



AGENDA

City Commission Meeting

6:00 PM – Thursday, January 18, 2024 – City Hall

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

January 4, 2024 City Commission Meeting

3. PRESENTATIONS

[3.1](#) Eustis Fire Department Badge Pinning Ceremony

4. AUDIENCE TO BE HEARD

5. CONSENT AGENDA

[5.1](#) Resolution Number 24-03: Revision of the Building Department's Schedule of Fees

[5.2](#) Resolution Number 24-04: Budget Amendment for the Building Services

[5.3](#) Resolution Number 24-09: Approving a Purchase in Excess of \$50,000 for Professional Services to Replace a Section of Force Main Along County Road 44 and Authorizing a Budget Transfer in the amount of \$55,000 \$55,000

[5.4](#) Resolution Number 24-12: Purchase in Excess of \$50,000 for a New Vacuum Truck

6. ORDINANCES, PUBLIC HEARINGS & QUASI-JUDICIAL HEARINGS

[6.1](#) Resolution Number 24-05: Preliminary Subdivision Plat for Angler's Pointe 48-Lot Subdivision on CR 44, East of Dollar General Store (Alternate Key Numbers 1407877 and 3395948)

[6.2](#) Resolution Number 24-06: Approving a Preliminary Subdivision Plat for Kurt Street Townhomes, A 62-Unit Townhome Residential Subdivision, located on the West Side of Kurt Street, West of Charlotte Avenue (Alternate Key Numbers 2930497 and 3859180)

[6.3](#) Resolution Number 24-07: Approving a site plan with waivers for a 4,750 square foot convenience store with gas on approximately +/- 2.03 acres located east of 2640 East Orange Avenue at Abrams road (Alternate Key Number 1443024)

[6.4](#) Resolution Number 24-13: Authorizing the recording of liens on delinquent utility accounts

6.5 **FIRST READING**

Ordinance Number 24-01: Amending LDRs for Community Service Uses

6.6 **FIRST READING**

Request for Postponement

Ordinance Numbers 24-02, 24-03, and 24-04 Annexation, Future Land Use and Design District Assignment for Parcels with Alternate Key Number 1123461

6.7 **FIRST READING**

Ordinance Numbers 24-05, 24-06, and 24-07: EXPLANATION OF ORDINANCES FOR ANNEXATION OF PARCELS with ALTERNATE KEY NUMBERS 1213355 AND 1213347

Ordinance Number 24-05: Voluntary Annexation
Ordinance Number 24-06: Comprehensive Plan Amendment
Ordinance Number 24-07: Design District Assignment

6.8 **FIRST READING**

Ordinance Number 24-06: First Reading Comprehensive Plan Map Land Use Assignment for Recently Annexed Parcels with Alternate Key Numbers 1213355 and 1213347

Ordinance Number 24-05: Voluntary Annexation
Ordinance Number 24-06: Comprehensive Plan Amendment
Ordinance Number 24-07: Design District Assignment

6.9 **FIRST READING**

Ordinance Number 24-07: First Reading Assignment of Design District for Recently Annexed Parcels with Alternat Key Numbers 1213355 and 1213347

Ordinance Number 24-05: Voluntary Annexation
Ordinance Number 24-06: Comprehensive Plan Amendment
Ordinance Number 24-07: Design District Assignment

6.10 **FIRST READING**

Request for Postponement

Ordinance Numbers 24-08, 24-09, and 24-10: Annexation, Future Land Use and Design District Assignment for Parcels with Alternate Key Number 1784069, 2814128 and 2814144.

6.11 **FIRST READING**

Ordinance Number 24-11: School Zone Speed Enforcement, Amending Chapter 90 – Traffic and Vehicles of the City’s Code of Ordinances, by creating new Article VII to be titled “School Zone Speed Enforcement,” authorizing the establishment of a speed detection system on roadways maintained as school zones within City limits

7. OTHER BUSINESS

8. COMMENTS

8.1 City Commission

8.2 City Manager

8.3 City Attorney

8.4 Mayor

9. 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: January 18, 2024

RE: Approval of Minutes

Introduction:

This item is for consideration of the minutes of the 1/4/2023 City Commission Meeting.

Recommended Action:

Approval of the minutes as submitted.

Prepared By:

Mary Montez, Deputy City Clerk

Reviewed By:

Christine Halloran, City Clerk



MINUTES

City Commission Meeting

6:00 PM – Thursday, January 04, 2024 – City Hall

INVOCATION: PASTOR HAROLD KELLY

PLEDGE OF ALLEGIANCE: COMMISSIONER WILLIE HAWKINS

CALL TO ORDER: 6:03 P.M.

ACKNOWLEDGE OF QUORUM AND PROPER NOTICE

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

1. AGENDA UPDATE: None

2. APPROVAL OF MINUTES

December 14, 2023 City Commission Meeting

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

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

3. ELECTION OF MAYOR AND VICE MAYOR

3.1 Appointment of City Clerk as Temporary Chairman for Election of Mayor and Vice Mayor

Mayor Holland turned the meeting over to the City Clerk for the election of Mayor for 2024.

Election of Mayor for 2024

Christine Halloran, City Clerk, reviewed the process to be used for the nomination and election of Mayor. She opened the floor to nominations for Mayor.

Commissioner Cobb nominated Michael Holland as Mayor.

There being no further nominations forthcoming, Ms. Halloran asked for a motion to close the floor to nominations.

Commissioner Cobb moved to close the nominations. Commissioner Hawkins seconded the motion.

On a voice vote, the nominations were closed.

Ms. Halloran conducted a roll call vote on the nomination of Michael Holland as Mayor. The nomination passed unanimously.

Election of Vice Mayor for 2024

Mayor Holland opened the floor to nominations for Vice Mayor for 2024.

Commissioner Cobb nominated Emily Lee as Vice Mayor.

There being no further nominations forthcoming, Mayor Holland asked for a motion to close nominations.

Commissioner Hawkins moved to close the nominations. Commissioner Ashcraft seconded the motion.

On a voice vote, the motion to close the nominations passed unanimously.

Mayor Holland conducted a roll call vote on the nomination of Emily Lee as Vice Mayor. The nomination passed unanimously.

Mayor Holland thanked the Commission for their trust in him to lead the meetings and represent the City. He assured the audience that the Commission works together and all have an equal vote. He noted he would provide a statement at the following meeting.

4. AUDIENCE TO BE HEARD

Pastor Kelly thanked the City Commission for their service and announced events to be held in honor of Dr. Martin Luther King, Jr. on January 14, 2024 at Trinity Evangelical Free and a Unity Walk on Monday, January 15, 2024, beginning at the Curtright Center. He acknowledged a number of people and churches involved in the events.

Tristen Nappi commented on continuing issues with Sharps Mobile Home Park corporate management and ongoing sewage issues. He emphasized the need for a clean, hygienic and healthy place to live in a cooperative environment. He stated his belief that they are trying to push out the lower income residents in order to raise the lot rents.

Mayor Holland explained the Commission could not respond to the comments and confirmed City Attorney Sasha Garcia had made notes regarding the complaints.

Juan Aguayo noted he previously addressed the Commission regarding Sharps Mobile Home Park. He stated that Hansel Rodriguez is not doing his job. He commented on the lack of work on the sewer and noxious smells and cited his wife's and his health issues. He emphasized they still are not testing the water and stated he still has not received his title.

