



# AGENDA

## City Commission Meeting

6:00 PM – Thursday, June 15, 2023 – City Hall

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**INVOCATION: MOMENT OF SILENCE**

**PLEDGE OF ALLEGIANCE: VICE MAYOR EMILY LEE**

**CALL TO ORDER**

**ACKNOWLEDGE OF QUORUM AND PROPER NOTICE**

**1. AGENDA UPDATE**

**2. APPROVAL OF MINUTES**

**2.1** Approval of Minutes

May 4, 2023 City Commission Workshop: Grants  
May 4, 2023 City Commission Meeting

**3. PRESENTATIONS**

**3.1** Eustis Police Department Badge Pinning Ceremony

**3.2** As part of their recent visit to Eustis, representatives of America in Bloom acknowledged and congratulated Kevco Builders and the Eustis Memorial Library for the exceptional quality, beauty, and care of their property.

**3.3** The City Commission requested a presentation from the organizers of the Downtown Cruise-In Classic Car Show.

**3.4** Cemetery Update

**4. APPOINTMENTS**

**4.1** Reappointment to Code Enforcement Board – Alan R. Paczkowski

**5. AUDIENCE TO BE HEARD**

**6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS**

**6.1** **SECOND READING**

Ordinance Number 23-08: SECOND READING Amending Tree Protection in Land Development Regulations

**6.2** **FIRST READING**

Ordinance Number 23-10: FIRST READING Conditional Use Permit for an Accessory Dwelling Unit at 527 Hill Street

**6.3** **FIRST READING**

Ordinance Number 23-11: FIRST READING Conditional Use Permit for an Accessory Dwelling Unit at 708 East Lemon Avenue

**7. OTHER BUSINESS**

**7.1** Resolution Number 23-18: Discussion on Reconsideration of Resolution Number 23-18: Preliminary Subdivision Plat Approval for the Estes Reserve Subdivision

**8. FUTURE AGENDA ITEMS**

**9. COMMENTS**

**9.1 City Commission**

**9.2 City Manager**

**9.3 City Attorney**

**9.4 Mayor**

**10. ADJOURNMENT**

This Agenda is provided to the Commission only as a guide, and in no way limits their consideration to the items contained hereon. The Commission has the sole right to determine those items they will discuss, consider, act upon, or fail to act upon. Changes or amendments to this Agenda may occur at any time prior to, or during the scheduled meeting. It is recommended that if you have an interest in the meeting, you make every attempt to attend the meeting. This Agenda is provided only as a courtesy, and such provision in no way infers or conveys that the Agenda appearing here is, or will be the Agenda considered at the meeting.

If a person decides to appeal any decision made by the board, agency or commission with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings, and that, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (Florida Statutes, 286.0105). In accordance with the Americans with Disabilities Act of 1990, persons needing a special accommodation to participate in this proceeding should contact the City Clerk 48 hours prior to any meeting so arrangements can be made. Telephone (352) 483-5430 for assistance.

**“Any invocation that may be offered before the official start of the Commission meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Commission and the public. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Commission, and the Commission is not allowed by law to endorse the religious beliefs or views of this, or any other speaker.”**





# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Christine Halloran, City Clerk

DATE: June 15, 2023

RE: Approval of Minutes

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**Introduction:**

This item is for consideration of the minutes of the May 4, 2023 City Commission Workshop: Grants.

**Recommended Action:**

Approval of the minutes as submitted.

**Prepared By:**

Mary Montez, Deputy City Clerk

**Reviewed By:**

Christine Halloran, City Clerk



# MINUTES

## City Commission Workshop: Grants

5:00 PM – Thursday, May 04, 2023 – City Hall

**CALL TO ORDER: 5:00 P.M.**

### ACKNOWLEDGEMENT OF QUORUM AND PROPER NOTICE

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

### 1. WORKSHOP ITEM WITH DISCUSSION, PUBLIC INPUT AND DIRECTION

#### 1.1 Grants Strategic Planning Workshop

Nadine Mann, Grant Writing Specialist, noted her overview of the grant management life cycle and strategic planning on March 16th. She stated the purpose of the workshop is to review the list of high priority projects to identify which projects should be included in the year one strategic plan. She provided a high level overview of the strategic planning approach noting it would be followed by discussion with the City Commission to prioritize the eighteen projects.

Ms. Mann explained that once the projects are prioritized the process will proceed as follows: 1) Looking at projects to insure there is full understanding of the scope; 2) Drilling down on key deliverables and milestones; and 3) Considering any special requirements for a project. She stated that before they can look for grant applications they must understand what the requirements and specifications are for all of the projects. Following that, staff would be looking for grant opportunities.

Ms. Mann then explained that once the projects are prioritized staff can look for appropriate grants for both current and future. Once the grants are in place, staff will map out the deliverables into a one year plan. She provided an example of how the process would work and samples of the milestones and deliverables.

Ms. Mann confirmed for the Commission that the purpose of the workshop is for the Commission to identify two short term and two long term projects to begin the process with. She noted that they will be able to still keep an eye out for projects that may be further in the future.

Tom Carrino, City Manager, noted that there will always be grant opportunities that come up that require the City to re-prioritize. He stated the need, as much as possible, to map out the approach to grants. He added that staff is looking for the Commission to provide their highest priority projects so that staff can then go searching for those grant opportunities.

Ms. Mann discussed prioritization of the 18 projects for the City Commission to consider. She explained the intent is for each Commissioner to select their top five projects. She explained there are thirteen short term projects and five long term. She stated that a short term project is one that can be implemented within one year and long term projects are those that require more than one year up to four years or more. She noted two changes from the March 16th presentation as follows: 1) Coolidge Expansion (Phase I) was \$4 million and the estimated cost is now \$2.8 million; and 2) Coolidge

Expansion Phase 2 - staff is now seeing if it can apply for a Lake County CDBG Program grant for that project. She added that they have added some projects mentioned during City Commission meetings.

Ms. Mann then explained the first step would be for each Commissioner to highlight their five project priorities and she will check off who is selecting which project. From the list of those priorities, they will ask the Commission to narrow down two short term projects after which they will discuss two long term projects. Once the list has been narrowed down to two short term and two long term projects, staff will ask them to select a sequence for prioritization.

Ms. Mann asked the Commission to be mindful during the selection process - which projects are ready to begin based on pre-planning, due diligence, scope and purpose from preliminary planning details.

Commissioner Hawkins asked if any of the projects have already been started such as the kayak launch.

Mr. Carrino explained there are projects included that are moving forward; however, there are available grant opportunities that the City could explore to help fund those projects. He acknowledged that some grant applications do not allow you to apply if you have already begun work on the project. He added that with construction projects, you can do the design and engineering and may still be able to apply for construction funding. He noted that the City has been awarded some grant funding from EDA for the incubator feasibility study.

Discussion was held regarding timing for the incubator project and the need to move quickly to get that funding.

Vice Mayor Lee asked about Coolidge Project being split into Phase 1 and Phase 2 and if that would count as one project with Mr. Carrino indicating it would count as one.

Commissioner Cobb announced she would attend the County Commission meeting regarding CDBG funding for that project.

Ms. Mann asked each Commissioner to present their priorities.

Commissioner Cobb listed her priorities as follows and discussed the benefits of each: 1) Coolidge project; 2) Bates Avenue expansion; 3) Public Safety complex; 4) Events and Tourism Salute to Veterans; and 5) Georgefest.

Mr. Carrino commented on the timeliness of certain projects, including Bates Avenue, due to the Rescue funds being used for those and needing to proceed as soon as possible.

Commissioner Ashcraft listed his priorities as follows noting his feeling that the City should work on the larger projects first: 1) Public Safety complex; 2) Coolidge project; 3) Bates Avenue; 4) Police license plate reader; and 5) City beautification.

Commissioner Cobb clarified whether the license plate reader is 100% funded with Mr. Carrino indicating that the City can apply for 100% funding.

Commissioner Hawkins listed his priorities as follows: 1) Public Safety complex; 2) Bates Avenue; 3) Coolidge project; 4) License plate reader; and 5) Basketball court.

Vice Mayor Lee asked about conducting an asset based economic growth study.

Al Latimer, Economic Development Director, explained that an asset based study out what assets in the community can serve as an inducement to attract new businesses. He indicated they are currently looking at all of the City-owned properties to determine which are real estate assets and available to businesses. He cited other situations that would qualify as assets. He added that it would also identify available skill sets.

Mr. Carrino stated it would be unrealistic to think the City could go after every business out there. A study would analyze what are the City's competitive advantages and what is available to attract or retain certain sectors to determine where they should focus their efforts.

The Commission asked if they shouldn't already have that information based on staff's experience with Mr. Carrino responding that most of what they know is anecdotal. The study would provide the hard data. He commented on the City's ag background and cited those local businesses that are agriculturally based. He stated his opinion that the City would be well positioned for businesses in the ag space or food chain space but he has no data to support that.

Discussion was held regarding how the study could be utilized to attract new business.

Vice Mayor Lee cited her project priorities as follows: 1) Coolidge expansion; 2) Bates Avenue; 3) Asset based study; 4) Beautifying the City; and 5) Public Safety complex.

Mayor Holland reviewed his priorities as follows: 1) Public Safety building; 2) Coolidge project; 3) Bates Avenue; 4) Automated police plate reader; and 5) Economic development.

The Commission discussed how the City could itself pay for the City beautification projects with Vice Mayor Lee changing her priorities to eliminate the City beautification and add the license plate reader.

Ms. Mann explained that the next step would be to look at the short term projects selected and narrow those down to two. She stated those short-term projects selected by one or more Commissioners are the following: 1) Automated license plate reader; 2) Basketball court roof; 3) Economic development target industry smart growth study; 4) Events and Tourism Georgefest; 5) Salute to Veterans Day; and 6) Beautifying the City.

Mr. Carrino clarified they need a consensus on the top two.

The Commission each reviewed their top two short term projects and then discussed their selections. It was noted that, if a grant opportunity came along for one of the other projects, staff would look at applying for that. It was agreed to select three short term projects.

**CONSENSUS:** It was a consensus of the Commission to select the top three short term projects as the automated plate reader, the basketball court roof and the economic development study.

Ms. Mann then asked to prioritize the long-term grants citing those initially selected by one or more Commissioners as follows: 1) Bates Avenue; 2) Coolidge expansion; 3) Salute to Veterans Day; and 4) Public Safety building. She asked if they could narrow those down to two projects.

Commissioner Hawkins asked if the grant awards expire noting that the City doesn't plan on proceeding with the Public Safety building for another eight or nine years.

Ms. Mann explained that in order to apply for a grant they need to know in advance the scope of the project, the deliverables and the start and end dates. She indicated that any grants for the Public Safety building would probably be federal or state grants and all of that information would be required in order to apply.

Mr. Carrino responded that if the Commission prioritizes the Public Safety building, staff would not be seeking construction money at this time but funding for research, design and feasibility. He explained they would need to assess the department needs, look at the growth areas and decide where should a complex be sited.

The Commission questioned whether that would be part of the master plan with Mr. Carrino indicating it would be part of the strategic plan. He stated the master plan would be more specific to the downtown but not just the Waterman site.

Discussion was held regarding the needs assessment for public safety and whether or not the departments need to be co-located. Discussion was also held regarding timing for the complex with Mr. Carrino noting that, at that time, the complex is tentatively placed five years out as part of the Capital Improvement Plan. He added that decisions would need to be made about how to fund the complex stating that it would require either bonding or a new revenue source.

The Commission asked whether or not there is any advantage for the departments to be co-located.

Fire Chief Mike Swanson responded that being co-located would not affect the City's ISO rating.

The Commission further questioned if there are any other advantages to co-locating the departments with Chief Swanson stating that grants consider whether or not funding will cover more than one thing. He indicated that co-locating might be more likely to be approved. He noted several cities that have already done that.

Mayor Holland stated that if the State of Florida was looking at a grant program they would look more favorably at a joint facility rather than a stand alone.

Mayor Holland stated his long-term projects as follows: 1) Coolidge project; 2) Public Safety building; and 3) Bates Avenue.

Ms. Mann asked to prioritize the three short-term projects with Mayor Holland responding that, based on votes, the license plate reader would be first, the economic development study would be second and basketball roof would be third.

Commissioner Hawkins' three long-term projects were as follows: 1) Coolidge; 2) Public Safety; and 3) Bates Avenue.

Commissioner Cobb stated her long-term projects were as follows: 1) Coolidge; and 2) Public Safety. She asked about the funding for Bates Avenue with Rick Gierok, Public Works Director, responding that the ARPA money must be spent by the end of 2025. Any grant money could be used to offset the funding to come from impact fees. He stated the only additional funding available he is aware of are low interest loans. He noted that SRF is no longer available for that project. He indicated that the eastern plant received some grant funding because it was in the Wekiva Basin but the Bates Avenue plant is not.

Commissioner Ashcraft's priorities were as follows: 1) Coolidge; 2) Public Safety building; and 3) Bates Avenue.

Vice Mayor Lee concurred with Coolidge, Public Safety building and Bates Avenue

Ms. Mann announced that she is pursuing a Community Development Block Grant for the Coolidge expansion project which has a closing date of May 31st. She added they are in the development phase of the Duke Energy Foundation Economic Development Grant Program to procure a marketing consultant. She commented on the America in Bloom assessment which will provide the details to apply to T-Mobile.

Ms. Mann reported that Development Services is working on an award for a historical survey which has been received. They have now selected their consultant. She stated the Police Department is in the development phase for a de-escalation training grant and they have submitted a grant application for traffic safety.

Ms. Mann then announced they are ready to apply to Duke Energy once they receive the America in Bloom assessment. She stated that Public Works has been approved for a grant for a generator for Fire Station #22 and they are working through the agreement.

Vice Mayor Lee confirmed the Commission can provide information to her if they learn about a grant opportunity.

Ms. Mann expressed appreciation to the Commission and stated the next step would be to build out the strategic plan through researching the grant opportunities available. Once the strategic plan is fully in place with timelines and deliverables, then that would be reviewed with the project team. She stated it would provide a projection of what would be needed.

Commissioner Cobb reported that she has been working with Rep. Truenow's office regarding the Coolidge project and they will be working to get that on a list of priorities and they are looking for other state funding as well.

Ms. Mann summarized that, once all of the resources involved are in place, they would execute the strategic plan and start to move forward with developing the applications.

Commissioner Hawkins asked that they provide a running list of grants being applied for and their status with Mr. Latimer stating that is already in the works.

## 2. ADJOURNMENT: 6:01 P.M.

*\*These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to [www.eustis.org](http://www.eustis.org) and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording of the meeting can be obtained from the office of the City Clerk for a fee.*

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CHRISTINE HALLORAN  
City Clerk

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MICHAEL L. HOLLAND  
Mayor/Commissioner



# MINUTES

## City Commission Meeting

6:00 PM – Thursday, May 04, 2023 – City Hall

**INVOCATION: PASTOR JONATHAN PEARSON, LIFEPOINTE CHURCH**

**PLEDGE OF ALLEGIANCE: VICE MAYOR EMILY LEE**

**CALL TO ORDER: 6:13 P.M.**

### **ACKNOWLEDGE OF QUORUM AND PROPER NOTICE**

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

#### **1. AGENDA UPDATE**

Tom Carrino, City Manager, announced that the modifications to the tree ordinance were supposed to be on the agenda; however, there were some inconsistencies so that will be brought back. He added there was a code enforcement case that was originally on the agenda; however, it was already pulled due to staff continuing to work on the case. He stated he would like to add under 3.1 Grant Presentations a presentation to the Eustis Junior Panthers.

#### **2. APPROVAL OF MINUTES**

April 20, 2023 City Commission Workshop: Fairgrounds

Motion made by Commissioner Hawkins, Seconded by Vice Mayor Lee to approve the Minutes as submitted. Motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

#### **3. PRESENTATIONS**

3.1 Grant Presentation: Amazing Race and Worth It

Mayor Holland explained the City's organizational grant program. He presented to Worth It Outreach and Support \$2,000 for their suicide outreach and support program. He then presented \$6,500 to Amazing Race for Charity. He noted that the Amazing Race takes the small amount the City provides them and increases it to provide support to other community organizations.

Robin Richter, representing Amazing Race for Charity Inc., noted they have provided to the community \$232,566 over the last eight years. She announced they would be giving out over \$34,000 at their presentation on May 23rd at USB. She expressed appreciation to the Commission and City for their support. She stated they already have 135 teams signed up for 2024.

Eustis Police Chief Craig Capri presented a check for \$1000 to Johnny Saunders in support of the community children and Eustis youth football program.

Johnny Saunders thanked the City for its assistance and how they work with the people. commented on the success of the football program and how it helps the children.

Mayor Holland thanked Coach Johnny and stated he teaches those participants more than just sports.

Commissioner Hawkins commented on Coach Johnny's work with the children and his assistance at the school.

3.2 Elite Baggerz

Demond Blue, Elite Baggerz, explained they are a group of promoters who enjoy biking. He stated they have been hosting a successful event for the last 15 years in Leesburg; however, they have outgrown their venue. He added that, in November they were able to utilize the Lake County Fairgrounds as their venue and indicated they want to build a bridge with the City of Eustis and bring more bike events to the City. He commented on how they donate back to the community. He stated they are "riding for a purpose" and asked for the City to stand behind and help build that partnership. At the Commission's request, he provided a brief history of the organization and how it grew over the past 15 years.

Mayor Holland commented on their assistance with the Music Fest and encouraged them to work with the City's Events and Tourism Coordinator. He reminded everyone that the Bike Fest originally started in Eustis.

**4. APPOINTMENTS**

4.1 Reappointment to City of Eustis Municipal Police Officers' Pension and Retirement System Board of Trustees – Kenneth D. Birkhofer

Motion made by Commissioner Cobb, Seconded by Commissioner Hawkins to reappoint Ken Birkhofer to the Eustis Police Pension Board of Trustees. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

**5. AUDIENCE TO BE HEARD**

Howard Stone complimented the Commission and the Police Department on their outstanding job.

Tami Roundtree, Lake Eustis Area Chamber of Commerce, noted she had left a packet of information for each Commissioner and reviewed their upcoming events and ribbon cuttings. She presented their new information packet that they are providing to any new businesses in the City and noted they had given out 14 that week.

Commissioner Cobb asked about their work on the beautification reminders with Ms. Roundtree indicating that has not yet been implemented yet but they are working on developing the materials. She invited them to provide any suggestions they may have.

Randy and Joanna Watson addressed the Commission regarding issues they are having with Green Lake Drive and getting their mail delivered as well as other deliveries and trash pickup. She noted a number of individuals that have gotten stuck due to it being a dirt road. She acknowledged that there is a sign stating it is not under City maintenance.

Mayor Holland welcomed them to the City and suggested they meet with the City Manager Tom Carrino and Public Works Director Rick Gierok.



## 6. CONSENT AGENDA

### 6.1 Resolution Number 23-47: Recording Utility Liens: Water, Wastewater, and Irrigation

Motion made by Commissioner Cobb, Seconded by Commissioner Ashcraft to approve the Consent Agenda. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

## 7. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

### 7.1 Resolution Number 23-35: City of Eustis/UCF Business Incubator Partnership Agreement

City attorney Sasha Garcia announced Resolution Number 23-35: A Resolution of the City Commission of the City of Eustis, Lake County, Florida; approving a business incubator partnership agreement between the City of Eustis and the University of Central Florida Research Foundation, Inc. to partner in the establishment and operation of a business incubator in the City of Eustis.

Al Latimer, Economic Development Director, presented the proposed agreement.

Attorney Garcia opened the public hearing at 6:39 p.m. There being no public comment, the hearing was closed at 6:39 p.m.

Motion made by Commissioner Hawkins, Seconded by Vice Mayor Lee to approve Resolution Number 23-35. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

### 7.2 Resolution Number 23-43: Approving an Urban County Cooperation Agreement with Lake County Relating to the Community Development Block Grant Program

Attorney Garcia announced Resolution Number 23-43: A Resolution of the City of Eustis, Florida, pertaining to the Urban County Cooperation Agreement relating to the Community Development Block Grant Program; providing for approval of agreement and authorization to execute; providing for the implementation of administrative actions; providing a savings clause; providing for scrivener's errors; providing for conflicts; providing for severability; and providing an effective date.

Mr. Carrino explained the resolution would opt the City into the Lake County CDBG program which is a HUD funded program. He stated that Lake County is large enough to receive automatic funding each year but the City is not. He stated that, in the past, the City has not opted into the County program as that leaves the City able to apply for the Small Cities CDBG program. He indicated the City has received a Small Cities grant in the past for Palmetto Plaza. He explained that program is competitive and you cannot apply every year. He then reported that staff spoke with Lake County regarding obtaining some of their CDBG funds for road improvements for the Coolidge project.

Mr. Carrino continued stating that in order to do that, the City must opt in to the Lake County program and it is a three-year program. The City would not be able to apply for the Small Cities block grant program but they would be able to apply for County funds during the three years. He reviewed some of the other stipulations. He recommended that the City move forward with opting in.

The Commission asked if it would be a less competitive process with Mr. Carrino responding they would only be competing with other Lake County entities and not the entire State of Florida.

Commissioner Cobb reported on her attendance with City staff and Lake County at a meeting regarding their application.

Motion made by Vice Mayor Lee, Seconded by Commissioner Cobb to approve Resolution Number 23-43. The motion passed on the following vote.

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

7.3 Resolution Number 23-45: Foreclosure Authorization: 2250 South Bay Street, Code Case 21-00680

Attorney Garcia announced Resolution Number 23-45: A Resolution of the City Commission of the City of Eustis, Florida; approving a Code Enforcement Board action to authorize the City Attorney to foreclose on an outstanding code enforcement lien recorded against a commercial property located at 2250 South Bay Street.

Eric Martin, Code Enforcement Supervisor, explained the resolution authorizes the City Attorney to foreclose on an unpaid code enforcement lien associated with Code Enforcement Case #21-00680 recorded against a vacant commercial site located at 2250 S. Bay Street. He stated that as of that date the fines had accrued to \$89,350.

Mr. Martin confirmed there have been no recent communications with the owners and the last communication was with the physician's partner in 2018. He stated that in 2021, when the current case was opened, staff emailed the same contact and received no response.

Attorney Garcia opened the public hearing at 6:46 p.m. There being no public comment, the hearing was closed at 6:46 p.m.

Motion made by Commissioner Cobb, Seconded by Commissioner Ashcraft to approve Resolution Number 23-45. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

7.4 Resolution Number 23-46: Foreclosure Authorization - 124 East Ward Avenue, Code Case 21-00185

Attorney Garcia announced Resolution Number 23-46: A Resolution of the City Commission of the City of Eustis, Florida; approving a Code Enforcement Board action to authorize the City Attorney to foreclose on an outstanding code enforcement lien recorded against a residential property located at 124 East Ward Avenue.

Mr. Martin explained the resolution authorizes the City Attorney to foreclose on an unpaid code enforcement lien associated with Code Enforcement Case #21-00185 recorded against a vacant residential property located at 124 East Ward Avenue. He stated that as of that date the fines had accrued to \$56,700. He stated staff's recommendation for approval.

The Commission asked if there had been any communication from the property owner with Mr. Martin responding that he spoke with a nephew of the current occupant, who may be the son of the owner, but none with the actual owner.

The Commission asked if staff had been able to locate either of the owners with Mr. Martin responding that he located Barbara D Metz out of Leesburg, Florida and found a warranty deed for her dated 2015 that shows a John David Metz as a beneficiary. He indicated he just recently located this document. He added they have not yet contacted that individual.

Commissioner Hawkins questioned what happens once they enter the foreclosure process with Attorney Garcia explaining they would conduct a title search and indicated it is likely the owners are deceased. They would determine if a probate was opened. They would also have to contact the heirs and contact them regarding their interest in the property. She indicated the Court must confirm that every effort was made to contact the heirs before they can proceed with the case.

The Commission asked whether or not staff could do some of that on the front end.

Attorney Garcia indicated that fees continue to accrue throughout the case. She stated they could conduct an heir search and title search prior to proceeding with the foreclosure. She noted they would also do a title search to make sure there are no other liens attached to the property. She indicated it would not change the procedure unless they are able to locate the heirs and they are interested in the property and want to appear before either the Code Enforcement Board or the Commission.

Commissioner Hawkins asked what would occur if they located the heirs with Attorney Garcia explaining they would send them a copy of the lawsuit since they would now be part of the suit. However, if they found them ahead of filing their office would contact them to determine if they have an interest in the property.

The Commission asked when did staff last try to contact anyone regarding the case with Mr. Martin responding the Order Imposing Fine was mailed on November 10, 2021. He stated the house is vacant and noted he drives by the house routinely to see if anything has changed. He indicated he has also conducted internet searches. He stated that, even though the property is titled to Barbara L. Metz and the person he found is Barbara D. Metz; however, the name John David Metz coincides as the water was in his name from 2001 to February 2022.

The Commission asked if they had spoken with any of them with Mr. Martin indicating that Joe Rittenhouse had spoken with James Metz at the beginning of the case when the property was still occupied. However, it is now vacant.

The Commission noted the owner is a former teacher with Mr. Martin noting he tried to reach her through a Facebook friend of hers.

Commissioner Hawkins expressed support for waiting to foreclose to try and contact a family member prior to foreclosing.

Commissioner Ashcraft asked how the case differs from any other foreclosure.

Commissioner Hawkins stated he just wants to make sure the City has done as much as it can before taking these steps.

Mr. Martin asked if they could approve the action tonight with staff still sending a letter to Barbara D. Metz. If they get a response, they can come back to Commission for further direction.

Mr. Carrino asked Attorney Garcia if there is a point in the process where they would have to come back to the Commission or a point where they can come back to the Commission.

Attorney Garcia responded they can always entertain a discussion with whomever they are able to find. She cited the recent Colonial Inn matter where they reached a settlement.

Further discussion was held regarding how to proceed and the need to perform a more indepth search prior to filing for foreclosure.

Mr. Martin stated the first step would be to find the owner and bringing the property into compliance would be the second step.

Attorney Garcia stated this would be the first time the City has done the process this way and cautioned that it may be requested for other residential properties when they have difficulty locating the owners. She stated the searches are pretty much simultaneous with the filing of the lawsuit as they have to find someone in order to provide notice of the suit. She added it could possibly delay the sale date and legal process.

Further discussion was held regarding the following: 1) Whether or not the City would lose any time by doing the searches prior to filing the suit; 2) When the case was initiated which was 2021; and 3) The cost to the City for the searches and work done by the city attorney.

Mr. Martin confirmed the only address they have mailed to is the 124 E. Ward Avenue. He indicated he had no other address until he just found the other deed.

Discussion was held regarding whether or not staff could reach out through social media and the required legal procedures under Chapter 162.

Attorney Garcia explained they utilize a separate entity who conducts the detailed heir search.

Mr. Carrino noted that sometimes foreclosure is the only way to get someone's attention and get them to respond. He added that the Commission can always stop the process at any time prior to actual foreclosure.

Discussion was held regarding how other properties were foreclosed on which resulted in families losing their parents' property. Discussion was also held on changing the City's procedures to incorporate a more detailed search prior to requesting foreclosure.

Attorney Garcia opened the public hearing at 7:09 p.m.

Unknown gentleman informed the Commission that until a few years ago James Metz was the assistant manager for the Ace Hardware in Mount Dora. He indicated he texted Kadie Carter, the owner, to see if they have information on Mr. Metz.

Mr. Martin stated he had tried to call James Metz at the phone number he had contacted the City from several months prior but he did not call back.

There being no further public comment, the hearing was closed at 7:10 p.m.

Motion made by Commissioner Cobb, Seconded by Commissioner Ashcraft to approve Resolution Number 23-46 in order to remain consistent with the City's process, remain consistent with what the Board brings to the Commission and for future processes. The motion passed on the following vote:

Voting Yea: Commissioner Ashcraft, Commissioner Cobb, Mayor Holland  
Voting Nay: Commissioner Hawkins, Vice Mayor Lee

**7.5 FIRST READING**

Ordinance Number 23-09: Conditional Use Permit for the placement of an accessory structure in front of the primary structure at 4017 East Orange Avenue (Alternate Key Number 1658641)

Attorney Garcia read Ordinance Number 23-09 by title on first reading: An Ordinance of the City Commission of the City of Eustis, Florida; approving a Conditional Use Permit to allow an accessory structure to be located in the front yard at 4017 East Orange Avenue (Alternate Key #1658641).

Jeff Richardson, Deputy Director of Development, reviewed the request for Conditional Use Permit for an accessory storage building in the front yard street yard setback. He noted an error in the staff report which indicates the property is designated Suburban Residential; however, it is actually Rural Residential. He indicated that has no bearing on the case. He reviewed the code pertaining to the issue and the conditional use permit criteria and stated the existing structures are not necessarily in conformance with the comprehensive plan and land development regulations for the use district. He stated that the size of the proposed structure brings the impervious surface to 23,700 sq.ft. which pushes the impervious surface to the 40% mark. He provided photos of the proposed structures and indicated they would not need Commission approval if they could fit everything behind the house.

Mr. Richardson provided photos of other properties where accessory structures were allowed in the front yard. He stated that staff is recommending denial due to them already exceeding the ISR and due to them requesting a significantly larger building being placed ahead of a residential building in a residential land use district.

Mr. Richardson then stated that, if the City Commission finds that the Conditional Use Permit request should be approved, staff recommends the following conditions:

- 1) The proposed accessory structure must be constructed or clad with material appropriate to the existing residential structure and/or in accordance with Section 115-6.1.2 of the City of Eustis Land Development Regulations;
- 2) The building must be oriented so that the roll-up doors do not face East Orange Avenue;
- 3) The elevations of the accessory structure visible from East Orange Avenue must be designed to provide the appearance of a residential structure (i.e.: porch, doors, window treatments (either functional or faux), etc.);
- 4) The applicant must provide a recent survey of the property with pre-development and post-development impervious surface calculations as part of the building permit application;
- 5) No commercial-type operations may occur on the property; and
- 6) The property may not be used for public assembly, exhibition.

Attorney Garcia opened the public hearing at 7:23 p.m.

Paul Oates, applicant, explained he has a collection of antique tractors as a hobby that he also brings to various shows and parades. He indicated he uses the collection to teach young people as well. He stated the pavilion in the back of the property is intended to be obscured behind the house and store things out of the sun. The structure in front of the house is intended to be conditioned space for storage of the collection.

Mr. Oates then commented on some of staff's concerns. He noted that the property is weird. It is bundled in the Suburban Overlay District along with the surrounding half and quarter acre lots. He indicated it doesn't really fit in the district but is unique. He stated he is matching it to what is there, not the overlay district. Regarding the impervious coverage, he stated he thinks that can be managed as he has no intention of installing any additional paving. He stated that if he is unable to have storage in front of the house, it would mean he would have to leave things out in the open which would be cluttered. He commented on the possibility of moving the manufactured home closer to the street to enable the placement of the storage facilities behind it. He noted that would put residents closer to the street which might not be good. He stated that having the nicer looking building at the front rather than the manufactured home might be more attractive.

Mr. Oates then commented on the size of the structure and the appearance of the metal building. He indicated the actual building is red like a barn with white trim and a single door in the front. He stated it is New England style. He stated he did not believe it would set a precedent as the property is unique. He noted there would be no change in use or intensity.

The Commission asked which way the doors would face with Mr. Oates responding the current application has one door facing the street, one facing the house and two on the eastern side. He indicated there would only be one door facing the street.

The Commission asked if it would be better if he put in some landscaping to hide it with Mr. Richardson responding that would be an option. He explained the staff's recommendation if approved to keep the building residential in appearance rather than agricultural.

The Commission asked why a more accurate photo was not provided with Mr. Oates explaining he just wanted to provide something to give an idea. They asked if there was any comments from neighbors with Mr. Richardson responding that he was contacted by one neighbor from Brookshire that just wanted to know what was being done.

Commissioner Cobb noted that one person from Melody Lane had contacted her.

Discussion was held regarding the impervious surface, what the structure would actually look like, whether or not he could reduce the size of the building and whether or not he would be willing to move the home farther to the front.

Mr. Oates indicated he would be willing to do that but since it is over 20 years old, he may want to just replace it. He stated he thought the other structure would look better than the home.

Mayor Holland recommended that Mr. Oates go back to staff and work on it. He explained if they vote tonight, it will get voted down and could not be brought back for six months.

Motion made by Commissioner Ashcraft, Seconded by Commissioner Cobb to table Ordinance Number 23-09. The motion passed on the following vote:

Voting Yea: Vice Mayor Lee, Commissioner Ashcraft, Commissioner Cobb, Commissioner Hawkins, Mayor Holland

## 8. OTHER BUSINESS

RECESS: 7:40 p.m. RECONVENE: 7:47 p.m.

8.1 Department Updates: Finance and Human Resources

### Finance Department

Mike Sheppard, Finance Director, reported on the department's various subdivisions including Purchasing Information Technology, Payroll and Water Customer Service and their major projects including the audit, Capital Improvement Plan (CIP) and budget. He provided an overview on their various processes and noted the required increase in security for the City's computer systems.

### Human Resources

Bill Howe, Director of Human Resources, reported on the City's turnover rate noting that in the previous year they lost 42 employees. He indicated that nine were due to retirement; however, the remainder were either resignations or employees that didn't make their probationary period. He stated their turnover rate is currently 17.5%. He commented that the City currently only has eleven open positions which is 4.5% of the workforce. He stated the primary issue is

recruitment and retention and reviewed the department's various recruiting efforts. He cited the National Minority Update as a publication and online service that the City has been using for the past three years. He indicated the City has an ongoing ad they publish with them.

Mr. Howe then reported on the new application program the department will be utilizing - NeoGov. He explained that with that program, when someone applies at another jurisdiction their application will also be routed to the City.

Commissioner Cobb asked what part of the exit interviews cited pay as an issue.

Mr. Howe responded that some were pay and some were due to necessary moves. He indicated he would be providing additional information regarding pay issues during the budget process. He noted the required \$15 minimum wage by the end of 2026 and the City's prior plan to attain that. He stated the problem is the many businesses and organizations that have already raised their minimum wage to higher than that. He indicated staff would be bringing back a proposal to increase the raise sooner.

Mr. Howe then reported that health insurance is a key concern. He cited the previous years' increases noting that the previous year the City experienced a 2% reduction in the premium. He added that the employees love the City's health insurance. He then stated that the past year there were a number of employees who experienced major medical issues which increased the City's cost. He stated that would also be discussed during the budget process. He commented on the problems that would occur if the City looks at alternate health insurance companies and indicated that staff is doing some comparisons.

Mr. Howe then reported that the initial negotiation session with the fire lieutenants had been rescheduled and reminded the Commission that the employee appreciation luncheon would be the next Tuesday.

**9. FUTURE AGENDA ITEMS: None**

**10. COMMENTS**

**10.1 City Commission**

Commissioner Cobb reported on her attendance at the Law Enforcement Memorial event at the Lake County Sheriff's Office. She noted that only Eustis and Tavares had elected officials in attendance. She noted her attendance at the Farmstead 44 open house. She reported on her attendance at IEMO 2 program. She asked Al Latimer about the gateway grant field trip.

Mr. Latimer responded that he had already begun visiting businesses on his own along Orange Avenue and Highway 441. He commented on how good that has been for his orientation. He stated he would do a group visit the next day.

Commissioner Cobb then asked Chief Capri about the alcohol serving ordinance with Chief Capri stating he and the City Attorney are working on that. He indicated that the one problem location has been dealt with.

Commissioner Hawkins expressed appreciation to the City for welcoming the Elite Baggerz organization to the City. He commented on the Panther athletic event fundraiser to be held on October 21st at the Community Center. He indicated he would approach the Commission later about helping. He stated that the fundraising goal is \$30,000.

Commissioner Ashcraft reported on his first Lake Sumter MPO meeting. He stated that one of their priority projects is SR 44B. He commented on his attendance at IEMO. He expressed

his appreciation for how well the Eustis Commissioners work together. He announced he would be attending the Back the Blue Walk in Tavares on Saturday.

Vice Mayor Lee stated that attending the IEMO program gave her a better appreciation for what the Commission does as well as all of the staff. She commented on the horror stories they heard from other cities. She expressed concern regarding truck and RV parking in the Lowe's parking lot. She also noted a huge truck parking in front of a home on Orange Avenue

Chief Capri indicated they would be putting up new signage, give out warnings and then start having the offenders towed. He then reported that they have collected \$133,000 in code enforcement fines since October. He commented on their processes they have in place to make sure they do not violate any regulations.

Vice Mayor Lee asked how many times someone can have a yard sale in Eustis with Mr. Carrino reporting that someone can have up to four per rolling one year period.

Vice Mayor Lee reported on the inauguration of the seventh president of Lake Sumter State College.

**10.2 City Manager**

Mr. Carrino noted that staff has entered the budget season and begun inputting their budget requests. He stated they will be asking to schedule four or five workshops with the Commission. He announced that First Friday would be the next day. He noted there are some Arbor Day trees left over and they would be distributing them at the First Friday event.

The Commission asked if the grant list is the basis of the CIP with Mr. Carrino responding that the short-term projects may not be in the CIP; however, the long-term projects would appear in the CIP.

**10.3 City Attorney**

Attorney Garcia requested to schedule a shade meeting regarding 44 Sharps on May 18th with Mr. Carrino indicating that there is already a CRA and a LPA meeting scheduled for the 18th. He explained the purpose for each of those meetings. He suggested 5:45 p.m. for the LPA meeting and 5:00 or 5:15 p.m. for the CRA meeting. He asked if they wanted to hold the shade meeting at 4:30 p.m. or following the Commission meeting.

Commissioner Ashcraft noted he would not be attending the May 18th meeting. Mayor Holland noted that Commissioner Hawkins would also not be there due to the high school graduation.

Attorney Garcia indicated she would speak with Commissioners Ashcraft and Hawkins prior to the meeting.

It was a consensus to hold the shade meeting at 4:30 p.m. and the CRA at 5:00 p.m. and LPA at 5:45 p.m.

**10.4 Mayor**

Mayor Holland thanked staff for a great Music Fest with Mr. Carrino indicating there were 5100 people in attendance. Mayor Holland noted the Arbor Day event was well attended and expressed appreciation for it being held on Saturday. He announced Eustis High School is competing in the softball district championship. He encouraged everyone to attend the Back the Blue event on Saturday in Tavares.



