during the 2023 Zora Festival as amended waiving the thirty-day notice stated in the code section 12-52;** moved by Councilman Theo Washington; second by Councilwoman Randolph; **AYE: Mayor Gardner, Councilman Washington, Councilwoman Randolph, Vice Mayor R. Daniels; NAYE: Councilman M. Daniels MOTION PASSES.**

No Staff Comments.

Public Comments:

(MS. NY NITHIRI) Thanks to Council for its deliberations, support, and overlooking past problems. What is being done in Eatonville with Zora has been done in other municipalities; the Town of Eatonville is recognized as a cultural landscape.

(JOYCE IRBY) Connected to the Town of Eatonville since 1800; have 400-500 cousins in Eatonville. The things that are happening, tearing down the High School and disenfranchising the people. I do not want Eatonville to have its culture and history stripped away. Sad at the tone being used today.

(Councilwoman Randolph) Observation: For stated reason of being up against the clock; I was cut off from speaking, yet it was allowed for two individuals from the public to speak; Mayor Gardner offered an apology.

ADJOURNMENT: Motion to adjourn, moved by Councilman Washington; seconded by Councilman M. Daniels; **AYE: ALL, MOTION PASSES. MEETING ADJOURNED** at: 6:33PM.

Respectfully Submitted by:

APPROVED

Veronica L King, Town Clerk

Angie Gardner, Mayor



HISTORIC TOWN OF EATONVILLE, FLORIDA

TOWN COUNCIL MEETING

FEBRUARY 7, 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 Audit Firm Carr, Riggs & Ingram CPA and Advisors
Engagement Letter for FY 2022 Financial Audit

TOWN COUNCIL ACTION:

PROCLAMATIONS, AWARDS, AND PRESENTATIONS		Department: ADMINISTRATIVE (FINANCE)
PUBLIC HEARING 1ST / 2ND READING		Exhibits: <ul style="list-style-type: none"> Copy of Carr, Riggs & Ingram, LLC Engagement Letter for FY 2022 for Professional Auditing Services
CONSENT AGENDA	YES	
COUNCIL DECISION		
ADMINISTRATIVE		

REQUEST: Staff requests approval of Audit Firm Carr, Riggs & Ingram CPA and Advisors Engagement letter for FY 2022 financial audit.

SUMMARY: Attached is the Scope of Services from Carr, Riggs & Ingram for auditing services for the year ended September 30, 2022.

RECOMMENDATION: Staff recommends acceptance of the Engagement letter for FY 2022 for professional auditing services with Carr, Riggs & Ingram CPA and advisors.

FISCAL & EFFICIENCY DATA: The proposed cost submitted by Carr, Riggs & Ingram \$52,000.

001-0513-513.3200



Carr, Riggs & Ingram, LLC
1031 West Morse Boulevard
Suite 200
Winter Park, FL 32789

407.644.7455
407.628.5277 (fax)
CRLcpa.com

January 18, 2023

Town of Eatonville, Florida
307 E. Kennedy Blvd.
Eatonville, FL 32751

We are pleased to confirm our understanding of the services we are to provide Town of Eatonville, Florida for the year ended September 30, 2022.

Audit Scope and Objectives

We will audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information, including the related notes to the financial statements, which collectively comprise the basic financial statements, of the Town of Eatonville, Florida as of and for the year ended September 30, 2022. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Eatonville's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Eatonville's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by U.S. generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- 1) Management's Discussion and Analysis.
- 2) Required supplementary pension information
- 3) Budgetary comparison schedules for certain governmental funds

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Eatonville, Florida's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole in a report combined with our auditor's report on the financial statements:

1) Budgetary comparison schedules for certain enterprise funds

The objectives of our audit are to obtain reasonable assurance as to whether the financial statements as a whole are free from material misstatement, whether due to fraud or error; issue an auditor's report that includes our opinion about whether your financial statements are fairly presented, in all material respects, in conformity with GAAP; and report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS and *Government Auditing Standards* will always detect a material misstatement when it exists. Misstatements, including omissions, can arise from fraud or error and are considered material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment of a reasonable user made based on the financial statements.

The objectives also include reporting on internal control over financial reporting and compliance with provisions of laws, regulations, contracts, and award agreements, noncompliance with which could have a material effect on the financial statements in accordance with *Government Auditing Standards*.

Compliance with Florida Statute 218.415

We will also examine the Town of Eatonville, Florida's compliance with Florida Statute, 218.415 Local *Government Investment Policies* for the year ending September 30, 2022.

The objective of our examination is to obtain reasonable assurance to express an opinion as to whether the Town of Eatonville, Florida complied, in all material respects, with Florida Statute 218.415.