Police Chief Craig Capri commented on recent visits to the mobile home park and communications with management. He noted they are addressing several issues and working with residents and management toward resolution. He indicated he would visit the park the next day.

Mayor Holland asked Attorney Garcia about communications with the park management and attorneys.

Attorney Garcia responded she had passed on the communications to the park's attorney. She stated that the park manager has responded to the concerns. She emphasized they are private matters unless something rises to the code enforcement level. She noted she provided residents with information regarding the Dept. of Business and Professional Regulation (DBPR) who regulates mobile home parks. She also provided the license number for Sharps Mobile Home Park so they could contact them if they have issues regarding their leases or certain treatment. She added that she also provided them information for legal aid.

Commissioners briefly commented on issues with the park and possible involvement of the Lake County Health Department. It was noted that they had requested a final report from the park management.

Attorney Garcia noted there is supposed to be an annual inspection by the Health Department which is filed with the DBPR.

The Commission confirmed that the residents can report issues to the Health Department

Chief Capri reported there are no current code violations and stated the park is better than it was previously.

Discussion was held regarding whether or not the abandoned boat constituted a code violation. The Commission asked Chief Capri to contact the Lake County Water Authority regarding the boat.

The Commission asked Greg Dobbins if the City could conduct water testing and whether or not the City has the legal authority to go in the park to do testing with Attorney Garcia stating she would ask for consent from their attorney to go on the property and do testing.

Ann Ivey reported the County keeps free water kits at the Library and the individuals can test their own water.

Mayor Holland explained the limitations and involvement of the City Commission and suggested residents reach out to a legal fund for assistance.

5. **CONSENT AGENDA**

5.1 Resolution Number 24-02: Acceptance of Sorrento Pines Subdivision (Unincorporated Lake County) Utility Infrastructure and Maintenance Bonds for Phase 1B

5.2 Resolution Number 24-08: Police Motorcycles

Commissioner Hawkins asked to remove the Commission Meeting Schedule from the Consent Agenda for discussion.

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

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

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

6.1 City Commission Meeting Schedule 2024

Commissioner Hawkins asked to discuss days off and whether or not they would do the same in December as in 2023.

Mayor Holland recommended they leave it open that as things develop they can change the schedule as needed with the overall schedule to remain the first and third Thursday.

Motion made by Commissioner Hawkins, Seconded by Vice Mayor Lee, to approve the Commission Meeting Schedule for 2024. The motion passed on the following vote:

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

6.2 Resolution Number 24-01: Appointing Commissioners to Various Boards and Committees

Attorney Garcia announced Resolution Number 24-01: A Resolution by the City Commission of the City of Eustis, Lake County, Florida, to appoint liaisons, directors or members and alternate directors or members to various committees and boards of directors to ensure that the City's interests, as expressed through the City Commission, are represented on these various committees and boards.

The Commission discussed the various boards and committees and who wanted to be appointed with a consensus of the following appointments:

America in Bloom: Emily Lee as appointee with Nan Cobb as alternate

Audit Committee - Michael Holland

Lake Community Action Agency - Willie Hawkins

Lake County Arts and Cultural Alliance - Nan Cobb as primary and Pam Rivas as alternate

Lake County Educational Concurrency Review Committee - Willie Hawkins

Lake County League of Cities – Michael Holland as Director

Lake Eustis Area Chamber of Commerce Board - Tom Carrino

Lake-Sumter MPO - Gary Ashcraft as primary with Nan Cobb as alternate

Open Door – Gary Ashcraft as liaison with Nan Cobb as alternate

Attorney Garcia opened the public hearing at 6:37 p.m. There being no public comment, the hearing was closed at 6:37 p.m.

Motion made by Commissioner Ashcraft, Seconded by Commissioner Hawkins, to approve Resolution Number 24-01 with the appointments as discussed. The motion passed on the following vote:

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

6.3 SECOND READING

Ordinance Number 23-30: Approval of a Conditional Use Permit for Additional Barbed Wire Fencing at the Rear of the Ace Hardware Store located at 18691 U.S. Highway 441

Attorney Garcia read Ordinance Number 23-30 by title on second and final reading: An Ordinance of the City Commission of the City of Eustis, Lake County, Florida, approving a conditional use permit for additional barbed wire fencing at the rear of the Ace Hardware Store located at 18691 U.S. Highway 441.

Attorney Garcia opened the public hearing at 6:37 p.m.

Kristie Chicarelli asked if the City Attorney had researched whether or not the City's approval would supersede the Homeowner's Association with Attorney Garcia responding that she did research that and the City's approval does supersede the HOA.

Ms. Chicarelli asked where she could obtain that information with Attorney Garcia responding that it is based on municipal law and suggesting she email her and she would provide the information.

Ms. Chicarelli wanted it added to the record that she has a number of emails between her and Mike Lane pertaining to the requested barbed wire fencing. She commented on research she did on the fence permit and questioned whether or not a permit was required. She cited Sec. 110-5.7 pertaining to pre-existing barbed wire fences and stated that the fence did not need to be repaired or replaced. She indicated the section did not provide for additional or new fencing. She expressed opposition to the approval.

Tom Carrino, City Manager, explained that if the situation involved repair or replacement would not have gone to the Commission for approval. He stated it is before the Commission because it is considered a new fence. He acknowledged that the City had communication with Ms. Chicarelli previously regarding the case over the past year. The statement about no contact was pertaining to the time period after the application was advertised. He explained that once an application is advertised and posted, staff tracks any communications received.

Ms. Chicarelli questioned the statement that was made that 44 Gables was notified; however, she did not receive any notification.

Mr. Carrino responded that signs were put up and mailings went out.

Ms. Chicarelli noted that the reason the application was submitted was due to her calling to report the original code violation. She further commented on the history of the situation between 44 Gables and Ace Hardware. She further expressed opposition to the additional barbed wire. She expressed concern that adjoining property owners may also request the barbed wire with Mr. Carrino stating the City would consider each application on a case by case basis.

Further discussion was held regarding the history of the application and the notifications.

Ms. Chicarelli confirmed that 44 Gables denied their application.

Attorney Garcia confirmed that approval of the Conditional Use Permit would not set a precedent for anyone else. She also stated that any liability stays with the property owner.

Ms. Chicarelli stated she was previously told that the HOA restrictions would supersede the City's approval.

Mike Lane, Director of Development Services, responded that staff does not look at covenants and restrictions. He indicated certain items for which the HOA restrictions would supersede such as paint colors. He reviewed specific regulations pertaining to fences as accessory structures.

The Commission noted the lack of residents attending the Commission or contacting the City in opposition.

Ms. Chicarelli stated that the HOA board wanted a letter attached to the application that would state that the HOA would not be responsible for any injuries, accidents, up to and including fatality.

Attorney Garcia stated that the HOA already covered their liability by denying the request and now the liability would reside with the property owner. She added she would be happy to provide the information to Ms. Chicarelli regarding the City's approval superseding the HOA restrictions.

The Commission asked to confirm whether or not the HOA received the notification with Attorney Garcia noting that the HOA representative is present so clearly they received notice and had the opportunity to express their concerns.

The public hearing was closed at 6:53 p.m.

RECESS: 6:54 p.m. RECONVENE: 6:58 P.M.