Mayor Holland commented on the appointment of Dr. Bigard as president at Lake Sumter State College. He then reported that he is again receiving complaints about the car show downtown and stated the Commission will need to talk about it at a future meeting.

Mr. Carrino indicated he could have the organizer come in and meet with him and the Events and Tourism Coordinator with Mayor Holland stating he thinks they need to appear before the Commission.

Commissioner Ashcraft noted he has been told by the downtown businesses that they are bringing in their own alcohol as well as food.

Mayor Holland commented on how the City can bring other events to downtown.

Chief Swanson reported that Lt. Sean Kelleher has been released to full duty.

## **11. ADJOURNMENT: 8:22 P.M.**

*\*These minutes reflect the actions taken and portions of the discussion during the meeting. To review the entire discussion concerning any agenda item, go to [www.eustis.org](http://www.eustis.org) and click on the video for the meeting in question. A DVD of the entire meeting or CD of the entire audio recording of the meeting can be obtained from the office of the City Clerk for a fee.*

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CHRISTINE HALLORAN  
City Clerk

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MICHAEL L. HOLLAND  
Mayor/Commissioner



# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: June 15, 2023

RE: Eustis Police Department Badge Pinning Ceremony

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**Introduction:**

Police Chief Craig Capri will recognize four Police Department personnel in a formal badge pinning ceremony.

**Prepared By:**

Christine Halloran, City Clerk

**Reviewed By:**

Tom Carrino, City Manager



# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: June 15, 2023

RE: Cemetery Update

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**Introduction:**

Rick Gierok, Public Works Director, will provide a cemetery update.

**Prepared By:**

Christine Halloran, City Clerk

**Reviewed By:**

Tom Carrino, City Manager



# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: June 15, 2023

RE: Reappointment to Code Enforcement Board – Alan R. Paczkowski

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**Introduction:**

This appointment is for consideration of the reappointment of Alan R. Paczkowski to the Code Enforcement Board for a three-year term as a member. His current term expires on July 2, 2023. If approved, the new term will expire on July 2, 2026.

**Background:**

The City follows State Statute Chapter 162 Local government code enforcement boards which provides for a seven-member Code Enforcement Board with two alternates. Per Florida Statute 162.02, the purpose of the board is to "promote, protect, and improve the health, safety, and welfare of the citizens of the counties and municipalities of this state by authorizing the creation of administrative boards with authority to impose administrative fines and other noncriminal penalties to provide an equitable, expeditious, effective, and inexpensive method of enforcing any codes and ordinances in force in counties and municipalities, where a pending or repeated violation continues to exist."

Mr. Paczkowski submitted his request to be considered for reappointment as a member to the Code Enforcement Board. Attached is a copy of the paperwork for your review.

**Recommended Action:**

Staff recommends the approval of Mr. Paczkowski to the Code Enforcement Board for a three-year term to expire July 2, 2026.

**Prepared By:**

Christine Halloran, City Clerk

**Reviewed By:**

Tom Carrino, City Manager

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

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

Dear Sir or Madam:

I no longer wish to serve on the following Board.

Effective Date: \_\_\_\_\_

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

Board: Code Enforcement

Name: Alan R. Paczkowski

Address: 418 W. Blue Water Edge Drive

Telephone Number: 352-988-4284

Email Address: lakepacz@3rddoor.com

Upcoming Commission Meeting Dates I Can Attend: June 15, July 6

Sincerely,

Signature: Alan R. Paczkowski  
Alan R. Paczkowski (Jun 6, 2023 12:25 EDT) Date: 6 June 2023

# The 2022 Florida Statutes

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Title XI  
 COUNTY ORGANIZATION AND INTERGOVERNMENTAL RELATIONS  
Chapter 162  
 COUNTY OR MUNICIPAL CODE ENFORCEMENT  
View Entire Chapter

**162.05 Local government code enforcement boards; organization. –**

(1) The local governing body may appoint one or more code enforcement boards and legal counsel for the enforcement boards. The local governing body of a county or a municipality that has a population of less than 5,000 persons may appoint five-member or seven-member code enforcement boards. The local governing body of a county or a municipality that has a population equal to or greater than 5,000 persons must appoint seven-member code enforcement boards. The local governing body may appoint up to two alternate members for each code enforcement board to serve on the board in the absence of board members.

(2) Members of the enforcement boards shall be residents of the municipality, in the case of municipal enforcement boards, or residents of the county, in the case of county enforcement boards. Appointments shall be made in accordance with applicable law and ordinances on the basis of experience or interest in the subject matter jurisdiction of the respective code enforcement board, in the sole discretion of the local governing body. The membership of each enforcement board shall, whenever possible, include an architect, a businessperson, an engineer, a general contractor, a subcontractor, and a realtor.

(3)(a) The initial appointments to a seven-member code enforcement board shall be as follows:

1. Two members appointed for a term of 1 year each.
2. Three members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

(b) The initial appointments to a five-member code enforcement board shall be as follows:

1. One member appointed for a term of 1 year.
2. Two members appointed for a term of 2 years each.
3. Two members appointed for a term of 3 years each.

Thereafter, any appointment shall be made for a term of 3 years.

(c) The local governing body of a county or a municipality that has a population of less than 5,000 persons may reduce a seven-member code enforcement board to five members upon the simultaneous expiration of the terms of office of two members of the board.

(d) A member may be reappointed upon approval of the local governing body.

(e) An appointment to fill any vacancy on an enforcement board shall be for the remainder of the unexpired term of office. If any member fails to attend two of three successive meetings without cause and without prior approval of the chair, the enforcement board shall declare the member's office vacant, and the local governing body shall promptly fill such vacancy.

(f) The members shall serve in accordance with ordinances of the local governing body and may be suspended and removed for cause as provided in such ordinances for removal of members of boards.

(4) The members of an enforcement board shall elect a chair, who shall be a voting member, from among the members of the board. The presence of four or more members shall constitute a quorum of any seven-member enforcement board, and the presence of three or more members shall constitute a quorum of any five-member enforcement board. Members shall serve without compensation, but may be reimbursed for such travel, mileage, and per diem expenses as may be authorized by the local governing body or as are otherwise provided by law.

(5) The local governing body attorney shall either be counsel to an enforcement board or shall represent the municipality or county by presenting cases before the enforcement board, but in no case shall the local governing body attorney serve in both capacities.

**History.**—s. 1, ch. 80-300; s. 5, ch. 82-37; s. 4, ch. 86-201; s. 2, ch. 87-129; s. 4, ch. 89-268; s. 1, ch. 94-291; s. 1441, ch. 95-147.

**Note.**—Former s. 166.055.

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**Sec. 2-57. Code enforcement board.****(1) Organization.**

- a. The city hereby establishes a local government code enforcement board pursuant to and consistent with F.S. ch. 162.
- b. The city commission also hereby authorizes the use of a special magistrate with the same powers and duties of the code enforcement board if there are not enough board members present to have a quorum. references in this article to the code enforcement board shall include the special magistrate if the context permits.
- c. The city shall appoint an attorney to represent the code enforcement board.
- d. The code enforcement board attorney shall act as the special magistrate in the event that there are not enough code enforcement board members present at a meeting to meet statutory quorum requirements.
- e. No member of the code enforcement board shall have any interest, be it financial or otherwise, direct or indirect, or engage in any business transaction or professional activity, or incur any obligation which is in conflict with the proper discharge of his duties in the public interest in accordance with F.S. ch. 112.
- f. No member shall appear before the city commission, or any commission, committee or board of the city, as agent, attorney or representative of any person, except when representing property he owns.

**(2) Powers and jurisdiction.**

- a. The code enforcement board shall hear and decide violations of this Code and ordinances where a pending or recurring violation continues to exist.
- b. The code enforcement board shall have all powers as provided in F.S. § 162.08.

**(3) Meetings.**

- a. All meetings, regular or special, and all hearings, shall be open to the public in accordance with the provisions of F.S. § 286.011.
- b. The code enforcement board shall hold an annual organizational meeting for the purpose of electing officers, adopting rules and procedures, and establishing regular meeting dates and times.

(Ord. No. 12-10, § 1(exh. A), 6-21-2012)



<b>EUSTIS, FL CODE ENFORCEMENT BOARD</b>	
<p><b>Stephanie L. Carder</b>            1101 Club Hills Dr.            Eustis, FL 32726            H: 352-589-1474 C: 352-455-8743  <a href="mailto:stefflee@aol.com">stefflee@aol.com</a></p> <p>Reappointment CC: 2/16/2023            Term Starts: 2/28/2023            Term Expires: 2/28/2026</p>	<p><b>Bradley P. Shelley</b>            321 Sunny Field Court            Eustis, FL 32726            PH: 407-600-8664  <a href="mailto:bradleypshelley@gmail.com">bradleypshelley@gmail.com</a></p> <p>Term Expires: 03/31/2025</p>
<p><b>Alan Paczkowski</b>            418 W. Blue Water Edge Drive            Eustis, FL 32736-2258            (352) 357-5859  <a href="mailto:lakepacz@3rddoor.com">lakepacz@3rddoor.com</a></p> <p>Reappointment CC TBD: 6/15/2023            Term Expires: 7/2/2023</p>	<p><b>Carol S. Kirst (Alternate)</b>            2681 E. Washington Ave., Unit #22            Eustis, FL 32726            (407) 754-5420  <a href="mailto:Carol.kirst@yahoo.com">Carol.kirst@yahoo.com</a></p> <p>Term Expires: 8/4/2025</p>
<p><b>Karen Sartele</b>            204 W. Blue Water Edge Drive            Eustis, FL 32736            (352) 223-3799  <a href="mailto:karensartele@gmail.com">karensartele@gmail.com</a></p> <p>Term Expires: 10/31/2024</p>	<p><b>William J. Gay (Alternate)</b>            3041 Brighton Road            Eustis, FL 32726            (954) 871-9177  <a href="mailto:Wjg822@hotmail.com">Wjg822@hotmail.com</a></p> <p>Term Expires: 11/3/2025</p>
<p><b>Ryan Benaglio</b>            1230 LakeShore Drive            Eustis, FL 32726            (321) 689-4618  <a href="mailto:ryanbenaglio@gmail.com">ryanbenaglio@gmail.com</a></p> <p>Term Expires: 05/31/2024</p>	
<p><b>George M. Asbate</b>            751 Old Mount Dora Road            Eustis, FL 32726            PH: 407-947-2148            Email: <a href="mailto:george@megaf1.com">george@megaf1.com</a></p> <p>Term Expires: 12/31/2024</p>	<p><b>Board Attorney:</b>            Francheska Sabatini, Esq./ <b>Louis Stone</b>            Stone &amp; Gerken, P.A.            4850 North Hwy 19A            Mount Dora, FL 32757            357-0330  <a href="mailto:francheska@stoneandgerken.com">francheska@stoneandgerken.com</a></p>

**Richard K. Bartz**

33 E. Wilt Ave.  
Eustis, FL 32726  
H: 610-781-6195  
[rbartz@aol.com](mailto:rbartz@aol.com)

Term Expires: 7/31/2025

**City Staff Attorney:**

Kevin Rossi  
Bowen & Schroth, PA  
600 Jennings Avenue  
Eustis, FL 32726  
589-1414 off 589-1726 fax m-f 9-5  
[zbroome@bowenschroth.com](mailto:zbroome@bowenschroth.com)



# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: June 15, 2023

RE: Ordinance Number 23-08: Amending the tree protection section of the City's Land Development Regulations to increase the penalty amount for tree removal without a permit from \$50 to \$2,500

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## **Introduction:**

Since the Lake Lincoln Lookout Subdivision site was completely cleared of trees contrary to their approvals, the City Commissioners have sought methods to prevent this from happening in the future. To that end, the City Commissioners have instructed the Development Services staff to make a few changes to the Tree Protection section of the City's Land Development Regulations. The proposed change is considered a quick fix until additional best practices relating to tree protection can be brought back, presented, discussed by the City Commission and added to the City's Land Development Regulations.

## **Background:**

Staff recommends approval of this change to be added to the City's Land Development Regulations so that this penalty can be imposed on those property owners/contractors/individuals who cut down a protected tree in the City.

## **Budget/Staff Impact:**

None.

## **Prepared By:**

Mike Lane, AICP, Director, Development Services

## **Attachment:**

Ordinance Number 23-08  
Exhibit A: Tree Protection Ordinance Revised

## ORDINANCE NUMBER 23-08

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; AMENDING THE LAND DEVELOPMENT REGULATIONS, CHAPTER 115, SECTION 115-10.5 TREE REPLACEMENT, TO INCREASE THE FEE FOR UNAPPROVED TREE REMOVAL FROM A \$50 FINE PER TREE TO A \$2,500 FINE PER TREE, PROVIDING FOR CODIFICATION, SEVERABILITY, AND AN EFFECTIVE DATE.**

**WHEREAS**, the City of Eustis City Commission has adopted the City of Eustis Comprehensive Plan within which are included goals, objectives, and policies related to the adoption of land development regulations; and

**WHEREAS**, Chapter 163, Part II, Section 3201, the Florida Statutes, requires the implementation of these goals, objectives, and policies through the adoption of consistent land development regulations; and

**WHEREAS**, Chapter 163, Part II, Section 3202, of the Florida Statutes requires each county and municipality to adopt or amend and enforce land development regulations that are consistent with and implement the adopted comprehensive plan within one (1) year after submission of the revised comprehensive plan for review to the state; and

**WHEREAS**, the Local Planning Board considered this request, found it consistent with the goals, objectives and policies of the local Comprehensive Plan, and recommended approval at a properly advertised public hearing on June 1, 2023; and

**WHEREAS**, the Local Planning Board and the Eustis City Commission have determined that tree protection is in the best interest of the health, safety, and welfare of the public.

**NOW THEREFORE, IT BE ORDAINED** by the City Commission of Eustis, Florida, amends the Land Development Regulations as follows:

**Section 1.** The Land Development Regulations shall be amended to read as follows:

Sec. 115-10.5. Tree Replacement.

(e) Any property owner that removes a protected tree for which an approved City tree removal permit was required, but not obtained, and which also meets the criteria for removal listed under section 115-10.3 (e) shall be subject to a \$2,500.00 fine per tree.

**Section 2.** If any provision or portion of this Ordinance is declared by any court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining provisions and portions of this Ordinance shall remain in full force and effect.

**Section 3.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 4.** This ordinance shall become effective upon passage.

**PASSED, ORDAINED AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this \_\_\_\_\_ day of June, 2023.

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

\_\_\_\_\_  
Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this the \_\_\_\_ day of June, 2023, by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content for the use and reliance of the Eustis City Commission, but I have not performed an independent title examination as to the accuracy of the legal description.

\_\_\_\_\_  
City Attorney's Office                      Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 23-08 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

---

Christine Halloran, City Clerk

**Sec. 115-10. Tree protection and vegetation preservation.**

*Purpose and intent.* The purpose of this section is to establish rules and regulations governing the protection of trees and vegetative cover as a valuable community resource within the City; to encourage the proliferation of trees and vegetation within the City as well as their replacement; to recognize their importance and their meaningful contribution to a healthy, beautiful, and safer community attributable to their carbon dioxide absorption, oxygen production, dust filtration, wind and noise reduction, soil erosion prevention, lakeshore erosion protection, wildlife habitat, surface drainage improvement, beautification and aesthetic enhancement of improved and vacant lands; and the general promotion of the health, safety, welfare and well-being of the community. Tree protection is beneficial to the City by improving community appearance and quality of life, enhancing property values, and creating a functional and aesthetically pleasing living environment for existing and future residents. Therefore, the City finds that it is in the best public interest to enact and enforce the regulations described herein for the purpose of controlling tree removal, clear cutting and strip clearing of land.

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

**Sec. 115-10.1. General requirements and definitions.**

- (a) The terms and provisions of this section shall apply to all real property located within the corporate boundaries of the City, except such properties as are exempted herein.
- (b) It shall be unlawful for any person, firm or corporation, either individually or through an agent to cut down, destroy, clear cut, remove, or effectively destroy through damaging any protected tree without first obtaining an approved City tree removal permit, except as specifically exempted herein.
- (c) Developers of sites that have been completely or partially cleared of trees due to agricultural use or other reasons shall be required to comply with the minimum tree requirements as described in section 115-10.7.
- (d) Issuance of a City tree removal permit, or exemption from these requirements, does not exempt any legal obligation or requirement to comply with the regulations of any other governmental agency, local, state, or federal which may have jurisdiction over proposed activity upon the land.
- (e) Trees and vegetative groundcover should be preserved or enhanced in development areas exceeding ten percent slope, within the 100-year floodway, or within 50 feet of the ordinary high water line of lakes, rivers or canals to the greatest extent practicable. This 50-foot buffer area shall remain a natural vegetative buffer zone between development areas and the above-referenced water courses, except for City-approved water-related facilities, such as docks, walkovers, ramps, marinas, etc.
- (f) A protected tree is any tree not listed on the list of noxious/exotic species in section 115-10.9 and meeting one of the following requirements:
  - (1) Trees with a DBH of six inches or greater.
  - (2) Trees located in a wetland area as determined by the agencies having jurisdiction.

- (g) A specimen tree is a tree designated by the City Commission that is rare or unique due to factors such as size, age, ecological value, or type of species having one or more of the following characteristics:
- (1) A diameter of 30 inches DBH or greater.
  - (2) A determined age of 50 years or greater.
  - (3) A determined ecological value; e.g. wildlife habitat, erosion control, etc.
  - (4) A determined unique form or shape due to geography, climate, environment or natural growth conditions.
  - (5) A rare, or unique, non-indigenous tree that is not common to the City (but not on the list of noxious/exotic species).

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

### **Sec. 115-10.2. Exemptions.**

A tree removal permit (see section 115-10.3, Review procedures, and section 115-10.4, Submission requirements) shall not be required under the following conditions and situations as determined by the Director of Development Services or designee:

- (a) A bona fide agricultural use such as citrus, tree nurseries, forest crops, animal husbandry, and greenhouses.
- (b) Removal of dead trees.
- (c) Removal of trees that are an imminent danger to public or private property, as verified by the Director of Development Services or designee.
- (d) Removal of trees planted on the premises of a plant nursery or tree farm that have been grown expressly for the purpose of selling to the general public in the ordinary course of business.
- (e) Removal of any tree on the list of noxious/exotic species in section 115-10.9.
- (f) Removal of trees within approved utility rights-of-way or easements that are necessary to supply gas, water, sewer, telephone, cable television, electrical service, or other needed utilities. This exemption applies only to authorized personnel of the applicable utility and not to the property owner.
- (g) Public utilities with the power of eminent domain may remove or transplant trees either on-site or off-site without a permit.
- (h) Emergency conditions may require the Director of Development Services or designee to waive all, or part, of the requirements of this chapter in the event of manmade or natural disasters such as hurricanes, tornadoes, floods, storms/high winds, hard freezes, fires, etc. The waiver shall apply to a geographically defined area for a period not to exceed 90 days. Longer periods shall require City Commission approval.

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



**Sec. 115-10.3. Review Procedures.**

- (a) A tree inventory and tree removal permit application shall be submitted to the Director of Development Services or designee prior to the commencement of any development activity, except as specifically exempted herein.
- (b) Trees may be removed for construction purposes where all reasonable alternatives are exhausted for relocating the specific construction.
- (c) The removal/replacement of trees that are 24 inches DBH or greater is strongly discouraged. Therefore, all reasonable alternatives or methods that are available, such as design modifications, shall be closely examined before removal will be authorized.
- (d) During application review, the Director of Development Services or designee shall consider the effect that the proposed development activity will have on the future viability of the trees to be retained/relocated within the area to be developed.
- (e) A tree removal permit shall be issued, as determined by the Director of Development Services or designee, if one or more of the following conditions exists:
  - (1) *Street opening.* Tree location restricts the opening of a street or road right-of-way.
  - (2) *Utilities and drainage.* Tree location restricts the construction of public utility lines or drainage facilities.
  - (3) *Property access.* Tree location restricts vehicular access to the property, where there are no other reasonable access points.
  - (4) *Property use.* Tree location restricts reasonable use of the property consistent with all other applicable City, county and state codes, statutes and/or ordinances; and design modifications are not practical or reasonable.
  - (5) *Hazard.* A tree that constitutes a hazard to life or property and can be resolved by removal.
  - (6) *Poor tree health.* Tree is diseased, lacking functioning vascular tissue, or deteriorating to such a state that restoration methods to bring the tree to a sound condition are not practical; or the tree has a disease that can be expected to be transmitted to other trees thereby endangering their health.
  - (7) *Single family home.* The protected tree is located within 15 feet of an occupied single family residence, but not within a public right-of-way or on someone else's property. The 15 foot distance shall be measured from the trunk of the subject tree to the dwelling unit structure.
  - (8) *Thinning of trees.* Trees are so densely situated on a parcel as to significantly impair light and air circulation, which causes poor health conditions or tree disease, so that removal of up to 25 percent of such trees is necessary to alleviate the condition.
  - (9) *Redevelopment.*
    - For nonresidential developments, mixed use developments, and multi-family developments: The property owner has submitted a revised landscape plan consistent with City regulations for redevelopment of the subject site.

- For developed single family residential lots: The property owner is replacing the tree in another location or with an alternative species. The replacement tree must meet the minimum requirements set forth in section 115-10.7.
  - For purposes of these land development regulations, redevelopment shall not be considered a valid condition for removal if the tree removal permit is submitted after the fact.
- (f) An approved City tree removal permit shall identify which trees are to be removed, methods of protection from impacts of construction, and the tree replacement requirements necessary to compensate for the loss of protected trees. The minimum compensation requirement shall be the number of replacement trees required to maintain compliance with the minimum tree requirements included in section 115-10.7.

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

#### **Sec. 115-10.4. Submission requirements.**

- (a) Clear-cutting of vacant land without an approved development plan is prohibited. All property owners planning to initiate any development activity which has the potential to affect trees and vegetative cover are hereby required to submit a City tree inventory and tree removal permit application. This requirement includes, but is not limited to, the following:
- (1) Developers of all new residential subdivisions shall be required to submit a tree inventory and tree removal permit application at the time of initial preliminary plan submittal to the City, so that due consideration may be given to protection of trees during the subdivision design and review process.
  - (2) Developers of any commercial, industrial, multi-family, or other use, requiring site plan approval under the jurisdiction of this land development regulation, shall be required to submit a tree inventory and tree removal permit application at the time of initial site plan submittal to the Development Services division, so that due consideration may be given to protection of trees during the site plan design/review process. A tree inventory may be shown on the site plan.
  - (3) Developers of all new single family and duplex dwelling units shall be required to submit a tree inventory/tree removal permit application at the time of City-issued building permit application. A tree inventory may be shown on the building permit site plan.
- (b) Each tree inventory, for subdivision/site plan review, shall consist of a drawing or accurate representation with an appropriate scale to show tree locations, delineating the following information:
- (1) Property boundaries, existing and proposed structures and surrounding road system;
  - (2) Location, number, size, and species (utilizing botanical or common names) of all trees with a six inch dbh or greater within areas to be disturbed by construction. With approval of the Director of Development Services, the inventory requirements may be modified for heavily wooded sites.

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

### Sec. 115-10.5. Tree Replacement.

- (a) All protected trees that have been removed, for which an approved City tree removal permit was required but not obtained and which do not meet the criteria listed under section 115-10.3 (e), will require replacement at a ratio of two replacement trees for each tree removed without a permit and other possible sanctions as determined by the code enforcement board or the special magistrate in accordance with F.S. § 162.09(2)(a).
- (b) All replacement trees shall be a minimum of two inches DBH, ten feet tall, and five feet wide at the time of planting and selected from the approved tree list included in section 115-10.7. Approved ornamental and palm trees shall not exceed 25 percent of tree replacement requirements and at least 50 percent of the trees shall be live oaks.
- (c) Replacement trees shall be planted on-site, if practical, otherwise the developer/property owner shall donate the monetary value of the required trees to the City for the purpose of planting trees on public property.
- (d) All replacement trees shall be in good health, conform to the standards for Florida No. 1 or better as given in Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services, Tallahassee (97T-05, second edition, February 1998), which is hereby adopted and included by reference herein. A copy of such publication is available from the Director of Development Services or designee.
- (e) **Any property owner that removes a protected tree for which an approved City tree removal permit was required, but not obtained, and which also meets the criteria for removal listed under section 115-10.3 (e) shall be subject to a \$2,500.00 fine per tree.**

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

### Sec. 115-10.6. Tree protection during construction.

- (a) Property owners/developers shall protect, during construction, all protected trees within areas to be disturbed by construction activities as identified on an approved tree removal permit. Tree removal, building, or other development permits may be revoked if protective measures are not used at any time during construction.
- (b) The following shall be prohibited within the tree protection zone (defined in Chapter 100) of designated trees, unless authorized by the Director of Development Services:
  - (1) Parking of heavy equipment, cars and trucks or vehicular traffic;
  - (2) Stockpiling of any materials;
  - (3) Deposition of soil, sediment, or mulch;
  - (4) Grading or grubbing;
  - (5) Excavation or trenching;
  - (6) Burning or burial of debris, within the entire construction site;
  - (7) Dumping oil, gasoline, paint, chemicals, wastewater, or other construction wastes. Storage of potentially hazardous materials shall be in appropriate, non-leaking containers as far away from tree protection zone as possible.

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

**Sec. 115-10.7. Minimum Tree Planting Requirements.**

- (a) All properties requesting development approval (residential and nonresidential) must meet minimum tree requirements as specified below unless otherwise exempted.
- (b) *Minimum Tree Requirements.*

Lot Area (sq. ft.)	Minimum Number of Trees
Less than 6,000	2
6,000—10,000	3
10,000—16,000	4
16,000—20,000	5
Over 20,000	6

- (c) One of the minimum number of trees required shall be planted as a street tree. Such tree shall be planted prior to occupancy of the structure and shall be a maximum of ten feet inside the front property line.
- (d) All property owners/developers that are requesting building permits/development approvals for individual lots (single family or duplex), or individual lots within an approved subdivision (see section 115-10.4, Submission requirements), must meet minimum tree requirements for each specific lot prior to the issuance of a certificate of occupancy, unless otherwise exempted.
- (e) Proper care and maintenance of recently planted trees and vegetation; i.e., necessary water, fertilizer, and support structures, shall be the property owner's/developer's responsibility and be guaranteed for the duration of an Approved Maintenance Agreement (two years) with the City. Upon sale of an individual lot, the responsibility for care and maintenance of trees is transferred to the new property owner of said individual lot.
- (f) Ongoing maintenance is required and shall consist of mowing, removal of litter and dead plant materials, necessary pruning, watering, fertilizing and replacing frozen or dead plants and trees. In the event vegetation or trees die over time, replacement of vegetation specific to genus and species shall be as originally illustrated on the approved site plan.
- (g) If required, the property owner will replace trees that do not survive during the Approved Maintenance Agreement time period. The replacement tree shall fulfill the duration of the Maintenance Agreement.
- (h) Trees used in fulfillment of the requirements of this section shall be a minimum of two inches DBH and ten feet tall and five feet wide at the time of planting and selected from the approved tree list (section 115-10.7(f)). Approved ornamental and palm trees shall not exceed 25 percent of minimum tree requirements. All required trees shall be in good health, conform to the standards for Florida No. 1 or better, as given in the Grades and Standards for Nursery Plants, State of Florida, Department of Agriculture and Consumer Services as referenced herein. Trees used to meet these minimum tree requirements can also be used in calculations for minimum buffer requirements in chapter 110 of this land development regulation.

- (i) Trees and shrubs permitted within the City shall include but not be limited to the following:

Ash (*Fraxinus* sp.)  
Atlantic White Cedar (*Chamaecyparis thyoides*)  
Basswood (*Tilia* sp.)  
Black Gum/Tupelo (*Nyssa sylvatica*)  
Cabbage Palm (*Sabal palmetto*)  
Cedar (tree form only) (*Juniperus* spp.)  
Chickasaw Plum (*Prunus angustifolia*)  
Crape Myrtle (*Lagerstroemia indica*)  
Cypress (*Taxodium* spp.)  
Date Palms (*Phoenix* spp.)  
Devilwood (*Osmanthus americanus*)  
Fringe Tree (*Chionanthus virginicus*)  
Elm (*Ulmus* spp.)  
Flowering Dogwood (*Cornus florida*)  
Hackberry (*Celtis* spp.)  
Hickory (*Carya* spp.)  
Holly (tree form only) (*Ilex* spp.)  
Hornbeam/Blue Beech (*Carpinus caroliniana*)  
India Rosewood (*Dalbergia sissoo*)  
Jerusalem Thorn (*Parkinsonia aculeata*)  
Loblolly Bay (*Gordonia lasianthus*)  
Loquat (*Eriobotrya japonica*)  
Magnolia (*Magnolia* spp.)  
Maple (*Acer* spp.)  
Oak (*Quercus* spp.)  
Persimmon (*Diospyros virginiana*)  
Pine (*Pinus* sp.)  
Red Bay (*Persea borbonia*)  
Redbud (*Cercis canadensis*)  
Red Mulberry (*Morus rubra*)  
Southern Wax Myrtle (*Myrica cerifera*)  
Sparkleberry (*Vaccinium arboreum*)

Sweetgum (*Liquidambar styraciflua*)  
 Sycamore (*Platanus* sp.)  
 Tulip Poplar (*Liriodendron tulipifera*)  
 Washington Palm (*Washingtonia robusta*)  
 Willow (*Salix* sp.)

Fruit Trees:

Apple (*Malus* spp.)  
 Apricot (*Prunus armeniaca*)  
 Grapefruit (*Citrus paradisi*)  
 Lemon (*Citrus limon*)  
 Lime (*Citrus aurantiifolia*)  
 Orange (*Citrus sinensis* spp.)  
 Tangerine (*Citrus reticulata*)  
 Tangelo (*Citrus reticulata* x *paradisi*)  
 Fig (*Ficus carica*)  
 LeConte Pear (*Pyrus communis* x LeConte)  
 Plum (*Prunus salicina*)

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

**Sec. 115-10.8. Voluntary planting.**

- (a) Nothing in this Chapter shall be construed to prohibit the planting of trees or vegetation except that which is identified on the list of noxious/exotic invasive species (section 115-10.9(a)). Trees and/or other plants indicated on the list of noxious/exotic invasive species shall not be planted in the City. Noxious/exotic invasive species (section 115-10.9(a)) shall be removed from all development sites as a part of the normal site preparation activity.
- (b) Permission from the Director of Development Services shall be required prior to planting, pruning, or removing any tree in public parks, road rights-of-way, or other publicly owned property.

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

**Sec. 115-10.9. Removal of noxious/exotic invasive species.**

- (a) Specific plant species, which are prohibited within the City, are as follows:
  - (1) *Canopy and understory trees.*
    - a. Australian Pine (*Casuarina* spp.).
    - b. Melaleuca (*Melaleuca quinquenervia*).

- c. Chinaberry (*Melia azedarach*).
- d. Ear Tree (*Enterlobium cyclocarpum*).
- e. Eucalyptus species (*Eucalyptus spp.*).
- f. Brazilian Pepper (*Schinus terebinthifolius*).
- g. Paper Mulberry (*Broussonetia papyrifera*).
- h. Silk Oak (*Grevillea robusta*).
- i. Empress Tree (*Paulownia tomentosa*).
- j. Tree of Heaven (*Ailanthus altissima*).
- k. Chinese Tallow Tree (*Sapium sebiferum*).
- l. Japanese Tallow Tree (*Sapium japonicum*).
- m. Camphor (*Cinnamomum camphora*).
- n. California Privet\* (*Ligustrum ovalifolium*).

\*both shrub and tree forms.

- o. Cedar Gum (*Eucalyptus gunnii*).

(2) *Shrubs, vines, and ground covers.*

- a. Air potato/air yam (*Dioscorea bulbifera*).
- b. Downy rose myrtle (*Rhodomyrtus tomentosa*).
- c. African Bowstring Hemp (*Sansevieria hyacinthoides*).
- d. Castor Bean Plant (*Ricinus communis*).
- e. Kudzu (*Pueraria lobata* Willd.).

- (b) Removal of plants listed on the list of noxious/exotic invasive species (section 115-10.9(a)) is required as a part of normal site preparation and shall not require a City tree removal permit.

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

**Sec. 115-10.10. Harmful acts.**

- (a) No person shall abuse, mutilate or otherwise damage any protected tree, as described herein, or any tree located on public property, including those trees located in the public right-of-way along street frontages within subdivisions.
- (b) However, nothing in this section shall be construed to prevent reasonable and proper trimming of trees on public or private property by authorized persons in accordance with accepted horticultural methods established by the International Society of Arborists (ISA).
- (c) Any person who mutilates a tree in conflict with this section shall be required to remove the tree and will be required to comply with tree replacement provisions per section 115-10.5.

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(d) No person shall attach any signs in an injurious manner to any tree, nor shall any person cause any substance harmful to trees to come in contact with them, or prevent water or oxygen from reaching their roots by excessive cut and fill activities.

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





# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: June 15, 2023

RE: Ordinance Number 23-10: **FIRST READING** Conditional Use Permit for an Accessory Dwelling Unit at 527 Hill Street

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## **Introduction:**

Ordinance Number 23-10 approves a Conditional Use Permit for an accessory dwelling unit to an existing single-family residence in the Suburban Residential (SR) land use district for property located at 527 Hill Street. The existing garage will be converted to create the accessory dwelling unit.

## **Background:**

### 1. Pertinent Site Information:

- a. The subject property located at 527 Hill Street comprises approximately 0.2 acres.
- b. A 1-story, 1,260-square-foot primary residential structure exists onsite.
- c. There are no previous uses onsite beyond that of a residential one, and the current use is also that of a residence.
- d. The site and surrounding properties' land use, design district designations, and existing uses are all Suburban Residential and Suburban Neighborhood.



## 2. **Applicant's Request**

The applicant requests approval to permit a free-standing accessory dwelling unit in the Suburban Residential land use district. The dwelling unit will be used as an accessory apartment/rental unit, the use of which will occupy the entire 484-square-foot structure (see Exhibit A).

## 3. **Analysis and Summary:**

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

The Comprehensive Plan: The Suburban Residential (SR) land use applies to residential areas which are typically adjacent to other residential development. The purpose is to provide for residential neighborhoods with fewer street connections and more bicycle and pedestrian-friendly circulation patterns, with limited retail and service businesses while maintaining residential character or compatibility.

Section 109-4 (Use Regulation Table) allows an accessory apartment as a conditional use within the SR land use district.

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

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

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

## 4. **Compatibility**

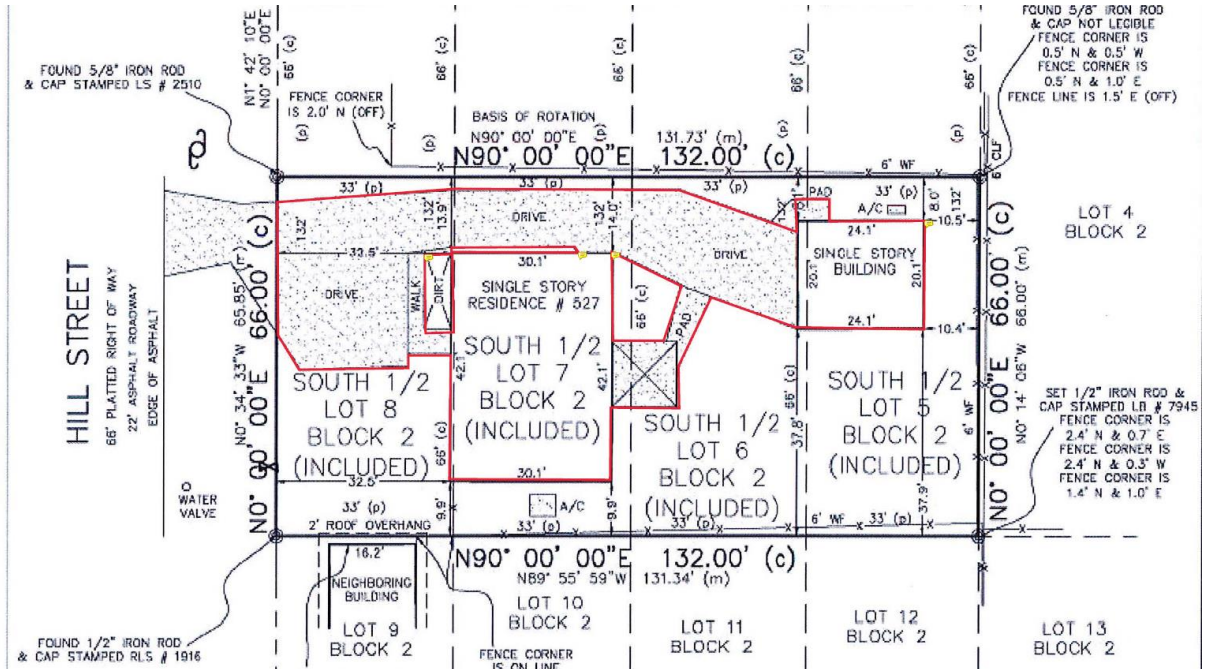
The existing structure was originally constructed as a single-family home in 1978. County and City records indicate the use of the structure continues to be as a single-family residence, and the exterior of the structure has not been modified to alter its appearance as a single-family home. There is an existing driveway to serve the new accessory dwelling unit and an additional parking area was added in 2020 to allow parking in front of the single-family residence.

Surrounding land uses have not changed considerably over the years and remain primarily residential.

The single accessory dwelling unit use will not generate sufficient traffic to require a traffic study nor affect the traffic on the side streets of Windemere Ave. and S. Center Street. Noise will not be an issue as the primary use will be accessory residential occupying a small space.

A review of the property's current conditions indicates that the existing impervious surface constructed on-site is already at the allowed 40 percent ISR for the Suburban Residential Future Land Use District. The lot is 8,712 square feet, with existing structures and

pavement totaling approximately 3,570 square feet. To meet the requirements of Sect 110-5.8(b) of the City's Land Development Regulations the owners will need to add a 300-square-foot garage/storage building as a replacement for the converted garage. This will further increase the ISR. The applicant will need to remove a portion of the existing driveway and sidewalk areas to keep the maximum impervious surface ratio at or below 40 percent. This should be feasible and has been recommended as a condition of the request for the conversion of the garage to an accessory dwelling unit. The applicant may retain stabilized parking areas by surfacing them with pervious materials such as pervious/porous blocks, grassed geogrid, or crushed stone.