Our examination will be conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. Accordingly, it will include examining, on a test basis, your records and other procedures to obtain evidence necessary to enable us to express our opinion. We will issue a written report upon completion of our examination. Our report will be addressed to the Town Council of the Town of Eatonville, Florida. We cannot provide assurance that an unmodified opinion will be expressed. Circumstances may arise in which it is necessary for us to modify our opinion. If our opinion is other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the examination or are unable to form or have not formed an opinion, we may decline to express an opinion or may withdraw from this engagement.

Because of the inherent limitations of an examination engagement, together with the inherent limitations of internal control, an unavoidable risk exists that some material misstatements may not be detected, even though the examination is properly planned and performed in accordance with the attestation standards.

You understand that the report is intended solely for the information and use of the Town Council, management and the State of Florida Auditor General, and is not intended to be and should not be used by anyone other than those specified parties.

We will plan and perform the examination to obtain reasonable assurance about whether the Town of Eatonville, Florida complied, in all material respects, with Florida Statute 218.415. Our engagement will not include a detailed inspection of every transaction and cannot be relied on to disclose all material errors, or known and suspected fraud or noncompliance with laws or regulations, or internal control deficiencies that may exist. However, we will inform you of any known and suspected fraud and noncompliance with laws or regulations, internal control deficiencies identified during the engagement and uncorrected misstatements that come to our attention unless clearly trivial.

We understand that you will provide us with the information required for our examination and that you are responsible for the accuracy and completeness of that information. We may advise you about appropriate criteria, but the responsibility for the subject matter remains with you.

You are responsible for the presentation of whether the Town of Eatonville, Florida is in compliance with the specified requirements of Florida Statute 218.415; and for selecting the criteria and determining that such criteria are appropriate for your purposes. You are responsible for, and agree to provide us with, a written assertion about whether you are in compliance with Florida Statute 218.415. Failure to provide such an assertion will result in our withdrawal from the engagement. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the measurement, evaluation, or disclosure of the subject matter; (2) additional information that we may request for the purpose of the examination; and (3) unrestricted access to persons within the entity from whom we determine it necessary to obtain evidence.

At the conclusion of the engagement, you agree to provide us with certain written representations in the form of a representation letter.

Auditor's Responsibilities for the Audit of the Financial Statements

We will conduct our audit in accordance with GAAS and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of your accounting records of Town of Eatonville, Florida and other procedures we consider necessary to enable us to express such opinions. As part of an audit in accordance with GAAS and *Government Auditing Standards*, we exercise professional judgment and maintain professional skepticism throughout the audit.

We will evaluate the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management. We will also evaluate the overall presentation of the financial statements, including the disclosures, and determine whether the financial statements represent the underlying transactions and events in a manner that achieves fair presentation. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government. Because the determination of waste and abuse is subjective, *Government Auditing Standards* do not expect auditors to perform specific procedures to detect waste or abuse in financial audits nor do they expect auditors to provide reasonable assurance of detecting waste or abuse.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is an unavoidable risk that some material misstatements may not be detected by us, even though the audit is properly planned and performed in accordance with GAAS and *Government Auditing Standards*. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that

comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

We will also conclude, based on the audit evidence obtained, whether there are conditions or events, considered in the aggregate, that raise substantial doubt about the government's ability to continue as a going concern for a reasonable period of time.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and direct confirmation of receivables and certain assets and liabilities by correspondence with selected customers, creditors, and financial institutions. We will also request written representations from your attorneys as part of the engagement.

We have identified the following significant risk(s) of material misstatement as part of our audit planning:

- Overall financial statement risk
- Management override of controls
- Improper revenue recognition due to fraud
- Estimation of pension liability performed by actuary

We may, from time to time and depending on the circumstances, use third-party service providers in serving your account. We may share confidential information about you with these service providers but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. In the event that we are unable to secure an appropriate confidentiality agreement, you will be asked to provide your consent prior to the sharing of your confidential information with the third-party service provider. Furthermore, we will remain responsible for the work provided by any such third-party service providers.

Our audit of financial statements does not relieve you of your responsibilities.

Audit Procedures—Internal Control

We will obtain an understanding of the government and its environment, including internal control relevant to the audit, sufficient to identify and assess the risks of material misstatement of the financial statements, whether due to error or fraud, and to design and perform audit procedures responsive to those risks and obtain evidence that is sufficient and appropriate to provide a basis for our opinions. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to *Government Auditing Standards*. The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentation, or the override of internal control. An audit is not designed to provide assurance on internal control or to identify significant deficiencies or material weaknesses.

Accordingly, we will express no such opinion. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of Town of Eatonville, Florida's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Other Services

We will also assist in preparing the financial statements and related notes of the Town of Eatonville, Florida in conformity with U.S. generally accepted accounting principles based on information provided by you. These nonaudit services do not constitute an audit under *Government Auditing Standards* and such services will not be conducted in accordance with *Government Auditing Standards*. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statements and related notes previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedure or take any action that could be construed as assuming management responsibilities.