Motion made by Commissioner Ashcraft, Seconded by Vice Mayor Lee, to approve Ordinance Number 23-30 on second and final reading. The motion passed on the following vote:

7. FUTURE AGENDA ITEMS AND COMMENTS

7.1 City Commission

Commissioner Hawkins announced an upcoming clean-up and fellowship event at Mt. Olive Cemetery at 9:00 a.m. on Saturday, January 13, 2024.

Discussion was held on the need to assist the cemetery's board with clean up.

Commissioner Hawkins then noted a Special Needs Prom would be held in April with details to follow.

Commissioner Ashcraft asked for an update on the City's investment of funds.

Mr. Carrino noted the previous discussion with the Commission regarding the City's investment policy and considering Treasury notes versus CD's. He stated that the direction from the Commission indicated that rates on CD's were better. He indicated that the City has since hired Try-on Clearview to look at efficiencies and how to bring in more revenue. The agreement stipulates that the City will pay them a percentage if the City brings in more revenue based on their recommendation. He reported that he has discussed the situation with the Finance Director and recommended, based on Commission direction, that they invest the City's funds in CD's. He noted that Try-on was able to negotiate with TD Bank to get the City a better rate on its savings account. He added that the City is paying them a percentage of those additional revenues.

Mr. Carrino then reported that Try-on recommended that the City invest with other banking establishments; however, staff decided to stay with TD Bank based on their favorable rates. He indicated that staff would continue to work with them.

Commissioner Ashcraft asked for them to meet with the Commission at some point. He then commented on discussions he has had regarding the interchange (SR19 and Hwy. 441). He asked for a progress report on maintenance of the interchange.

Mr. Carrino responded that a meeting has been scheduled with a representative of FDOT to develop an agreement regarding the interchange. He cited the possibility of the City taking over that maintenance in order to meet the City's needs. He stated that FDOT would only pay the City whatever they are currently paying for that maintenance.

Commissioner Ashcraft commented on the possibility of doing some plantings as part of America in Bloom to beautify the interchange.

Mr. Carrino indicated that would not be part of the FDOT agreement but part of the City's maintenance program.

Commissioner Hawkins noted that the City is now paying a lobbyist and asked if they would provide a report to the Commission on their activities.

Mr. Carrino stated they would be working on the City's legislative priority requests. He noted that one of the lobbyists is a Eustis resident. He indicated they would also be involved with Legislative Action Days.

Mayor Holland expressed concern about the meeting with FDOT and the lack of progress.

Commissioner Hawkins expressed concern regarding how long it takes to get projects accomplished in the City. He then commented on the Clifford House. He noted he would be pushing for some projects in other parts of the City.

Commissioner Cobb requested an update on the issue of the alternate key numbers for the City property out 44 with Mr. Carrino responding that it has been corrected on the Property Appraiser's website so staff will be confirming that it is actually corrected. He said that according to the Property Appraiser that property does not include anything south of the road.

Commissioner Cobb then asked for an update on the islands on Bay Street with Rick Gierok, Development Services Director, stated that right then was not the time of year to do the plantings. He stated contracts have been executed and they are ready to go. He noted this is the driest time in Florida and a freeze would complicate that.

Vice Mayor Lee stated she has a citizen's group led by Ron Sartele and they would like to take over the island project. They also are interested in being a part of America in Bloom.

Mr. Carrino stated that the City has areas where they could use them to be involved; however, due to liability they do not want them involved with the islands.

Commissioner Cobb asked about the grant to be submitted to Waste Management for funding for America in Bloom with Al Latimer responding that they were told to put forward a request for \$5,000. He indicated that the letter was submitted but the funding has not been received as of yet.

Commissioner Cobb asked Rachel Amman regarding requested playground equipment for Liberty Circle with Ms. Amman responding that is currently on hold. They are in the middle of installing equipment at Seleen.

Commissioner Cobb asked for pictures of the planned equipment for Liberty Circle so she can submit a request the following Monday to the Sheriff's Department for funding. She indicated she would come by the office to pick up the pictures.

Vice Mayor Lee announced on Tuesday, January 9th, they would host a tour of the Clifford House as part of the America in Bloom project. She stated the tour would be at 1:00 p.m. with Commissioner Cobb indicating she would not be able to attend due to a meeting with Lake 100.

7.2 City Manager - None

7.3 City Attorney - None

7.4 Mayor

Mayor Holland thanked the Commission for allowing him to continue to serve as Mayor. He cited their hopes to continue moving forward and encouraged anyone to reach out to them.

8. ADJOURNMENT: 7:18 P.M.

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

CHRISTINE HALLORAN
City Clerk

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: January 18, 2024

RE: Eustis Fire Department Badge Pinning Ceremony

Introduction:

Fire Chief Mike Swanson will recognize six Fire Department personnel in a formal badge pinning ceremony.

Background:

The following Eustis Fire Department personnel will be recognized:

1. Senior Inspector - Niki Everson
2. Firefighter – Garrett Griswold
3. Firefighter / EMT - Orlando Lorenzo
4. Firefighter / EMT - Nicholas Zeitler
5. Firefighter / Paramedic - Nathan Gardner
6. Lieutenant / Paramedic - Michael Peckham
7. Deputy Chief of Operations - Shawn Kelleher

Prepared By:

Mike Swanson, Fire Chief
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: January 18, 2024

RE: Resolution Number 24-03: Revision of the Building Department's Schedule of Fees

Introduction:

Florida Statute 553.791 allows for private provider services for plans review and inspections for building construction. If an owner or contractor retains a private provider for purposes of plans review or building inspection services, the local jurisdiction **must reduce the permit fee by the amount of cost savings realized by the local enforcement agency for not having to perform such services**. Such reduction may be calculated on a flat fee or percentage basis, or any other reasonable means by which a local enforcement agency assesses the cost for its plans review or inspection services. The local jurisdiction may not charge fees for building inspections if the fee owner or contractor hires a private provider to perform such services; however, the local jurisdiction may charge a reasonable administrative fee, which shall be based on the cost that is actually incurred, including the labor cost of the personnel providing the service, by the local jurisdiction or attributable to the local jurisdiction for the clerical and supervisory assistance required, or both. The Statute also provides that the jurisdiction ***may visit the building site as often as necessary to verify that the private provider is performing all required inspections.***

Any consideration of a reduction of fees on the City's Building and Inspection Fee Schedule will require the approval of the City Commission.

Background:

The City's Building Official, Matt Adair, CBO, has received notice from the developer of Pine Meadows Reserve Subdivision that they intend to use a private provider for plans review and inspections for their subdivision.

Matt has reviewed fees and processes from other local communities and determined that the City will still be involved and responsible for holding the permits and making other inspections (not covered by the Florida Statutes) including, but not limited to the following:

1. Audits of inspections performed by the Private Provider.
2. Planning and Zoning review
3. Planning and zoning field inspections (includes driveway, sidewalk, setbacks, landscaping, parks, etc.)
4. Development Site Inspections/Preliminary and post site/tree survey/environmental.

5. Floodplain Administration (includes plan review and field inspections to verify setbacks, and elevations)
6. Drainage
7. Impact fee verification
8. Verification of address for 911 purposes.
9. Certificates of Occupancy/Certificates of Completion (includes the review of all inspections, review of final survey, and the review of density test and other engineering reports)
10. Retention of permit documents (residential permits are retained for 10 years/Commercial permits are retained for perpetuity of the building).
11. Scheduling inspections and inputting results/reports in the City's computer files.
12. Sewer and water connections on the public service side.