5. **Conclusion**

Staff recommends approval of the conditional use request based upon the above discussion which outlines that the proposed use will be compatible with the surrounding uses and with no major exterior change to the existing buildings, which will not affect the intensity of the property or the capacity of any public facilities. Application for a Building Permit will be required and said application will need to include a survey detailing that the maximum impervious surface will not exceed 40 percent.

**Recommended Action:**

Recommend approval of the Conditional Use Permit with conditions:

1. Replace the garage as required under the City of Eustis Land Development Regulations Section 110-5.8(b).
2. Building permits must be obtained.
3. A survey must be provided with a Building Permit application showing that the site remains within the maximum of 40 percent impervious surface ratio.

**Policy Implications:**

None

**Alternatives:**

Approval of Ordinance Number 23-10

Denial of Ordinance Number 23-10

**Budget/Staff Impact:**

None

**Prepared By:**

Jeff Richardson, AICP, Deputy Director, Development Services

**Reviewed By:**

Mike Lane, AICP, Director, Development Services

Heather Crony, Senior Planner, Development Services

**ORDINANCE NUMBER 23-10**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT TO AN EXISTING SINGLE-FAMILY RESIDENCE IN THE SUBURBAN RESIDENTIAL (SR) FUTURE LAND USE DISTRICT ON APPROXIMATELY 0.2 ACRES LOCATED AT 527 HILL STREET.**

**WHEREAS**, Jonathan Wanberg with Florida Homes, LLC, property owner, has applied for a Conditional Use Permit for a free-standing accessory dwelling unit to be located at 527 Hill Street; and

**WHEREAS**, the subject property has a Land Use Designation of Suburban Residential (SR) and a Design District Designation of Urban Neighborhood; and

**WHEREAS**, an accessory dwelling unit is permitted as a Conditional Use in the Suburban Residential Land Use District; and

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

**WHEREAS**, on June 15, 2023, the City Commission held the 1<sup>st</sup> Public Hearing to consider the Conditional Use Permit; and

**WHEREAS**, on July 6, 2023, the City Commission held the 2<sup>nd</sup> Public Hearing to consider the Conditional Use Permit; and

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

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

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

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

**Section 1.** That a Conditional Use Permit is granted for an accessory dwelling unit on approximately 0.2 acres located at 527 Hill Street, more particularly described as:

EUSTIS COLLEGE HEIGHTS S 1/2 OF LOTS 5, 6, 7, 8 BLK 2 PB 4 PG 52 ORB  
5579 PG 2242

ALTERNATE KEY NUMBER: 1420521  
PARCEL NUMBER: 12-19-26-0600-002-00501

**Section 2.** That the conditions of approval require that the accessory use meets all applicable provisions of the Land Development Regulations and the City Code of Ordinances and complies with the following specific conditions and limitations:

1. The submittal documents indicate the accessory dwelling unit building is limited to 484 square feet; and expanding the square footage of said dwelling unit will require a modification of the conditional use approval.
2. Payment of water and sewer impact fees is required as a condition of approval.
3. The applicant shall be required to provide parking and garage space pursuant to City of Eustis Land Development Regulations Section 110-5.8(b).
4. Maximum Impervious Surface Ratio of the property shall be limited to 40%.

**Section 3.** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.** That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 5.** That this Ordinance shall become effective immediately upon passing.

**PASSED, ORDAINED, AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this 6th day of July 2023.

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

\_\_\_\_\_  
Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 15<sup>th</sup> day of July 2023 by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

\_\_\_\_\_  
City Attorney's Office

\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 23-10 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk





# City of Eustis

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

TO: Eustis City Commission  
 FROM: Tom Carrino, City Manager  
 DATE: June 15, 2023  
 RE: Ordinance Number 23-11: **FIRST READING** Conditional Use Permit for an Accessory Dwelling Unit at 708 East Lemon Avenue

## Introduction:

Ordinance Number 23-11 approves a Conditional Use Permit for an accessory dwelling unit to an existing single-family residence in the Suburban Residential (SR) land use district for property located at 708 East Lemon Avenue (Alternate Key Number 1631271).

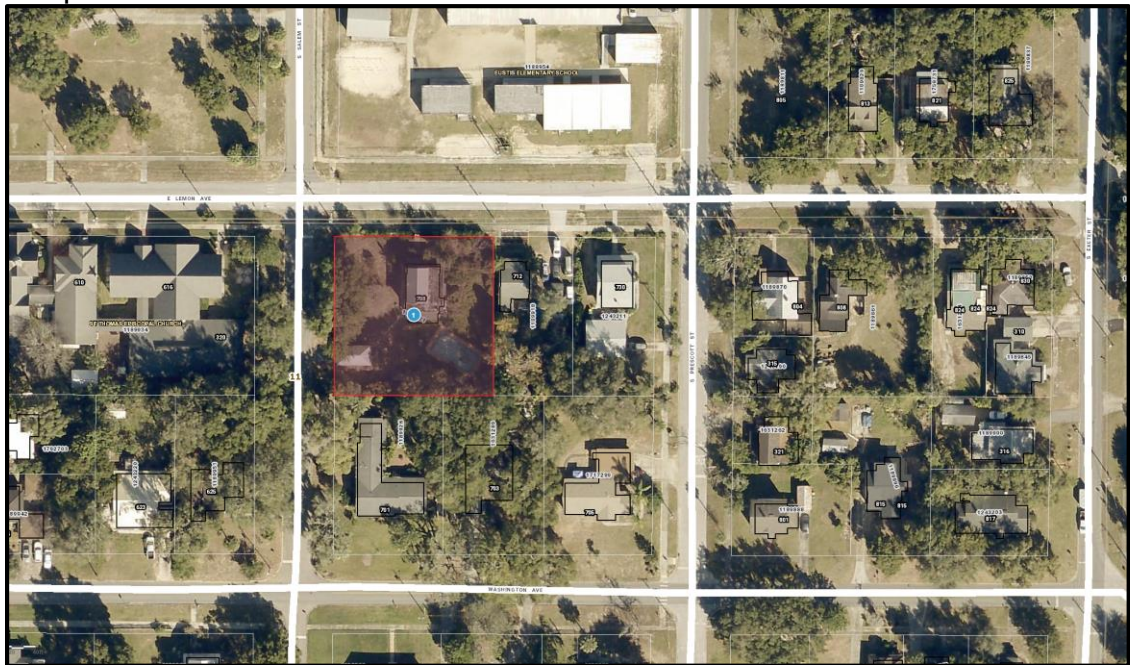
## Recommended Action:

The administration recommends approval of Ordinance Number 23-11.

## Background:

### Pertinent Site Information:

- a. The subject property at 708 East Lemon Avenue (Alternate Key Number 1631271) comprises about 0.21 acres.



- b. The subject property currently contains a two-story 2,292 square-foot single-family residence built in 1925, a detached garage, and a swimming pool with a pool deck. The Property Record Card from Lake County Property Appraisers' office's website is attached for reference.
- c. The site and surrounding properties' land use are Suburban Residential (SR) except for immediately north of the subject property, which is Public Institutional



(PI) land use for the use of Eustis Elementary School at 714 Citrus Avenue, also in the Washington Avenue Historic District.

- d. The subject property and all properties immediately adjacent to it are in the Urban Neighborhood design district.
- e. A Code Enforcement Violation (Violation ID 23-00081) is open on this property for work being done without a permit, which includes installation of a handicapped ramp installed on the main single-family residence, as well as work on the detached garage to convert it to a dwelling unit.

**Proposed Development:**

Amy Taylor, the owner of 708 East Lemon Avenue, is requesting Conditional Use approval to convert the detached garage to an accessory dwelling unit, including modification of windows, doors, roof, and paint, within the Washington Avenue Historic District. The applicant received approval for a Certificate of Appropriateness (COA), 2023-COA-06, from the Historic Preservation Board (HPB) during their meeting on May 10, 2023. The application for a Certificate of Appropriateness (see attached for complete information) states:

- Existing building will remain
- Replacing missing and wood rotten windows and doors with new vinyl energy-efficient Lowe's windows (white) to match existing as close as possible
- Outside walls to remain (will paint only)
- Roof to remain (will coat with silver coating)
- Door to be six-panel metal to match existing

**Applicant's Request:**

The applicant requests approval to permit the conversion of the detached garage structure to an accessory dwelling unit in the Suburban Residential land use district.

**Analysis and Summary:**

The primary contact person for this application is James Svenson, who is the contractor for the applicant/property owner, Amy Taylor. The contractor began work on this property without any prior permits or approvals. As a result of a member of the public contacting Code Enforcement to inquire about work being done at the property that they did not think was permitted, Code Enforcement investigated and issued a violation notice along with options for correction of the violation, which is Violation 23-00081 (attached for reference).

This property is in the Washington Avenue Historic District, so the first step to remedy the violation was a Certificate of Appropriateness (COA) application for approval by the Historic Preservation Board (HPB), which was submitted on March 7, 2023, and approved by the HPB during their May 10, 2023, meeting. The associated COA application, backup documentation, staff report, and approval letter are attached for reference.

The proposed work is generally consistent with the overall property and the surrounding properties nearby. The existing structures will remain, but renovations will be done internally to the detached garage along with the replacement of some features of the structure, such as doors and windows in addition to a silver coating on the roof. The replacement windows and doors are proposed to be energy efficient. The existing windows on the subject structure (garage to be converted to a dwelling unit) are four-pane windows, but the new replacement windows that are proposed are single-paned.

The Property Owner stated in an email correspondence (attached for reference) on May 23, 2023, "I want to remodel the garage into an apartment because I want trusted eyes on site. That's what I'm doing. It makes it better for everyone."

The City's Land Development Regulations Section 109-4, Use Regulations Table, requires conditional use approval for accessory dwelling units in the Suburban Residential land use district. As a result, a Conditional Use application request was received to seek this required approval to bring the property into compliance. A Building Permit application has also been submitted for the proposed work, which can theoretically receive approval by Planning upon approval of a Conditional Use for an accessory dwelling unit on this property.

The standards of review must show the conditional use is consistent with the City's Comprehensive Plan, Land Development Regulations, and City Codes, which are shown below.

This request for allowance of an ADU is generally consistent with the goals and objectives of the City's Comprehensive Plan, which has provisions for providing affordable housing and varieties of housing types, which an ADU can do. This ADU would be in an area of other residential development. The exterior appearance would not be a great variation as it is currently other than general maintenance and upkeep type of improvements, per the information that has been submitted, and is attached for reference.

Per Section 110-5.8, Garages, (full code section text is below) a garage is required for all single-family dwellings, and should any property owner enclose or reduce the size of any existing garage or carport below the square footage requirements of this section, then the owner shall mitigate the loss of the garage by providing for on-site parking and outside storage. If in a designated historic district, in an urban design district, or on a legal lot of record that is below the minimum suburban standard, or if enclosing a carport, then the owner may designate two on-site parking spaces at least 9 feet x 18 feet each in the driveway area or on the residential lot behind the building frontage; and provide outside storage by either constructing a storage shed with minimum dimensions of 10 feet x 10 feet in accordance with the Land Development Regulations for accessory structures or by providing outside access to a designated, separated storage area within the enclosed garage or carport (minimum dimensions 12 feet x 7 feet).

The property has a storage shed on the property that will meet the requirements for storage to be provided, and there is a driveway on the property that can be utilized for parking.

Compatibility:

Per the Lake County Property Appraiser records (property record card attached for reference), the existing 2,292-square-foot primary residence was originally constructed in 1925, the 364-square-foot detached garage was constructed in 1924, and the swimming pool and deck was constructed in 1972. County and City records indicate the use of the structures continue to be as they were initially constructed to be utilized until recent work was being done on the property.

Surrounding land uses have not changed considerably over the years and are primarily residential. Just north of the subject property is in the Public Institutional land use and occupied by Eustis Elementary School.

The single accessory dwelling unit use will not generate sufficient traffic to require a traffic study nor affect the traffic on the side streets of South Salem Street or East Lemon Avenue.

Noise should not be an issue as the primary use will be accessory residential occupying a small space.

The Impervious surface ratio (ISR) maximum for the SR land use is 40%. All structures on this site are previously existing and no new structures or impervious surface area are proposed. Pursuant to Eustis LDR Sec. 94-176. – Definitions, "Impervious areas means those hard surfaced areas which either prevent or retard the entry of water into the soil mantle, as it entered under

natural conditions prior to development, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include but are not limited to rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development.”

The impervious surface ratio (ISR) is the relationship between the total impervious surface area on a site and the gross land area. The ISR is calculated by dividing the square footage of the area of all impervious surfaces on the site by the square footage of the gross land area.

### **Applicable Policies and Codes:**

The standards of review must show the conditional use is consistent with the City’s Comprehensive Plan, Land Development Regulations (LDR), and City Codes. Accordingly, staff has reviewed this conditional use request with consideration of the following.

The Comprehensive Plan: The Suburban Residential (SR) land use applies to residential areas which are typically adjacent to other residential development. The purpose is to provide for residential neighborhoods with fewer street connections and more bicycle and pedestrian-friendly circulation patterns, with limited retail and service businesses while maintaining residential character or compatibility.

Pursuant to Eustis LDR Section 94-176. – Definitions, “Impervious areas means those hard-surfaced areas which either prevent or retard the entry of water into the soil mantle, as it entered under natural conditions prior to development, and/or cause water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions prior to development. Common impervious surfaces include but are not limited to rooftops, sidewalks, walkways, patio areas, driveways, parking lots, storage areas, and other surfaces which similarly impact the natural infiltration or runoff patterns which existed prior to development.”

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

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

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

Section 109-4 (Use Regulations Table) allows an accessory apartment as a conditional use within the SR land use district.

### **Sec. 110-5.8. Garages**

(a) *Garages.* All single-family dwellings, including mobile homes, duplexes, triplexes, row houses, and the like, constructed after the effective date of this section, shall possess a garage as follows:

(1) Minimum size 300 square feet (12 feet x 18 feet for automobile parking and 12 feet x 7 feet for storage).

(2) Equipped with an operational overhead door with minimum dimensions of 9 feet x 7 feet which door, when closed, conceals the interior of the garage.

(b) Should any property owner enclose or reduce the size of any existing garage or carport below the square footage requirements of this section, then the owner shall mitigate the loss of the garage by providing for on-site parking and outside storage as follows:

(1) Construct a new garage on the property sufficient to meet the square footage requirements of this section; or

(2) If in a designated historic district, in an urban design district, or on a legal lot of record that is below the minimum suburban standard, or if enclosing a carport, then the owner may take the following actions in lieu of replacing the garage:

a. Designate two on-site parking spaces at least 9 feet x 18 feet each in the driveway area or on the residential lot behind the building frontage; and

b. Provide outside storage by either constructing a storage shed with minimum dimensions of 10 feet x 10 feet in accordance with the Land Development Regulations for accessory structures or by providing outside access to a designated, separated storage area within the enclosed garage or carport (minimum dimensions 12 feet x 7 feet).

(Ord. No. 16-31, § 1.e.(Exh. A), 12-15-2016)

### **Policy Implications:**

Approval or denial of this waiver request to grant approval of a conditional use to permit an accessory dwelling unit at 708 East Lemon Avenue could set a precedent for the review of similar requests in the future; however, this could be an opportunity as well to show flexibility and also offer a variety of housing options.

### **Alternatives:**

1. Approve Ordinance Number 23-11.
2. Deny Ordinance Number 23-11.

### **Discussion of Alternatives:**

Alternative 1 approves Ordinance Number 23-11.

#### **Advantages:**

1. The project may move forward with site modifications.
2. A new accessory housing unit will be available in Eustis.
3. The structure will be occupied and maintained.
4. The proposed use will be compatible with the surrounding uses as the type of accessory residence proposed should be low impact.

#### **Disadvantages:**

1. Approval of an accessory dwelling unit in the area could prompt other requests for an accessory dwelling unit in this area, which could change the character of the area.

Alternative 2 denies Resolution Number 23-11.

#### **Advantages:**

1. No accessory dwelling unit will exist in this area primarily occupied by residences.

#### **Disadvantages:**

The City could lose the opportunity of having a new accessory dwelling unit in the city limits as well as an affordable housing option.

**Community Input:**

The department has properly advertised the Ordinance in the newspaper; notified surrounding properties within 500 feet, and posted the property. To date, there has been no opposition received to the proposed development, nor any feedback at all related to this Conditional Use request; however, nearby members of the public did attend the HPB meeting that considered this COA, and one spoke on the item.

**Budget/Staff Impact:**

There would be no direct cost to the City associated with the action other than providing standard City services to the development. There would be no additional staff time beyond the normal plan review process and building inspection.

**Conclusion:**

Staff recommends approval of the conditional use request based upon the above discussion which outlines that the proposed use will be compatible with the surrounding uses because of its location, no change to the existing building, which will not affect the intensity of the property or tax the capacity of any public facilities. Upon approval of this request, there should be no further planning concerns with the building permit application that is on hold. Other than planner review and approval, it is also required for the Building Official to grant approval of this building permit request.

**Prepared By:**

Heather Croney, Senior Planner

**Reviewed By:**

Jeff Richardson, AICP, Deputy Director, Development Services

**Attachments:**

Maps to show General Location, Future Land Use, and Design District  
Property Record Card for Subject Property  
Relevant Correspondence with Property Owner, Amy Taylor  
Certificate of Appropriateness 2023-COA-06 Approval and Attachments  
Washington Avenue Historic District Boundaries Map  
Proposed Ordinance Number 23-11

**ORDINANCE NUMBER 23-11**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING A CONDITIONAL USE PERMIT FOR AN ACCESSORY DWELLING UNIT TO AN EXISTING SINGLE-FAMILY RESIDENCE IN THE SUBURBAN RESIDENTIAL (SR) FUTURE LAND USE DISTRICT ON APPROXIMATELY 0.21 ACRES LOCATED AT 708 EAST LEMON AVENUE.**

**WHEREAS**, Amy Taylor, property owner, has applied for a Conditional Use Permit for a detached garage to be converted to a free-standing accessory dwelling unit at 708 East Lemon Avenue; and

**WHEREAS**, the subject property has a Land Use Designation of Suburban Residential (SR) and a Design District Designation of Urban Neighborhood; and

**WHEREAS**, an accessory dwelling unit is permitted as a Conditional Use in the Suburban Residential Land Use District; and

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

**WHEREAS**, on June 15, 2023, the City Commission held the 1<sup>st</sup> Public Hearing to consider the Conditional Use Permit; and

**WHEREAS**, on July 6, 2023, the City Commission held the 2<sup>nd</sup> Public Hearing to consider the Conditional Use Permit; and

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

**WHEREAS**, the applicant has presented evidence to establish the following: That the proposed use is desirable at the particular location.

1. That the proposed conditional use will not have an undue adverse effect upon nearby property.
2. That such use will not be detrimental to the health, safety, or general welfare of the citizens residing in the area.
3. That the proposed conditional use is compatible with the existing or planned character of the neighborhood in which it would be located.

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

**Section 1.** That a Conditional Use Permit is granted for an accessory dwelling unit on approximately 0.21 acres located at 708 East Lemon Avenue, more particularly described as:

EUSTIS LOTS 5, 6, 7, 8 BLK 92 PB 1 PG 79 ORB 5893 PG 1219 ORB 5945  
PG 244

ALTERNATE KEY NUMBER: 1631271  
PARCEL NUMBER: 11-19-26-0100-092-00500

**Section 2.** That the conditions of approval require that the accessory use meets all applicable provisions of the Land Development Regulations and the City Code of Ordinances and complies with the following specific conditions and limitations:

1. Payment of water and sewer impact fees is required as a condition of approval.

**Section 3.** That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

**Section 4.** That should any section, phrase, sentence, provision, or portion of this Ordinance be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

**Section 5.** That this Ordinance shall become effective immediately upon passing.

**PASSED, ORDAINED, AND APPROVED** in Regular Session of the City Commission of the City of Eustis, Florida, this 6<sup>th</sup> day of July, 2023.

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

\_\_\_\_\_  
Michael L. Holland  
Mayor/Commissioner

**ATTEST:**

\_\_\_\_\_  
Christine Halloran, City Clerk

**CITY OF EUSTIS CERTIFICATION**

**STATE OF FLORIDA  
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 6th day of July, 2023 by Michael L. Holland, Mayor, and Christine Halloran, City Clerk, who are personally known to me.

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

**CITY ATTORNEY'S OFFICE**

This document is approved as to form and legal content, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

\_\_\_\_\_  
City Attorney's Office

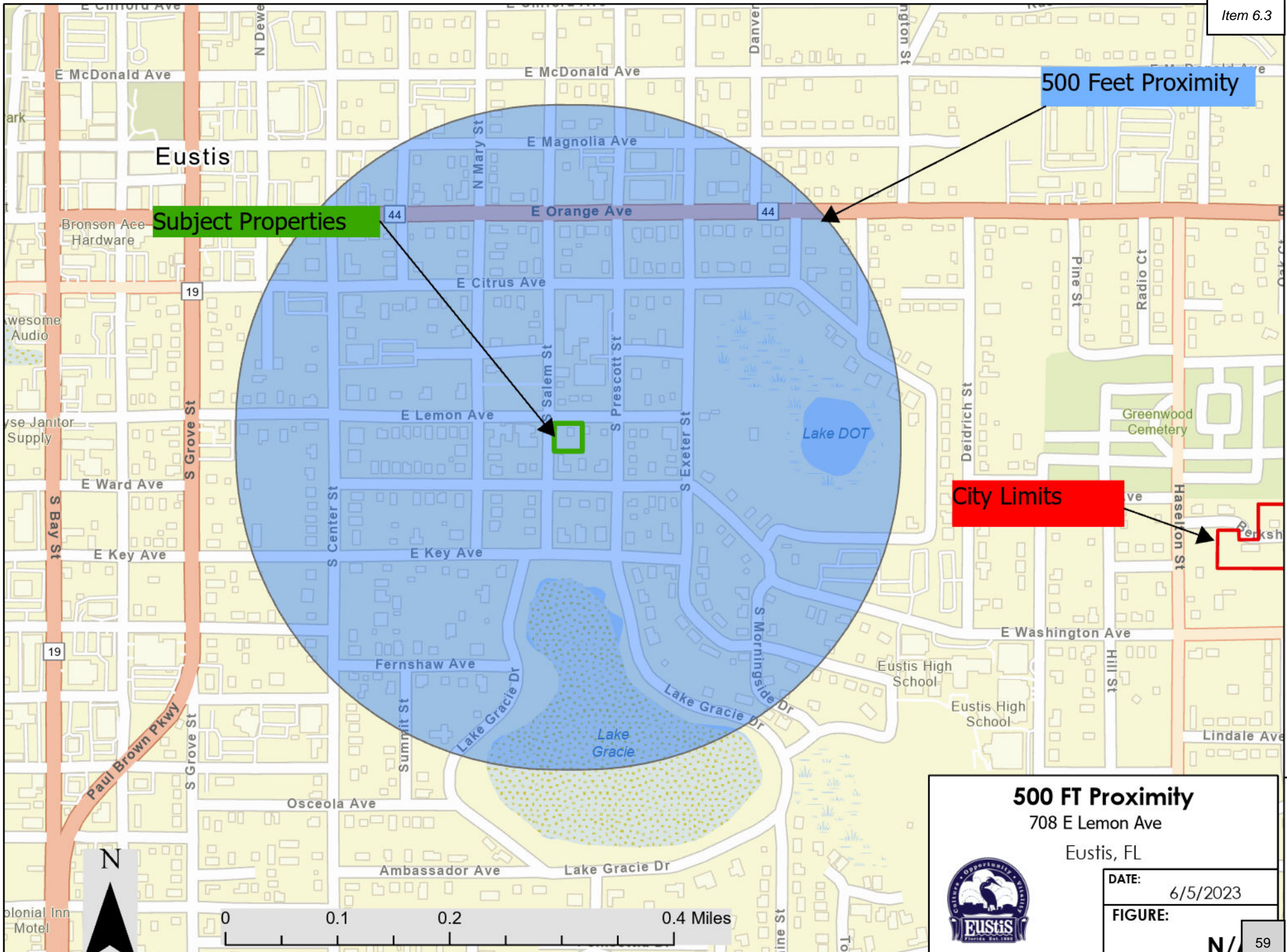
\_\_\_\_\_  
Date

**CERTIFICATE OF POSTING**

The foregoing Ordinance Number 23-11 is hereby approved, and I certify that I published the same by posting one (1) copy hereof at City Hall, one (1) copy hereof at the Eustis Memorial Library, and one (1) copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

\_\_\_\_\_  
Christine Halloran, City Clerk





Eustis

Subject Properties


500 Feet Proximity

City Limits

**500 FT Proximity**  
 708 E Lemon Ave  
 Eustis, FL

DATE: 6/5/2023

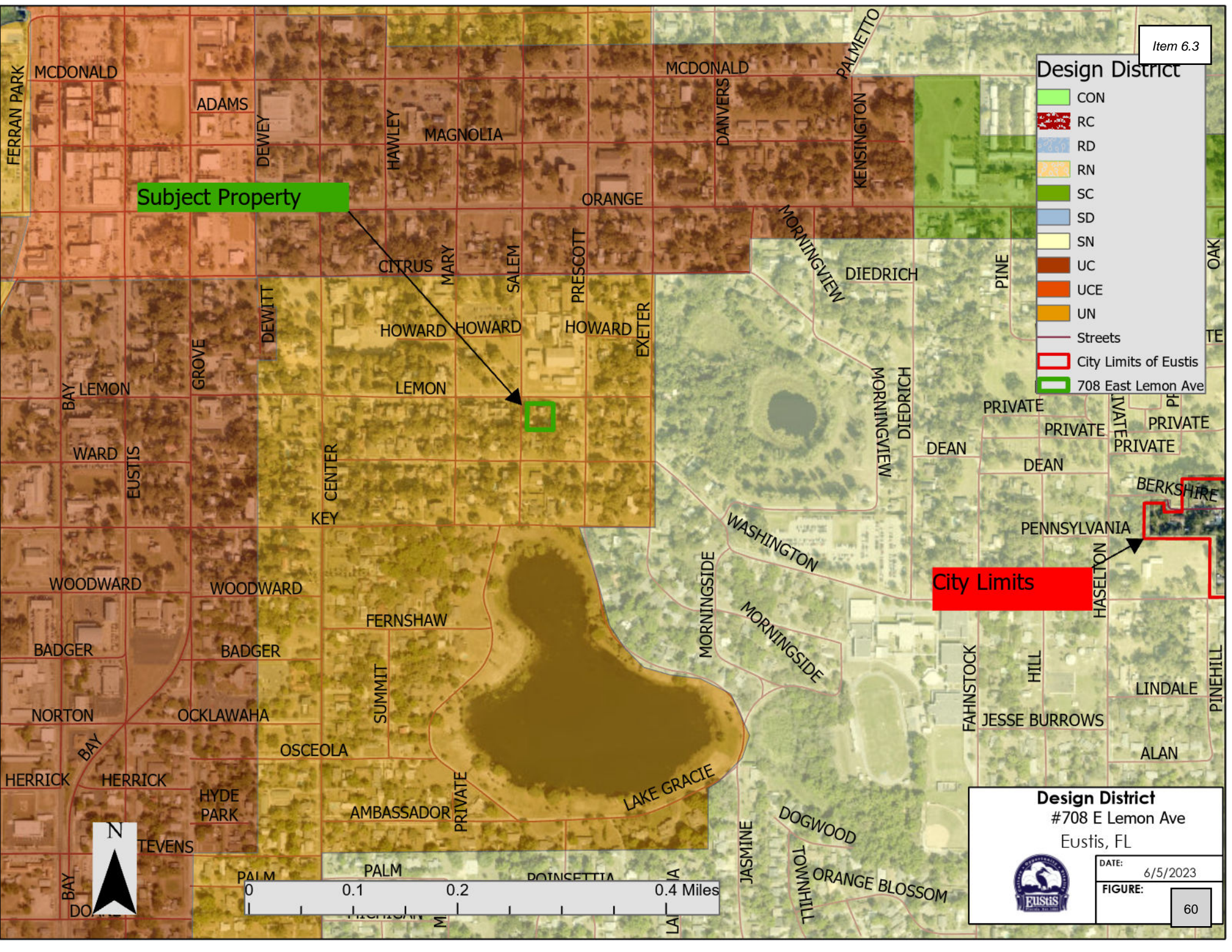
FIGURE: N/A



0 0.1 0.2 0.4 Miles







- Design District**
- CON
  - RC
  - RD
  - RN
  - SC
  - SD
  - SN
  - UC
  - UCE
  - UN
  - Streets
  - City Limits of Eustis
  - 708 East Lemon Ave

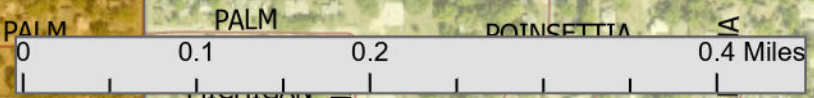
Subject Property

City Limits

**Design District**  
 #708 E Lemon Ave  
 Eustis, FL

DATE: 6/5/2023

FIGURE: 60





**Design District**


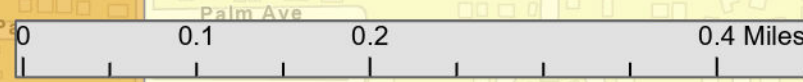
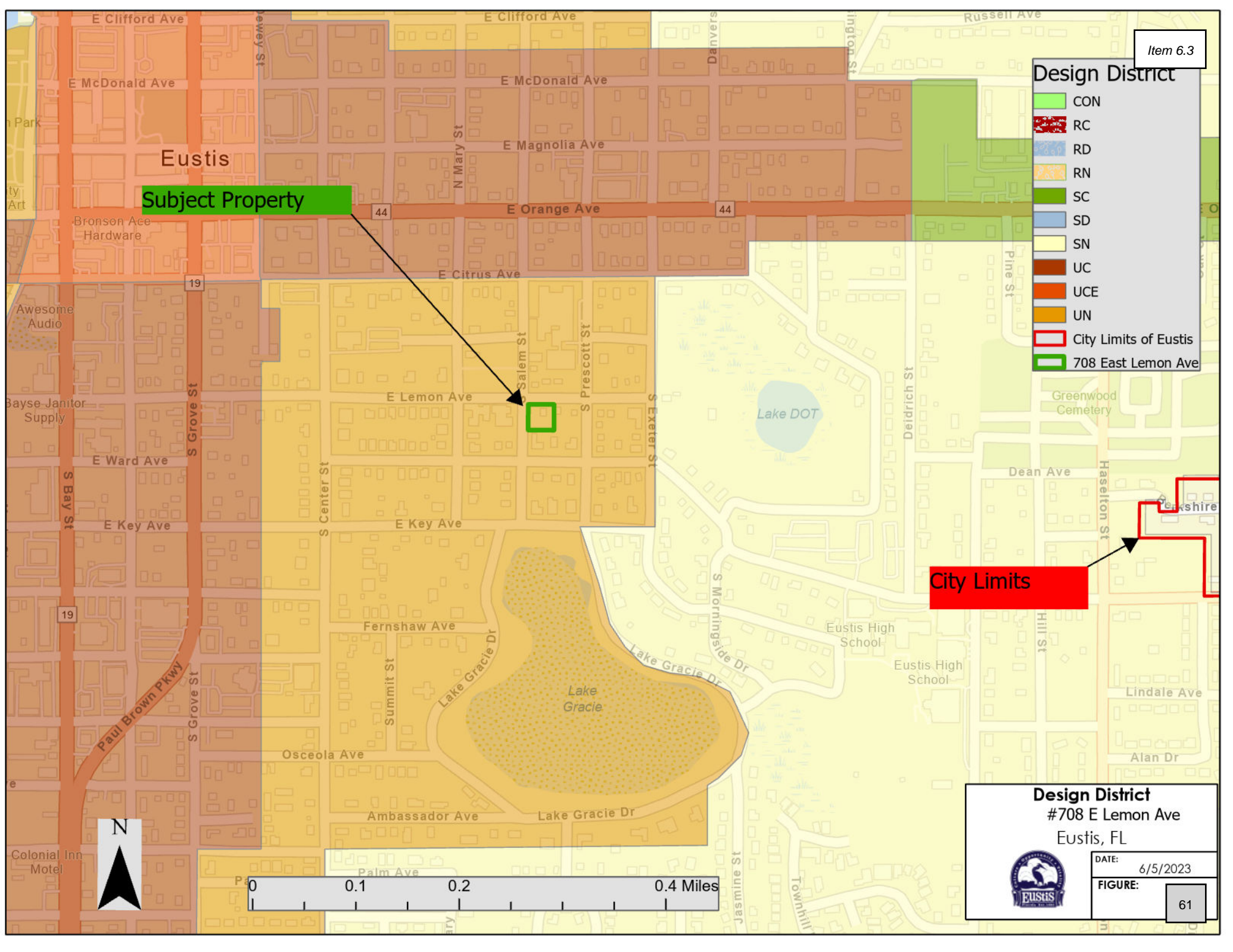
- CON
- RC
- RD
- RN
- SC
- SD
- SN
- UC
- UCE
- UN
- City Limits of Eustis
- 708 East Lemon Ave

**Subject Property**

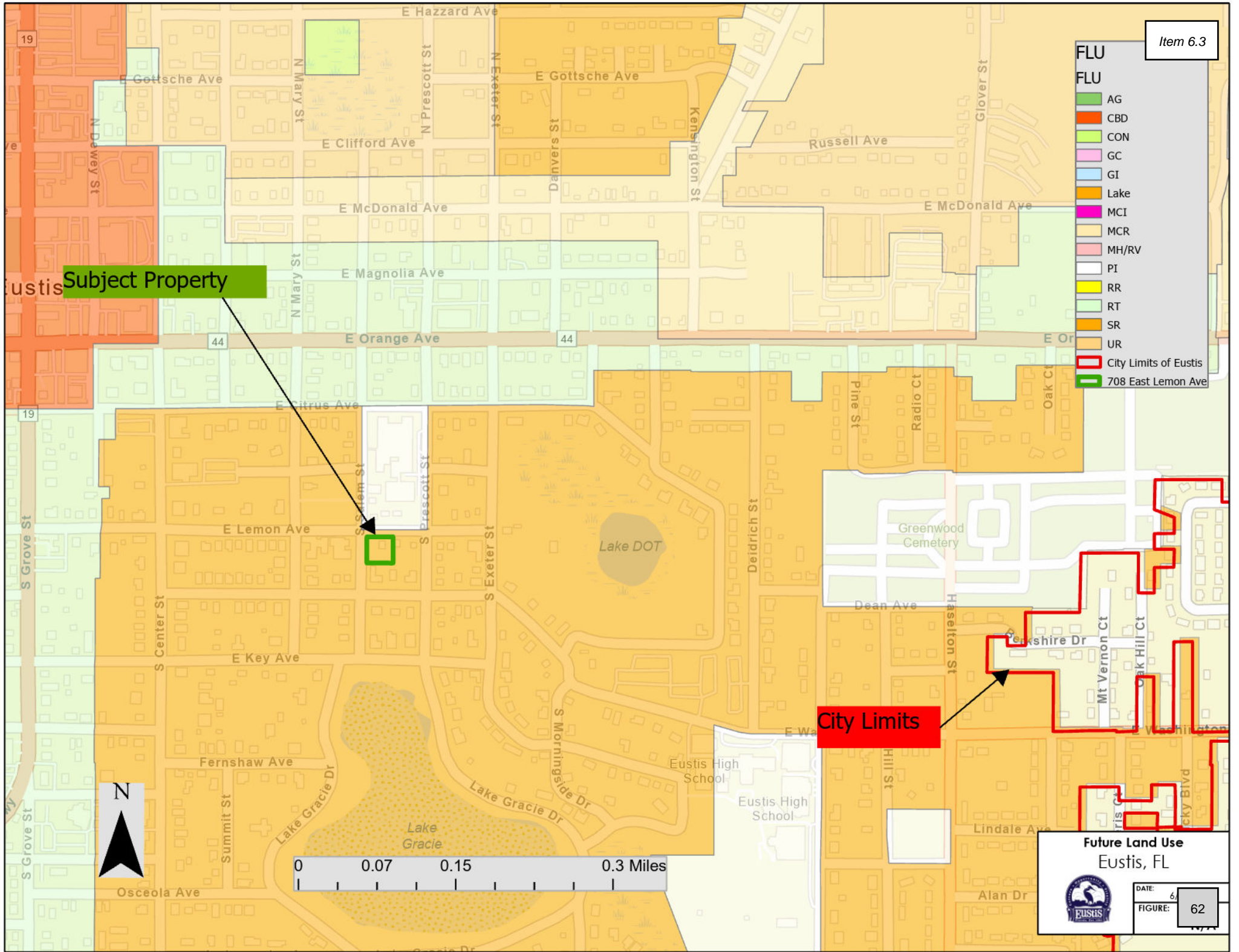
**City Limits**

**Design District**  
 #708 E Lemon Ave  
 Eustis, FL

DATE: 6/5/2023  
 FIGURE: 61

- FLU**
- AG
  - CBD
  - CON
  - GC
  - GI
  - Lake
  - MCI
  - MCR
  - MH/RV
  - PI
  - RR
  - RT
  - SR
  - UR
  - City Limits of Eustis
  - 708 East Lemon Ave



**Subject Property**

**City Limits**



**Future Land Use**  
Eustis, FL



DATE: 6/17/24  
FIGURE: 62



**FLU**

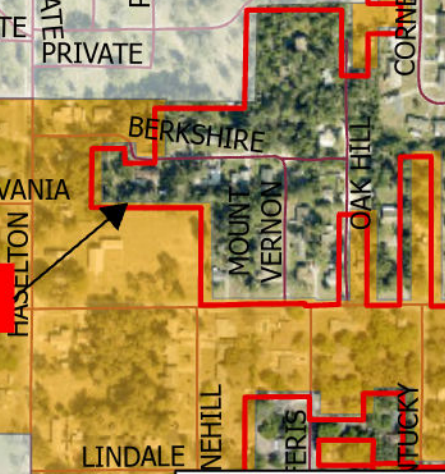
- AG
- CBD
- CON
- GC
- GI
- Lake
- MCI
- MCR
- MH/RV
- PI
- RR
- RT
- SR
- UR