You agree to assume all management responsibilities relating to the financial statements and related notes and any other nonaudit services we provide. You will be required to acknowledge in the management representation letter our assistance with preparation of the financial statements and related notes and that you have reviewed and approved the financial statements and related notes prior to their issuance and have accepted responsibility for them. Further, you agree to oversee the nonaudit services by designating an individual, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of those services; and accept responsibility for them.

Responsibilities of Management for the Financial Statements

Our audit will be conducted on the basis that you acknowledge and understand your responsibility for designing, implementing, establishing, and maintaining effective internal controls relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error, and for evaluating and monitoring ongoing activities to help ensure that appropriate goals and objectives are met; following laws and regulations; and ensuring that management and financial information is reliable and properly reported. Management is also responsible for implementing systems designed to achieve compliance with applicable laws, regulations, contracts, and grant agreements. You are also responsible for the selection and application of accounting principles, for the preparation and fair presentation of the financial statements and all accompanying information in conformity with accounting principles generally accepted in the United States of America, and for compliance with applicable laws and regulations and the provisions of contracts and grant agreements.

Management is responsible for making drafts of financial statements, all financial records, and related information available to us and for the accuracy and completeness of that information (including information from outside of the general and subsidiary ledgers). You are also responsible for providing us with (1) access

to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, such as records, documentation, identification of all related parties and all related-party relationships and transactions, and other matters; (2) additional information that we may request for the purpose of the audit; and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence. At the conclusion of our audit, we will require certain written representations from you about your responsibilities for the financial statements; compliance with laws, regulations, contracts, and grant agreements; and other responsibilities required by GAAS and *Government Auditing Standards*.

Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the written representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements of each opinion unit taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws, regulations, contracts, agreements, and grants and for taking timely and appropriate steps to remedy fraud and noncompliance with provisions of laws, regulations, or contracts or grant agreements that we report.

You are responsible for the preparation of the supplementary information, which we have been engaged to report on, in conformity with accounting principles generally accepted in the United States of America (GAAP). You agree to include our report on the supplementary information in any document that contains, and indicates that we have reported on, the supplementary information. You also agree to [include the audited financial statements with any presentation of the supplementary information that includes our report thereon OR make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon]. Your responsibilities include acknowledging to us in the written representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying and providing report copies of previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Scope and Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information.

Dispute Resolution

In the event of a dispute between the parties which arises out of or relates to this contract or engagement letter, the breach thereof or the services provided or to be provided hereunder, if the dispute cannot be settled through negotiation, the parties agree that before initiating arbitration, litigation or other dispute resolution procedure, they will first try, in good faith, to resolve the dispute through non-binding mediation. All parties agree that an alternative form of dispute resolution shall not be undertaken by either party until the expiration of fifteen (15) calendar days following notice being provided to the other party indicating that the dispute cannot be settled through mediation. The mediation will be administered by the American Arbitration Association under its *Dispute Resolution Rules for Professional Accounting and Related Services Disputes*. The costs of any mediation proceedings shall be shared equally by all parties.

Governing Law; Venue

This agreement and performance hereunder shall be governed by the laws of the State of Alabama, without reference to any conflict of laws rules or principles. Any action or proceeding arising out of or in any way relating to this agreement must be brought in a state court having jurisdiction in Coffee County, Alabama, and each party irrevocably submits to the jurisdiction and venue of any such court in any such action or proceeding and agrees to waive any defenses or objections to venue and jurisdiction within Coffee County, Alabama, including *forum non conveniens*.

Statute of Limitations

The parties agree that there shall be a one-year statute of limitation (from the delivery of the service or termination of the contract) for the filing of any requests for arbitration, lawsuit, or proceeding related to this agreement. If such a claim is filed more than one year, or the minimum durational period having been determined as permissible by applicable statutory law or by a court of competent jurisdiction, subsequent to the delivery of the service or termination of the contract, whichever occurs first in time, then it shall be precluded by this provision, regardless of whether or not the claim has accrued at that time.

Disclosure

We may, from time to time and depending on the circumstances, use third-party service providers in serving your account including service providers located outside of the United States. We may share confidential information about you with these service providers, but remain committed to maintaining the confidentiality and security of your information. Accordingly, we maintain internal policies, procedures, and safeguards to protect the confidentiality of your personal information. In addition, we will secure confidentiality agreements with all service providers to maintain the confidentiality of your information and we will take reasonable precautions to determine that they have appropriate procedures in place to prevent the unauthorized release of your confidential information to others. Furthermore, we will remain responsible for the work provided by any such third-party service providers. By signing this letter, you consent to allow us to disclose your financial information, if applicable, or other information to our service providers located abroad. If you want to limit the amount of information that may be disclosed to any third-party service provider, please notify us in writing as an attachment to this letter.