The City is required to review and maintain a checklist of the plans review for every residential and commercial structure for the International Organization for Standardization (ISO). The use of a private provider for plans review services does not affect the City's obligation to conduct plans review services or to maintain those records in the City's computer files.

It is Matt's recommendation that the City adjust the Building and Inspection Fee Schedule to include an overall 5% reduction in the permit fees for the private plan review and inspections activity. He asserts this fee fairly reduces the plans review and inspections component while capturing the administrative costs for the associated services that the City will still incur with each permit.

Please see the surrounding jurisdictions page which shares how these entities address these fees.

Additionally, the Development Services Department staff see this revision as an opportunity to remove the fees for several obsolete purposes like fences and change-of-use matters.

Recommended Action:

Approve Resolution Number 24-03 amending the City's Schedule of Fees.

Budget/Staff Impact:

This process will not adversely impact the budget since it's only a minor reduction in the overall permit fees.

Prepared By:

Mike Lane, AICP, Director, Development Services

RESOLUTION NUMBER 24-03

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; ESTABLISHING AN AMENDED SCHEDULE OF FEES RELATED TO BUILDING PERMIT FEES TO ACCOUNT FOR PRIVATE ENGINEERING INSPECTION FIRMS TO PROVIDE PRIVATE SERVICES IN THE CITY AND TO REMOVE FEES FOR FENCES AND CHANGE OF USE PROJECTS AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, building permit and inspection fees are assessed to ensure a uniform and equal treatment of plan reviews by the City's building permit review process; and

WHEREAS, the City assesses fees to pay for staff time, benefits, operational overhead, and other related costs associated with building permit review and inspection; and

WHEREAS, the City Commission finds it necessary to periodically revise and update building permit and inspection fees.

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

Section 1: That pursuant to Section 102-10 of the Land Development Regulations, the City Commission hereby adopts the attached fee schedule (See Exhibit A)

Section 2: That the amended schedule of fees contained herein shall account for fees associated with private engineering and building inspections firms who provide these private services in the City.

Section 3: That all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

Section 4: That this resolution shall become effective immediately upon passing.

DONE AND RESOLVED this 18th day of January 2024, in regular session of the City Commission of the City of Eustis, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 18th day of January 2024, 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 Resolution Number 24-03 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

**Exhibit A
CITY OF EUSTIS**

Item 5.1

BUILDING PERMIT & INSPECTIONS FEE SCHEDULE

Effective Date: February 1, 2024 per Resolution No. 24-03

When calculating permit fees, include Florida State Surcharge (1.5% for Florida Building Surcharge & 1.5% for Florida Recovery Fund) (\$4.00 minimum). These fees will be added to the permit cost.

RESIDENTIAL PERMITS	PERMIT FEE
Plan Review Fee, (Residential - any new construction, residential)	\$250.00 <i>(Payment must be made prior to plan review)</i>
Plan Review Fee (All Other)	1/2 of Building Permit Fee <i>(Payment must be made prior to plan review)</i>
Building - Residential	\$60.00 + \$7 per \$1,000 of construction cost up to \$250,000, and from \$250,001 up; \$8 per \$1,000. Cost to be determined by the most recent edition of the International Code Council's Building Valuation Data, or actual construction cost, whichever is greater.
Early Start, Residential	\$100.00 (Contractor proceeds at own risk; work may not be covered; not eligible for inspection until complete building permit is issued)
COMMERCIAL PERMITS	PERMIT FEE
Plans Review Fee (Commercial)	1/2 of Building Permit Fee <i>(Payment must be made prior to plan review)</i>
Commercial Building/Multi-Family (any new constructed commercial, industrial, manufacturing buildings, Interior Build-outs, etc.)	\$60.00+\$7 per \$1,000 of construction cost up to \$250,000, and from \$250,001 up; \$8 per \$1,000. Cost to be determined by the most recent edition of the International Code Council's Building Valuation Data, or actual construction cost, whichever is greater.
Commercial work not listed	\$60 + \$7 per \$1,000 of construction cost
Site Development	2% of Construction Cost, No State Fees

Early Start Permit, Commercial	\$200.00 (Contractor proceeds at own risk; work may not be covered; not eligible for inspection until complete building permit is issued)
MOBILE HOME PERMITS	PERMIT FEE
Manufacturer Homes (HUD), Modular Homes & Modular Buildings (DCA)	\$240.00 - includes setup, electric, plumbing & mechanical. Add \$60.00 for gas connection, if applicable
TRADE PERMITS	PERMIT FEE
ELECTRICAL	
Minimum Fee	\$60.00
Residential - Single Family & Duplex	\$60.00 per service + \$0.20 per amp per service
Commercial and all other Structures	\$60.00 per service + \$0.30 per amp per service
Temporary Service	\$60.00 per service
Fire Alarms	\$60.00 + Applicable Fire Fees
All Other Electric	\$60.00 + \$7 per \$1000 of construction costs
MECHANICAL (Heating, Ventilation and Air Conditioning)	
Minimum Fee	\$60.00
Per Ton or Fraction thereof	\$5.00 per Ton
Duct Openings	N/A
Forced ventilation, per duct opening	N/A
All other Mechanical	\$60.00 + \$7 per \$1000 of construction costs.
PLUMBING	
Minimum Fee	\$60.00
Fixture and appliances	\$2.00 each
Coin Operated Laundries	\$5.00 per washing unit
Wells - Irrigation Only -	

2" Diameter, or less	\$100 + \$60.00 electric fee
2-1/2" through 4" Diameter	\$200.00 + \$60.00 electric fee
4-1/2" and larger Diameter	\$300.00 + \$60.00 electric fee
SPRINKLER SYSTEMS	
Lawn Sprinklers (Connected to City Water)	\$60.00 + \$7 per \$1,000 of construction cost.
Fire Sprinklers	\$60.00 + Applicable Fire Fees
GAS	\$60.00 + \$2.00 per outlet
SWIMMING POOL PERMITS	PERMIT FEE
Swimming Pools (Residential & Commercial)	\$60.00 + \$7 per \$1,000 of construction cost + \$60.00 for electric fee.
SIGN PERMITS	PERMIT FEE
Engineered - Free Standing	\$60.00 + \$7 per \$1000 of construction cost + \$70. electric fee, if applicable
Engineered - Building Mounted (greater than 32 SF and/or greater than 1-1/2 in projection) Requires Building Official Plan Review.	\$40.00 + \$60 electric fee, if applicable
Non-Engineered - Building Mounted (less than 32 SF and less than 1-1/2 in projection) Only Planning Dept. Plan Review	\$25.00 + \$60 electric fee, if applicable
Sign Panel Replacement (Face Change Only) or Signs Painted on Walls or Awnings (separate awning permit required for new awnings) without associated electrical	\$15.00
MISCELLANEOUS PERMITS	PERMIT FEE
Alterations, Repairs and Remodels (Plan Review Fees Apply)	\$60.00 + \$7 per \$1,000 of construction cost up to \$250,000, and from \$250,001 up; \$8 per \$1,000. Cost to be determined by the most recent edition of the International Code Council's Building Valuation Data, or actual construction cost, whichever is greater.
Screen Enclosures, Aluminum Patio Covers, Aluminum Carports, Manufactured Home Roof Overs	
Seawalls, Docks, Boathouses	
Paving (all types of material)	