Streets  
 City Limits of Eustis  
 708 East Lemon Ave

Subject Property

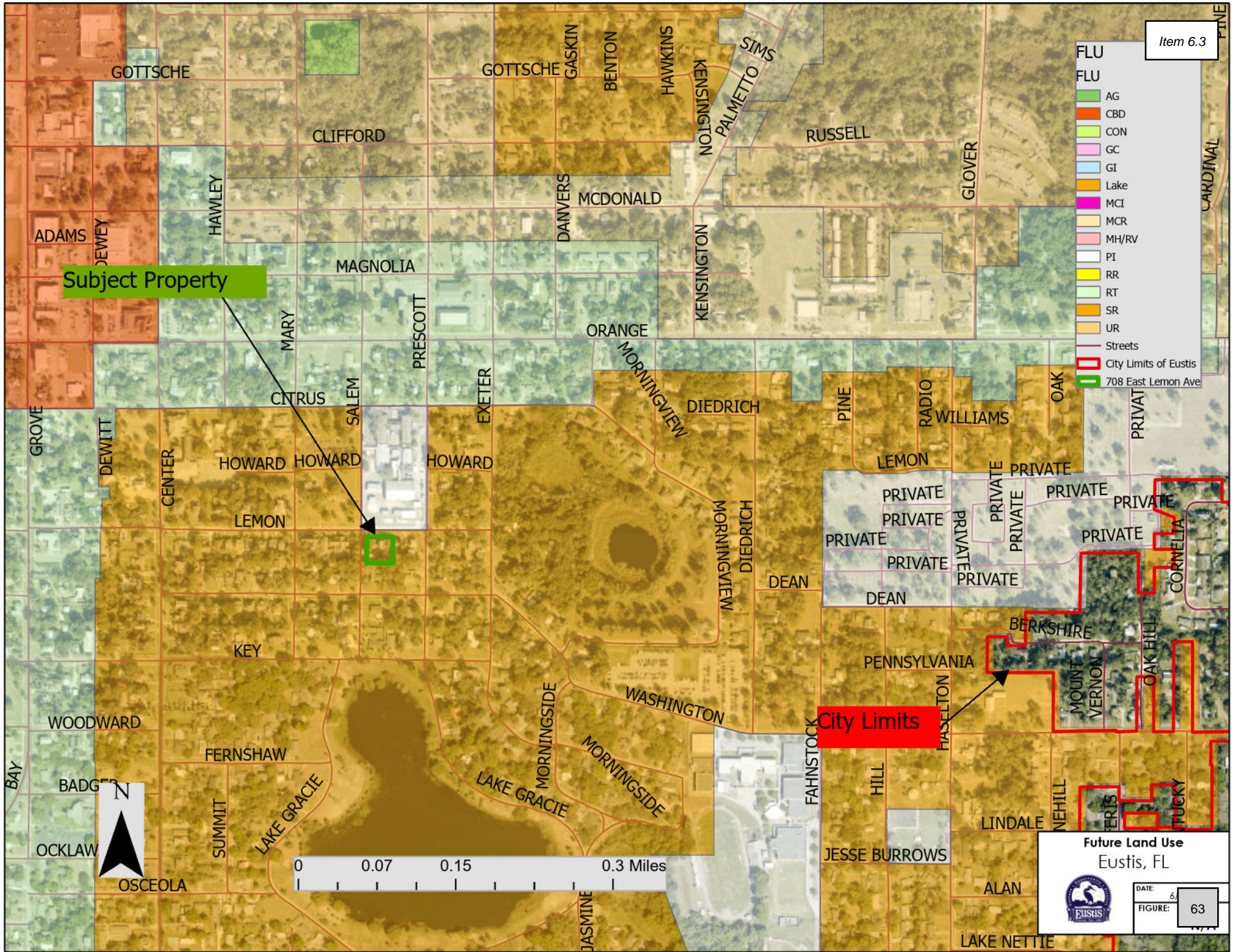


City Limits



**Future Land Use**  
 Eustis, FL

DATE: 6/2016  
 FIGURE: 63





Subject Property



City Limits



**General Location**

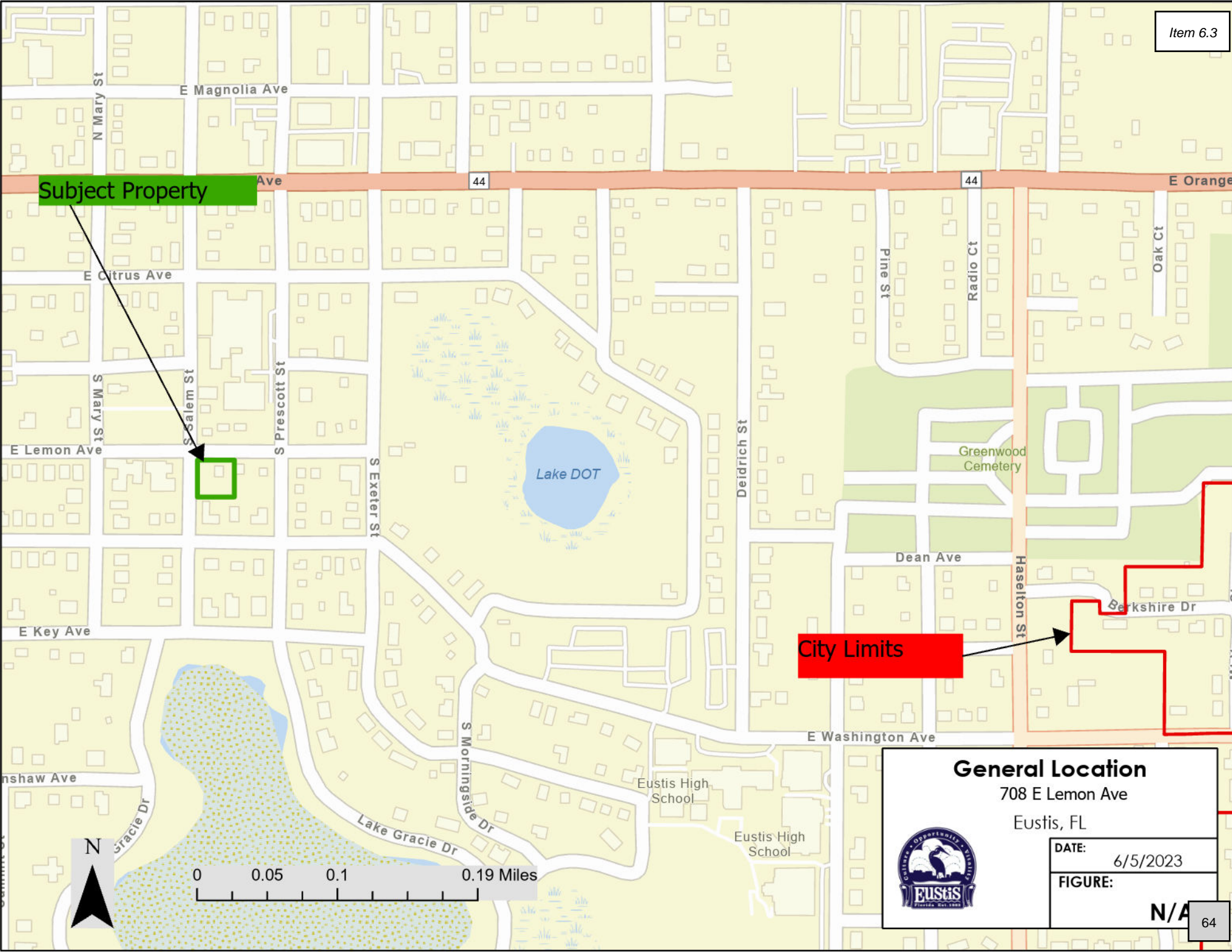
708 E Lemon Ave

Eustis, FL



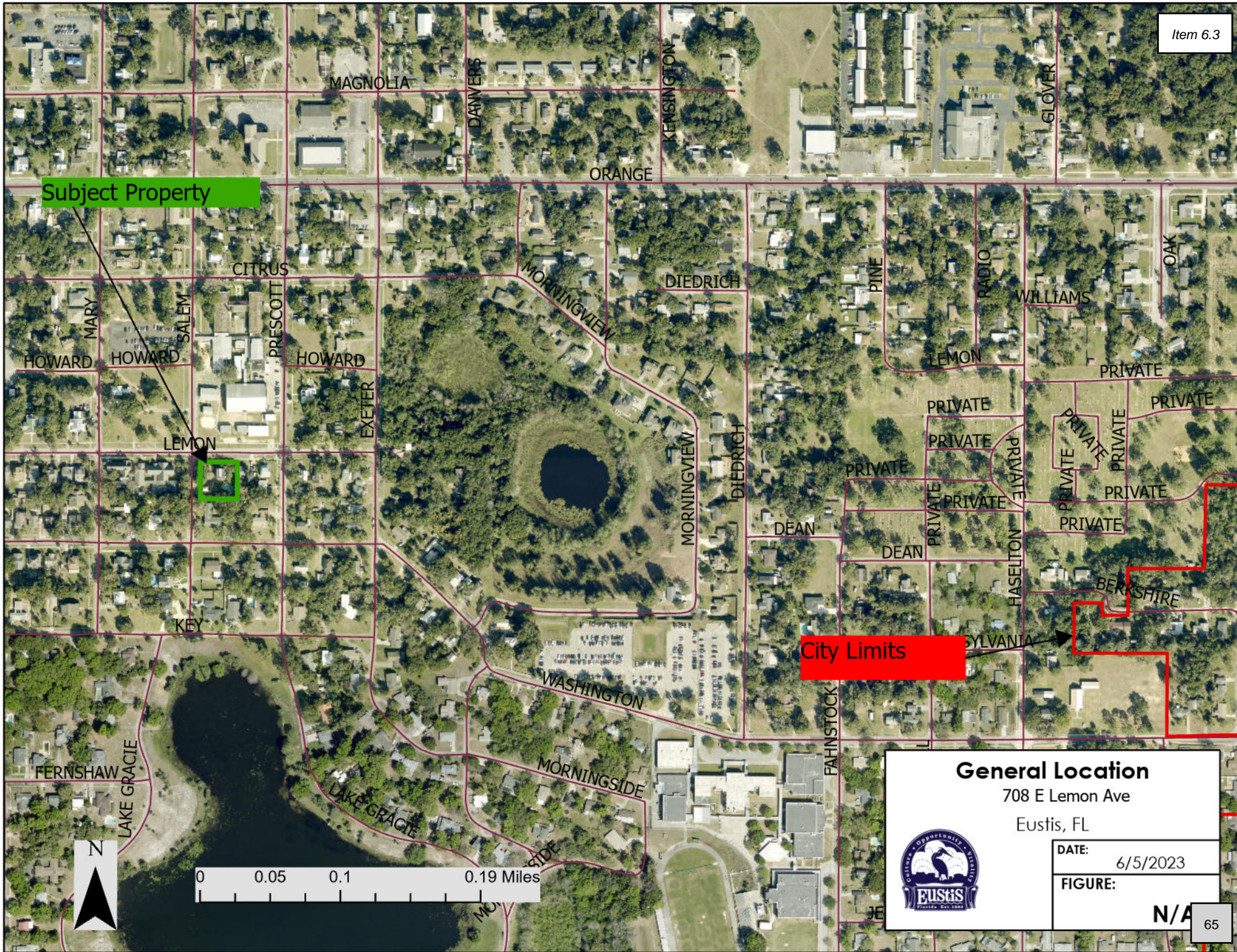
DATE: 6/5/2023

FIGURE: N/A



0 0.05 0.1 0.19 Miles





Subject Property

City Limits

**General Location**  
 708 E Lemon Ave  
 Eustis, FL

DATE: 6/5/2023  
 FIGURE: N/A



# PROPERTY RECORD CARD

Item 6.3

## General Information

<b>Name:</b>	TAYLOR AMY	<b>Alternate Key:</b>	1631271
<b>Mailing Address:</b>	14275 SW 161ST AVE PORTLAND, OR 97224 <a href="#">Update Mailing Address</a>	<b>Parcel Number:</b> ⓘ	11-19-26-0100-092-00500
		<b>Millage Group and City:</b>	000E Eustis
		<b>2022 Total Certified Millage Rate:</b>	20.4258
		<b>Trash/Recycling/Water/Info:</b>	<a href="#">My Public Services Map</a> ⓘ
<b>Property Location:</b>	708 E LEMON AVE EUSTIS FL, 32726	<b>Property Name:</b>	-- <a href="#">Submit Property Name</a> ⓘ
		<b>School Information:</b>	<a href="#">School Locator &amp; Bus Stop Map</a> ⓘ <a href="#">School Boundary Maps</a> ⓘ
<b>Property Description:</b>	EUSTIS LOTS 5, 6, 7, 8 BLK 92 PB 1 PG 79 ORB 5893 PG 1219 ORB 5945 PG 244		
<p><small>NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.</small></p>			

## Land Data

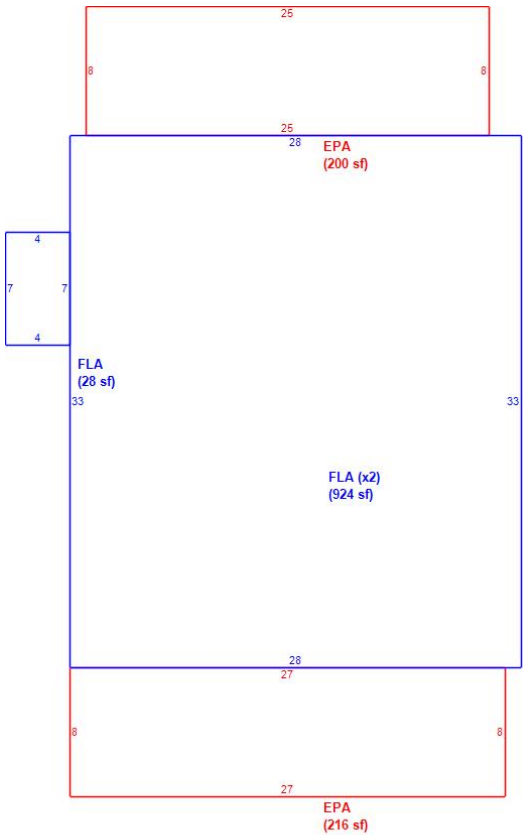
Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class	Value	Land Value
1	SINGLE FAMILY (0100)	132	132		17424.000	FD		\$0.00	\$79,636.00
<a href="#">Click here for Zoning Info</a> ⓘ					<a href="#">FEMA Flood Map</a>				

## Residential Building(s)

### Building 1

Residential	Building Value: \$120,813.00		
<b>Summary</b>			
Year Built: 1925	Total Living Area: 2292 ⓘ	Central A/C: Yes	Attached Garage: No
Bedrooms: 4	Full Bathrooms: 2	Half Bathrooms: 0	Fireplaces: 1
<a href="#">Incorrect Bedroom, Bath, or other information?</a> ⓘ			
<b>Section(s)</b>			
<b>Section Type</b>	<b>Ext. Wall Type</b>	<b>No. Stories</b>	<b>Floor Area</b>
FINISHED LIVING AREA (FLA)	Wood (01)	2.00	2292
<a href="#">View Larger / Print / Save</a>			





### Miscellaneous Improvements

No.	Type	No. Units	Unit Type	Year	Depreciated Value
1	DETACHED GARAGE (DGF1)	364	SF	1924	\$3,276.00
2	SWIMMING POOL - RESIDENTIAL (POL3)	780	SF	1972	\$30,498.00
3	POOL/COOK DECK (PLD2)	390	SF	1972	\$1,469.00

### Sales History

**NOTE:** This section is not intended to be a complete chain of title. Additional official book/page numbers may be listed in the property description above and/or recorded and indexed with the Clerk of Court. [Follow this link to search all documents by owner's name.](#)

Book/Page	Sale Date	Instrument	Qualified/Unqualified	Vacant/Improved	Sale Price
<a href="#">5945 / 244</a>	03/2022	Quit Claim Deed	Unqualified	Improved	\$100.00
<a href="#">5893 / 1219</a>	01/2022	Quit Claim Deed	Unqualified	Improved	\$0.00
<a href="#">5774 / 866</a>	08/2021	Warranty Deed	Qualified	Improved	\$186,000.00
<a href="#">5568 / 1960</a>	10/2020	Warranty Deed	Unqualified	Improved	\$92,000.00
<a href="#">2008 / 826</a>	08/2001	Warranty Deed	Unqualified	Improved	\$63,900.00
<a href="#">1940 / 991</a>	03/2001	Certificate of Title	Unqualified	Improved	\$0.00
<a href="#">1900 / 283</a>	01/2001	Certificate of Title	Unqualified	Improved	\$0.00
<a href="#">1227 / 330</a>	05/1993	Warranty Deed	Qualified	Improved	\$86,600.00
<a href="#">1199 / 1373</a>	12/1992	Certificate of Title	Unqualified	Improved	\$0.00
<a href="#">930 / 988</a>	08/1987	Warranty Deed	Qualified	Improved	\$77,500.00

[Click here to search for mortgages, liens, and other legal documents.](#)

## Values and Estimated Ad Valorem Taxes 📄

**Values shown below are 2023 WORKING VALUES that are subject to change until certified.**

The Market Value listed below is not intended to represent the anticipated selling price of the property and should not be relied upon by any individual or entity as a determination of current market value.

Tax Authority	Market Value	Assessed Value	Taxable Value	Millage	Estimated Taxes
LAKE COUNTY BCC GENERAL FUND	\$235,692	\$210,580	\$210,580	5.0364	\$1,060.57
SCHOOL BOARD STATE	\$235,692	\$235,692	\$235,692	3.2500	\$766.00
SCHOOL BOARD LOCAL	\$235,692	\$235,692	\$235,692	2.9980	\$706.60
LAKE COUNTY WATER AUTHORITY	\$235,692	\$210,580	\$210,580	0.3083	\$64.92
NORTH LAKE HOSPITAL DIST	\$235,692	\$210,580	\$210,580	0.5000	\$105.29
ST JOHNS RIVER FL WATER MGMT DIST	\$235,692	\$210,580	\$210,580	0.1974	\$41.57
CITY OF EUSTIS	\$235,692	\$210,580	\$210,580	7.5810	\$1,596.41
LAKE COUNTY MSTU AMBULANCE	\$235,692	\$210,580	\$210,580	0.4629	\$97.48
LAKE COUNTY VOTED DEBT SERVICE	\$235,692	\$210,580	\$210,580	0.0918	\$19.33
				<b>Total:</b>	<b>Total:</b>
				20.4258	\$4,458.17

## Exemptions Information

**This property is benefitting from the following exemptions with a checkmark ✔**

Homestead Exemption (first exemption up to \$25,000)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Additional Homestead Exemption (up to an additional \$25,000)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Limited Income Senior Exemption (applied to county millage - up to \$50,000)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Limited Income Senior Exemption (applied to city millage - up to \$25,000)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Limited Income Senior 25 Year Residency (county millage only-exemption amount varies)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Widow / Widower Exemption (up to \$5,000)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Blind Exemption (up to \$500)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Disability Exemption (up to \$5,000)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Total and Permanent Disability Exemption (amount varies)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Veteran's Disability Exemption (\$5,000)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Veteran's Total and Permanent Disability Exemption (amount varies)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Veteran's Combat Related Disability Exemption (amount varies)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Deployed Servicemember Exemption (amount varies)	<a href="#">Learn More</a> <a href="#">View the Law</a>
First Responder Total and Permanent Disability Exemption (amount varies)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Surviving Spouse of First Responder Exemption (amount varies)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Conservation Exemption (amount varies)	<a href="#">Learn More</a> <a href="#">View the Law</a>
Tangible Personal Property Exemption (up to \$25,000)	<a href="#">Learn More</a> <a href="#">View the Law</a>

Religious, Charitable, Institutional, and Organizational Exemptions (amount varies)

[Learn More](#) [View the Law](#)

Item 6.3

Economic Development Exemption

[Learn More](#) [View the Law](#)

Government Exemption (amount varies)

[Learn More](#) [View the Law](#)

---

**NOTE:** Information on this Property Record Card is compiled and used by the Lake County Property Appraiser for the sole purpose of ad valorem property tax assessment administration in accordance with the Florida Constitution, Statutes, and Administrative Code. The Lake County Property Appraiser makes no representations or warranties regarding the completeness and accuracy of the data herein, its use or interpretation, the fee or beneficial/equitable title ownership or encumbrances of the property, and assumes no liability associated with its use or misuse. See the posted [Site Notice](#).

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Property data updated nightly.

**Site Notice**

**From:** [Adair, Matt](#)  
**To:** [Martin, Eric](#); [Croney, Heather](#)  
**Subject:** FW: 23-00081 Code Violation, no permit for handicap ramp  
**Date:** Wednesday, May 24, 2023 3:57:06 AM

---

Good morning,

I spoke with Ms. Taylor last night and she will be submitting plans as a revision to her original permit. This will accomplish compliance in the matter once received and approved. Call me if you have any questions.

Matt

---

**From:** Amy Taylor <amyta57@gmail.com>  
**Sent:** Tuesday, May 23, 2023 1:58 AM  
**To:** Adair, Matt <adairm@Eustis.org>  
**Cc:** Martin, Eric <martine@eustis.org>; Croney, Heather <Croneyh@Eustis.org>; Huebsch, Laurie <Huebschl@Eustis.org>  
**Subject:** Re: 23-00081 Code Violation, no permit for handicap ramp

**Caution:** This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City of Eustis Staff,

Re 708 E Lemon Ave

I understand that you are all trying to do your jobs in the newly burgeoning city of Eustis with all the new construction. I understand that there are rules.

Since I bought that house in 2021, I have attempted to follow every rule I knew of. I remodeled it under permit, I safety-fenced the previously totally unfenced pool (across the street from an elementary school!!!) under permit. I privacy-fenced the yard under permit. I replaced all the windows, major electrical, the roof, under permit. After the fact I was informed that those permits were issued in error because of the previously unnoticed by the City, (and unmentioned in any deed or anything when I bought the house) Historical Designation. So thus, the Architectural Review, the Community Review, in what should have been a simple ADU permit on my garage. I guess the City decided not to retroactively revoke my main house remodel permits, and thanks for that!

In 2022, I replaced the monolithic cement front porch, which was separated from the house and pitching forward, with a porch and ramp, not under permit. I did not know I needed a permit. A local person who has become a friend and pathway builder I trust, built it for me, because the previous porch was a danger, and my best friend's daughter is disabled. **So now reading the above, what am I to do? Deconstruct it?** Because the house is for my occupancy only part of the year....so the arbitrary **"you can permit it as a homeowner but you can't rent it for a year (!)"** rule, doesn't apply

to me.

Please, let's open another can of worms. Before I bought the house in 2021, I called the City to confirm that there were no restrictions regarding **vacation rentals**. I have three highly reviewed and responsibly managed vacation rentals, in Oregon (one in the very strict jurisdiction of Portland, OR., so I understand the rules of complying with local jurisdictions.) I also understand the bounty of local lodging tax that they collect, and that tourist searches for this type of hospitality are increasing. Eustis has been collecting lodging tax on 708 E. Lemon Ave., through airbnb and vrbo since January. **You know I'm doing this, correct? Lodging tax gets been remitted every week** by airbnb and vrbo.

I want to remodel the garage into an apartment because I want trusted eyes on site. That's what I'm doing. It makes it better for everyone.

I want a path forward on the porch permit. Please come and inspect it, see drawings certified by an engineer. Don't make me tear it down, because I can't absolutely can't afford for that house to sit empty for most of a year.

I appreciate all of your efforts to make Eustis better; that's what I'm trying to do too. However, the above email about the rules for the porch permit, and my comments above, may indicate that Planning is not talking enough to Finance or Building. And none of them are talking to Lake County tax rolls, where I should have known I was buying a historical property.

Please let me know how to move forward on the porch. I'll be in town May 28 - June 5, if that helps.

Thank you,

Amy Taylor  
5033479932

On Mon, May 22, 2023 at 1:55 AM Adair, Matt <[adairm@eustis.org](mailto:adairm@eustis.org)> wrote:

Good morning Ms. Taylor,

In order for the City of Eustis to issue a permit for this work completed by an unlicensed contractor, the following documents will be required.

1. A completed application and an Owner/Builders Statement. You can act as your own contractor on a single family residence as long as the structure is for your own use and occupancy. The exemption does not allow for you to act as a contractor and then rent out or lease the property within 1 year of construction. I have attached an application which includes the Owner/Builder Statement.

2. Signed, sealed and dated drawings from a Structural Engineer Registered in the State of Florida. The drawings will need to be dimensions showing the landing(s), total run and slope of the ramp, handrails and guards if applicable and the design load calculations.
3. Once received the plans will be reviewed for compliance with the 2020 FBC/residence and a permit issued after the approval.

I hope that this response answers your questions.

Matt Adair, CBO  
Building Official

---

**From:** Amy Taylor <[amyta57@gmail.com](mailto:amyta57@gmail.com)>

**Sent:** Friday, May 19, 2023 11:41 PM

**To:** Martin, Eric <[martine@eustis.org](mailto:martine@eustis.org)>

**Cc:** Adair, Matt <[adairm@Eustis.org](mailto:adairm@Eustis.org)>; Croney, Heather <[Croneyh@Eustis.org](mailto:Croneyh@Eustis.org)>; Huebsch, Laurie <[Huebschl@Eustis.org](mailto:Huebschl@Eustis.org)>

**Subject:** Re: 23-00081 Code Violation, no permit for handicap ramp

**Caution:** This email originated from outside of your organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, City of Eustis Staff,

I want to acknowledge this notice of a violation and let you know that I intend to address it. I will be in Eustis starting May 28 for 8 days, and if there is any process I can follow to get a homeowner's permit for the new front entry ramp and retroactively get it approved, I would appreciate it. Please let me know if we can provide a drawing and documentation of how it is constructed. Previously, the house had a monolithic 3 cement step structure that was pitched towards the street and separating from the house. It was dangerous.

The new entry was built for me by a person who has done some grading and pavers work in the years I've owned the house. He is a local and a friend, and I didn't know we had to permit it. He's not a contractor. I'd like for that house to be accessible to people with some disabilities....it's a subject that's important to me because someone close to me is disabled.

Please let me know if there is documentation I can provide to support the legality of this structure after the fact. It's super sturdy, after 19 months in place and even after many heavy rains. Dustin Curtis built it, and he is really a meticulous craftsman. I don't expect you to approve based on that, but please show me a path to get it legal. It is not Dustin's fault; it was my due diligence to know that it should have been permitted.

Thank you,

Amy Taylor



# City of Eustis

## Development Services Department

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5460

May 11, 2023

Amy Taylor  
 14275 SW 161<sup>st</sup> Ave  
 Portland, OR 97224  
 Via email: [amyta57@gmail.com](mailto:amyta57@gmail.com)

PROJECT: Accessory Dwelling Unit AT 708 E. LEMON AVE. (AK 1631271)

SUBJECT: CERTIFICATE OF APPROPRIATENESS APPROVAL 2023-COA-06

Dear Ms. Taylor:

At the City of Eustis Historic Preservation Board meeting on May 10, 2023, the Board voted to approve the Certificate of Appropriateness (COA) application 2023-COA-06 to convert a garage to an accessory dwelling unit (ADU), including modification of windows, doors, roof, and paint at 708 East Lemon Avenue, which is in the Washington Avenue Historic District. The site plan and other information that was provided with this COA request should be followed/complied with for the completion of this work. A signed copy of the COA approval is attached. Please include a copy with your building permit submittal and once the project is under construction, ensure that a copy of the COA is attached to your building permit at all times. Before approval of any building permits for this, a Conditional Use approval by the Eustis City Commission for this ADU, per Land Development Regulations Section 109-4, Use Regulations Table, since this property is in the Suburban Residential land use.

If you have any further questions, or if I can be of further assistance with any future projects, please contact me at (352) 483-5460, or via e-mail at [croneyh@eustis.org](mailto:croneyh@eustis.org). Thank you for your contribution to the Washington Avenue Historic District.

Sincerely,

Heather Croney  
 Senior Planner

enc: Certificate of Appropriateness

c: Building Department  
 File: 2023-COA-06



# City of Eustis

## Development Services Department

P.O. Drawer 68 • Eustis, Florida 32727-0068 • (352) 483-5460

TO: HISTORIC PRESERVATION BOARD

FROM: HEATHER CRONEY, SENIOR PLANNER

DATE: MAY 10, 2023

RE: CERTIFICATE OF APPROPRIATENESS 2023-COA-06 CONVERSION OF A GARAGE TO AN ACCESSORY DWELLING UNIT AND EXTERIOR MODIFICATIONS AT 708 E LEMON AVE (AK 1631271)

### **PROPOSED PROJECT:**

Amy Taylor, the owner of 708 East Lemon Avenue, is requesting Historic Preservation Board approval to convert a garage to an accessory dwelling unit, including modification of windows, doors, roof, and paint, within the Washington Avenue Historic District. The application for a Certificate of Appropriateness (see attached for complete submittal) states:

- Existing building will remain
- Replacing missing and wood rotten windows and doors with new vinyl energy-efficient Lowe’s windows (white) to match existing as close as possible
- Outside walls to remain (will paint only)
- Roof to remain (will coat with silver coating)
- Door to be six-panel metal to match existing

### **PROPERTY INFORMATION:**

Owner: Amy Taylor  
 Site Acreage: 0.21 acres  
 Future Land Use: Suburban Residential (SR)  
 Design District: Suburban Neighborhood





**CRITERIA FOR EVALUATION: EUSTIS CODE OF ORDINANCES CHAPTER 46:**

Section 46-227

(l) In considering an application for a certificate of appropriateness for alteration, new construction, demolition, or relocation, the board shall be guided by the following general standards:

(1) The effect of the proposed work on the landmark, landmark site, or property within a historic district upon which such work is to be done;

*The Washington Avenue Historic District includes a myriad of architectural styles as well as non-contributing structures, (see Ordinance Number 1997-33), a majority of which are Frame Vernacular. The subject property is in the colonial revival architectural style.*

(2) The relationship between such work and other structures on the landmark site or other property in the historic district;

*The proposed work is generally consistent with the overall property and the surrounding properties in the historic district. The existing structure will remain, but renovations will be done internally along with the replacement of some features of the structure, such as doors and windows in addition to a silver coating on the roof. The replacement windows and doors are proposed to be energy efficient, however, the images provided appear to lack some consistency with the current styles. The existing windows on the subject structure (garage to be converted to a dwelling unit) are four-pane windows,*

**but the new replacement windows that are proposed are single-paned. The proposed door does not match the style of the main dwelling unit on the property.**

(3) The extent to which the historic, architectural, or archaeological significance, architectural style, design, arrangement, texture, and materials of the landmark or the property will be affected;

**As stated above, there are some gaps in consistency with the current and historic structural features.**

(4) Whether the plans may be carried out by the applicant within a reasonable period of time.

**If the Historic Preservation Board approves the COA, the applicant intends to move forward quickly to continue this work. This work was initially started without proper permitting nor a Certificate of Appropriateness or Conditional Use approval. The City's Land Development Regulations require conditional use approval for accessory dwelling units in the Suburban Residential land use.**

(n) In considering an application for a certificate of appropriateness for new construction, the board shall consider the following additional guidelines:

(1) *Height.* The height of any proposed alteration or construction shall be compatible with the style and character of the landmark and with surrounding structures in a historic district.

**There is no height alteration proposed.**

(2) *Proportions of windows and doors.* The proportions and relationships between doors and windows shall be compatible with the architectural style and character of the landmark and with surrounding structures in a historic district.

**The existing windows on the subject structure (garage to be converted to a dwelling unit) are four-pane windows, but the new replacement windows that are proposed are single-paned. The proposed door does not match the style of the main dwelling unit on the property.**

(3) *Relationship of building masses, setbacks, and spaces.* The relationship of a structure within a historic district to the open space between it and adjoining structures shall be compatible.

**No modification is proposed to building masses, setbacks, and spaces.**

(4) *Roof shape.* The design of the roof shall be compatible with the architectural style and character of the landmark and surrounding structures in a historic district.

**This application proposes a silver coating be applied to the existing roof.**

(5) *Landscaping.* Landscaping shall be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in an historic district.

***While the applicant has not provided a landscape plan, there has been no information or indication provided regarding landscaping modifications.***

(6) *Scale.* The scale of the structure after alteration, construction or partial demolition shall be compatible with its architectural style and character and with surrounding structures in an historic district.

***No modifications are proposed to the scale of the structure.***

(7) *Directional expression.* Facades in historic districts shall blend with other structures with regard to directional expression. Structures in a historic district shall be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alteration, construction, or partial demolition shall be compatible with its original architectural style and character.

***There is not proposal for modification of the directional expression.***

(8) *Architectural details.* Architectural details, including materials and textures, shall be treated so as to make a landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a landmark or historic district. The board will give recommendations as to appropriate colors for any landmark or historic district.

***The proposed silver coating on the roof does not appear to be consistent with the current development of the property or the primary residence.***

(9) *Impact on archaeological sites.* New construction shall be undertaken in such a manner as to preserve the integrity of archaeological sites and landmark sites.

***Not applicable.***

**RECOMMENDATION:**

Based on the analysis above, the criteria for evaluation provided in this memorandum, and the provided renderings and site plan staff recommends that the proposal be revised and resubmitted for reconsideration.

**ATTACHMENTS:**

COA Application and Building Permit Submittal Documents

- c: Property Owner and Applicant
- Historic Preservation Board Members
- File: 2023-COA-06



View from E Lemon Ave



View from Salem St











HISTORICAL STRUCTURE FORM  
FLORIDA MASTER SITE FILE

Item 6.3

09/07/

HISTORICAL STRUCTURE FORM

Alt key 1631271

91

Original: X  
Update:  
Sitename: W.H. MEYERS RESIDENCE  
Historic Contexts: BOOM TIMES  
Nat'l Register Cat: BUILDING  
Other Names/MSF Nos.:  
County: LAKE Ownership Type: PRIVATE-INDIVIDUAL  
Project Name: EUSTIS SITE SURVEY DHR#:

Site:  
Recorder: DL 12-13

Location (Attach copy of USGS map, sketch-map of immediate area)

Address: 708 E. LEMON AVENUE City: EUSTIS  
Vicinity of/route to: SOUTH SIDE OF E. LEMON AVENUE BETWEEN SALEM AND PRESCOTT STREETS.

Subdivision: PRESCOTT'S ADDITION Block: 22 Lot: 6 MAP 69

Plat or Other map:  
Township: 19S Range: 26E Section: 11 1/4: 1/4-1/4:  
Irregular sec?: Land Grant:  
USGS 7.5' map: EUSTIS 1966 PR 1980 Easting:  
UTM: Northing:

Coordinates - Latitude: D M S Longitude: D M S

History

Architect:  
Builder:  
Date Built: 1924 Circa: C Restoration Date(s):

Modification Date(s):  
Move Date: Original Location:  
Original Use: PRIVATE RESIDENCE  
Present Use: PRIVATE RESIDENCE

Description

Style: COLONIAL REVIVAL  
Plan: Exterior: IRREGULAR  
Interior: IRREGULAR  
No.: Stories 2 Outbuildings 0 Porches 0 Dormers 0  
Structural System(s): WOOD FRAME  
Exterior Fabric(s): WOOD SIDING  
Foundation - Type: CONTINUOUS  
Materials: CONCRETE BLOCK  
Infill:

Porches:  
Roof - Type: GABLE Surfacing: COMPOSITION SHINGLE  
Secondary Structure(s):  
Chimney - Number: 1 Material: FORMED STONE  
Location: W: EXTERIOR, END

Windows: DHS, 1/1  
Exterior Ornament:  
Condition: GOODS Surroundings: RESIDENTIAL

Narrative (general, interior, landscape, context; 3 lines only)

THIS COLONIAL REVIVAL STYLE RESIDENCE WAS BUILT IN THE POSTMEDIEVAL -ENGLISH SOUTHERN TRADITION  
N STYLE IN 1924. THE FRONT PORCH ENTRY WITH FLATTENED ARCH HAS BEEN INFILLED WITH WOOD SIDING AND  
NEW WINDOWS ALTERING ITS ORIGINAL CHARACTER.

HISTORICAL STRUCTURE FORM  
FLORIDA MASTER SITE FILE

Item 6.3

09/07/

91 HISTORICAL STRUCTURE FORM

Archaeological remains at the site

FMSF Archaeological form completed?: N  
Artifacts or other remains: NONE OBSERVED

Recorder's Evaluation of Site

Areas of significance: ARCHITECTURE

Eligible for National Register?: N  
Significant as part of district?: N  
Significant at local level?: N

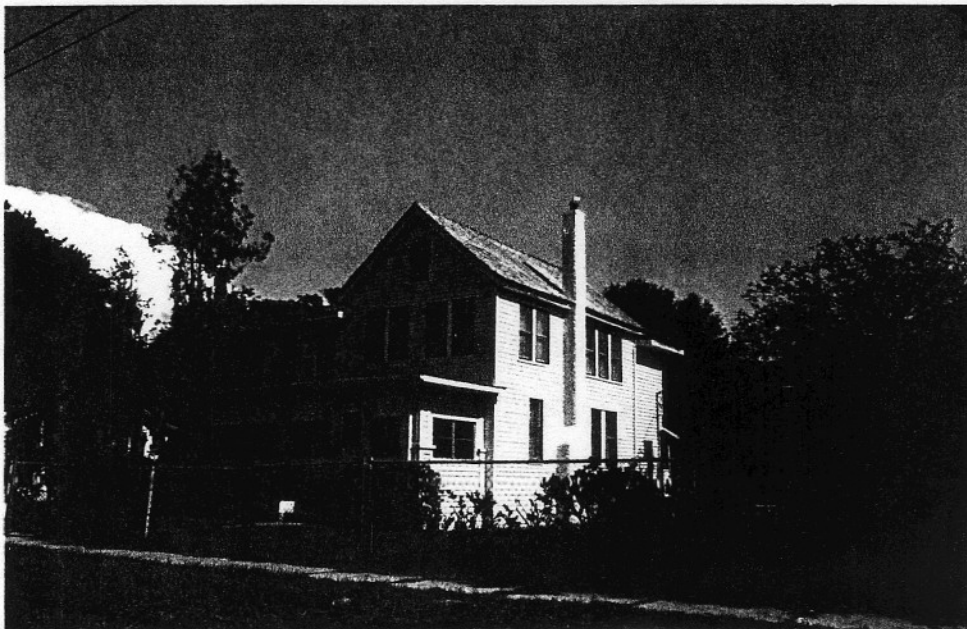
Summary of significance:

THIS RESIDENCE HAS BEEN ALTERED BUT STILL CONTRIBUTES TO THE OVERALL HISTORY AND DEVELOPMENT OF THE NEIGHBORHOOD. W.H. MEYERS RESIDED HERE FROM 1924-26. IT REMAINS IN GOOD CONDITION AND IS SURROUNDED BY LOW FOLIAGE.