Electronic Data Communication and Storage and Use of Third Party Service Provider

In the interest of facilitating our services to your company, we may send data over the Internet, securely store electronic data via computer software applications hosted remotely on the Internet, or allow access to data through third-party vendors' secured portals or clouds. Electronic data that is confidential to your company may be transmitted or stored using these methods. We may use third-party service providers to store or transmit this data, such as, but not limited to, providers of tax return preparation software. In using these data communication and storage methods, our firm employs measures designed to maintain data security. We use reasonable efforts to keep such communications and data access secure in accordance with our obligations under applicable laws and professional standards. We also require our third-party vendors to do the same.

You recognize and accept that we have no control over, and shall not be responsible for, the unauthorized interception or breach of any communications or data once it has been sent or has been subject to unauthorized access, notwithstanding all reasonable security measures employed by us or our third-party vendors. You consent to our use of these electronic devices and applications and submission of confidential client information to third-party service providers during this engagement.

To enhance our services to you, we will use a combination of remote access, secure file transfer, virtual private network or other collaborative, virtual workspace or other online tools or environments. Access through any combination of these tools allows for on-demand and/or real-time collaboration across geographic boundaries and time zones and allows CRI and you to share data, engagement information, knowledge, and deliverables in a protected environment. In order to use certain of these tools and in addition to execution of this acknowledgement and engagement letter, you may be required to execute a separate client acknowledgement or agreement and agree to be bound by the terms, conditions and limitations of such agreement. You agree that CRI has no responsibility for the activities of its third-party vendors supplying these tools and agree to indemnify and hold CRI harmless with respect to any and all claims arising from or related to the operation of these tools. While we may back up your files to facilitate our services, you are solely responsible for the backup of your files and records; therefore, we recommend that you also maintain your own backup files of these records. In the event you suffer a loss of any files or records due to accident, inadvertent mistake, or Act of God, copies of which you have provided to us pursuant to this agreement, we shall not be responsible or obligated to provide you a copy of any such file or record which we may retain in our possession.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the Town of Eatonville Florida's management and council; however, management is responsible for distribution of the reports and the financial statements. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made available for public inspection.

The audit documentation for this engagement is the property of Carr, Riggs & Ingram, LLC and constitutes confidential information. However, subject to applicable laws and regulations, audit documentation and appropriate individuals will be made available upon request and in a timely manner to its designee, a federal agency providing direct or indirect funding, or the U.S. Government Accountability Office for the purposes of a quality review of the audit, to resolve audit findings, or to carry out oversight responsibilities. We will notify

you of any such request. If requested, access to such audit documentation will be provided under the supervision of Carr, Riggs & Ingram, LLC personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend or decide to distribute the copies or information contained therein to others, including other governmental agencies.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date or for any additional period requested. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Heather Mosier is the engagement partner and is responsible for supervising the engagement and signing the reports or authorizing another individual to sign them. We expect to begin our audit on approximately April/May 2023 and to issue our reports no later than September 30, 2023.

Our fee for services will be \$52,000 for the engagement as defined in the scope of work listed in the RFP for the year ending September 30, 2022. Our invoices for these fees will be rendered each month as work progresses and are payable on presentation. In accordance with our firm policies, work may be suspended if your account becomes 30 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our report. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before we incur the additional costs.

Reporting

We will issue a written report upon completion of our audit of Town of Eatonville, Florida's financial statements. Our report will be addressed to the Mayor and Members of the Town Council of Town of Eatonville, Florida. Circumstances may arise in which our report may differ from its expected form and content based on the results of our audit. Depending on the nature of these circumstances, it may be necessary for us to modify our opinions, add a separate section, or add an emphasis-of-matter or other-matter paragraph to our auditor's report, or if necessary, withdraw from this engagement. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or issue reports, or we may withdraw from this engagement.

We will also provide a report (that does not include an opinion) on internal control related to the financial statements and compliance with the provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The report on internal control and on compliance and other matters will state (1) that the purpose of the report is solely to describe the scope of testing of internal control and compliance, and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control on compliance, and (2) that the report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. The report will also state that the report is not suitable for any other purpose. If during our audit we become aware that Town of Eatonville, Florida is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

We appreciate the opportunity to be of service to the Town of Eatonville, Florida and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Carr, Riggs & Ingram, L.L.C.

Carr, Riggs & Ingram, LLC

RESPONSE:

This letter correctly sets forth the understanding of the Town of Eatonville, Florida.

Management signature: _____

Title: _____

Date: _____

Governance signature: _____

Title: _____

Date: _____