Any type of building, structure, alteration or addition not listed above or qualifying for general permit below (administration cost).	\$60.00 + \$7 per \$1,000 of construction cost up to \$250,000, and from \$250,000 per \$1,000. Cost to be determined by the most recent edition of the International Code Council's Building Valuation Data, or actual construction cost, whichever is greater.
<u>FENCE (does not include utility structures) Cost of project</u>	
<u>\$0 - \$999.99</u>	<u>\$25.00</u>
<u>\$1,000.00 - \$1,999.99</u>	<u>\$40.00</u>
<u>\$2,000 and up</u>	<u>\$60.00 + \$7. per \$1000 of construction cost.</u>
DRIVEWAYS	
Residential	\$60.00 Initial - \$15.00 each additional
Commercial	\$60.00 Initial - \$25.00 each additional
UTILITY BUILDINGS	
120 sq.ft. or less	No Permit Required
121 - 199 Sq. Ft.	\$50.00
200 Sq. Ft. and up	\$60.00 + \$7 per \$1000 of Construction Cost.
RE-INSPECTIONS	
Each re-inspection/visit	\$50.00
ADMINISTRATION COST	PERMIT FEE
Change of Primary Contractor or Subcontractor	\$50.00
Re-submittal of construction plans	1st resubmittal no charge, \$50.00 each additional
Modification of plans after initial submittal per trade	\$50.00
Permit Amendments (other than Contractor change)	\$25.00
Master Plan Filing	\$50.00
Pre-Power Approval forms for 1st 60 days	\$50.00
Temporary / Conditional Certificate of Occupancy	\$100.00

Replace Building Permit Card	\$5.00
Change of Use/Occupancy (inspection required) (Plan Review Fee Applies)	\$100.00
Impact fee calculation/Collection	\$100.00
Contractor Registration	No Charge
Special Inspections (After Hours) (One Hour Minimum)	\$100.00 per Hour
General Permit for Jobs not covered on Fee Schedule, Job evaluation cost below \$1,000 with Building Official Approval	\$25.00
Extension of permit - (Written request received before Permit Expires and upon approval of Building Official)	10% of Original permit Fee, Minimum of \$50.00
PERMIT RENEWAL (Percentage of Original Permit Fee)	
No Inspections Conducted	100%
Slab Approved	80%
Lintel Approved	60%
Rough/Framing Approved	40%
Insulation Approved	20%
Final Inspection Only Needed	10%
MOVING AN EXISTING BUILDING OR STRUCTURE	
To Outside City Limits	\$100 + Expenses incurred to any City Dept.
Within or into City Limits (City Commission Approval Required)	\$200 + Expenses incurred to any City Dept.
On Same Lot	\$100 + Expenses incurred to any City Dept.
DEMOLITION	\$100 + Expenses incurred to any City Dept.
WORKING WITHOUT PERMITS	FEE IMPOSED
If any person commences work on a building or structure before obtaining the necessary permits, they shall be subject to a penalty as specified.	\$150.00 or double the permit fee, whichever is greater

USE OF A PRIVATE PROVIDER - PLANS REVIEW AND INSPECTION SERVICES

PERMIT FEE

Reduction of a fee for the use of a private provider for plans review and inspection services

The total permit and review fee will be reduced overall by 5 percent.



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: January 18, 2024

RE: Resolution Number 24-04: Budget Amendment for the Building Services

Introduction:

The Building Services Fund has committed to hiring a Building Official and a Deputy Building Official. The Building Official has worked with our current contractor and knows the City well.

Background:

Since Fiscal Year 2018-2019 the City of Eustis has hired MT Causley LLC to conduct building inspections. The service provided compliant inspections and plan review services on an as requested basis.

The values account from 2018-19

Building Permits Issued Single Family	22
Apartment Complex	1
Commercial Buildings	8
All other	1,718
Reviews & Inspections	<u>4,653</u>
Total	<u>6,402</u>

The values account from 2022-23

Building Permits Issued Single Family	130
Apartment Complex	4
Commercial Buildings	7
All other	1,872
Reviews & Inspections	<u>10,121</u>
Total	<u>12,134</u>

The volume of work over the last five years is 89.5% higher. It is time to hire our own personnel, which will give us more control over when and how inspections are completed. This will improve customer service as well.

Resolution Number 24-04 provides an estimated remaining budget of \$341,230. The cost to hire a Building Official and a Deputy Building Official; including new vehicles and other cost described in Exhibit A, which amounts to \$318,925, leaving an approximate balance of \$22,305 in the Other Contractual Services should MT Causley need to be used for any special circumstances.

Recommended Action:

Development Service is recommending approval of Resolution Number 24-04 which approves a budget transfer of \$318,925 in expenses of the FY 23-24 budget for the Building Services Fund.

Budget/Staff Impact:

Resolution Number 24-04 approves a budget transfer in excess of \$50,000 and will only redistribute the expenditures to different accounts described in Exhibit A, which will be part of the Resolution.

Prepared By:

Mike Sheppard, Director of Finance

Attachments:

Resolution Number 24-04
Exhibit A – Transfer Breakdown

RESOLUTION NUMBER 24-04

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AUTHORIZING THE CITY’S FINANCE DIRECTOR TO MAKE THE NECESSARY BUDGET TRANSFERS REALLOCATING THE BUILDING SERVICES FUND BUDGETARY ALLOTMENT FOR FY23-24 TO OTHER ACCOUNTS PROVIDING THE CITY THE ABILITY TO ACCOMPLISH THE SERVICES IN-HOUSE.

WHEREAS, the City of Eustis Building Services Fund has recently determined that bringing the inspection and plan review services in-house will enhance those services in a timelier manner; and

WHEREAS, a budget for MT Causley Services was previously established; and

WHEREAS, the Building Services Fund will have no change in the overall budget.

NOW, THEREFORE, BE IT RESOLVED by the City Commission of the City of Eustis, Florida that the City’s Finance Director is hereby authorized to make the necessary budget transfers for Fiscal Year 23-24 in the amount of \$318,925 to cover the cost of hiring a Building Official and a Deputy Building Official as detailed in Exhibit A.

DONE AND RESOLVED, this 18th day of January 2024, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by physical presence, this 18th day of January 2024, by Christine Halloran, City Clerk, who is personally known to me.

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

CITY ATTORNEY'S OFFICE

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

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 24-04 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

Exhibit A
Resolution 24-04
City of Eustis
Building Fund Budget Amendment
FYE September 30, 2024

Salaries & Wages		\$159,231.00
020-1520-521-10-12 - Building Official	\$86,539.00	
020-1520-521-10-12 - Deputy Building Official	\$72,692.00	
FICA		\$12,181.00
020-1520-521-10-21 @ 7.65%	\$159,231.00	
Life & Health Insurance		\$17,269.00
020-1520-521-10-23 Building Official 9 months	\$9,142.50	
020-1520-521-10-23 Deputy Building Official 8 months	\$8,126.64	
Empower Retirement Contribution		\$9,554.00
020-1520-524-10-24 Empower @ 6.0%	\$9,553.86	
Communications		\$2,400.00
020-1520-521-30-41 Wi-Fi and hot spots for two (MR Budget)	\$2,400.00	
Operating Supplies		\$10,290.00
020-1520-524-30-52 Uniforms	\$650.00	
020-1520-524-30-52 Fuel for two vehicles	\$8,640.00	
020-1520-524-30-52 Small tools - ladders & misc. for 2	\$1,000.00	
Employee Study		\$2,000.00
020-1520-524-30-55 Employee Study/Deputy Director	\$2,000.00	
Machinery & Equipment		\$106,000.00
020-1520-524-60-64 Two Computer with Field Capabilities	\$5,000.00	
020-1520-524-60-64 Furniture for Deputy Building Official	\$1,000.00	
020-1520-524-60-64 Two vehicles (All wheel & 4-wheel dr.)	\$100,000.00	
Total Budget Transfer form 001-1520-524-30-34		<u><u>\$318,925.00</u></u>



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: JANUARY 18, 2024

RE: RESOLUTION NUMBER 24-09: APPROVING A PURCHASE IN EXCESS OF \$50,000 FOR PROFESSIONAL SERVICES TO REPLACE A SECTION OF FORCE MAIN ALONG COUNTY ROAD 44 AND AUTHORIZING A BUDGET TRANSFER IN THE AMOUNT OF \$55,000.