\*\*\* DHR USE ONLY \*\*\*  
\* Keeper determination of eligibility date: / / / / \*  
\* SHPO evaluation of eligibility date: / / / / \*  
\* Local determination of eligibility date: / / / / \*  
\* Office: \*  
\*  
\*\*\* DHR USE ONLY \*\*\*

Recorder information: DONNA G LOGSDON  
Date: 08/1991 Affiliation: THE HISTORIC WORKS

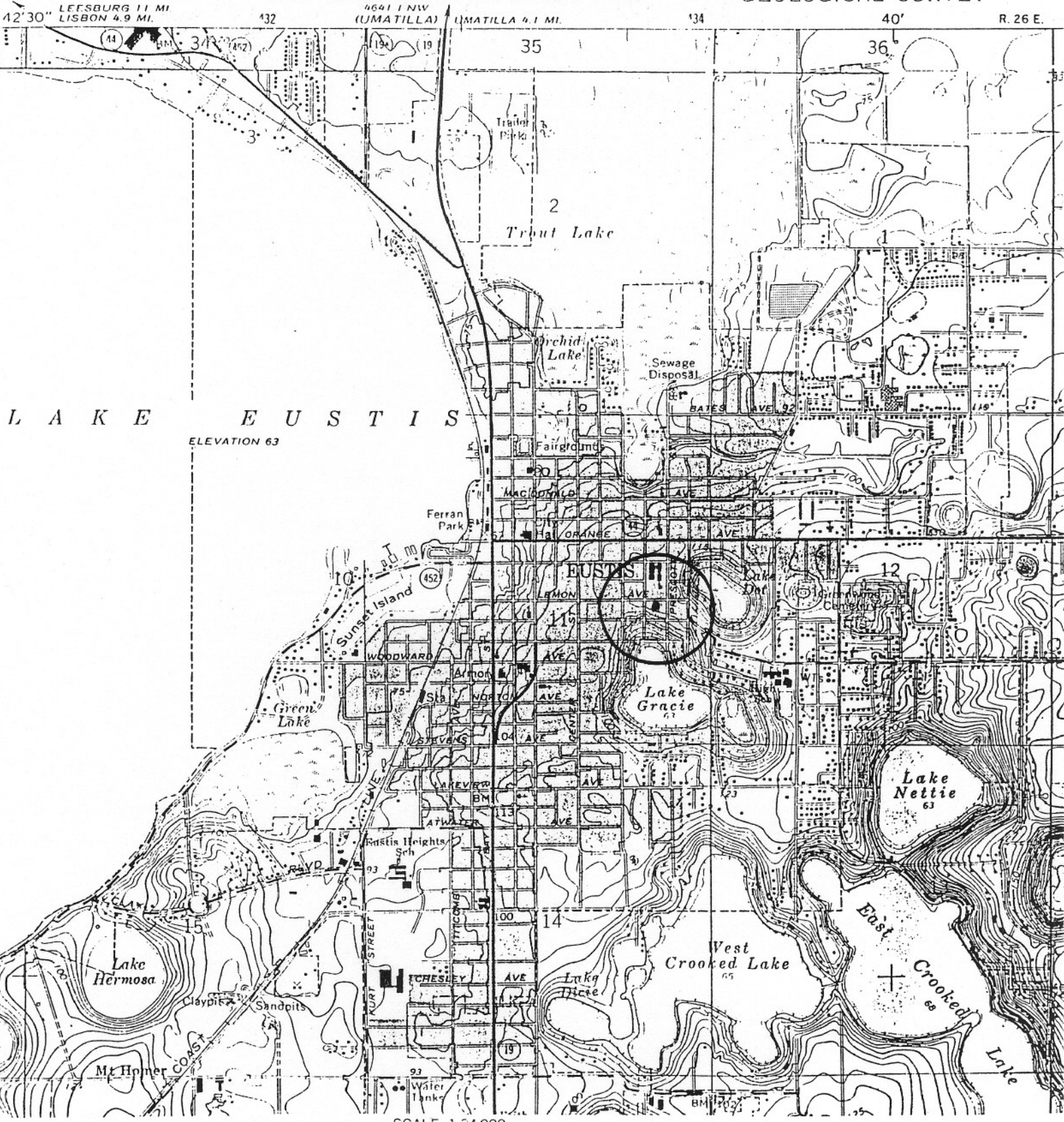
Photographs (Attach a labeled print bigger than contact size)  
Location of negatives: EUSTIS HIST. MUSEUM  
Negative numbers: 12-13





STATE OF FLORIDA  
STATE ROAD DEPARTMENT  
AND INTERNAL IMPROVEMENT FUND

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
GEOLOGICAL SURVEY



LEESBURG 11 MI  
LISBON 4.9 MI.

132

4641 1 NV  
(UMATILLA) UMATILLA 9.1 MI.

134

40'

R. 26 E.

L A K E E U S T I S

ELEVATION 63

SCALE 1:24 000

1 MILE

1000 2000 3000 4000 5000 6000 7000 FEET

1 KILOMETER

CONTOUR INTERVAL 5 FEET  
NATIONAL GEODETIC VERTICAL DATUM OF 1929





**CITY OF EUSTIS HISTORIC PRESERVATION BOARD**  
**APPLICATION FOR CERTIFICATE OF APPROPRIATENESS (COA)**  
 4 N. Grove St., P.O. Drawer 68, Eustis, FL 32727-0068  
 Phone: (352) 483-5460 Fax: (352) 357-4177 Email: [planner@ci.eustis.fl.us](mailto:planner@ci.eustis.fl.us)

PLEASE SELECT ALL THAT APPLY TO YOUR PROPERTY:

- Local Landmark/Site                       Eustis Main Street Area  
 Washington Avenue Historic District

ADDRESS OF PROPERTY: 708 E. LEMON STREET. ADV

**Property Owner**

Print Name: Amy Taylor  
 Mailing Address: 14275 SW. 161 ST. AVE PORTLAND OR 97224  
 Phone: 503-347-9932 Fax: \_\_\_\_\_  
 Email: AMY.TA@SMAL.COM

**Applicant/Agent** (if different from property owner)

Print Name: SAME AS ABOVE  
 Mailing Address: \_\_\_\_\_  
 Phone: \_\_\_\_\_ Fax: \_\_\_\_\_  
 Email: \_\_\_\_\_

I certify that all information contained in this application is true and accurate to the best of my knowledge.

Applicant/Owner:  Amy Taylor Date: 3/7/2023

Incomplete applications will not be reviewed and will be returned to you for more information. You are encouraged to contact Development Services, at (352) 483-5460, to make sure your application is complete.

Description of Proposed Work: (Check all that apply)

- Alteration       Demolition       Relocation       New Construction

Completely describe the entire scope of work: all changes proposed on the exterior of the building, where on the property the work will occur, how the work will be accomplished, and the types of materials to be used. For large projects, an itemized list is recommended. Attach additional pages if necessary. Please include any additional information as may be applicable to your request including such as photos, drawings, samples of materials, and producing brochures.

EXISTING BUILDING TO REMAIN REPLACING MISSING AND  
WOOD ROTTEN WINDOWS AND DOORS WITH NEW VINYL ENERGY EFF.  
LOW E WINDOWS (WHITE) TO MATCH EXISTING AS CLOSE AS POSSIBLE  
OUTSIDE WALLS TO REMAIN (WILL PAINT ONLY) ROOF TO REMAIN (WILL  
CURT WITH SILVER COATING). ROOF TO BE 6 PANEL METAL TO MATCH EXISTING.

**OFFICIAL USE ONLY**

Date Received: \_\_\_\_\_ Historic Preservation Board Meeting Date: \_\_\_\_\_  
 File No.: \_\_\_\_\_ Was a COA issued? Yes \_\_\_\_\_ No \_\_\_\_\_

**Administrative Approval**

Application Approved: \_\_\_\_\_ Approved with Conditions: \_\_\_\_\_ Application Denied: \_\_\_\_\_  
 Conditions/Reasons: \_\_\_\_\_

Signed: \_\_\_\_\_ Date: \_\_\_\_\_



## Requirements for Certificate of Appropriateness Application City of Eustis, Florida

The Historic Preservation Board meets every two months at 5:30 pm in the City Commission Chambers, 10 N. Grove St., Eustis, Florida. Applications reviewed by the Board must be submitted by the deadlines indicated in Development Services Application Review Schedule.

Any exterior work, including repairs, on a Local Landmark, Landmark Site, or on a structure of property located in the Washington Avenue Historic District, must receive a Certificate of Appropriateness before the work begins. In addition to a Certificate of Appropriateness, a building permit may be required (Building Department at (352) 483-5462)

Applications submitted for review must be complete. In addition to a completed and signed application for Certificate of Appropriateness, one copy of each applicable item is required (if sized less than 11" x 17"). If items are larger than 11" x 17", then 8 copies of each are required. The requirements for each improvement type are listed:

### 1. Site Improvements/Driveway/Walkway/AC/Mechanical

- Drawings and site plan showing lot dimensions, location and dimensions of existing building, location and dimensions of proposed improvements.
- Description of/or samples of materials to be used.
- AC/Mechanical equipment must be screened by shrubs.

### 2. Replacement Windows/Doors

- Photo(s) of building facades where replacement will occur
- Photo(s) of each deteriorated windows/doors
- Dimensions of all replacement windows and doors and the existing dimensions of the openings
- Pictures (brochures of photos) of the proposed windows/doors
- Composition of proposed replacement windows/doors
- Written reason for replacement. Explanation of how the proposed replacement complies with Secretary of Interior's standard: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

### 3. New Construction/Additions

- Elevation drawings to scale of each façade indicating proposed alterations or additions. Drawing must clearly depict the existing building and the proposed changes
- Site plan showing lot dimensions, location and dimensions of existing building, location and dimensions of proposed addition, location of all exterior ground and roof mounted equipment
- Description and/or samples of materials to be used

- Where applicable, drawings and site plan of other improvements such as fences, walkways, lighting, decks, etc.
- Photo of existing structure

#### **4. Replacement Siding/ Porches, Etc.**

- Photo(s) of existing deteriorated materials
- Description of replacement materials
- Written reason for replacement. Explanation of how the proposed replacement complies with Secretary of Interior's standard: Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.

#### **5. Underskirting/Roofs/Gutters/Downspouts**

- Photo(s) of building facades impacted by improvements
- Description and/or small sample of building materials to be used

#### **6. Awnings/Signs**

- Sketch or elevation drawing of the building façade with proposed sign/awning
- Dimensioned drawing of awning/sign
- Sample of colors
- Photo(s) of building

#### **7. Paint**

- Color samples of all colors must be submitted

#### **8. Moving Structures**

- Provide a reason for the relocation
- Explain what will be moved, where, why and any proposed changes
- Include photo of the existing site and structure to be moved and the proposed relocation site
- Provide a dimensioned site plan of the new site showing the location and dimensions of the structure
- Describe any site features which will be altered as a result of the placement of the structure

#### **9. Fences/Gates/Pergolas/Sheds/Decks, Etc.**

- Drawing and site plan of the property showing the location of the fence, gates and/or pergola. The plan must show applicable dimensions
- A picture of the proposed structure. This can be an elevation drawing, sketch, brochure or photo of the shed, fence, gate or pergola, etc. provided that the dimensions are included
- A description of the materials that will be used in the project
- Photo of the yard (s) in which the structure will be placed

#### **10. Demolition of Structure**

- See City of Eustis Code of Ordinances Chapter 46: Historic Preservation

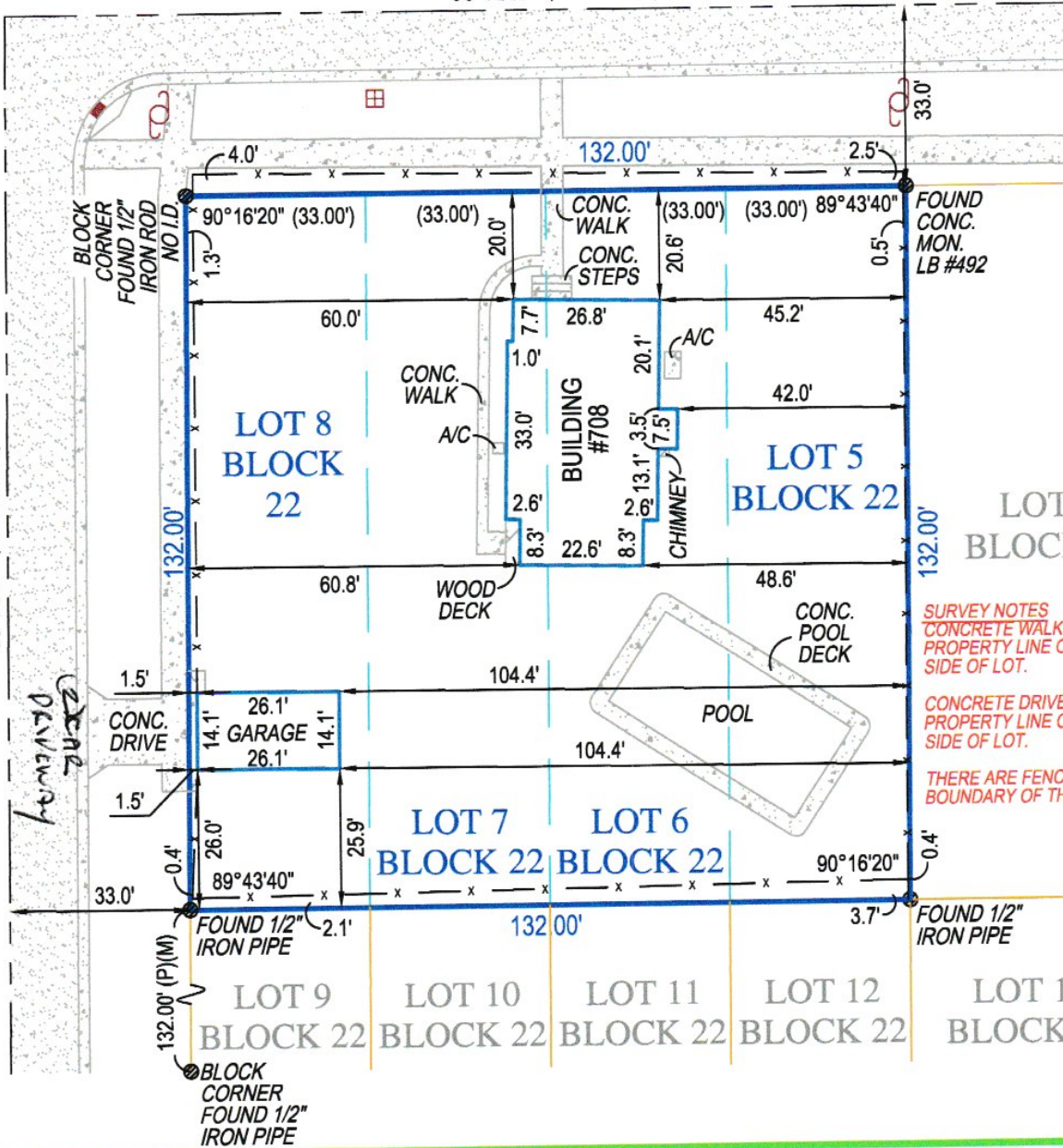


# BOUNDARY SURVEY

## EAST LEMON AVENUE

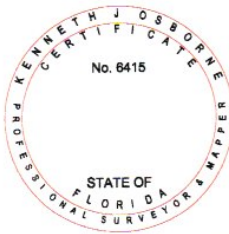
66' R/W (IMPROVED)

SOUTH SALEM STREET  
66' R/W (IMPROVED)



SCALE  
1"=30'

**SURVEY NOTES**  
 CONCRETE WALK CROSS THE PROPERTY LINE ON NORTHERLY SIDE OF LOT.  
 CONCRETE DRIVE CROSS THE PROPERTY LINE ON WESTERLY SIDE OF LOT.  
 THERE ARE FENCES NEAR THE BOUNDARY OF THE PROPERTY.



**SURVEYORS CERTIFICATE**

I HEREBY CERTIFY THAT THIS BOUNDARY SURVEY IS A TRUE AND CORRECT REPRESENTATION OF A SURVEY PREPARED UNDER MY DIRECTION. NOT VALID WITHOUT AN AUTHENTICATED ELECTRONIC SIGNATURE AND AUTHENTICATED ELECTRONIC SEAL, OR A RAISED EMBOSSED SEAL AND SIGNATURE.

(SIGNED) *Kenneth J. Osborne*  
**KENNETH J. OSBORNE**  
 PROFESSIONAL SURVEYOR AND MAPPER #6415



**TARGET SURVEYING, LLC**  
 LB #7893  
 SERVING FLORIDA  
 6250 N. MILITARY TRAIL, SUITE 102  
 WEST PALM BEACH, FL 33407  
 PHONE (561) 640-4800  
 STATEWIDE PHONE (800) 226-4807  
 STATEWIDE FACSIMILE (800) 741-0576  
 WEBSITE: <http://targetsurveying.net>

# LEGAL DESCRIPTION AND CERTIFICATION

Item 6.3

LOTS 5, 6, 7 AND 8, BLOCK 22, PRESCOTT'S ADDITION TO EUSTIS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 14, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA

A/K/A

LOTS 5, 6, 7 AND 8, BLOCK 92, CITY OF EUSTIS, ACCORDING TO THE MAP OR PLAT THEREOF, AS RECORDED IN PLAT BOOK 1, PAGE 79, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

Community Number: 120134 Panel: 0356 Suffix: E Flood Zone: X Field Work: 9/24/2020

Property Address:  
708 EAST LEMON AVENUE  
EUSTIS, FL 32726















Survey Number: 434946

Client File Number: 708 E LEMON

### ABBREVIATION DESCRIPTION:

A.E. ANCHOR EASEMENT	F.F. EL. FINISH FLOOR ELEVATION	O.R.B. OFFICIAL RECORDS BOOK
A/C AIR CONDITIONER	F.I.P. FOUND IRON PIPE	(P) PLAT
B.M. BENCH MARK	F.I.R. FOUND IRON ROD	P.B. PLAT BOOK
B.R. BEARING REFERENCE	F.P.K. FOUND PARKER-KALON NAIL	P.C. POINT OF CURVATURE
(C) CALCULATED	(L) LENGTH	P.C.C. POINT OF COMPOUND CURVE
Δ CENTRAL / DELTA ANGLE	L.A.E. LIMITED ACCESS EASEMENT	P.O.B. POINT OF BEGINNING
CH CHORD	L.M.E. LAKE MAINTENANCE EASEMENT	P.O.C. POINT OF COMMENCEMENT
(D) DEED / DESCRIPTION	(M) MEASURED / FIELD VERIFIED	P.R.C. POINT OF REVERSE CURVE
D.E. DRAINAGE EASEMENT	M.H. MANHOLE	P.T. POINT OF TANGENCY
D.H. DRILL HOLE	N&D NAIL & DISK	R/W RIGHT-OF-WAY
D/W DRIVEWAY	N.R. NOT RADIAL	(R) RADIAL / RADIUS
E.O.W. EDGE OF WATER	N.T.S. NOT TO SCALE	S.I.R. SET IRON ROD
F.C.M. FOUND CONCRETE MONUMENT	O.H.L. OVERHEAD UTILITY LINES	T.O.B. TOP OF BANK
		U.E. UTILITY EASEMENT

### SYMBOL DESCRIPTIONS:

 = CATCH BASIN	 = MISC. FENCE
 = CENTERLINE ROAD	 = PROPERTY CORNER
 = COVERED AREA	 = UTILITY BOX
 = EXISTING ELEVATION	 = UTILITY POLE
 = HYDRANT	 = WATER METER
 = MANHOLE	 = WELL
 = METAL FENCE	 = WOOD FENCE

PAGE 1 OF 2 PAGES  
(NOT COMPLETE WITHOUT PAGE 2)

### GENERAL NOTES:

- 1) LEGAL DESCRIPTION PROVIDED BY OTHERS
- 2) THE LANDS SHOWN HEREON WERE NOT ABSTRACTED FOR EASEMENTS OR OTHER RECORDED ENCUMBRANCES NOT SHOWN ON THE PLAT.
- 3) UNDERGROUND PORTIONS OF FOOTINGS, FOUNDATIONS OR OTHER IMPROVEMENTS WERE NOT LOCATED.
- 4) WALL TIES ARE TO THE FACE OF THE WALL AND ARE NOT TO BE USED TO RECONSTRUCT BOUNDARY LINES.
- 5) ONLY VISIBLE ENCROACHMENTS LOCATED.
- 6) DIMENSIONS SHOWN ARE PLAT AND MEASURED UNLESS OTHERWISE SHOWN.
- 7) FENCE OWNERSHIP NOT DETERMINED.
- 8) ELEVATIONS INDICATED HEREON ARE IN FEET AND DECIMALS REFERENCED TO N.G.V.D. 1929
- 9) IN SOME INSTANCES, GRAPHIC REPRESENTATIONS HAVE BEEN EXAGGERATED TO MORE CLEARLY ILLUSTRATE RELATIONSHIPS BETWEEN PHYSICAL IMPROVEMENTS AND/OR LOT LINES. IN ALL CASES, DIMENSIONS SHALL CONTROL THE LOCATION OF THE IMPROVEMENTS OVER SCALED POSITIONS.



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WEBSITE: <http://targetsurveying.net>



# PROPERTY RECORD CARD

## General Information

**Name:** TAYLOR AMY **Alternate Key:** [1631271](#)  
**Mailing Address:** 14275 SW 161ST AVE  
 PORTLAND, OR 97224  
[Update Mailing Address](#) **Parcel Number:** 11-19-26-0100-092-00500  
**Millage Group and City:** 000E Eustis  
**2022 Total Certified Millage Rate:** 20.4258  
**Trash/Recycling/Water/Info:** [My Public Services Map](#)  
**Property Location:** 708 E LEMON AVE  
 EUSTIS FL, 32726 **Property Name:** --  
[Submit Property Name](#)  
[School Locator & Bus Stop Map](#)  
**School Information:** [School Boundary Maps](#)  
**Property Description:** EUSTIS LOTS 5, 6, 7, 8 BLK 92 PB 1 PG 79 ORB 5893 PG 1219 ORB 5945 PG 244

NOTE: This property description is a condensed/abbreviated version of the original description as recorded on deeds or other legal instruments in the public records of the Lake County Clerk of Court. It may not include the Public Land Survey System's Section, Township, Range information or the county in which the property is located. It is intended to represent the land boundary only and does not include easements or other interests of record. This description should not be used for purposes of conveying property title. The Property Appraiser assumes no responsibility for the consequences of inappropriate uses or interpretations of the property description.

## Land Data

Line	Land Use	Frontage	Depth	Notes	No. Units	Type	Class	Value	Land Value
1	SINGLE FAMILY (0100)	132	132		17424.000	FD		\$0.00	\$59,727.00

[Click here for Zoning Info](#)

[FEMA Flood Map](#)

## Residential Building(s)

### Building 1

Residential

Building Value: \$97,408.00

#### Summary

Year Built: 1925      Total Living Area: 2292  
 Central A/C: Yes      Attached Garage: No  
 Bedrooms: 4      Full Bathrooms: 2      Half Bathrooms: 0      Fireplaces: 1

[Incorrect Bedroom, Bath, or other information?](#)

#### Section(s)

Section Type	Ext. Wall Type	No. Stories	Floor Area
FINISHED LIVING AREA (FLA)	Wood (01)	2.00	2292

[View Larger / Print / Save](#)









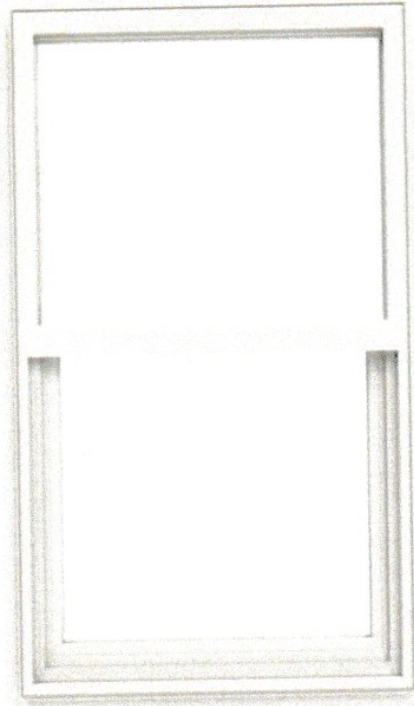












WHITE

Chat Now

- Affordable, durable vinyl window with an operational bottom sash
- SunResist Low-E insulating glass with argon provides more protection against heat gain by blocking harmful...
- Top sash is stationary; bottom sash slides open vertically

Pickup & Delivery Options

**FREE Pickup**  
Ready within 2 hours

**Delivery 32159**  
Wed, Mar 8: From \$70.00

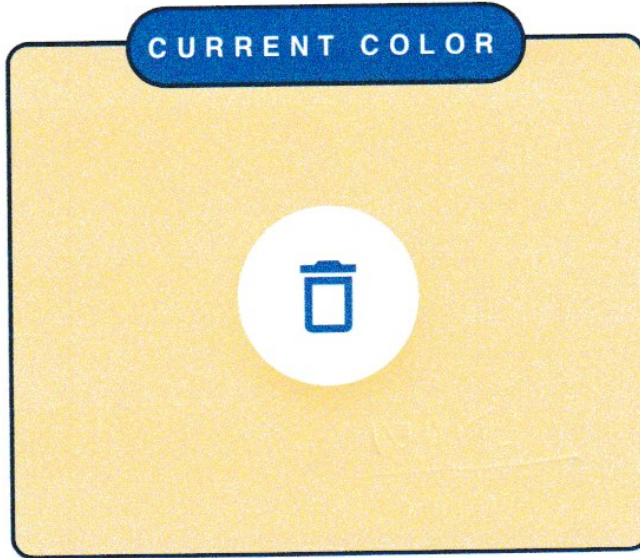
AA

lowes.com



# Sunglow

Compare - Add another col



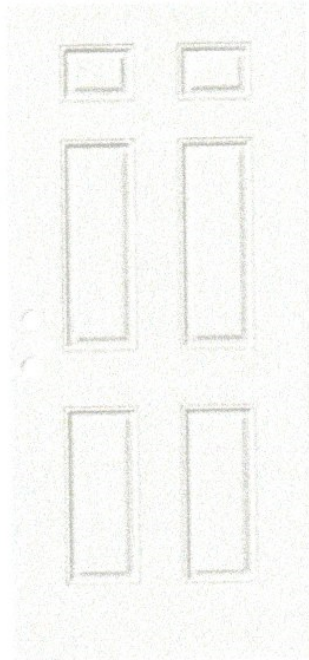
Sunglow

*YELLOW TO MATCH MAIN HOUSE.*

**Current Color: Yellow**



X  **Lowe's Home Improvement**  
 Download the Lowe's app to search and shop all our products with ease. **Install**  
 ★★★★★ (438K)



- Strong and durable 24-gauge steel with attractive, classic style
- Fully insulated core provides a protective barrier from heat and cold for energy efficiency and exceptional...
- Internal 12-in solid wood lock block and a hidden reinforced steel plate in the door frame improve securit...

Common Size (W x H) >  
 36-in x 80-in

 [lowes.com](https://www.lowes.com)

March 6, 2023

To the Architectural Review Board:

At 708 E. Lemon Ave, we want to convert the 365 square foot single car garage (carriage house) into a studio living space. We want an on-site living space for a family member to serve as caretaker of the pool and property. The resulting conversion will be a match to the existing house in style and color. No structural elements other than windows and doors will be changed. Some of the siding will need to be replaced.

Thank you,  
Amy Taylor



HAND DELIVERED P-SVE C Item 6.3



CITY OF EUSTIS -- BUILDING PERMIT APPLICATION

111 E. Orange Avenue, P. O. Drawer 68, Eustis, FL 32727-0068

Telephone: 352-483-5462---Fax: 352-589-2651

RECEIVED FEB 08 2023

Code in Effect: FLORIDA BUILDING CODE 2020, 7th Edition

Property Owner Amy Taylor
Mailing Address 14275 SW 16th Ave
Phone
City Palmdale OR. Zip
State Fax

Contractor(Applicant) JAMES SVENSON
License Holder SVENSON CONSTRUCTION INC.
License Number CBC1250553
Address 1715 HERMIT SMITH RD
City APOPKA State FL Zip 32712
Phone 321-291-5453 Fax
E-mail Address: SVENSONCONSTRUCTION@gmail.com

Project Address 708 EAST LOMA STREET Alt. Key # 1631271
Subdivision Phase Blk Lot

Responding to a Code Violation? Yes No Within a Historic District? Yes No
Is property in a Floodplain? Yes No If "Yes" Base flood elevation must be provided on your Site Plan.

Contract Price/Value: \$ 25,000 Proposed Project Description/Scope:

RENOVATION TO EXISTING GARAGE

It is agreed that in all respects the work will be performed & completed in accordance with the permitted and applicable codes of the local jurisdiction. This permit may be revoked at any time upon violation of any of the provisions of said laws, ordinances, or rules & regulations, or upon any unauthorized change in the original approved plans. This permit becomes invalid if an inspection for permanent construction is not requested within 180 days or more than 6 months has elapsed between inspections.

WARNING TO OWNER: YOUR FAILURE TO RECORD A NOTICE OF COMMENCEMENT MAY RESULT IN YOUR PAYING TWICE FOR IMPROVEMENTS TO YOUR PROPERTY. A NOTICE OF COMMENCEMENT MUST BE RECORDED AND POSTED ON THE JOB SITE BEFORE THE FIRST INSPECTION. IF YOU INTEND TO OBTAIN FINANCING, CONSULT WITH YOUR LENDER OR AN ATTORNEY BEFORE COMMENCING WORK OR RECORDING YOUR NOTICE OF COMMENCEMENT.

NOTICE: In addition to the requirements of this permit, there may be additional restrictions applicable to this property that may be found in the public records of this county, and there may be additional permits required from other government entities, such as water management districts, state agencies, or federal agencies.

I certify that, per Chapter 469, F.S., Asbestos Abatement, I will contact FDEP and provide the Notice of Asbestos Renovation or Demolition Form, and will comply with all requirements, including, but not limited to, conducting a thorough asbestos inspection prior to the commencement of demolition or renovation.

I DO HEREBY SWEAR THAT THE INFORMATION CONTAINED HEREIN AND THE ATTACHMENTS HERETO ARE TRUE AND ACCURATE TO THE BEST OF MY KNOWLEDGE.

SIGNATURE (Contractor/Applicant) [Signature] DATE 2/8/23

STATE OF FLORIDA
COUNTY OF LAKE

The foregoing instrument was acknowledged before me this 8th day of FEB. 20 23 by JAMES SVENSON who is personally known to me or who has produced [Signature] as identification.

[Signature]
Notary Public



Permit # 3709722



BUILDING PERMIT APPLICATION - PAGE 2

CONTRACTOR—PLEASE COMPLETE INFORMATION AND SIGN IN APPROPRIATE BLOCK BELOW. BY SIGNING BELOW, I HEREBY SWEAR THAT I AM IN COMPLIANCE WITH FLORIDA'S WORKER'S COMPENSATION LAW AND THAT I HAVE SECURED COVERAGE OR HAVE A VALID CERTIFICATE OF EXEMPTION.

Building Contractor: SVENSA CONSTRUCTION INC. M/H Set-up Contractor:
State/Cert/Reg # CBC1250553
Address 1915 HERMIT SMITH RD.
City APOKA FL.
State FL. Zip 32712
Phone 321-299-5453 Fax
Cell Email:
Signature [Signature] Email: SVENSA.CONSTRUCTION@MAIL.COM

Plumb Contractor: HVAC Contractor: (\*)
State/Cert/Reg #
Address
City
State Zip
Phone Fax
Cell Email:
Signature

Elec. Contractor: LP Gas Contractor:
State/Cert/Reg #
Address
City
State Zip
Phone Fax
Cell Email:
Signature

Specialty Contractor: Engineer/Architect:
State/Cert/Reg #
Address
City
State Zip
Phone Fax
Cell Email:
Signature

(\*) NOTE TO HVAC CONTRACTOR: FLORIDA BUILDING CODE - ENERGY EFFICIENCY, REQUIRES THAT THE CONTRACTOR PROVIDE MANUAL J & MANUAL N ON ALL NEW CONSTRUCTION AND REPLACEMENT HVAC SYSTEMS ; CONTRACTOR MUST ALSO PROVIDE CERTIFICATION THAT ALL DUCTWORK HAS BEEN INSPECTED AND ALL NECESSARY REPAIRS/TAPING HAVE BEEN COMPLETED.

Approved by \_\_\_\_\_ Date: \_\_\_\_\_



Building Code in Effect:  
2020 (Seventh Edition) Florida Building Code

**BUILDING PERMIT APPLICATION - PAGE 3**

**Permit Number:** \_\_\_\_\_

**Important!**

Yes  No  (Check one) I am filling and /or excavating the property. If yes, provide the Finish Floor Elevation (FFE) , lot corner elevations and drainage plan for the site. Depending on the type of development, not all information will be required. Note: Failure to respond correctly will make you personally liable for future damages.

III. OWNER & LENDER INFO			
<b>A. OWNER OR LESSEE</b>		EMAIL ADDRESS	FAX NO.
NAME		TELEPHONE NO.	
MAILING ADDRESS	CITY	STATE	ZIP CODE
<b>B. BONDING/MORTGAGE NAMES</b>			
Fee Simple Titleholder, Bonding Company, Mortgage Lender and Design Professional information is required when the aggregate value (total cost of all improvements and not just work authorized by the individual permit) is \$2,500 or more (except HVAC repair/replacement > \$7,500).			
NAME	ADDRESS,	CITY,	STATE & ZIP TELEPHONE NO.
FEE SIMPLE TITLEHOLDERS (IF OTHER THAN OWNER)		<input type="checkbox"/> SAME AS OWNER	
BONDING COMPANY <input type="checkbox"/> NOT APPLICABLE			
MORTGAGE LENDERS <input type="checkbox"/> NOT APPLICABLE			
DESIGN PROFESSIONAL	LICENSE #		
		PRIMARY CONTACT EMAIL ADDRESS	PRIMARY CONTACT CELL PHONE NO.

AGENT/APPLICANT'S AFFIDAVIT

STATE OF FLORIDA  
COUNTY OF LAKE  
CITY OF EUSTIS

BEFORE ME, the undersigned authority personally appeared Amy Taylor  
who being by me first duly sworn on oath, deposes and says:

1. That he/she Affirms and Certifies that he/she understands and will comply with all Ordinances, Regulations, and Provisions of the City of Eustis, and that all statements and diagrams submitted herewith and attached hereto, are true and accurate to the best of their knowledge and belief, and further, that this application and attachments shall become part of the Official Records of the City of Eustis, Florida, and are **Not Returnable**.
2. That he/she desires **City Commission** approval for the use of property as proposed, for the property legally described on this Application.
3. That the submittal requirements for this Application, which are attached hereto, have been completed and attached hereto as part of this Application.

Amy Taylor  
(Agent/Applicant's Signature)

STATE OF FLORIDA  
COUNTY OF LAKE  
CITY OF EUSTIS

The foregoing instrument was acknowledged before me this 26 day of January, 2023, by Amy Taylor, who is personally known to me or who has produced Oregon DL as identification.

(SEAL)

Mariah Lester  
Notary Public (Signature)

Mariah Lester  
Print or type Notary Name



MARIAH LESTER  
Commission # HH 133877  
Expires June 18, 2025  
Bonded Thru Budget Notary Services

Commission (serial) Number HH 133877

My Commission Expires: June 18, 2025



# PROPERTY RECORD CARD

## General Information

<b>Name:</b>	TAYLOR AMY	<b>Alternate Key:</b>	<a href="#">1631271</a>
<b>Mailing Address:</b>	14275 SW 161ST AVE PORTLAND, OR 97224 <a href="#">Update Mailing Address</a>	<b>Parcel Number:</b>	11-19-26-0100-092-00500
		<b>Millage Group and City:</b>	000E Eustis
		<b>2022 Total Certified Millage Rate:</b>	20.4258
		<b>Trash/Recycling/Water/Info:</b>	<a href="#">My Public Services Map</a>
<b>Property Location:</b>	708 E LEMON AVE EUSTIS FL, 32726	<b>Property Name:</b>	-- <a href="#">Submit Property Name</a>
		<b>School Information:</b>	<a href="#">School Locator &amp; Bus Stop Map</a> <a href="#">School Boundary Maps</a>
		<b>Property Description:</b>	EUSTIS LOTS 5, 6, 7, 8 BLK 92 PB 1 PG 79 ORB 5893 PG 1219 ORB 5945 PG 244

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[Click here for Zoning Info](#)      [FEMA Flood Map](#)

## Residential Building(s)

### Building 1

Residential	Building Value: \$97,408.00		
<b>Summary</b>			
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Bedrooms: 4	Full Bathrooms: 2	Half Bathrooms: 0	Fireplaces: 1
<a href="#">Incorrect Bedroom, Bath, or other information?</a>			
<b>Section(s)</b>			
<b>Section Type</b>	<b>Ext. Wall Type</b>	<b>No. Stories</b>	<b>Floor Area</b>
FINISHED LIVING AREA (FLA)	Wood (01)	2.00	2292
<a href="#">View Larger / Print / Save</a>			





WWW.CREATIVEFUEL.CO.COM

AMY TAYLOR COTTAGE  
RENOVATION  
718 E Lemon Street, Eustis

ISSUE DATE SCHEDULE	
0	DATE DESCRIPTION
R1	CD SET

INDEX OF DRAWINGS	
0	SHEET DESCRIPTION: INTERIOR DESIGN
A1.1	COVER SHEET
A3.1	FIRST FLOOR PLAN
E1.1	ELECTRICAL

### GENERAL NOTES

#### DESIGN REQUIREMENTS

**WIND DESIGN LOAD INFORMATION:**  
(PER FBCR 2017 6th EDITION R301, REF. ASCE 7-10)  
BASIC WIND SPEED (V<sub>W</sub>) = 139 MPH (3 SECOND GUST)  
(V<sub>W</sub>) = 166 MPH (3 SECOND GUST)  
BUILDING CATEGORY = II (ASCE 7-10)  
WIND EXPOSURE (ALL SIDES) = B (ASCE 7-10)  
INTERNAL PRESSURE COEFFICIENTS (ASCE 7-10)  
ENCLOSED BUILDINGS +/- 0.18  
PARTIALLY ENCLOSED BUILDINGS +/- 0.58  
(NOTE, COEFFICIENTS FOR PARTIALLY ENCLOSED STRUCTURES ARE APPLIED WHEN DESIGN OF MEMBER(S) FALLS UNDER ASCE 7-10 DEFINITIONS CLASSIFYING AS SUCH)  
ALL COMPONENTS AND CLADDING NOT SPECIFIED ON PLANS SHALL BE DESIGNED TO WITHSTAND THE FOLLOWING PRESSURES (ASD):  
FOR WALL LOCATIONS +1.2 PSF, -28.3 PSF  
FOR ROOF LOCATIONS +12.2 PSF, -49.9 PSF

**PREFABRICATED WOOD TRUSSES**

- ALL PREFABRICATED WOOD TRUSSES SHALL BE SECURELY FASTENED TO THEIR SUPPORTING WALLS OR BEAMS WITH HURRICANE CLIPS OR ANCHORS
- TRUSSES SHALL BE DESIGNED BY MWFRS METHODOLOGY FOR LONG SPAN TRUSSES TO DETERMINE UPLIFT AND REACTION VALUES, MEMBER AND PLATE DESIGN TO BE CALCULATED BY COMPONENTS AND CLADDING METHOD UNLESS SPECIFIED OTHERWISE BY TRUSS ENGINEER OF RECORD
- PREFABRICATED WOOD TRUSSES SHALL BE DESIGNED IN ACCORDANCE WITH THE LATEST EDITION OF THE NATIONAL DESIGN SPECIFICATION FOR STRESS-GRADE LUMBER AND ITS FASTENERS AS RECOMMENDED BY THE NATIONAL FOREST PRODUCTS ASSOCIATION.
- TRUSS MEMBERS AND CONNECTIONS SHALL BE PROPORTIONED (WITH A MAXIMUM ALLOWABLE STRESS INCREASE FOR LOAD DURATION OF 25%) TO WITHSTAND DESIGN LOADS
- BRIDGING FOR PRE-ENGINEERED TRUSSES SHALL BE AS REQUIRED BY TRUSS MANUFACTURER UNLESS NOTED ON PLANS
- TRUSS ELEVATIONS AND SECTIONS ARE FOR GENERAL CONFIGURATION OF TRUSSES ONLY. WEB MEMBERS ARE NOT SHOWN BUT SHALL BE DESIGNED BY TRUSS MANUFACTURER IN ACCORDANCE WITH THE DESIGN LOADS

**TRUSS DESIGN LOADS**  
TOP CHORD: LL = 10 PSF  
(TRUSS MFR. MAY TAKE REDUCTION FOR 6:12 SLOPES OR GREATER)  
DL = 10 PSF (SHINGLE TYPE ROOF COVER)  
DL = 16 PSF (LOW SLOPING MEMBRANE TYPE ROOF COVER)  
DL = 14 PSF AT OVERSILT  
BOTTOM CHORD: LL = 10 PSF  
BOTTOM CHORD: DL = 10 PSF  
WIND LOAD: SEE DESIGN REQUIREMENTS

- THE TRUSS MANUFACTURER SHALL DETERMINE ALL SPANS, WORKING POINTS, BEARING POINTS, AND SIMILAR CONDITIONS. TRUSS SHOP DRAWINGS SHALL SHOW ALL TRUSSES, ALL BRACING MEMBERS AND ALL TRUSS TO TRUSS HANGERS
- PROVIDE ADDITIONAL BRACING AND BLOCKING PER BCSS-1-03 AND TRUSS MANUFACTURER'S DRAWINGS

### PROJECT NOTES


#### BUILDING DATA

2020 Florida Building Code Residential 7<sup>th</sup> Edition  
2020 Florida Building Code existing 7<sup>th</sup> Edition  
NFPA- 70 (NEC) 2017 Edition  
2017 FBC Residential, 7<sup>th</sup> Edition- Electric

CLASSIFICATION REPAIR

#### SCOPE OF WORK

#### SITE LOCATION MAP



**WOOD CONSTRUCTION**

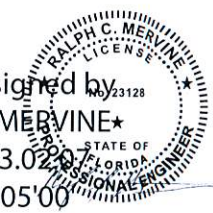
- WOOD CONSTRUCTION SHALL CONFORM THE NFPA NATIONAL DESIGN SPECIFICATION FOR WOOD CONSTRUCTION, LATEST EDITION (NDS)
- ALL EXTERIOR WOOD STUD WALLS BEARING WALLS, SHEAR WALLS AND MISC. STRUCTURAL WOOD FRAMING MEMBERS (I.E. BLOCKING OR GABLE END BRACING) SHALL BE SPRUCE PINE FIR OR EQUIVALENT, NO 2 GRADE SHALL BE USED REGARDLESS OF SPECIES
- ALL 2X8's OR DEEPER MEMBERS TO BE SOUTHERN PINE NO 2 GRADE
- ALL TRUSS MEMBERS (I.E. TOP & BOTTOM CHORD, WEBS) TO BE SOUTHERN PINE NO 2 GRADE
- PRESERVATIVE-TREATED WOOD WITH FIELD-CUT ENDS, NOTCHES AND DRILLED HOLES SHALL BE FIELD TREATED IN ACCORDANCE WITH AWPA M11
- USE OF PRESERVATIVE-TREATED WOOD OR NATURAL DURABLE WOOD SHALL BE PROVIDED IN THE FOLLOWING LOCATIONS PER FBCR R31-7

**A** JOISTS WHEN CLOSER THAN 18" OR GIRDERS CLOSER THAN 12" FROM GRADE  
**B** FRAMING MEMBERS THAT REST ON CONCRETE OR MASONRY EXTERIOR FOUNDATIONS LEES THAN 8" FROM GRADE  
**C** SILLS AND SLEEPERS ON CONCRETE SLAB THAT IS IN DIRECT CONTACT WITH THE GROUND (UNLESS SEPARATED BY MOISTURE BARRIER)  
**D** ENDS OF GIRDERS ENTERING CONCRETE OR MASONRY WALLS HAVING CLEARANCES OF LESS THAN 1/2" ON TOP, SIDES AND ENDS  
**E** SIDING, SHEATHING AND WALL FRAMING ON EXTERIOR OF BUILDING HAVING LESS THAN 8" FROM GRADE OR 2" MEASURED VERTICALLY FROM CONCRETE SLAB, STEP OR SIMILAR HORIZONTAL SURFACE EXPOSED TO WEATHER  
**F** FURRING STRIPS OR FRAMING MEMBERS ATTACHED DIRECTLY TO THE INTERIOR SIDE OF THE EXTERIOR MASONRY OR CONCRETE WALLS BELOW GRADE (UNLESS SEPARATED BY MOISTURE BARRIER)  
**G** MEMBERS IN CONTACT WITH GROUND OR EMBEDDED IN CONCRETE EXPOSED TO WEATHER SHALL BE APPROVED PRESERVATIVE-TREATED WOOD SUITABLE FOR GROUND CONTACT  
**H** MEMBERS EXPOSED TO WEATHER WITHOUT ADEQUATE PROTECTION FROM A ROOF, EAVE, OVERHANG OR OTHER COVERING THAT WOULD PREVENT MOISTURE ACCUMULATION ON THE SURFACE OR JOINTS BETWEEN MEMBERS

\*NOTE, IT IS RECOMMENDED TO USE PRESERVATIVE-TREATED LUMBER OR A MOISTURE BARRIER FOR ALL WOOD IN CONTACT WITH CONCRETE OR MASONRY

SVENSON CONSTRUCTION INC  
CBC1250553

RALPH C MERVINE  
Digitally signed by RALPH C MERVINE  
Date: 2023.02.07 06:29:20 -05'00



This item has been digitally signed and sealed by RALPH CARTER MERVINE on the date adjacent to the seal  
Printed copies of this document are not considered signed and sealed and the signature must be verified on any electronic copies.

### BUILDING DATA

Living area 400 sf

ISSUE DATE	APPROVED BY: JDB
0	DATE DESCRIPTION

### COVER SHEET GENERAL NOTES

# A1.1



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AMY TAYLOR COTTAGE  
RENOVATION  
718 E Lemon Street, Eustis

**GENERAL NOTES: UNITS**

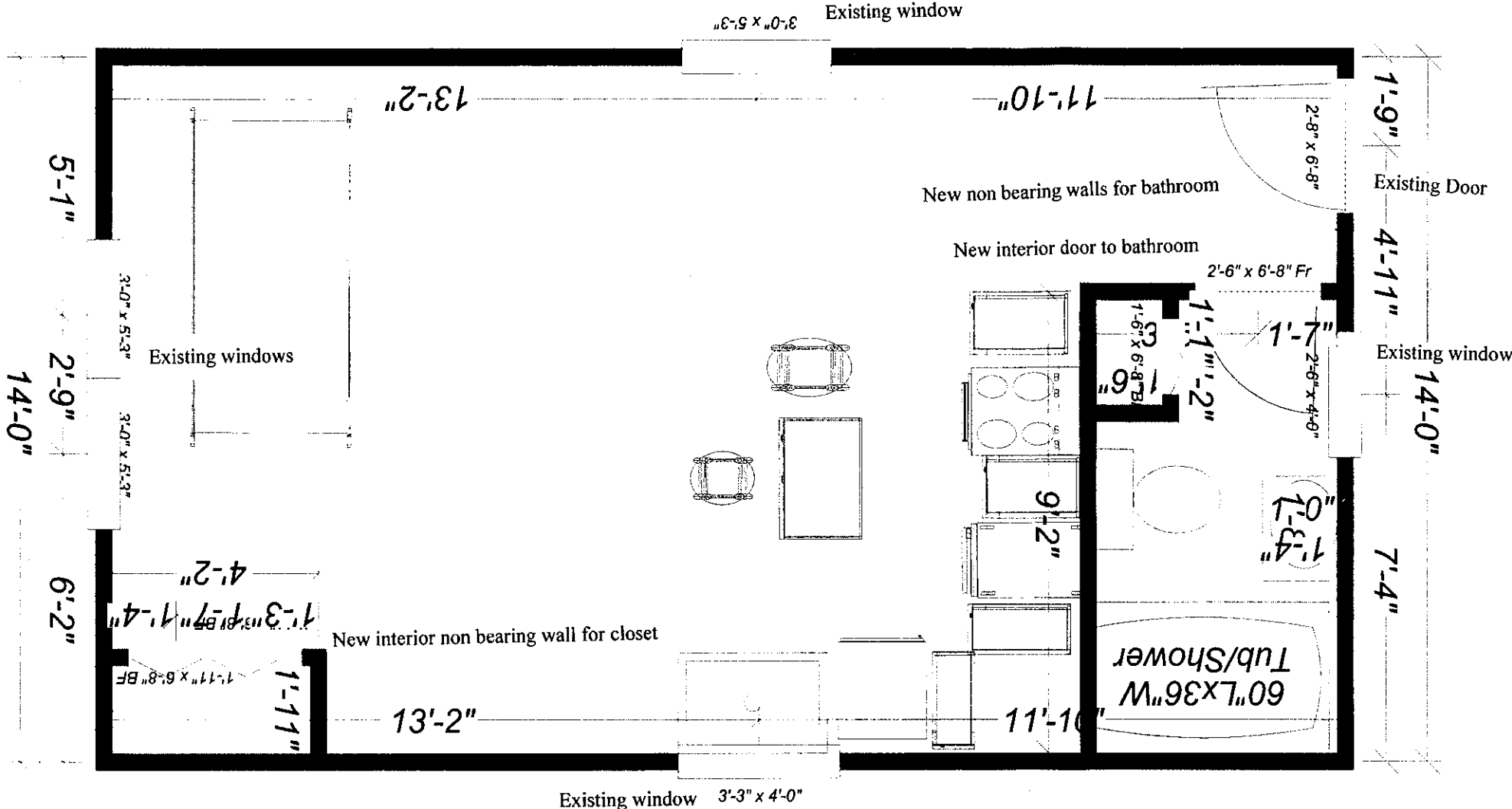
- A. ALL DIMENSIONS ARE APPROXIMATE AND TO BE FIELD VERIFIED.
  - B. SQ FT. CALC'S : TOTAL UNDER ROOF
1. WINDOWS AND DOOR SUPPLIERS SHALL PROVIDE CURRENT ROUGH OPENING INFO WHICH SHALL HAVE PRECEDENCE OVER THE WINDOW AND DOOR SCHEDULES AND DOORS TO COMPLY WITH THE 2020 IRC 703 edition energy efficiency code
  2. DO NOT SCALE PLANS DIMENSIONS ARE TO BE FOLLOWED AS NOTED.
  3. G.C. TO VERIFY ALL DIMENSIONS WITH FIXTURES TO BE INSTALLED TO ENSURE COMPLIANCE.
  4. H.V.A.C. SYSTEM TO BE SIZED AND DESIGNED BY H.V.A.C CONTRACTOR
  5. REFER TO FLOOR PLAN FOR CEILING HEIGHTS.
  6. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AT SITE BEFORE PROCEEDING WITH AND WORK.
  7. NOTES INDICATED TYPICAL CONDITIONS SHALL APPLY TO ALL LIKE AREAS UNLESS NOTED OTHERWISE
  8. IF WATER BASED CEILING TEXTURE IS USED, PROVIDE 1/2" GYPSUM BOARD FOR 16" O.C. FRAMING OR 5/8" GYPSUM BOARD FOR 24" O.C. FRAMING (1/2" SAG-RESISTANT GYPSUM BOARD MAY BE USED I.L.O OF 5/8" GYPSUM)
  9. ANCHOR THE CONDENSER UNIT TO SLAB USING 1/4"X1 1/4" TAPCOMS TO ATTACH 4" L BRACKETS INTO THE PAD AND THEN USE 3/4" LONG HEX SCREWS (2) ON EACH CORNER TO ATTACH THE "L" BRACKETS TO THE EQUIPMENT.
  10. G.C. TO VERIFY WITH WINDOW MANUFACTURER THAT ALL WINDOWS MARKED AS EGRESS HAVE A NET CLEAR OPENING OF 5 S.F. IF LOCATED AT GRADE FLOOR OR 5.7 S.F. AT OTHER FLOORS (LE 2ND FLOOR). A 24" MINIMUM CLEAR OPENING HEIGHT AND A 20" MINIMUM CLEAR WIDTH ARE REQUIRED.
  11. PROVIDE WINDOW GUARDS THAT COMPLY WITH ASTM F2005 OR F2000 FOR OPERABLE WINDOWS LOCATED MORE THAN 7'2" ABOVE FINISHED GRADE OR SURFACE BELOW, AND IF THE LOWEST PART OF THE CLEAR OPENING OF THE WINDOW IS LOCATED WITHIN 24" OF THE FINISH FLOOR OF THE ROOM.
  12. EXTERIOR GLAZED OPENING LOCATED IN WIND-SCRIBE DEBRIS REGIONS SHALL BE PROTECTED PER FBCR 207 SEC. 301.2.1.2

**KEYNOTES:**

- Exterior walls, roof are existing
- Exterior windows and doors are existing  
To be replace with same size and location

**SYMBOL LEGEND**

SYMBOL      DESCRIPTION



1 FLOOR PLAN  
Scale: 1/4" = 1'-0"

**SCOPE**

- Install interior cabinets in kitchen and bathroom
- Install R-13 batt insulation in exterior walls
- Install R-38 batt in ceilings
- Install 1/2" drywall on walls and ceiling
- Install interior trim and doors interior

SVENSON CONSTRUCTION INC  
CBC1250553

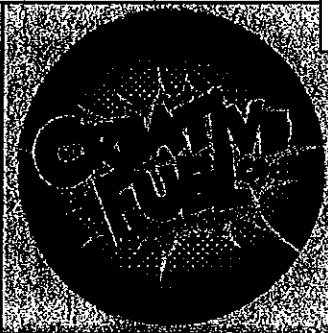
ISSUE DATE:      APPROVED BY: JDB

REVISION SCHEDULE	
DATE	DESCRIPTION

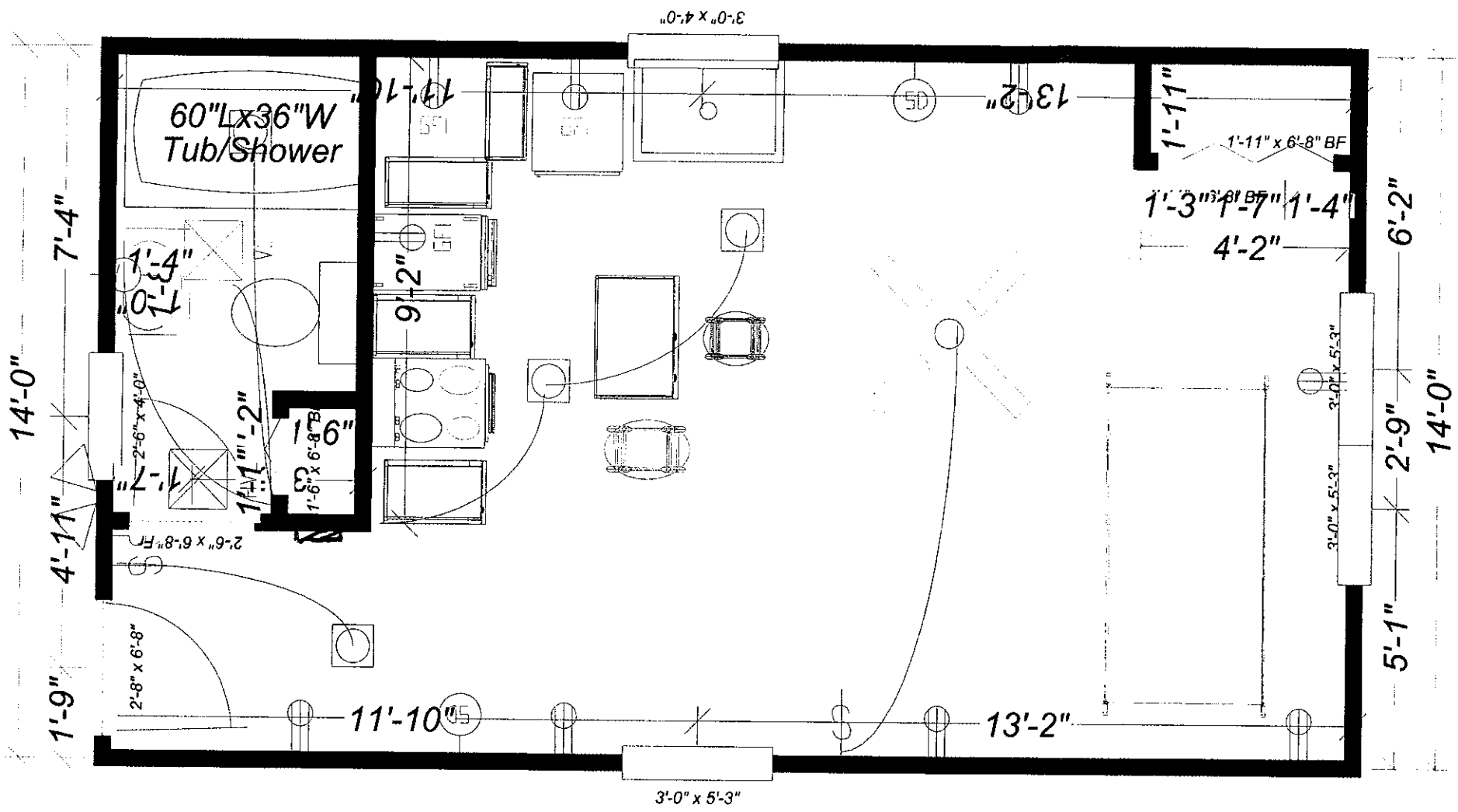
FLOOR PLAN

A3.1

SHEET NUMBER



WWW.CREATIVEFUELCO.COM



ELECTRICAL LEGEND:

- OUTLET 110-115
- GFI OUTLET 110-115, GROUND FAULT CIRCUIT INTERRUPTER
- WP GFI OUTLET 110-115, WATERPROOF GROUND FAULT CIRCUIT INTERRUPTER
- DLG FAN PRE WIRED
- LIGHT FIXTURE, WALL MOUNTED
- LIGHT FIXTURE, CEILING MOUNTED
- LIGHT FIXTURE, RECESSED
- METER
- DISCONNECT SWITCH
- SWITCH, SINGLE POLE
- SWITCH, THREE WAY
- ELECTRICAL PANEL
- EXHAUST FAN
- GARBAGE DISPOSAL
- OUTLET 220-240, SPECIAL PURPOSE

1 ELECTRICAL PLAN  
Scale: 1/4" = 1'-0"

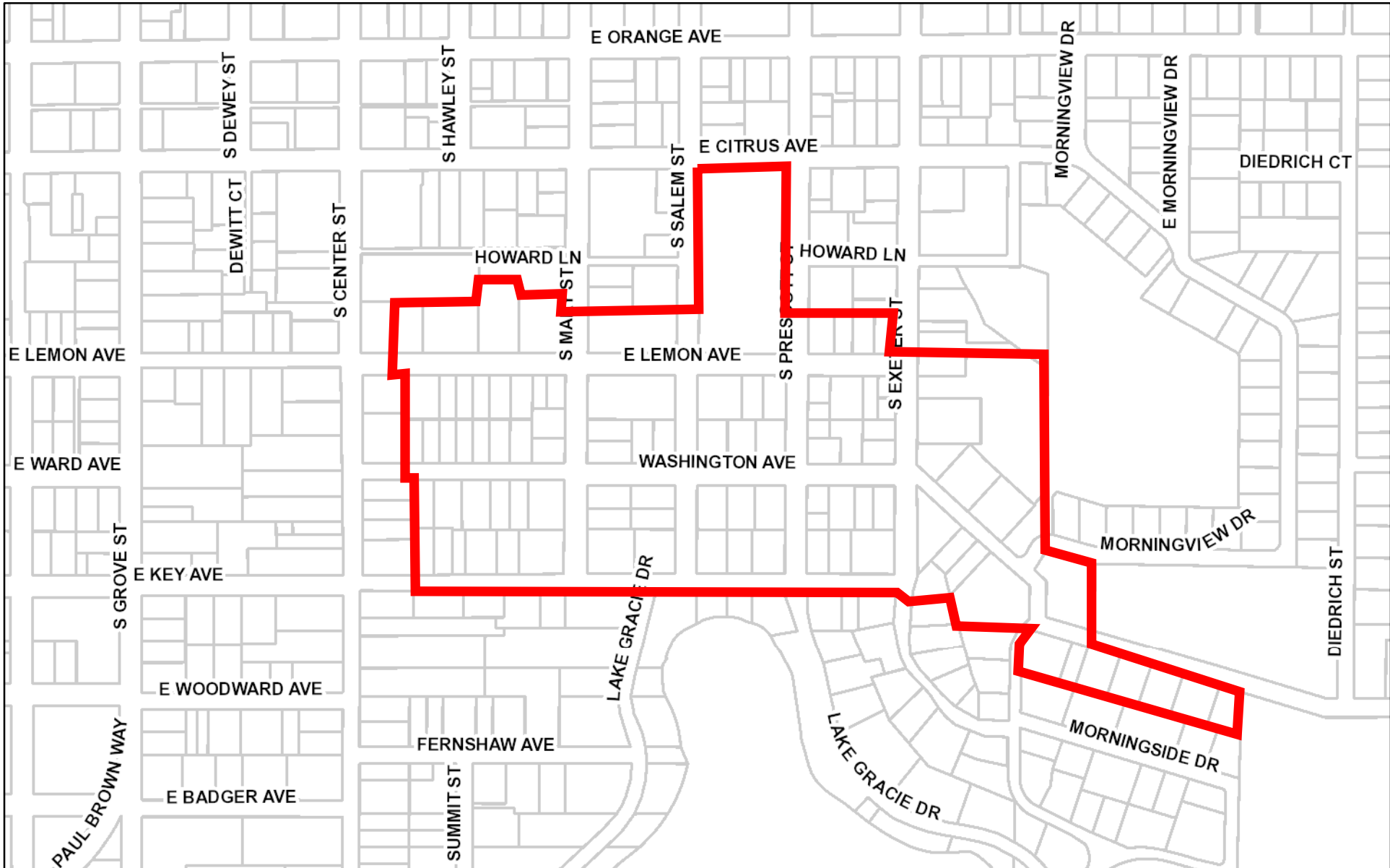
ISSUE DATE: APPROVED BY: JDX

REVISION SCHEDULE	
NO.	DESCRIPTION

ELECTRICAL PLAN AND LEGEND  
**E1.1**

SHEET NUMBER

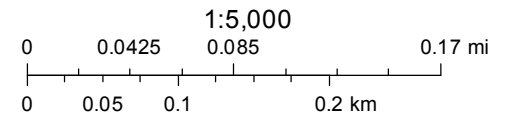


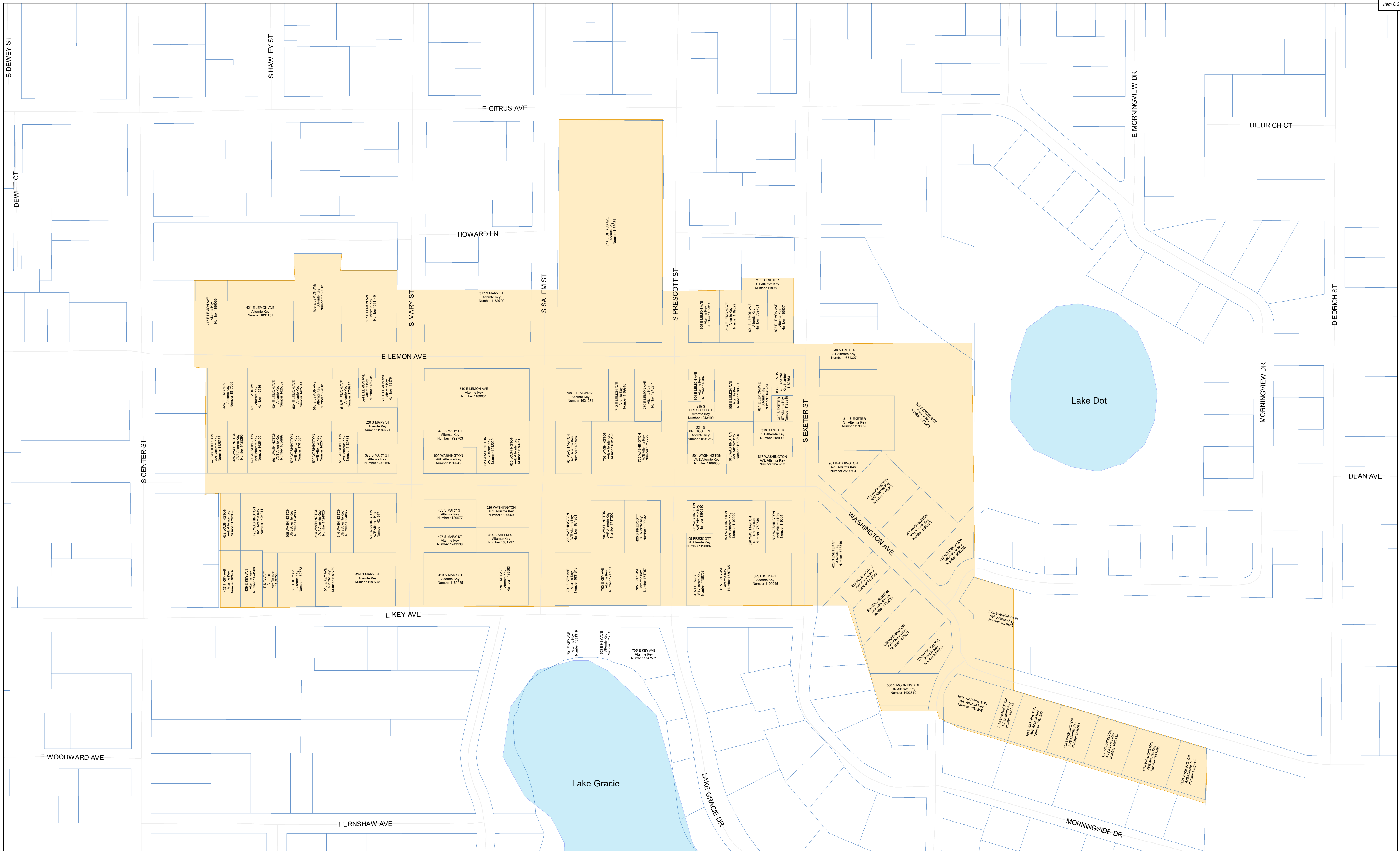


June 23, 2016

Street Names

Tax Parcels





# Washington Avenue Historic District

Prepared by the City of Eustis Development Services Department - Washington Street Historic District Boundary Established by Ordinance Number 97-33



1 inch = 100 feet



# City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: June 15, 2023

RE: Resolution Number 23-18: Discussion on Reconsideration of Resolution Number 23-18: Preliminary Subdivision Plat Approval for the Estes Reserve Subdivision

### **Introduction:**

On June 1, 2023, the City Commission voted 3 to 2 to deny Resolution Number 23-18: Preliminary Subdivision Plat Approval for the Estes Reserve Subdivision. Unanswered questions raised by members of the public regarding the project contributed in part to the denial. Development Services staff working with the City Manager and City Attorney prepared a response to the questions raised by the public for the Commission's consideration.

### **Recommended Action:**

The City Manager and City Attorney support a discussion reconsidering the resolution per the City Commission Rules of Order.

### **Background:**

On June 1, 2023, the City Commission voted 3 to 2 to deny Resolution Number 23-18: Preliminary Subdivision Plat Approval for the Estes Reserve Subdivision. Unanswered questions raised by members of the public regarding the project contributed in part to the denial. The Development Services staff working with the City Manager and City Attorney have put together responses to the questions raised regarding the project (*See attached Response to Questions Raised on Estes Reserve Subdivision*). Attached as part of the Response is the Environmental and Natural Resource Assessment for Estes Reserve Subdivision.

The applicant has continued interest in moving forward with the project and has asked that the City Commission reconsider the item. Per the City Commission Rules of Order (Attached):



Section 10(e) states: “No item shall be placed on an agenda which is substantially similar to an item voted upon by the Commission within the last nine months unless three or more Commissioners agree. During other business at a regular Commission meeting, the Commission shall discuss and vote on whether such an agenda item should be formally reconsidered by the Commission on a future agenda.”

Based on the additional information available at this time, the applicant’s continued interest in moving forward, and the provision in the City Commission Rules of Order, the City Manager and the City Attorney felt it was appropriate to place a discussion item on the agenda for June 15, 2023.

**Prepared by:**  
Tom Carrino, City Manager

**Attachments:**  
Response to Questions Raised on Estes Reserve Subdivision with Attachments  
City Commission Rules of Order

**Ms. Newton:** It is stated that this project is consistent with the Comprehensive Plan and the Land Development Regulations. The definition in your LDR of impervious surface not only includes the tops of the streets and sidewalks but it also includes compacted soil or anything that is filled and compacted.

**Response:** The City's LDR defines **impervious surface** as: "Any material that substantially reduces or prevents the infiltration of stormwater into previously undeveloped land. A surface that has been compacted or covered with a layer of material so that it is highly resistant to infiltration by water, including compacted sand, clay or lime rock, as well as most conventionally surfaced streets, roofs, sidewalks, and parking lots."

For Suburban Residential lots such as the Estes Reserve Subdivision, the City's LDR calls for 40% impervious surface. Compacted soils are generally associated with areas that will be covered by an impervious material. The Estes Reserve Subdivision's impervious surface, inclusive of the tops of the streets and sidewalks, meets the 40% requirement per the City's LDRs.

---

**Ms. Newton:** Most of this proposed plan would result in almost the entire lot being highly disturbed and compacted to 95% to 98%. To meet the LDR, only 2.82 acres would be compacted. You would have to have 1.88 acres remain undisturbed and not compacted.

**Response:** The Estes Reserve Subdivision will not be compacted to 95% nor 98%. The site will have 2.82 acres of pervious area and 1.88 acres of impervious surface. The impervious surface meets the 40% impervious surface ratio allowed in the Suburban Residential Land Use District.

---

**Ms. Newton:** The density in Suburban Residential allows 5 units per acre. The Comprehensive Plan limits this to 2.5 units per acre in this area.

**Response:** The Planning staff conducted an exhaustive search of the City's Comprehensive Plan and did not find a limitation of 2.5 dwelling units per acre for the Wekiva Springs Protection Area as an alternate density to that allowed under the Suburban Residential (SR) Future Land Use, **except for in Map #19.**

Table A-3.1, entitled Future Land Use Table (See Attachment B), highlights the City's future land use districts along with the maximum net density (total dwelling units per net acre) and the maximum impervious surface (% of the net buildable area) for each. Because the Estes Reserve Subdivision is within a Suburban Residential (SR) future land use district, it is allowed a maximum of 5 dwelling units per acre and a 40% maximum impervious surface ratio.

Map #19 is titled a Working Non-Transmitted Draft Map. It was produced in 2007, was never adopted by Lake County, and has not been amended since 2007. As such, it is not consistent with current land use conditions in either unincorporated Lake County or the City of Eustis.

---

**Ms. Newton:** The property shown is Number 8 Chandler Sand which by St. Johns definition is Type A most effective recharge soil and this is in the Wekiva Springs Overlay Protection District.

**Response:** All property in the Wekiva Springs Overlay Protection Area that is Type A most effective recharge soil is not unbuildable. If this statement refers to Policy FLU 5.1 of the Comprehensive Plan, said policy states:

**Policy FLU 5.1.1: Land Use Activity Restrictions**

The City designates the Wekiva Springs Overlay Protection District as provided on the Future Land Use Map. The City shall restrict new land use activities within the Wekiva Overlay Protection District, within and adjacent to most effective recharge area, karst features and sensitive natural habitats, that have a potential to adversely impact ground water and surface water quality; such as mining, landfills, spray fields, golf courses, heavy industry, intense animal operations and other uses or activities with extensive impervious surface area, involving hazardous chemicals or materials, having potential to contaminate groundwater, or requiring significant consumption of groundwater beyond the City's adopted level of service.

The Development Review Committee (DRC) received an **Environmental and Natural Resource Assessment** for the Estes Reserve Property on May 31, 2021, prepared by Ray and Associates (See Attachment A). This assessment discussed and reported on the present conditions found on the property. Specifically, the report on Page 6 of 14 states:

The subject site is in a suburbanizing area of Lake County. The absence of periodic fires has allowed the ecosystem to change and various non-fire tolerant plant species to become established, exhibits low biodiversity and **contains no scrub/shrub xeric plant communities of any significance.**

**Pursuant to regulations governing the Wekiva Study Area, the subject site does not contain sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.**

**Ms. Newton:** Policy FLU 5.1.4 in your open space requirements limits how much of your most effective recharge area can be disturbed.

**Response:** FLU Policy 5.1.4, included below, does not state how much recharge area may be disturbed.

**Policy FLU 5.1.4: Open Space Requirements.**

In order to **protect natural resources** within the Wekiva Springs Overlay Protection District, including but not limited to the most effective recharge areas, karst features and sensitive natural habitats, including Longleaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub, the City shall require that new development preserve and dedicate open space pursuant to the policies established for the Wekiva Springs Overlay Protection District. Open space shall be connected to the greatest extent possible within the development site and to natural areas or open space within adjacent property in order to provide larger contiguous corridors.

The Development Review Committee (DRC) received an **Environmental and Natural Resource Assessment** for the Estes Reserve Property on May 31, 2021, prepared by Ray and Associates (See Attachment A). This assessment discussed and reported on the present conditions found on the property. Specifically, the report on Page 6 of 14 states:

**Pursuant to regulations governing the Wekiva Study Area, the subject site does not contain sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.**

The Development Review Committee (DRC) is requiring open space in the tree protection area on the north side of the property. Further, a wildlife or greenway corridor is being established between this property and the School Board's wooded property to the west.



**Ms. Newton:** (FLU) 5.1.5 talks about dedication of open space and that it shall be given to most effective recharge areas.

**Response:** Policy FLU 5.1.5 of the Comprehensive Plan states:

**Policy FLU 5.1.5: Open Space Priority and Assignment.**

*Priority for preservation and dedication of open space shall be given to the most effective recharge areas, karst features, and sensitive natural habitats including Long Leaf Pine, Sand Hill, Sand Pine, and Xeric Oak Scrub vegetated communities. Assignment of open space shall be determined at the time of site plan review to maximize protection of natural resource features and functions. This evaluation shall consider the aforementioned priorities, protection of wildlife habitat, the ability to provide substantial buffering to natural wetlands and water bodies, and the ability to create greenway corridors. Other significant resources, such as natural wetlands and floodplains and other sensitive habitats shall be protected consistent with all other objectives and policies of the Comprehensive Plan. Within the Wekiva Springs Overlay Protection District, natural wetland impacts, including the placing or depositing of fill within natural wetlands, shall be prohibited except as necessary to provide for legal ingress or egress to developable upland areas. In such circumstances, structural enhancements may be required to maintain wetland connectivity and natural flow regimes.*

As mentioned previously, the Development Review Committee (DRC) received an **Environmental and Natural Resource Assessment** for the Estes Reserve Property on May 31, 2021, prepared by Ray and Associates (See Attachment A). This assessment discussed and reported on the present conditions found on the property. Specifically, the report on Page 6 of 14 states:

**Pursuant to regulations governing the Wekiva Study Area, the subject site does not contain sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.**

**The Development Review Committee (DRC) is requiring open space; the area where the bulk of the trees are being saved can be construed as the establishment of a greenway corridor (from Estes Road westward into the School Board site's Northeastern corner).**

---

**Ms. Newton:** Policy (FLU) 5.1.6 is the dedication of open space where natural open space is designated as part of the development and shall remain undeveloped and protected.

**Response:** The development is preserving the northern part of the property as open space and is leaving the area undeveloped and protected (it is being identified on the plat as part of the open space). The area will be recorded as a separate tract (for protection) on the plat.

---

**Ms. Newton:** All the development under (FLU) 5.2 of the Wekiva Springs Protection District shall meet conservation design standards as set forth below.