Introduction:

Resolution Number 24-09 approves an expenditure in excess of \$50,000 for professional services for the replacement of 4,000 linear feet of sewer force main that conveys flow downstream of Lift Station 24 along County Road 44, authorizes the City Manager to execute all related agreements, and authorizes a budget transfer in the amount of \$55,000.

Background:

There is a section of sewer force main along County Road 44 near Trout Lake Nature Center that is in need of replacement. This section of force main has needed multiple repairs recently due to repeated leaks and breaks. Replacement is the best option to stop these leaks from occurring. This project includes services to prepare for the replacement of the 4,000 linear feet of 8-inch force main. The upgrades will include the following: upsize the force main from 8-inches to 10-inches; replacing force main with PVC and/or HDPE pipe (force main is currently PVC); starting force main at discharge point of Lift Station 24 and ending outside of County Road 44 right-of-way just south of the intersection with Hicks Ditch Road. The scope of work for professional services includes:

- General
 - Kimley-Horn will prepare bid documents including engineering design drawings, specifications, and opinion of probable construction cost.
 - A survey including pertinent information for this project will be provided.
 - Kimley-Horn will coordinate the needed geotechnical information with the geotechnical firm.
 - Kimley-Horn will prepare and submit applicable permit applications and supporting documentation.
 - Kimley-Horn will, upon authorization to proceed with the bidding and award phase: provide a hard copy and digital copy of Contract Documents; attend and lead a pre-bid conference; provide written response(s) to bidders as needed; and assist the City in evaluation bids and providing a recommendation for award.

Recommended Action:

Staff recommends approval of Resolution Number 24-09.

Policy Implications:

Not applicable.

Alternatives:

- 1. Approve Resolution Number 24-09
- 2. Deny Resolution Number 24-09

Discussion of Alternatives:

- 1. Alternative 1 approves the Resolution.

Advantages:

- Force main will be replaced with a new, larger diameter pipe.
- Force main replacement will equate to a much rarer occurrence of main breaks.

Disadvantages:

- There is no disadvantage to approving the Resolution.

- 2. Alternative 2 denies the Resolution.

Advantages:

- There is no advantage to denying the Resolution.

Disadvantages:

- Continuous main breaks could result in leaking sewage and higher costs for future repairs
- May result in repercussions from the Department of Environmental Protection due to environmental hazards caused by main breaks

Budget/Staff Impact:

The approved budget has allocated funds of \$76,700 for the replacement of the CR 44 Force Main as shown below:

042-8600-535-66-16	CR 44 Force Main	\$50,000
040-3300-533-30-31	Admin Professional Services	\$26,700

Additionally, the following Capital Project has been completed below budget and the following transfer is requested into Account 042-8600-535-66-16:

042-8600-535-66-88	Holding Pond Improvements	\$55,000
--------------------	---------------------------	----------

The proposed budget transfer would result in a project balance of \$131,700.

Prepared By:

Olivia Kilgore, Sr. Staff Assistant – Water Department

Reviewed By:

Paul Shepherd, Water Superintendent
 Greg Dobbins, Deputy Director Water/Wastewater
 Rick Gierok, P.E., Director of Public Works, City Engineer

Attachment(s):

Resolution Number 24-09

Available Upon Request

Kimley-Horn County Road 44 Force Main Replacement Proposal

RESOLUTION NUMBER 24-09

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PURCHASE IN EXCESS OF \$50,000 FOR PROFESSIONAL SERVICES FOR THE REPLACEMENT OF 4,000 LINEAR FEET OF SEWER FORCE MAIN THAT CONVEYS FLOW DOWNSTREAM OF LIFT STATION 24 ALONG COUNTY ROAD 44, AUTHORIZING THE CITY MANAGER TO EXECUTE ALL RELATED AGREEMENTS, AND AUTHORIZING A BUDGET TRANSFER IN THE AMOUNT OF \$55,000.

WHEREAS, the City's approved Capital Improvement Budget includes funds for the purchase of professional services for replacement of sewer force main; and

WHEREAS, the new sewer force main will drastically reduce the number of main breaks and repair costs associated with said breaks; and

WHEREAS, Kimley-Horn and Associates, Inc. submitted a proposal to assist in providing professional services for replacement of the force main; and

WHEREAS, in accordance with rates agreed to in the Continuing Services Agreement between Kimley-Horn and Associates, Inc. and the City, they are offering these professional services for the estimated amount of \$131,700; and

WHEREAS, the approved budget has allocated funds of \$76,700 for the replacement of the CR 44 Force Main; and

WHEREAS, Staff is requesting fund transfers totaling \$55,000 from the following Capital project: Holding Pond Improvements (#042-8600-535-66-88) into CR 44 Force Main Replacement Project Fund (#042-8600-535-66-16).

WHEREAS, the City of Eustis Purchasing Ordinance requires that the City Commission approve any purchase in excess of \$50,000.

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

- (1) The City Commission hereby authorizes the City Manager to execute all agreements with Kimley-Horn and Associates, Inc. for the approved purchase; and
- (2) The City Manager is hereby authorized to approve a purchase in excess of \$50,000 for the procurement of professional services for the County Road 44 Sewer Force Main Replacement utilizing budgeted funds from account numbers 042-8600-535-66-16 and 040-3300-533-30-31; and
- (3) The City Manager is hereby authorized to approve a budget fund transfer totaling \$55,000 as follows:
 - From Account No. 042-8600-535-66-88 \$55,000
 (Holding Pond Improvements)
 - Into Account No. 042-8600-535-66-16 CR 44 Force Main

(4) The Purchasing Department is hereby authorized to complete the transaction in accordance with this resolution; and

(5) This resolution shall become effective immediately upon passing.

DONE AND RESOLVED, this 18th day of January, 2024, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 18th day of January 2024, 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 has been reviewed and approved as to form and legal content, for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 24-09 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

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: January 18, 2024

RE: Resolution Number 24-12 Purchase in Excess of \$50,000 for a New Vacuum Truck

Introduction:

Resolution Number 24-12 authorizes a purchase in excess of \$50,000 for a scheduled replacement of the high pressure jetting vacuum truck, authorizes a budget amendment and fund transfer to complete this transaction.

Background:

The Public Works Department's vacuum truck is due for replacement. The current vacuum truck is timeworn and no longer operational. The approved FY 2023-24 Capital Budget includes a partial allocation for the purchase of a new one. Staff is requesting a fund transfer to match the purchasing price.

The vacuum truck is essential in handling large-scale water and debris cleanout of our stormwater systems and to maintain this system throughout the City. Also, this equipment is vital for performing culvert condition assessments. This vacuum system has a 4400 CFM Blower with an 8-inch vacuum hose, a hydraulic telescoping power boom system that reaches over 27-feet, a debris tank that has a 9-cubic yard capacity, and has high pressure jetting with a 1,000-gallon capacity water tank.

Staff has found a new 900-ECO Vacuum Truck for \$459,993. Jet-Vac Equipment Company of Apopka, Florida is honoring this price per the Sourcwell Contract #101221-SCA. This equipment is replacing a worn-out, inoperable vacuum truck that is scheduled for replacement.

The approved 2023-24 Capital Improvement Plan has \$320,000 programmed for this purchase in Account #010-8600-538-60-04. Staff is requesting a budget amendment and funds transfer from the Stormwater Culvert Replacement account (#049-3720-538-60-02) for \$140,000 to match the purchasing price:

<u>From:</u> 049-3720-538-60-02	Stormwater Culvert Replacement	\$140,000
<u>Into:</u> 010-8600-538-60-04	Stormwater Machinery Equipment	<u>\$320,000</u>
	<i>Vacuum Truck Purchasing Price</i>	<i>\$460,000</i>

The City Purchasing Ordinance requires that the Commission approve any purchase that exceeds \$50,000.

Recommended Action:

Staff recommends approval of Resolution Number 24-12

Policy Implications:

n/a

Alternatives:

1. Approve Resolution Number 24-12
2. Deny Resolution Number 24-12

Discussion of Alternatives:

1. Alternative 1 approves the Resolution.

Advantages:

- The City staff will have safe, reliable equipment to use while performing stormwater maintenance and culvert replacement responsibilities.

Disadvantages:

- Fiscal impact of the purchase.

2. Alternative 2 denies the Resolution.

Advantages:

- The City would not expend \$460,000.

Disadvantages:

- City Staff will not be able to maintain the Stormwater System, which will cause Citywide flooding, property damage, and threaten human and wildlife safety.
- The City would be in violation of State and Federal regulations.

Budget/Staff Impact:

The partial funds for the proposed purchase have been included in the approved Fiscal Year 2023/2024 CIP budget, Account #010-8600-538-60-04. Staff is requesting a budget amendment and fund transfer of \$140,000 from Account #049-3720-538-60-02 to match the purchasing price.

Prepared By:

Sally Mayer, Administrative Assistant – Public Utilities

Reviewed By:

Rick Gierok, P.E., Director of Public Works / City Engineer

RESOLUTION NUMBER 24-12

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, APPROVING A PURCHASE EXCEEDING \$50,000 FOR A NEW VACUUM TRUCK; AUTHORIZING A BUDGET AMENDMENT & FUND TRANSFER IN THE AMOUNT OF \$140,000; AND AUTHORIZING THE EUSTIS PURCHASING MANAGER TO PROCEED WITH THE PURCHASE FROM JET-VAC EQUIPMENT COMPANY OF APOPKA, FLORIDA

WHEREAS, the Eustis Public Works Department is responsible for maintaining the City's Stormwater System; and

WHEREAS, a Vacuum Truck is an essential piece of machinery necessary to perform these duties; and

WHEREAS, the current Vacuum Truck is timeworn and no longer operational; and

WHEREAS, the City's approved 2023-2024 Budget includes funds for the purchase of a new 900-ECO Vacuum Truck in the Stormwater Machinery Equipment Account #010-8600-538-60-04; and

WHEREAS, additional funds are needed to complete this purchase; and

WHEREAS, Staff is requesting a budget amendment and transfer of funds from the Stormwater Culvert Replacement Account #049-3720-538-60-02 into the Stormwater Machinery Equipment Account; and

WHEREAS, the City of Eustis Purchasing Ordinance requires that the City Commission approve any budget amendments and purchases exceeding \$50,000.

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

- (1) The City Commission hereby authorizes the Purchasing Manager to proceed with the purchase of a new 900-ECO Vacuum Truck from Jet-Vac Equipment Company; and
- (2) The Finance Department is hereby authorized to complete a budget amendment to transfer \$140,000 from account #049-3720-538-60-02 into account #010-8600-538-60-04 in accordance with this resolution; and
- (3) That this resolution shall become effective immediately upon passing.

DONE AND RESOLVED, this 18th day of January, 2024, in regular session of the City Commission of the City of Eustis, Lake County, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me, by means of physical presence, this 18th day of January, 2024, 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

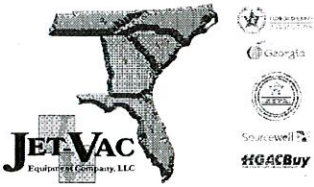
This document has been reviewed and approved as to form and legal content, for use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 24-12 is hereby approved, and I certify that I published the same by posting one copy hereof at City Hall, one copy hereof at the Eustis Memorial Library, and one copy hereof at the Eustis Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk



5746 Broad Street
SUMTER, SC 29154

4036 Bennett Road
COOKEVILLE, TN 38506

5500 S Cobb Drive, Bld 200, Suite 210
ATLANTA, GA 30339

1350 Sheeler Avenue, Building 12, Unit 7
APOPKA, FL 32703

www.jet-vac.com

Item 5.4

Ship To: City of Eustis
Public Works Dept.
400 Morin St
Eustis, FL 32726-4507

Invoice To: City of Eustis
Attn: Accounts Payable
400 Morin Street
Eustis FL 32726

Attention: Jeff Crider

Branch 50 - APOPKA		
Date 01/08/2024	Time 12:16:37 (O)	Page 1
Account No EUSTI001	Phone No 3523572414	Est No 01 Q00579
Ship Via Delivered	Purchase Order	
Tax ID No		
		Salesperson MS2 / HH1

EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 02/07/2024 Amount

Sourcewell Contract #101221-SCA

Sewer Equipment - High Pressure Jetting, Vacuum,
Hydro-Excavating & Recycling
Maturity Date: 11/29/2025

900-ECO 9 Yard Truck Mounted Combination Sewer Cleaner to 374830.10

Include the Following:

Vacuum System:

- 4400 CFM Blower
- 8" Vacuum Hose system
- 18" Hg vacuum rating
- Dual Cyclone Separator
- Dual Element 10 Micron Final Filter
- Remote Vacuum Relief
- Analog Vacuum Display
- (6) Tube / Tube Rack

Boom:

- Telescoping Boom System
- Telescoping Reach 17' 2" to 27' 2"
- Hydraulic Powered Boom
- 180° Working Radius
- Boom Joystick Control

Debris Tank:

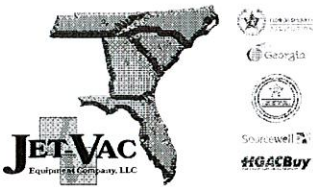
- 9 Cubic Yard Capacity
- Hydraulic Dump, 50° Dump Angle
- Dual Ported Rear Door w/ Knife Valve
- Dump Height 60"
- Hydraulic Open/Close/Lock Door

Water System:

- 1000 Gallon Capacity Water Tank
- Giant plunger style triplex pump UPGRADED TO 80 gpm @ 2500 psi w/ 30 min run dry
- Black Duraprolene Water Tank Construction w/ 10 Year Warranty

Accounts not paid within 30 days of the date of the invoice are subject to a 1.5% monthly finance charge.