**Response:** The statement alludes to Policy FLU 5.2.1 of the Comprehensive Plan which states:

**Policy FLU 5.2.1. Principals of Conservation Design**

*Within the Wekiva Springs Overlay Protection District, all new development shall be required to implement the following principals of conservation design, with the exception of very low density rural residential that does not exceed one (1) dwelling unit per five (5) acres:*

- a. When clustering dwelling units within a development, the clustering of uses shall be designed to occur in those areas with the lowest priority for preservation.
- b. Establishment of natural open space, consistent with Policies FLU 5.1.4 through 5.1.8 and Policies FLU 5.2.1 through 5.2.3, which shall be connected wherever possible and protected by recorded conservation easement, **dedicated plat**, or similar binding instrument.
- c. **Protection and enhancement of corridors for wildlife movement in coordination with adjacent properties**, if applicable.
- d. Minimize site disturbance and alteration of terrain through use of design techniques that **protect native vegetation and minimize earth movement**.
- e. Use of **Florida Friendly landscaping** and limiting areas requiring irrigation.
- f. Design of stormwater systems as natural amenities.
- g. Central water and sewer treatment facilities with urban service areas that can be connected to a regional system when available or use of performance-based on-site wastewater treatment systems consistent with the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element.
- h. Installation of reclaimed water lines in order to ensure the present or future capability to receive treated reuse water.

**Continued Statement by Ms. Newton:** (FLU) 5.2.1 except for the exception of very low density of 1 dwelling unit per 5 acres you are supposed to be using conservation design.

**Response:** The City uses Conservation Design as more specifically explained below:

**Section a. When clustering dwelling units within a development, the clustering of uses shall be designed to occur in those areas with the lowest priority for preservation.**

*In the Estes Reserve development, dwelling units are not being clustered because there are no significant natural features such as wetlands, floodplains, karst features, Long Leaf Pine, Sand Hill, Sand Pine or Xeric Oak Scrub to set back from as referenced in the **Environmental and Natural Resource Assessment** prepared by Ray and Associates. (See Attachment A).*

---

**Section b. Establishment of natural open space, consistent with Policies FLU 5.1.4 through 5.1.8 and Policies FLU 5.2.1 through 5.2.3, which shall be connected wherever possible and protected by recorded conservation easement, **dedicated plat**, or similar binding instrument.**

*The Development Review Committee (DRC) is requiring the natural open space (containing significant trees) to be reflected on the plat.*

---

**Section c. Protection and enhancement of corridors for wildlife movement in coordination with adjacent properties.**

*The natural open space (containing significant trees) can serve as a wildlife corridor and connect Estes Road to the School Board's Property (in a greenway corridor capacity).*

---

**Section d. Minimize site disturbance and alteration of terrain through use of design techniques that native vegetation and minimize earth movement.**

*The Estes Reserve Subdivision property does not contain native vegetation per the Environmental and Natural Resource Assessment prepared by Ray and Associates. (See Attachment A).*

---

**Section e. Use of Florida Friendly landscaping and limiting areas requiring irrigation.**

*The City's LDRs in Sec. 115-9.1 states that all new landscaping shall meet the guidelines of the Florida Friendly Landscaping and Waterwise Florida Landscape Guides published by St. Johns River Water Management District. The Estes Reserve Subdivision must comply with the landscaping guidelines.*

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**Section f. Design of stormwater systems as natural amenities.**

*The City requires a permit from the St. Johns Water Management District for stormwater ponds. The ponds are designed and engineered to accommodate storm water from the subdivision and prevent the water from flowing onto surrounding properties in larger quantities than before the subdivision was built.*

---

**Section g. Central water and sewer treatment facilities with urban service areas that can be connected to a regional system when available or use of performance-based on-site wastewater treatment systems consistent with the Sanitary Sewer, Solid Waste, Stormwater Management, Potable Water and Natural Groundwater Aquifer Recharge Element.**

*The Estes Reserve Subdivision will connect to the City's central water and sewer treatment facilities.*

---

**Section h. Installation of reclaimed water lines in order to ensure the present or future capability to receive treated reuse water.**

*The developer is extending and connecting to the City's reclaimed water lines.*

---

**Ms. Newton:** Establishment of the open space – minimalization of site disturbance and alteration of terrain so that you use the design techniques to provide the native vegetation and recharge.

**Response:** Estes Reserve Subdivision established open space along with the undisturbed trees in the northern part of the property. As referenced in the Environmental and Natural Resource Assessment Report, prepared by Ray and Associates (See Attachment A), there is no native vegetation left on the property. The City's LDRs require no more than 40% of the property to have impervious surface so there are ample areas for recharge. In addition, this use is limited to single family residences which are not the main culprits adversely impacting the aquifer.

---

**Ms. Newton:** If you do the 2.5 density here, it would limit (the subdivision) to about 11 homes. You can cluster these (homes) either toward the beginning or over toward Mayhill and you should be able to meet the Comp Plan Regulations and the LDR.

**Response:** Per Staff's interpretation, the Estes Reserve Subdivision is consistent with the City's LDR and Comprehensive Plan. With the applicant's **Environmental and Natural Resource Assessment Report**, prepared by Ray and Associates, it is clear the site does not contain the natural features spelled out for protection in the Wekiva Springs Overlay Protection District.

The Estes Reserve Subdivision complies with the Suburban Residential (SR) Land Use System density per the City's LDRs as it will have less than 5 dwelling units per acre (which is the allowed maximum density in the SR District).

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TABLE A-3.1 FUTURE LAND USE DESIGNATIONS

LAND USE DISTRICT	MAP SYMBOL	Maximum Net Density (Total dwelling units per net acre)	Intensity Range (Floor Area Ratio)	Maximum Impervious Surface (% of net buildable area)
Rural Residential	RR	1 dwelling unit/acre	N/A	20%
Suburban Residential	SR	5 dwelling units/acre <sup>(2)</sup>	N/A	40%
Urban Residential	UR	12 dwelling units/acre <sup>(2)</sup>	N/A	40%
Manufactured Home Community	MH	8 dwelling units/acre	N/A	50%
General Commercial	GC	N/A	up to 2.5 <sup>(3)</sup>	75%
General Industrial	GI	N/A	up to 2.5 <sup>(3)</sup>	75%
Central Business District	CBD	40 dwelling units/acre <sup>(1)</sup>	up to 3.0	100%
Residential/Office Transitional	RT	12 dwelling units/acre <sup>(2)</sup>	up to 2.5 <sup>(3)</sup>	40%
Mixed Commercial/ Residential	MCR	12 dwelling units/acre <sup>(2)</sup>	up to 2.5 <sup>(3)</sup>	40%
Mixed Commercial/ Industrial	MCI	N/A	up to 2.5 <sup>(3)</sup>	75%
Public and Institutional	PI	N/A	up to 2.5 <sup>(3)</sup>	75%
Agricultural	AG	1 dwelling unit/5 acres	N/A	20%
Conservation	CON	N/A	up to 0.20 <sup>(3)</sup>	10%

Table Footnotes

Generally: Stated densities and intensities will not be achieved in all cases. Compatibility standards and other Land Development Regulations, including those regulating the interaction between land use districts and design districts, as related to each specific site's unique characteristics, will determine actual achievable densities and intensities.

(1) In the Central Business District, the maximum of 40 units per acre is permitted in the portion of the central business district bordered on the west by Bay Street, south by Orange Avenue, east by Center Street and north by Clifford Avenue. The remainder of the Central Business District shall have a base maximum density of 12 du/ac and shall require a conditional use permit to develop up to 40 units per acre.

(2) Density bonuses are permitted for the provision of affordable housing, including opportunities for a bonus increase between 5-15 percent in density in these classifications where at least 20 percent of the dwelling units are affordable to families having incomes less than 80 percent of the Orlando Metropolitan Statistical Area median, or where at least 50 percent of the dwelling units are affordable to families having incomes less than 120 percent of the Orlando Metropolitan Statistical Area median. Affordability is based on a housing cost-to-family income factor of 30 percent.

(3) Allowable intensities incrementally decrease between downtown and outlying areas, and between corridors and neighborhoods, as specified in Section 109-3 of the Land Development Regulations. Higher intensities apply in urban districts, medium intensities in suburban districts and lower intensities in rural districts. Similarly, within those districts, higher intensities apply along corridors and lower intensities in neighborhoods.

1.10-For more information regarding open space and impervious definitions see the City of Eustis Land Development Regulations, Definitions and Chapter 115, Section 115-4.1



# **Environmental and Natural Resource Assessment**

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**Prepared for;  
Thomas Zahn  
Alternate Key# 3862867**

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Prepared by  
**Ray and Associates  
Planning and Environmental  
William (Bill) A. Ray, AICP & Environmental Specialist  
352-425-8881**

---

wrayassoc@aol.com

A handwritten signature in blue ink, appearing to read "William A. Ray". The signature is fluid and cursive.

William A. Ray, AICP, Senior Environmental Specialist

May 31<sup>st</sup>, 2021

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#### D. Wetlands

#### E. Threatened & Endangered Species

### III. Conclusion and Recommendation

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2. Site Aerial
3. Site Photos
4. Survey Transects
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- 6 Soils - NRCS
- 7 Topo - FDEP
- 8 Wetlands – FDEP
- 9 FWC Bald Eagle Nest locations

## I. Project Description

The subject 4.69<sup>+/-</sup> Acre Site is located in Lake County in Section 5, Township 19 South, Range 27 East. The subject site is further identified by the Lake County Property Appraiser as;

Parcel Number	Alternate Key #	Acreage <sup>+/-</sup>
05-19-27-0200-000-00901	3862867	4.69
<b>Total</b>		<b>4.69</b>

(See Exhibit 1-Location Map and Exhibit 2-Site Aerial Map).

The total site area project consists of approximately 4.69<sup>+/-</sup> Acres. The subject site is surrounded residential uses. The area is continuing to develop in a suburban manner.

The Landowner/Developer proposes to Annex the subject property into the City of Eustis then clear, re-grade and construct improvements on the existing site in accordance with local land development regulations. Site development is proposed to accommodate adequate site construction, provision of utilities, site access, landscaping, proper site drainage and treatment of stormwater necessary for residential use.

The Subject Site is located with the Wekiva Study Area.  
See Exhibit 10.

The project obtains primary access via Bates Avenue which is adjacent to the East.

This report does not address CERCLA compliance or associated requirements.

### **Survey Methodology**

Pedestrian Surveys were conducted based upon Perimeter Transects beginning at the southeast property line. Pedestrian Surveys were conducted on May 25th, 2021.

On May 25<sup>th</sup>, 2021 Surveys began on site approximately 1:30PM and continued to 4:30 PM. Temperature ranged from approximately 85°F to 86° F and in an acceptable range for wildlife observations. Skies were mostly clear.

The approximate location of the Pedestrian Transects can be seen on Exhibit 4. Current photos of the Site and existing use can be seen on Exhibit 3 and Exhibit 3.2.

## II. Site Description

### **A. SOILS**

Soils on the Project Site are depicted on Exhibit 6. The soil conditions observed on site are dense and compact. Candler Sand 0 – 5% slopes is the predominate soil found on site.

The soil survey geological database created by the Natural Resources Conservation Service (NRCS) for Lake County, Florida, identifies the following soil types as occurring within the project site:



**8—Candler sand, 0 to 5 percent slopes**

**Properties and qualities**

- Slope:* 0 to 5 percent
- Depth to restrictive feature:* More than 80 inches
- Natural drainage class:* Excessively drained
- Runoff class:* Negligible
- Depth to water table:* More than 80 inches
- Frequency of flooding:* None
- Frequency of ponding:* None

**Interpretive groups**

- Hydrologic Soil Group:* A
- Hydric soil rating:* No

A detailed soils report can be found in Exhibit 6.

**B. PLANT COMMUNITETIES and FLORIDA LAND USE, COVER and FORMS CLASSIFICATION**

Land use types located within the proposed Project Site were identified through a review of color aerials and site investigations. The on-site land use forms were classified using the Florida Land Use, Cover and Forms Classification System (FLUCFCS) as defined by the Florida Department of Transportation (FDOT, 1999) and the Florida Land Use Cover Classification System (FLUCCS) as defined by the Florida Department of Environmental Protection (FDEP 2004-2011), see Exhibit 5 – FLUCCS Map.

**General:**

Site conditions are typical of those found in Lake County and Central Florida. The site is currently vacant.

**Surrounding and Adjacent Land Use:**

- East: 8140: Roads and Highways  
2100: Citrus Grove
- South: 4340: Upland Mixed – Coniferous / Hardwood  
(Approved Residential development)
- West: 4340: Upland Mixed – Coniferous / Hardwood  
(*Filed verified*)
- North: 4340: Upland Mixed – Coniferous / Hardwood

There is One (1) Land Use Covers identified on the subject site.

Based on information obtained from FDEP, field observations and aerial interpretation, the following land use classifications (FLUCCS) best describe the vegetative communities present on-site and adjacent to the subject site:

**Subject site:**

**1. FLUCFCS – 4340: Upland Mixed – Coniferous / Hardwood 4.69<sup>+/-</sup> acres**  
There are approximately 4.69<sup>+/-</sup> Acres (100%) of this land use identified on the subject site.

This class is reserved for those forested areas in which neither upland conifers nor hardwoods achieve a 66 percent crown canopy dominance.

**Surrounding and Adjacent Land Use:**

The site is in a suburbanizing area of Lake County. The biggest threat to the development of any high-quality wildlife habitat or sustainable natural ecosystem is primarily caused by fire exclusion. Vacant or Open lands become progressively less suitable for wildlife habitat as more non fire-resistant plants have established dominance over with time. In addition, the soil has been historically altered and compacted over time through management and normal site maintenance.

The subject is predominantly closed canopy and a groundcover dominated by various grasses typically associated with Central Florida sub-urban wooded areas.

Trees & Shrubs is dominated by;

- |                  |  |
|------------------|--|
| Camphor          | ( <i>Cinnamomum camphora</i> ) - <u>Non-Native</u> |
| Live Oak         | ( <i>Quercus virginiana</i> )                      |
| Laurel oak       | ( <i>Quercus laurifolia</i> )                      |
| Slash pine       | ( <i>Pinus elliotii</i> )                          |
| Black cherry     | ( <i>Prunus serotine</i> )                         |
| Cabbage Palm     | ( <i>Sabal Palmetto</i> ),                         |
| Common Persimmon | ( <i>Diospyros virginiana</i> )                    |

The minimal groundcover is dominated by;

- |                  |                                  |
|------------------|----------------------------------|
| Bahiagrass       | ( <i>Paspalum sp.</i> )          |
| Broomsedge       | ( <i>Andropogon virginicus</i> ) |
| Sesbania         | ( <i>Sesbania spp</i> )          |
| Florida Paspalum | ( <i>Paspalum floridanum</i> )   |
| Bluestem         | ( <i>Schizachyrium sp</i> )      |
| Switchgrass      | ( <i>Panicum virgatum</i> )      |
| Tickseeds        | ( <i>Coreopsis spp.</i> )        |
| Goldenrod        | ( <i>Solidago sp.</i> ),         |
| Elderberry       | ( <i>Sambucus nigra</i> )        |
| Greenbrier       | ( <i>Smilax sp.</i> )            |
| Grapevine        | ( <i>Vitis sp.</i> )             |

Blackberry	( <i>Rubus</i> spp.)
Dogfennel	( <i>Eupatorium capillifolium</i> )
Lantana	( <i>Lantana camara</i> ),

This survey identifies the prominent vegetation found on site.

In the natural condition for Florida, periodic fire is important in setting back plant succession and maintaining viable ecosystems. There was no evidence observed on site to indicate any periodic or previous fires. The subject site is currently undeveloped. Adjacent Land Include residential and public uses.

The subject site is in a suburbanizing area of Lake County. The absence of periodic fires has allowed the ecosystem to change and various non-fire tolerant plant species to become established, exhibits low biodiversity and contains no scrub/shrub xeric plant communities of any significance.

Pursuant to regulations governing the Wekiva Study Area, the subject site does not contain sensitive natural habitats including Longleaf Pine, Sand Hill, Sand Pine and Xeric Oak Scrub.

There are no other Land Uses associated with the subject site. The existing Land Covers are not Rare, Endangered or ecological unique to central Florida or the Region.

### **C. TOPOGRAPGY**

The Topography of the subject site can be seen on Exhibit 7. Elevation on site is generally uniform sloping from the south to the northwest. Information obtained from FDEP and Lake County indicates site elevations range from a low of approximately 155' in the South Central to a low of 153' in the Northwest corner of the property.

### **D. WETLANDS**

The subject site was evaluated for the presence of jurisdictional wetlands. General methodology detailed in Chapter 62-340 of the Florida Administrative Code and the 1987 US Army Corps of Engineers Wetland Delineation Manual was followed. Soils, Flood Plains, Vegetation and other historical information was researched and analyzed during the site investigation.

Site investigations and field evaluations on May 25th, 2021 confirm that Jurisdictional Wetlands are not located on the subject site.

See Exhibits 8 for the general location of the jurisdictional wetlands associated with the subject site based upon FDEP-NWI / GIS mapping.

**E. THREATEND and ENDANGERED SPECIES**

A literature review as well as professional experience and knowledge of the region was utilized to identify federally or state listed species most likely to be found within Lake County, Florida. The Project Site was then evaluated for the presence of those listed species identified by the United States Fish and Wildlife Service (FWS) and/or the Florida Fish and Wildlife Conservation Commission (FWC). Site reviews were conducted by a Ray and Associates biologist on May 25<sup>th</sup> to evaluate the property for potential presence of wildlife listed for protection.

The USFWS identifies the subject site as a Tier 5 Habitat. Tier 5 Habitats are those where we may have a measurable workload and little resource payoff. In the regulatory arena, these could be considered personnel “sinks”. However, they may also present restoration opportunities to higher value habitats. These include:

- Agriculture
- Canal/Ditch
- Disturbed Transitional
- Urban/Developed

The subject project does not propose development of any identified “higher value habitats”

No Bald Eagle Nests were observed on the subject site. A review of the Bald Eagle Nest Location data base maintained by the Florida Wildlife Commission (FWC) does not identify any Bald Eagle Nest location within ½ Mile of the subject site. See Exhibit 9.

The subject site proposed for alteration exhibited habitat potentially occupied by 2 species listed for protection;

- Gopher Tortoise - *Gopherus Polyphemus*
- Sand Skink - *Neoseps reynoldsi*

No other species listed for protection, or their habitat, were identified on the development portion of subject site. No Critical or Essential Habitat of other Listed Species was identified on the subject site. No evidence observed in the field indicated the presence of:

Florida Scrub Jay	<i>Aphelocoma coerulescens</i>	ST
Florida Sandhill Crane	<i>Grus canadensis pratensis</i>	ST
Little Blue Heron	<i>Egretta caerulea</i>	ST
Tricolored Heron	<i>Egretta tricolor</i>	ST
Wood Stork	<i>Mycteria americana</i>	FT/ST
Everglades Snail Kite	<i>Rostrhamus sociabilis plumbeus</i>	FE
Florida mouse	<i>Peromyscus floridanus</i>	SSC
Homosassa Shrew	<i>Sorex longirostris</i>	SSC
Florida Pine snake	<i>Pituophis melanoleucus mugitus</i>	ST
Burrowing Owl	<i>Athene cuniculari</i>	SSC
Red-Cockaded woodpecker	<i>Picoides borealis</i>	FE



Eastern Indigo Snake	<i>Drymarchon corais couperi</i>	FT
Eastern Black Rail	<i>Laterallus jamaicensis spp</i>	FT

**USFWS: Flowering Plants**

Britton's Beargrass	<i>Nolina brittoniana</i>	FE
Florida Bonamia	<i>Bonamia grandiflora</i>	FT
Lewton's Polygala	<i>Polygala lewtonii</i>	FE
Papery Whitlow-wort	<i>Paronychia chartacea</i>	FT
Pigeon Wings	<i>Clitoria fragrans</i>	FT
Pygmy Fringe-tree	<i>Chionanthus pygmaeus</i>	FE
Scrub Buckwheat	<i>Eriogonum longifolium var. gnaphalifolium</i>	FT
Scrub Plum	<i>Prunus geniculate</i>	FE
Wide-leaf Warea	<i>Warea amplexifolia</i>	FE

The location of Pedestrian Transects can be found on Exhibit 4.

**Gopher Tortoise. *Gopherus Polyphemus***

It is noted that (Gopher Tortoise, *Gopherus Polyphemus*) is common to the area. This species commonly moves or relocated their burrows, occupying new areas and previously disturbed and even developed sites. Gopher tortoises are a Threatened Wildlife species by the Florida Fish and Wildlife Conservation Commission (FWC) and are protected by state law, Chapter 68A–27, Florida Administrative Code. In accordance with the requirements of Rules 68A-25.002 and 68A-27.004 (F.A.C.), a permit for a gopher tortoise capture/relocation/release activity must be secured from FWC before initiating any relocation work. Gopher tortoises must be relocated or impacts to their burrows avoided in accordance with FWC Guidelines before any land clearing for development takes place. Property owners must obtain permits from the Florida Fish and Wildlife Conservation Commission before they can move or relocate any Gopher Tortoises.

It is recommended that 90 days prior to construction and site disturbance of those lands to be developed, a physical survey for the Presence of Potential Occupied, or Abandoned Gopher Tortoise Borrows be completed in accordance with FWC Gopher Tortoise Guidelines.

**Eastern Indigo Snake. *Drymarchon corais couperi* and**

During site surveys conducted for Potential Occupied or Abandoned Gopher Tortoise Burrows in compliance with the most current FWC Gopher Tortoise Permitting Guidelines, a pedestrian survey for Eastern Indigo Snakes should also be completed following the FWS **September 2011 Survey Protocol for the Eastern Indigo Snake, *Drymarchon couperi*, in North and Central Florida.**

At least 30 days prior to any clearing/land alteration activities and/or during any excavation activities associated with Gopher Tortoise relocation, it is recommended the applicant agree to implement the **AUGUST 12, 2013, STANDARD PROTECTION MEASURES FOR THE EASTERN INDIGO SNAKE** on the subject site.

If a **Florida Pine Snake** is observed during excavation of any Gopher Tortoise burrows or future site work it is recommended, as with Indigo Snakes, that work activities cease and the snake be allowed to leave on its own accord.

### **SAND SKINK (*Neoseps reynoldsi*)**

The Sand Skink is listed as “Threatened” by the USFWS and is endemic to the sandy ridges of central Florida, occurring in Highlands, Lake, Marion, Orange, Osceola, Polk, and Putnam counties (Christman, 1988).

Principal populations occur on the Lake Wales and Winter Haven Ridges in Highlands, Lake, and Polk counties. The sand skink is uncommon on the Mount Dora Ridge, including sites within the Ocala NF (Christman, 1970, 1992). As of 1997, there were 114 locality records for the sand skink, most of which are found within the Lake Wales Ridge.

The density of the sand skink varies considerably (Sutton 1996), attributing differences in abundance to habitat suitability. Seasonally, sand skinks are most active from mid-February through mid-May and again in late summer-early fall. Activity patterns suggest sand skinks are active during the morning and evening (Andrews 1994). A review of the 2012 Sand Skink Species Consultation Area Map, site elevation and mapped soil types on-site, would suggest that appropriate habitat may be present for the Sand Skinks. It should be noted that all lands in Lake County comprised of well-drained soil and are above elevation 82’ are identified by USFWS as potential Sand Skink Habitat, regardless of prior site alterations or existing uses.

Sand Skinks prefer areas free of abundant plant roots, with open canopies, scattered shrubby vegetation, and patches of bare sand (Christman, 1978, 1992). A closed forest canopy, extensive vegetation root system, lack of any managed or prescribed fire program due to location within the city limits, absence of open sandy area, and total absence of any scrub/shrub and Xeric plant community could exclude the area from being potentially occupied or utilized by sand skinks.

### **Habitat:**

The sand skink is a unique lizard adapted to an underground existence. The sand skink inhabits loose sands of sand pine-rosemary scrub, less often longleaf pine-turkey oak (sandhill) or turkey oak "barrens" adjacent to scrub, especially high pine-scrub ecotones (Telford, 1998). Sometimes this lizard occurs in areas with dense undergrowth and extensive canopy closure (Mushinsky, 1998). It is basically fossorial (usually within 8 cm of surface) but sometimes can be found under logs, leaf litter, and other surface debris (Bartlett and Bartlett, 1999). Well-drained sands in open glades free of rooted plants are optimal, whereas dry, porous sands are unfavorable; moisture under leaf litter is important in regulation of body temperature (thermoregulation), successful egg incubation and conditions favorable for the skink’s prey (Telford, 1959). The sand skink eats mainly beetle larvae and termites, also adult beetles, spiders, caterpillars, and larval antlions (Telford, 1969; Sutton, 1996).

### **Survey Methodology:**

Investigative field surveys for Sand Skinks were conducted by William (Bill) A. Ray,

AICP / Environmental Specialist. 100% of the suitable upland habitat for Sand Skinks was surveyed via pedestrian transects with approximate 50-Meter Spacing on May 25<sup>th</sup>, 2021.

Sand skink survey Protocols identified and described in the USFWS document Sand Skink Survey Protocols; April 11<sup>th</sup>, 2011 were followed. Specific attention was given to searching for the “sinusoidal (“S”-shaped) track at the soil surface which can be readily identified through the visual pedestrian survey. The few areas of minimal vegetation or bare soil were examined for evidence of sand skinks.

The location of Pedestrian Transects can be found on Exhibit 4.

All of 4.69<sup>+/-</sup> Acre site is above elevating 82’ and is comprised of Class A soil.

The habitat on site is;

- Absent of open sandy areas,
- Exhibits dense Tree / Vegetation cover with extensive root density,
- Does not contain of any Xeric Scrub/Shrub Habitat and,
- Lack of connectivity to additional habitat.

Due to these site characteristics, it is recommended that the USFWS determine the site does not contain Sand Skink Habitat or require a Sand Skink survey.

Recent site investigations and pedestrian surveys on May 25<sup>th</sup> did not observe the presence of Sand Skinks. No sand skinks, sand skink sign or evidence to suggest the presence of sand skinks was observed on-site during field investigations.

If Pre-Consultation with USFWS occurs to confirm that the subject site does not contain Sand Skink Habitat the results of the Pre-consultation be complied with.

It is noted that on May 15<sup>th</sup> 2020 Erin Gawera with USFWS via Email confirming the findings of the Ecological/Environmental Site Assessment for the 3 properties adjacent to the south and confirmed that those sites are not suitable habitat for sand skinks, and therefore a cover board survey was required as the USFWS does not believe development will impact sand skinks.

## **E. Conclusions and Recommendations**

The Project Site is surrounded by suburbanizing lands. On-site undeveloped upland habitat is a sub-urban open “Lot” with various scattered temperate trees and associated shrubs. (see Site Photos Exhibit 3). The Subject site was historically cleared of all native vegetation in brought into agricultural production as a citrus grove. Soil was dense with elevated levels of silts and compacted. There was no evidence observed to suggest prescribed burning or historic fires on site. Based upon the proximity to a local road, public schools, existing development combined with the general urbanizing trend of the area it is highly unlikely that prescribed burning will ever be allowed as a site-specific management tool.

## **May 25<sup>th</sup>, 2021 Sand Skink Evaluation**

The Project Site is mapped within the USFWS Sand Skink Consultation area. The subject site could be excluded from being potentially occupied or utilized by Sand Skinks due to;

1. *Lack of connectivity to appropriate upland soils to the South and West,*
2. *Lack of any Open sandy exposed areas.*
3. *The total absence of potentially suitable xeric habitat on-site,*
4. *The total absence of any site burning activities,*
5. *The subject site contains no native stands or concentrations of native scrub/shrub or forest communities and*
6. *Extensive vegetation, closed canopy and dense vegetation root system*

*See Site Photos Exhibit 3.*

*The obstructions observed in the field prevent habitat and soil continuity to adjacent Candler and Sand mapped areas. It has been determined by the FWS that such physical barriers (e.g., canals, paved roads, development, etc.) preclude skinks from accessing suitable soils (FWS Survey Protocol, 2011).*

*The density of the tree/shrub/grass community also contributes to the density of the root system below the ground. Areas containing excessive rooted vegetation that may preclude sand skink movement are less likely to be used by skinks (FWS Survey Protocol 2002).*

*Sand skinks prefer areas free of abundant plant roots, with open canopies, scattered shrubby vegetation, and patches of bare sand (Christman, 1978, 1992). None of these conditions are found or observed on the subject site.*

*After a thorough review of the proposed development plan and the evaluation of the subject site it is recommended a determination be issued by USFWS that the subject site does not contain Sand Skink Habitat and development of the subject site as proposed will have "No Effect" upon Sand Skinks.*

The subject site development does not propose impact to any unique or ecologically significant area of vegetation or Habitat. It is the recommendation of Ray and Associates that the subject site plan be approved for development as proposed provided there is demonstration of compliance with Local, State and Federal regulations.

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NOTES:

# Exhibit 1: Location

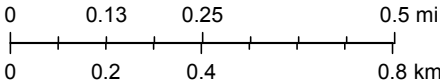
Item 7.1



May 27, 2021

1:18,056

 Cadastral 2020 (Property Appraiser Parcels) - Public View



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP



# Exhibit 2: Aerial

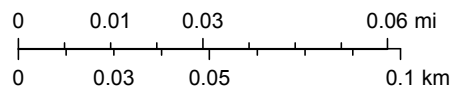
Item 7.1



May 27, 2021

1:2,257

 Cadastral 2020 (Property Appraiser Parcels) - Public View



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP





Northeast Corner: Property line: South view Estes Rd.



North Central: South view: Site Typical



Northeast Corner: West view: Typical



Northwest area: South View: Typical







Southern Central: East view: Typical

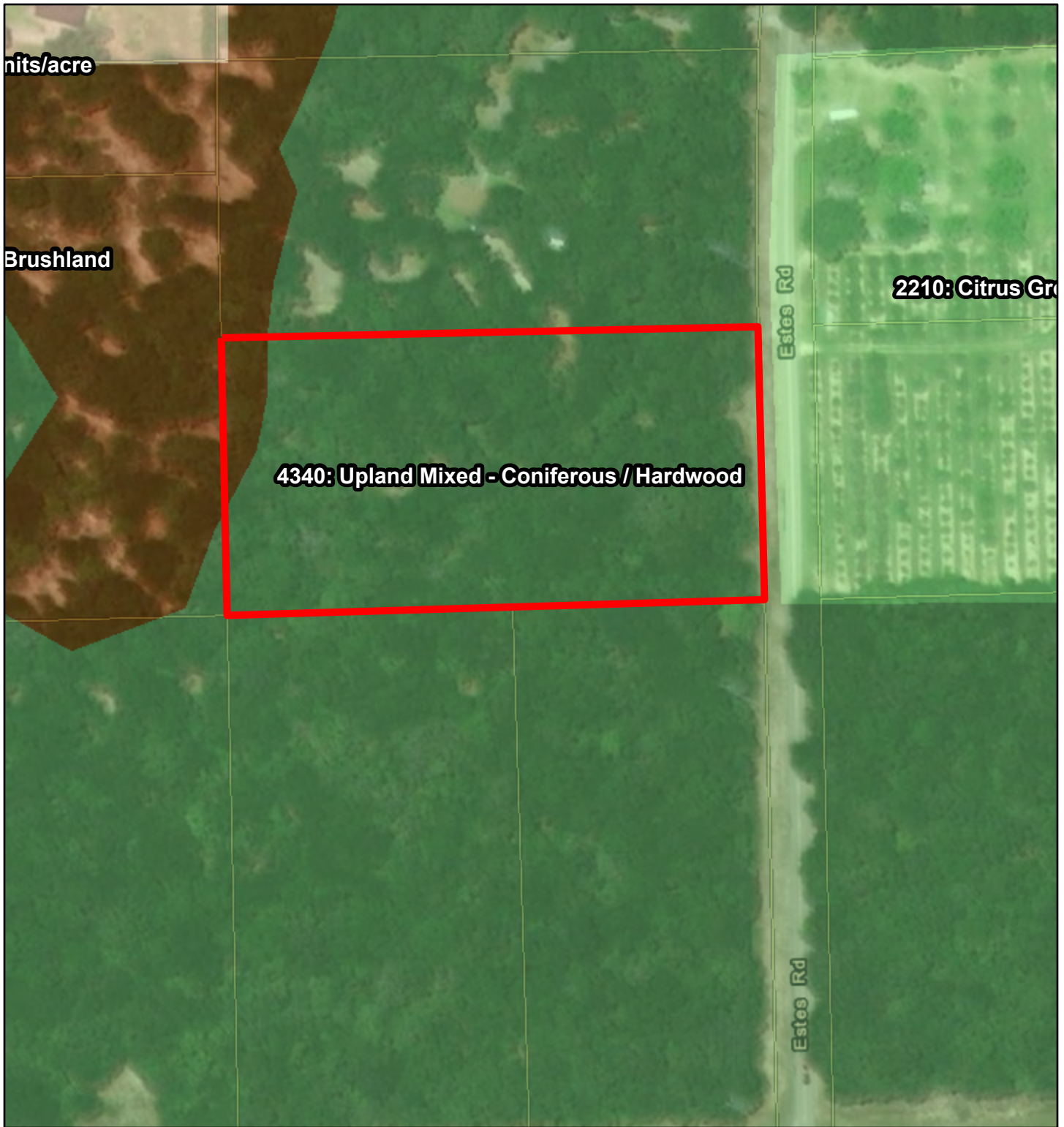


Southeast Corner North view; Estes Rd.



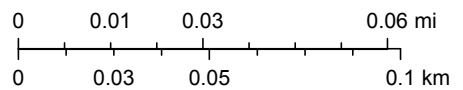
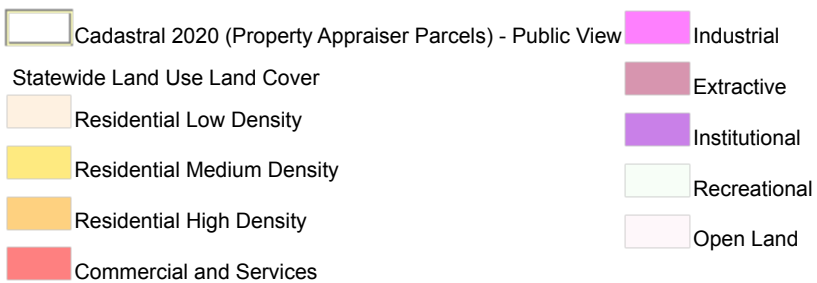


# Exhibit 5: FLUCFCS



May 27, 2021

1:2,257



Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, SRWMD, SJRWMD, SFWMD, SWFWMD, NFWFMD, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP

Map created by Map Direct, powered by Esri.

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# Custom Soil Resource Report for Lake County Area, Florida

**Ray and Associates: Exhibit 6:  
Soils**



# Preface

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Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (<http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/>) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (<https://offices.sc.egov.usda.gov/locator/app?agency=nrcs>) or your NRCS State Soil Scientist ([http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2\\_053951](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951)).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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## How Soil Surveys Are Made

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Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

# Soil Map

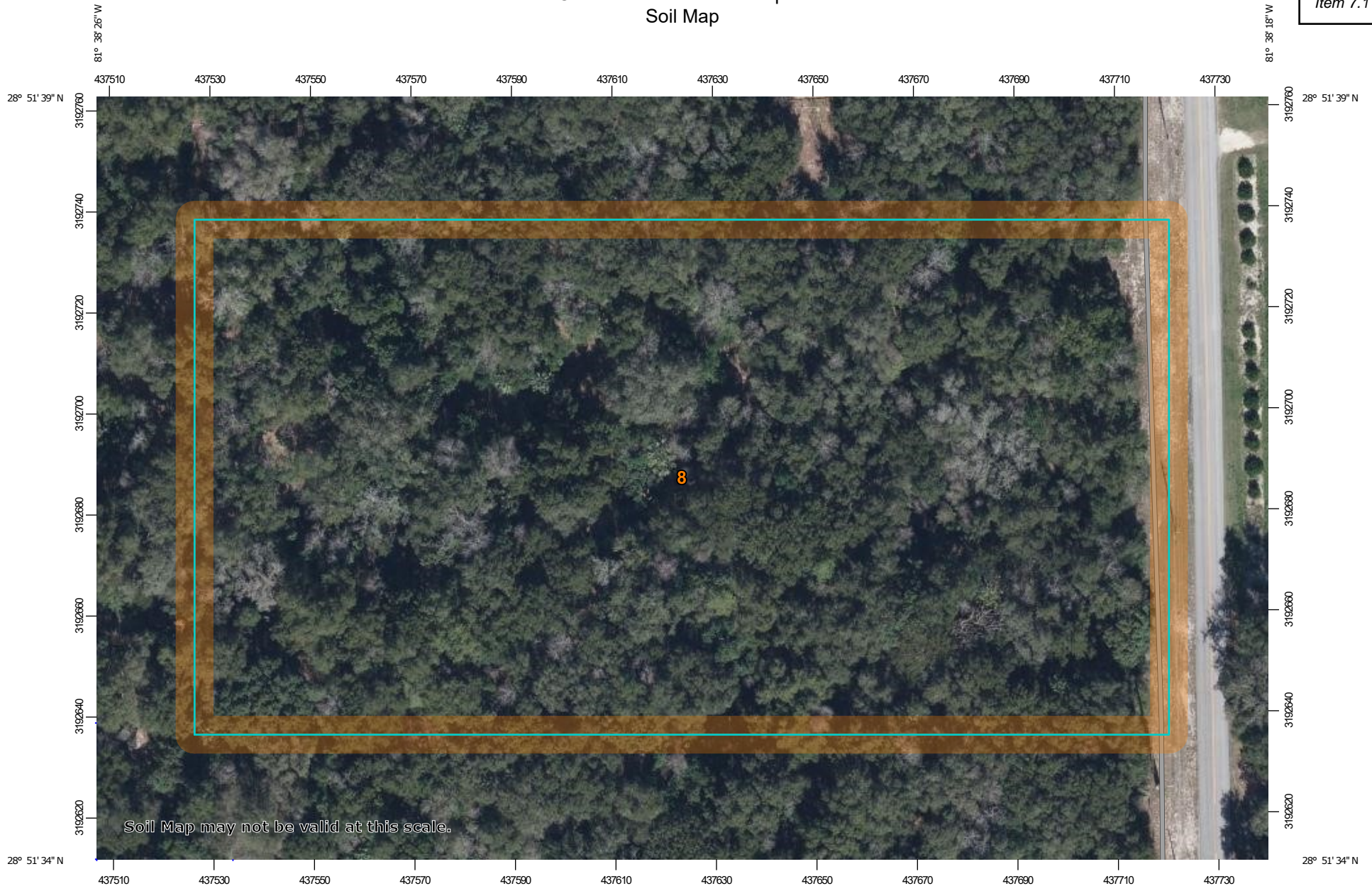
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The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

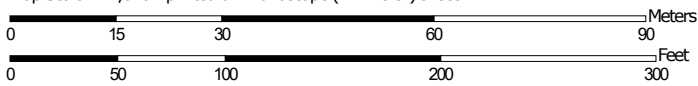


# Custom Soil Resource Report Soil Map

Item 7.1



Map Scale: 1:1,070 if printed on A landscape (11" x 8.5") sheet.




Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 17N WGS84





### MAP LEGEND

**Area of Interest (AOI)**

 Area of Interest (AOI)




















**Soils**







 Soil Map Unit Polygons

 Soil Map Unit Lines


 Soil Map Unit Points

**Special Point Features**






-  Blowout
-  Borrow Pit
-  Clay Spot
-  Closed Depression
-  Gravel Pit
-  Gravelly Spot
-  Landfill
-  Lava Flow
-  Marsh or swamp
-  Mine or Quarry
-  Miscellaneous Water
-  Perennial Water
-  Rock Outcrop
-  Saline Spot
-  Sandy Spot
-  Severely Eroded Spot
-  Sinkhole
-  Slide or Slip
-  Sodic Spot

-  Spoil Area
-  Stony Spot
-  Very Stony Spot
-  Wet Spot
-  Other
-  Special Line Features


**Water Features**

 Streams and Canals

**Transportation**

-  Rails
-  Interstate Highways
-  US Routes
-  Major Roads
-  Local Roads

**Background**

 Aerial Photography

### MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:20,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service  
 Web Soil Survey URL:  
 Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Lake County Area, Florida  
 Survey Area Data: Version 20, Jun 8, 2020

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jan 20, 2020—Mar 24, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

## Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
8	Candler sand, 0 to 5 percent slopes	4.7	100.0%
<b>Totals for Area of Interest</b>		<b>4.7</b>	<b>100.0%</b>

## Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.



## Lake County Area, Florida

### 8—Candler sand, 0 to 5 percent slopes

#### Map Unit Setting

*National map unit symbol:* 2t3z1  
*Elevation:* 10 to 260 feet  
*Mean annual precipitation:* 47 to 56 inches  
*Mean annual air temperature:* 68 to 77 degrees F  
*Frost-free period:* 280 to 365 days  
*Farmland classification:* Farmland of unique importance

#### Map Unit Composition

*Candler and similar soils:* 90 percent  
*Minor components:* 10 percent  
*Estimates are based on observations, descriptions, and transects of the mapunit.*

#### Description of Candler

##### Setting

*Landform:* Ridges on marine terraces, knolls on marine terraces  
*Landform position (two-dimensional):* Backslope  
*Landform position (three-dimensional):* Interfluve, side slope, tread  
*Down-slope shape:* Convex  
*Across-slope shape:* Convex  
*Parent material:* Eolian deposits and/or sandy and loamy marine deposits

##### Typical profile

*A - 0 to 6 inches:* sand  
*E - 6 to 63 inches:* sand  
*E and Bt - 63 to 80 inches:* sand

##### Properties and qualities

*Slope:* 0 to 5 percent  
*Depth to restrictive feature:* More than 80 inches  
*Drainage class:* Excessively drained  
*Runoff class:* Negligible  
*Capacity of the most limiting layer to transmit water (Ksat):* High to very high (5.95 to 19.98 in/hr)  
*Depth to water table:* More than 80 inches  
*Frequency of flooding:* None  
*Frequency of ponding:* None  
*Maximum salinity:* Nonsaline to very slightly saline (0.0 to 2.0 mmhos/cm)  
*Sodium adsorption ratio, maximum:* 4.0  
*Available water capacity:* Very low (about 2.5 inches)

##### Interpretive groups

*Land capability classification (irrigated):* None specified  
*Land capability classification (nonirrigated):* 4s  
*Hydrologic Soil Group:* A  
*Forage suitability group:* Sandy soils on ridges and dunes of xeric uplands (G154XB111FL), Sandy soils on ridges and dunes of xeric uplands (G155XB111FL)  
*Other vegetative classification:* Sandy soils on ridges and dunes of xeric uplands (G154XB111FL), Longleaf Pine-Turkey Oak Hills (R154XY002FL), Longleaf

Pine-Turkey Oak Hills (R155XY002FL), Sandy soils on ridges and dunes of xeric uplands (G155XB111FL)  
*Hydric soil rating:* No

**Minor Components**

**Millhopper**

*Percent of map unit:* 5 percent  
*Landform:* Ridges on marine terraces  
*Landform position (two-dimensional):* Backslope  
*Landform position (three-dimensional):* Interfluve  
*Down-slope shape:* Convex  
*Across-slope shape:* Linear  
*Other vegetative classification:* Sandy soils on rises, knolls, and ridges of mesic uplands (G154XB121FL), Longleaf Pine-Turkey Oak Hills (R154XY002FL)  
*Hydric soil rating:* No

**Tavares**

*Percent of map unit:* 5 percent  
*Landform:* Ridges on marine terraces  
*Landform position (two-dimensional):* Toeslope, footslope  
*Landform position (three-dimensional):* Interfluve  
*Down-slope shape:* Convex, concave  
*Across-slope shape:* Linear  
*Other vegetative classification:* Sandy soils on rises, knolls, and ridges of mesic uplands (G154XB121FL), Longleaf Pine-Turkey Oak Hills (R154XY002FL)  
*Hydric soil rating:* No

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- United States Department of Agriculture, Natural Resources Conservation Service. National range and pasture handbook. <http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/landuse/rangepasture/?cid=stelprdb1043084>

United States Department of Agriculture, Natural Resources Conservation Service. National soil survey handbook, title 430-VI. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2\\_054242](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/scientists/?cid=nrcs142p2_054242)

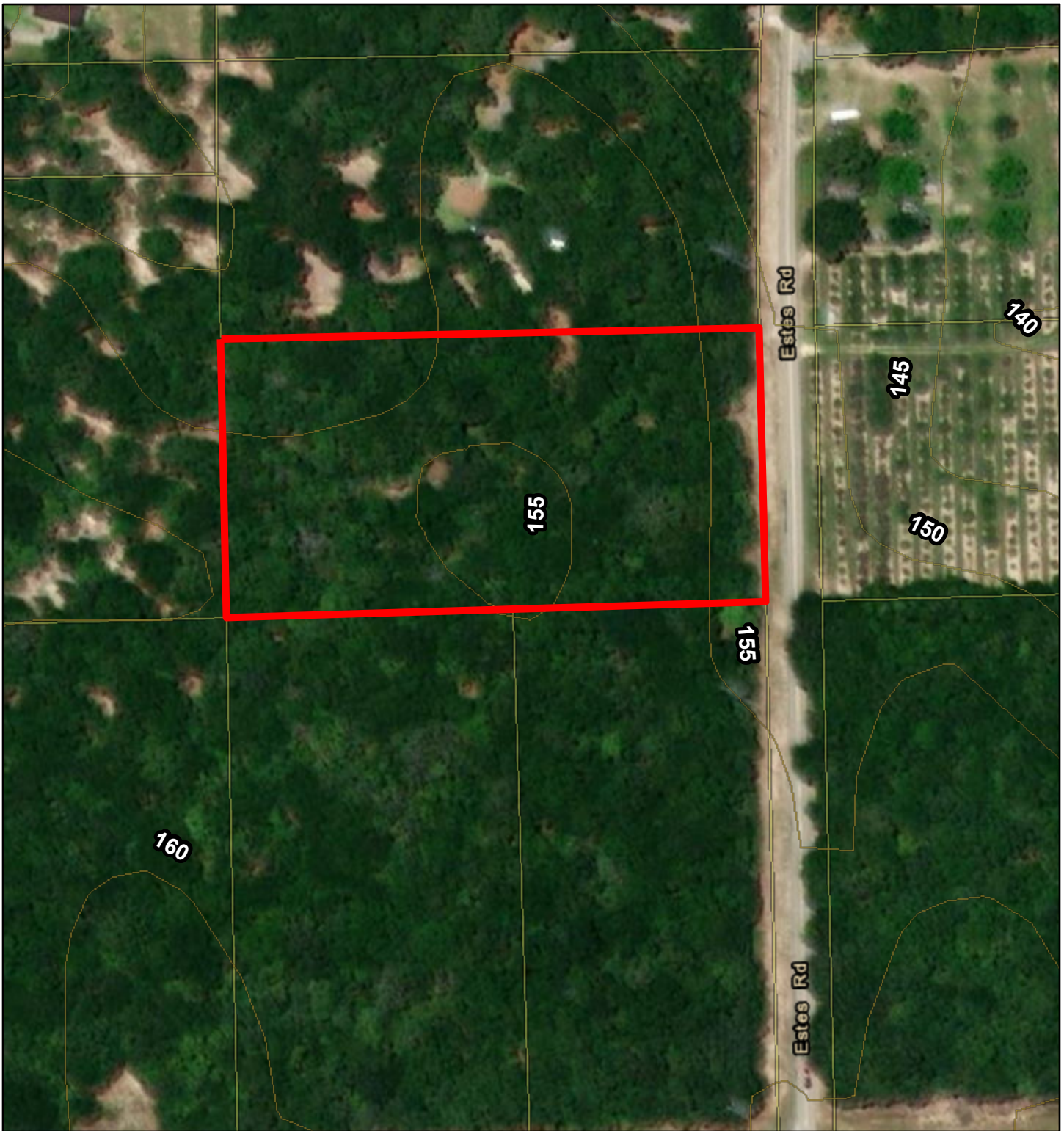
United States Department of Agriculture, Natural Resources Conservation Service. 2006. Land resource regions and major land resource areas of the United States, the Caribbean, and the Pacific Basin. U.S. Department of Agriculture Handbook 296. [http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2\\_053624](http://www.nrcs.usda.gov/wps/portal/nrcs/detail/national/soils/?cid=nrcs142p2_053624)

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# Exhibit 7: Topo

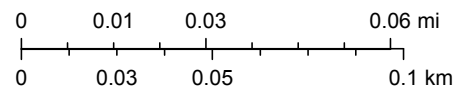
Item 7.1





May 27, 2021

1:2,257

 Cadastral 2020 (Property Appraiser Parcels) - Public View  
Elevation Contours and Depressions



-  125 - 150
-  150 - 175

Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP, Geological Survey U.S. Geological Survey Sioux Falls, SD. QA

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# Exhibit 8: Wetlands - FDEP / NWI GIS Data Base

Item 7.1



May 27, 2021

1:9,028

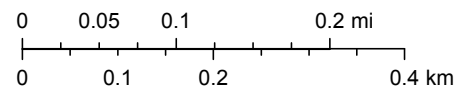
Cadastral 2020 (Property Appraiser Parcels) - Public View

National Wetlands Inventory (areas)

Estuarine and Marine Deepwater

Estuarine and Marine Wetland

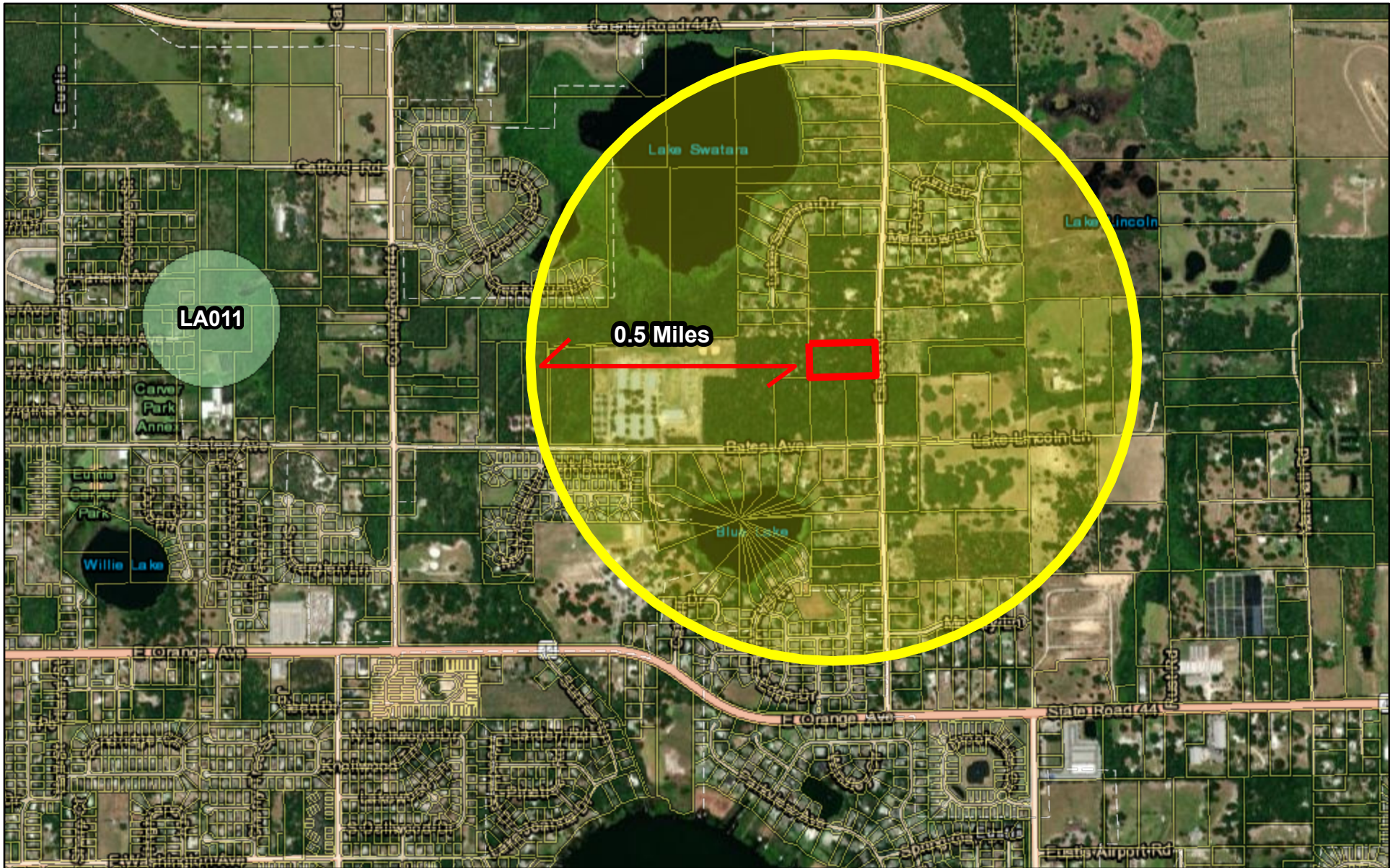
Freshwater Emergent Wetland




Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, HERE, Garmin, (c) OpenStreetMap contributors, Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community, FDEP

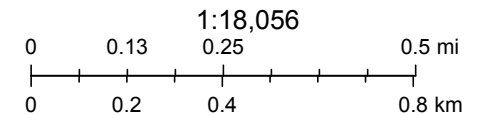


# Exhibit 9: FWC Bald Eagle Nest Data Base



May 27, 2021

-  Cadastral 2020 (Property Appraiser Parcels) - Public View
-  FWC Eagle Nests - 660 Foot Buffer

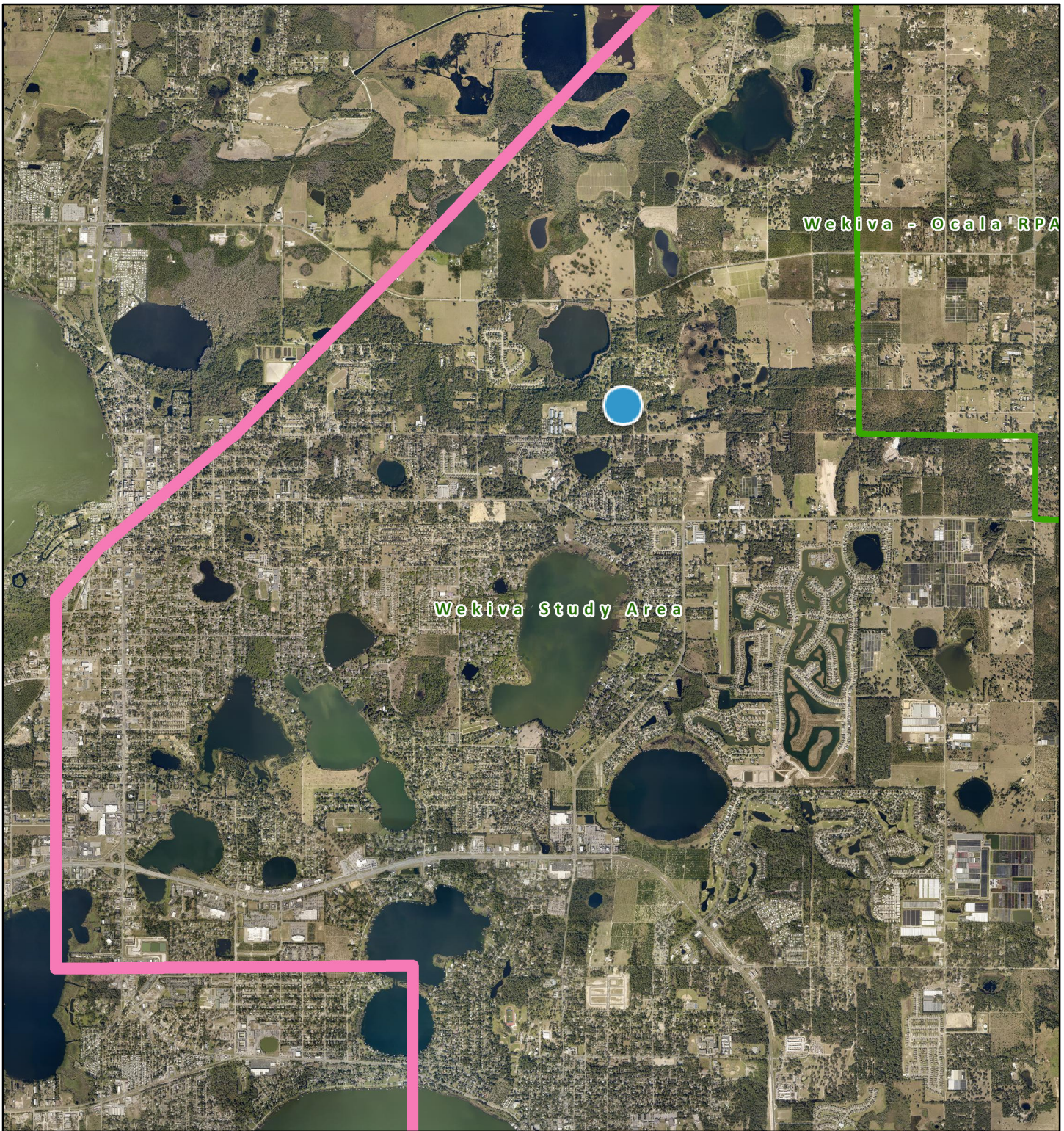


Source: Esri, Maxar, GeoEye, Earthstar Geographics, CNES/Airbus, USDA, USGS, AeroGRID, IGN, and the GIS User Community, Esri, H

Map created by Map Direct, powered by



# Exhibit 10: Wekiva Study Area



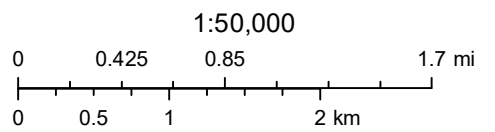
May 31, 2021

**pointLayer**

 Override 1

**polygonLayer**

 Override 1



Lake County Property Appraiser  
Lake BCC



**1. City Commission Meetings.**

- (a) The regular meetings of the City Commission shall be held at least once each month of the year at the hour of 6:00 p.m. Any regular meeting falling upon a legal holiday or other date in which a majority of the Commission does not wish to hold a meeting shall be cancelled. As stated in the Charter, the City Commission will not meet less frequently than once each month. A scheduled of meetings shall be adopted annually at the organizational meeting in January. The City Manager, assisted by the City Clerk, is responsible for preparing the agendas and the respective ordinances, resolutions, and reports for each meeting.
- (b) The goal of the City Commission is to complete regular business meetings within two hours. In the event a meeting approaches the two hour goal, the Mayor shall confirm the Commission’s desire to continue the meeting beyond two hours. The Commission may elect to end the meeting by majority vote and, in that event, the remaining agenda items would then be placed on the next regularly scheduled business meeting agenda unless the Commission directs otherwise.

**2. Special Meetings and Notice.**

- (a) Special meetings may be called by the Mayor or City Manager provided that at least forty-eight (48) hours written notice be given to the City Manager and City Clerk. The notice shall specify the date, time and place of the special meeting and the business to be transacted. No other business, other than as recited in the notice, shall be transacted at such special meeting.
- (b) The City Clerk shall be responsible for causing the notice to be delivered to each individual Commission Member at least twenty-four (24) hours prior to the meeting, and to give notice in compliance with state and local requirements.

**3. Emergency Meetings.**

An emergency meeting may be called by the Mayor or City Manager, providing such notice has been provided to the other members of the Commission, the City Manager, the City Clerk, the media and public as is practical under the circumstances. An emergency, necessitating such a meeting, is a perceived immediate threat to the health, safety or welfare of the community and as otherwise defined by Florida law. Emergency meetings shall be subject to the two hour goal the same as regular business meetings.

**4. Workshops.**

- (a) Workshops may be scheduled by the City Manager or by a majority of Commission Members. Workshops are opportunities for Commissioners to discuss issues and provide policy guidance to staff. The public may comment at workshops provided such comments are limited to three minutes per person. No formal votes may be held at

workshops, but non-binding “straw polls” may be used to express the intentions of the Commission.

Workshops may be held at any time agreeable to Commissioners, but staff will strive to hold workshop seminars at the conclusion of Regular Meetings whenever possible.

- (b) Workshops are required to be properly noticed. The City Clerk shall be responsible for noticing the workshop in accordance with state and local requirements.

## **5. Quorum.**

- (a) A quorum for the transaction of business shall consist of three (3) Commission members.
- (b) If no quorum is present the meeting shall be adjourned and all agenda items will be added to the agenda of the next scheduled meeting.

## **6. Cancellation of Meeting.**

Whenever a commission meeting is cancelled after the agenda for that meeting has been distributed or published, the items on that agenda shall be automatically postponed to the next regular or special regular meeting of the City Commission.

## **7. Closed Meetings or Sessions.**

- (a) All meetings of the City Commission shall be open to the public; provided, however, the City Commission may hold meetings or sessions closed to the public as provided for by state or local regulations.

## **8. Presiding Officers.**

- (a) Whenever the term "Presiding Officer" is used, it shall mean the Mayor, and if the Mayor is absent, it shall apply equally to the Vice-Mayor, and if the Vice-Mayor is also absent, to the temporary presiding officer elected pursuant to this section. For quasi-judicial matters, the City Attorney may serve as the Presiding Officer upon request.
- (b) The Mayor shall preside at all meetings of the Commission.
- (c) During the absence of the Mayor, the Vice-Mayor shall preside at the meetings and study sessions.
- (d) In the absence of the Mayor and the Vice-Mayor, the City Clerk shall call the Commission to order, whereupon a temporary meeting presiding officer shall be elected by the majority vote of Commission Members present as their first order of business. Upon the arrival of the Mayor or the Vice-Mayor, the temporary presiding officer shall relinquish the chair at the conclusion of the item of business then before the Commission.

- (e) The Presiding Officer may move, second, debate, and vote and shall not be deprived of any of the rights and privileges of a Commission Member. The Presiding Officer or such person as he or she may designate may verbally summarize the item to be voted upon immediately after it has been moved and seconded and may restate each question immediately prior to calling for the vote. After a Motion is made and there is a second, the Commission may discuss the matter. A Commissioner may speak only if recognized by the Mayor. The Mayor may close the discussion once the Mayor deems it appropriate and shall then ask the clerk for a Roll Call vote. Following the vote, the Presiding Officer shall announce whether the question carried or was defeated.

If there is no second to a Motion made, the Mayor may note that the Motion died for lack of a second and may request that an alternative Motion be made.

The Presiding Officer shall maintain order and decorum at all meetings. He or she shall decide all questions of order and procedure subject, with the counsel, if necessary, of the City Attorney.

**9. Decorum of Members.**

- (a) Every member, previous to his or her speaking, shall address the Presiding Officer and shall not begin to speak until recognized and named by the Presiding Officer. He or she shall confine comments to the question under debate and will refrain from impugning the motives of any other member's argument or vote.
- (b) A member, when called to order by the Presiding Officer, shall thereupon discontinue speaking.

**10. Presentation of Agenda Items, Revisions, Additions and Deletions.**

- (a) In order to facilitate the orderly conduct of business, staff shall prepare an agenda for each Commission meeting. An "agenda" shall consist of an agenda summary sheet listing items to be considered at a meeting.
- (b) Subject to these rules, items of business may be placed on a regular meeting agenda by any Commissioner, the City Manager or the City Attorney. Except as provided in Section 3, Emergency Meetings, staff shall not change the agenda after 5:00 p.m. on the Friday before the Commission meeting; however, supplemental information may be added as necessary.
- (c) When a Commission Member wishes to place an item on the regular meeting agenda, the item shall be presented to the City Manager's office no later than 10 days preceding the Commission meeting so that the information may be included as part of the regular agenda which will be distributed to the members preceding the meeting.

An item may be added to the agenda at a meeting if the majority of the Commission approves, but such items should generally be of a ministerial nature.

- (d) Any agenda item which has been noticed to the public can only be removed from the agenda with the approval of the City Commission. If the Commission agrees to remove an item from the agenda, the Presiding Officer shall first give the public an opportunity to speak on the item.
- (e) No item shall be placed on an agenda which is substantially similar to an item voted upon by the Commission within the last nine months unless three or more Commissioners agree. During other business at a regular Commission meeting, the Commission shall discuss and vote on whether such an agenda item should be formally reconsidered by the Commission on a future agenda.

**11. Order of Business.**

At any regular or special meeting, the Commission shall proceed to transact the business before it in the following order as applicable on a meeting by meeting basis:

- (1) Invocation
- (2) Pledge of Allegiance;
- (3) Call to order;
- (4) Acknowledgement of quorum present and proper notice given;
- (5) Agenda update;
- (6) Approval of minutes;
- (7) Presentations;
- (8) Audience to be heard;
- (9) Consent Agenda;
- (10) Ordinances, Public Hearings and Quasi-Judicial Hearings;
- (11) Other business;
- (12) Future Agenda Items;
- (13) Comments:
  - (a) City Commission
  - (b) City Manager
  - (c) City Attorney
  - (d) Mayor
- (14) Adjournment.

**12. Public Request to Address Commission.**

- (a) It is the policy of the Commission to permit and encourage input and comments by members of the public on all matters which may come before the Commission for action other than those items strictly of ministerial nature such as approval of minutes and issuance of ceremonial proclamations. Input and comments by the public can be made during the Audience Participation segment of the meeting or on specific items on the meeting agenda. While input and comments by the public are encouraged, the Commissioners shall not engage in debate with members of the public. Clarifying questions by a Commissioner regarding comments or input by a member of the public are permitted after being acknowledged and given the floor by the Mayor. The presiding officer may limit public comment to three minutes per person.
- (b) No person shall address the Commission without first securing the recognition of the Mayor or Presiding Officer by requesting permission to speak. The normal time allowed for individual comments shall be three minutes, but may be extended by the



Presiding Officer. The Presiding Officer shall strive to provide equal opportunity for individuals to address the Commission at the appropriate times during the meeting. Each person addressing the Commission shall complete a "Request to Speak" card available from the City Clerk which shall include the individual's name, whether or not they are a City resident, the issue upon which they wish to speak and the name of any organization they may be representing. The card shall be submitted to the City Clerk either prior to addressing the Commission or before the end of the meeting.

- (c) Each person desiring to address the Commission shall approach the podium, state his or her name for the record, state the subject, state whom he or she is representing if he or she represents an organization or other persons, and complete their remarks within the normal time limitation unless further time is granted by the Presiding Officer. All remarks shall be addressed to the Commission as a whole and not to any member thereof. Questions asked of Commission Members or City staff shall be rhetorical in nature and not directed to individuals. The Presiding Officer shall ensure that public input and comments are related directly to the agenda item then under discussion. Comments and input during the Audience Participation segment may be on any topic.
- d) Organized groups of individuals may be directed by the Presiding Officer to select a single spokesman to address the Commission on behalf of the group or organization.
- (e) Exemptions from public input  
The following are situations which are exempt from the public input requirement:
  - 1) Emergency situations affecting the public health, welfare or safety if compliance with the speaking requirements would cause an unreasonable delay in the Commission's ability to act;
  - 2) When the Commission is acting in a quasi-judicial capacity with respect to the rights or interests of a person at which time the statutory rules for quasi-judicial proceedings shall apply;
  - 3) At any meeting of the Commission which is exempt from the Sunshine or Open Meetings Law (FSS 286.011)

### 13. Voting.

- (a) When the Clerk has commenced to call roll of the Commission for the taking of a vote, all debate on the question before the Commission shall be deemed concluded. During the taking of the vote a member shall be permitted to briefly explain his or her vote and shall respond to the calling of his or her name by the Clerk by answering "Aye" or "Nay" as the case may be.
- (b) The Clerk shall call the roll alphabetically by last name on a rotating basis so that every Commission Member shall have the opportunity to speak first on an issue at one time or another, provided the Presiding Officer shall always be the last to voice his or her vote. The list shall be rotated at each regular meeting of the Commission.
- (c) Unless otherwise specified by these rules, all ordinances, resolutions or motions shall be passed by the affirmative vote of no less than a majority of Commission Members present.
- (d) A roll call vote shall be required for the following:

- (1) All resolutions.
- (2) All ordinances.
- (3) All motions to create an office or a position of employment or to spend any money.
- (e) The Presiding Officer may utilize a voice vote for the approval of minutes or other matters where a roll call vote is not required by law; provided, however, that a roll call vote shall be taken upon the timely request of any Commission Member.
- (f) A vote lacking the required number of affirmative votes shall constitute defeat of a Motion.
- (g) A Commission Member may change his or her vote only if a timely request to do so is made prior to the announcement of the vote by the Presiding Officer.
- (h) Unless otherwise provided for by statute, if a Commission Member present has reason to think a conflict of interest may exist on a particular matter, he or she shall, after consultation with the City Attorney, so state the nature of his or her disqualification in the open Commission meeting. A Commission Member who so announces a conflict of interest in any matter may remain seated during the debate or may leave. However, he or she shall not vote or otherwise participate on such matter. A Commission Member stating such disqualification shall not be counted as a part of a quorum and shall be considered absent for the purpose of determining the outcome of any vote on such matter. The City Clerk and City Attorney shall assist the disqualified Commissioner in filing the necessary documentation (Form 8B – Memorandum of Voting Conflict) which will then be incorporated into the official minutes of the meeting.
- (i) Where lack of a quorum occurs during the course of a convened meeting resulting from the temporary absence of a Commission Member, the minutes shall be so noted, and the matter under consideration shall be considered as having been postponed until the next regular meeting. The meeting may continue after the postponement has been announced by the Presiding Officer and the member breaking the quorum has resumed his or her presence, otherwise the Presiding Officer shall declare the meeting adjourned after such announcement.
- (j) The Presiding Officer should announce the vote upon every matter upon which a vote is taken.
- (k) On workshops and other matters not requiring a vote, the Commission may take a straw poll of matters not requiring a vote to provide staff with clear direction on what the majority of the Commission desires for future action by staff.

#### **14. General Procedures.**

- (a) At the commencement of each meeting, the mayor may, in the mayor's discretion, make any of the following announcements when the mayor calls the meeting to order:
  - (1) Please turn off all cell phones;

- (2) If you are commenting this evening, please fill out a card with your contact information which the City Clerk can provide to you;
  - (3) Should there be any comments, please approach the podium, state your name, whether or not you are a City resident, and direct your comments to the Commission (not individual commissioners or other members of the public); and/or,
  - (4) Observe general rules of decorum and civility (speak one at time, avoid personal attacks, avoid profanity and shouting, speak only to the issue at hand).
- (b) For Legislative Ordinances (not quasi-judicial matters and ordinances), after an ordinance's title is read, the appropriate staff member shall present to the Commission information regarding the proposed action after which the Commission may question the staff further regarding the issue at hand. Once all Commission questions are addressed, the City Attorney shall ask whether any member of the public has any comment. If there is public comment, the Mayor and Commission shall listen to the public comment. The Mayor may limit public comment on legislative ordinances to three minutes. During public comment Commissioners may ask questions of those commenting, but shall not debate the matter with the party commenting. After public comment is closed, the Commission can then discuss the matter in the order recognized by the Mayor. If there is no public comment or after public comment is made, the Mayor may then ask for a Motion from the Commission. After a Motion is made and there is a second, the Commission may further discuss the matter. A Commissioner may speak only if recognized by the Mayor, and the Mayor shall strive to ensure all Commissioners have equal opportunity to speak to each issue. The Mayor may close the discussion once the Mayor deems it appropriate and shall then ask the Clerk for a Roll Call vote.
- If there is no second to a Motion made, the Mayor may note that the Motion died for lack of a second and may request that an alternative Motion be made.
- (c) For quasi-judicial matters, the Commission shall follow the procedures set forth in section 102-25 of the Land Development Regulations.

## 15. Minutes and Documents.

- (a) Minutes of all regular and special meetings shall be electronically recorded. Such minutes shall be maintained in the office of the City Clerk. The minutes shall reflect:
  - (1) The date, time and place of the meeting or session;
  - (2) The members recorded as either present or absent;
  - (3) A general description of all matters proposed, discussed or decided; and
  - (4) Record of any votes taken.

- (b) A Commission Member may request, through the Presiding Officer, the privilege of having his or her comments or written statement entered into the minutes concerning any matter pending before the Commission.
- (c) Such minutes may be revised at any time by the Clerk to correct spelling, numbering and other such technical defects. Prior to approval, any member may, through the Presiding Officer, request amending or correcting the minutes. If objection is made by any Commission Member to such amendment or correction, a majority vote of the Commission shall be necessary for adoption of the correction or amendment.
- (d) The City Clerk's office is not required to prepare verbatim transcripts or parts of any minutes of City Commission meetings unless the City Commission, by majority vote, directs verbatim transcripts for any parts of any minutes it deems necessary and proper for conduct of internal affairs of the City or when required for closed meetings.
- (e) The Mayor shall sign all ordinances, resolutions and other documents requiring his or her signature. If the Mayor is unavailable to do so, the Vice-Mayor shall be permitted to sign all ordinances, resolutions and other documents requiring the Mayor's signature in his or her absence.

**16. Failure to observe procedures.**

These rules are adopted to expedite the transaction of the business of the Commission in an orderly fashion and are deemed to be procedural only. The failure to strictly observe such rules by the Commission shall not affect the jurisdiction of the Commission or invalidate any action taken at a meeting that is otherwise held in conformity with law.

**17. Disruption of Meetings.**

No person shall interrupt, disturb or disrupt any regular or special meeting or study session of the Commission. Upon direction of the Presiding Officer, any such person shall leave the Commission Chambers and the City Hall. Any Commissioner may request that the City Manager provide a uniformed law enforcement officer for any regular or special meeting or study session of the Commission.

**18. Amendment of Rules.**

These rules may be amended by the affirmative vote of no less than three (3) Commission members.

**19. Commission Policies.**

- a) The Commission may from time to time consider the adoption of certain written guidelines to provide policy guidance to City staff.
- b) The Commission shall approve such policy guidelines by resolution.
- c) Such guidelines shall constitute general guidance to the City staff and shall not have the force and effect of law, but shall serve as a statement of desired outcome in a particular area or situation.



- d) The members of the City staff charged with implementation or monitoring of a policy once adopted, and in any event the City Manager, shall endeavor to function in accordance with the written guidelines unless circumstances otherwise dictate.
- e) In the event the member of the City staff charged with implementation or monitoring of a policy determines that the policy is no longer feasible or desirable, either in whole or in part, such member shall bring the matter to the attention of the City Manager, who shall make recommendations to the City Commission regarding the matter.
- f) Written policies, once adopted by the City Commission, shall remain in force until rescinded by resolution of the City Commission.

**20. Filling of commission vacancies**

In the event that a vacancy occurs on the Commission due to resignation, death or other unforeseen circumstance, pursuant to the City Charter, the Commission is tasked with appointing a replacement who shall serve until the next regular election. To facilitate this task, the following procedure is hereby adopted:

- a) Upon declaration of a vacancy by the Mayor, the Commission shall direct the City Clerk to advertise the vacancy and set a deadline for submittal of applications for appointment. At the same time, the Commission shall select a date for a special meeting at which applicants will be interviewed by the Commission and a selection will be made. In the event that an agreement on an interim commissioner cannot be made at that meeting, the Commission has the option of re-opening the application period to receive additional applications.
- b) The qualifications for appointment shall be the same as for a candidate for election to the Commission. Those qualifications are as follows: 1) Applicant must be a registered elector of the city of Eustis; and 2) Applicant must have resided within City limits for no less than one year prior to application. The one year may include the time before and after annexation if the property has been recently annexed into the City.
- c) Process to be used for election of the interim commissioner:
  - 1) The Mayor will open the floor to nominations. Nominations will be accepted until no further nominations are offered.
  - 2) Once it appears that no further nominations are forthcoming, the Mayor will ask for a motion to close the nominations. The motion must be seconded and a roll call vote will be taken.
  - 3) The City Clerk will then conduct a roll call vote on each nominee in alphabetical order. The alphabetical order is intended to negate the possible advantage for whomever was nominated first. If there is a tie between nominees receiving the most votes, a second vote will be taken on only the tied nominees. If there is still a tie after a second vote is taken, the Commission will discuss the applicants and whether to re-open the application period.
- d) Once one nominee has received the majority of the votes, the nominee will be formally appointed via resolution.
- e) Once the resolution has passed, the City Clerk will administer the Oath of Office and the interim commissioner shall assume their seat on the dais.