Thank You For Your Business!



5746 Broad Street
SUMTER, SC 29154
4036 Bennett Road
COOKEVILLE, TN 38506

5500 S Cobb Drive, Bld 200, Suite 210
ATLANTA, GA 30339

1350 Sheeler Avenue, Building 12, Unit 7
APOPKA, FL 32703
www.jet-vac.com

Item 5.4

Ship To: City of Eustis
Public Works Dept.
400 Morin St
Eustis, FL 32726-4507

Invoice To: City of Eustis
Attn: Accounts Payable
400 Morin Street
Eustis FL 32726

Attention: Jeff Crider

Branch 50 - APOPKA		
Date 01/08/2024	Time 12:16:37 (O)	Page 2
Account No EUSTI001	Phone No 3523572414	Est No 01 Q00579
Ship Via Delivered	Purchase Order	
Tax ID No		
		Salesperson MS2 / HH1

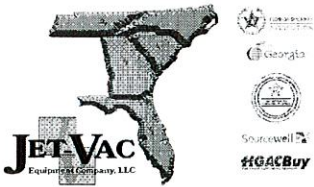
EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 02/07/2024 Amount

Cold Weather Recirculation System
2.5" Hydrant Fill system
Air Purge Valve
Variable Volume Delivery
Low Water Warning Light
Analog Pressure Display
Front and Mid Ship Hand Gun Ports
Electrical:
NEMA 4 Control Panel
Hour Meter (Blower & Water Pump)
Military Spec. Sealed Switches
Truck:
Mounting to Approved Chassis
(1) Alum Toolbox 24"x42"x100" - Behind Cab
LED D.O.T. Approved Lighting
(2) Tow Hooks Front Bumper
Hose Reel & Hose:
Front Mounted Telescoping & Rotating
800' X 1" Hose Capacity
10' Leader Hose
Single Side Controls
Accessories:
(3) 8" x 6' Extension Tube
(1) 8" X 3' Extension Tube
(1) 8" x 6' Crowned Suction Nozzle
(1) 6" x 10' Flat Discharge Hose
BB Hose Guide
Tri-Star (chisel point) nozzle
DD (high flow) nozzle
Finned Nozzle extension
Nozzle Rack (Mounted midship toolbox)
25' Fill Hose
Upstream Pulley Guide
Washdown Gun w/ 50' of Hose

Accounts not paid within 30 days of the date of the invoice are subject to a 1.5% monthly finance charge.

Thank You For Your Business!



5746 Broad Street
SUMTER, SC 29154
4036 Bennett Road
COOKEVILLE, TN 38506

5500 S Cobb Drive, Bld 200, Suite 210
ATLANTA, GA 30339

1350 Sheeler Avenue, Building 12, Unit 7
APOPKA, FL 32703
www.jet-vac.com

Item 5.4

Ship To: City of Eustis
Public Works Dept.
400 Morin St
Eustis, FL 32726-4507

Invoice To: City of Eustis
Attn: Accounts Payable
400 Morin Street
Eustis FL 32726

Attention: Jeff Crider

Branch 50 - APOPKA		
Date 01/08/2024	Time 12:16:37 (O)	Page 3
Account No EUSTI001	Phone No 3523572414	Est No 01 Q00579
Ship Via Delivered	Purchase Order	
Tax ID No		
		Salesperson MS2 / HH1

EQUIPMENT ESTIMATE - NOT AN INVOICE

Description ** Q U O T E ** EXPIRY DATE: 02/07/2024 Amount

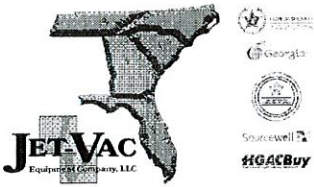
Cleaner, Tip, Torch, Small
(1) Hydrant Wrench
(1) Paper Owner's Manual

FOOTAGE METER (mounted on jet hose reel)
500' X 1" I.D. X 2500 P.S.I. SEWER HOSE
DIGITAL WATER TANK LEVEL GAUGE
2" Y-STRAINER ON INLET FILL SYSTEM
FILL HOSE STORAGE RACK
CENTRAL WASHDOWN SYSTEM (includes 50' of 1/2" hose on a
spring retracting hose reel mounted mid-ship)
REAR TOOLBOX GROUP w/ (2) long handle tool storage tubes
(includes (2) 24"x18"x18" boxes, (1) 63.75"x17.25"x12"
cabinet and (2) 4" tubes)
(2) 30"x18"x18" passenger side toolboxes with retractable
two-step ladder
ADDITIONAL 18"x18"x30" ALUMINUM TOOLBOX
EXPANDED METAL STORAGE BASKET DS FRAME RAIL
DEBRIS BODY WASH OUT SYSTEM (includes dual nozzles in
debris box)
DECANT SCREEN ON REAR DOOR PORT (swing out perforated
shield)
ENHANCED VISIBILITY CAMERA SYSTEM (includes front and rear
mounted camera heads with monitor in cab)
(6) LED FLUSH MOUNTED STROBES: (2) FRONT, (2) SIDE & (2)
REAR FACING (factory standard)
LED ARROW STICK (factory standard)
LED BOOM MOUNTED WORK LIGHTS (2) (complete with limb guard)
LED REAR MOUNTED WORK LIGHTS (2) : LOCATED ABOVE REAR DOOR
SIX (6) 28" D.O.T. SAFETY CONES AND HOLDER
CENTRAL LUBRICATION SYSTEM
(2) TOW HOOKS REAR BUMPER

Freightliner 114SD Plus Cummins 370HP Single Axle 122807.00

Accounts not paid within 30 days of the date of the invoice are subject to a
1.5% monthly finance charge.

Thank You For Your Business!



5746 Broad Street
SUMTER, SC 29154
4036 Bennett Road
COOKEVILLE, TN 38506

5500 S Cobb Drive, Bld 200, Suite 210
ATLANTA, GA 30339

1350 Sheeler Avenue, Building 12, Unit 7
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Item 5.4

Ship To: City of Eustis
Public Works Dept.
400 Morin St
Eustis, FL 32726-4507

Invoice To: City of Eustis
Attn: Accounts Payable
400 Morin Street
Eustis FL 32726

Attention: Jeff Crider

Branch 50 - APOPKA		
Date 01/08/2024	Time 12:16:37 (O)	Page 4
Account No EUSTI001	Phone No 3523572414	Est No 01 Q00579
Ship Via Delivered	Purchase Order	
Tax ID No		
		Salesperson MS2 / HH1

EQUIPMENT ESTIMATE - NOT AN INVOICE

Description	** Q U O T E **	EXPIRY DATE: 02/07/2024	Amount
Miscellaneous Charges/Credits =====			
EQP SOURCEWELL DISCOUNT	Qty: 1	Price: 11244.90	11244.90-
EQP SHIPPING	1	3500.00	3500.00
JET-VAC DISCOUNT	1	29900.00	29900.00-

Subtotal: 459992.20
Quote Total: 459992.20

Authorization: _____

Accounts not paid within 30 days of the date of the invoice are subject to a 1.5% monthly finance charge.

Thank You For Your Business!



City of Eustis

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

TO: EUSTIS CITY COMMISSION

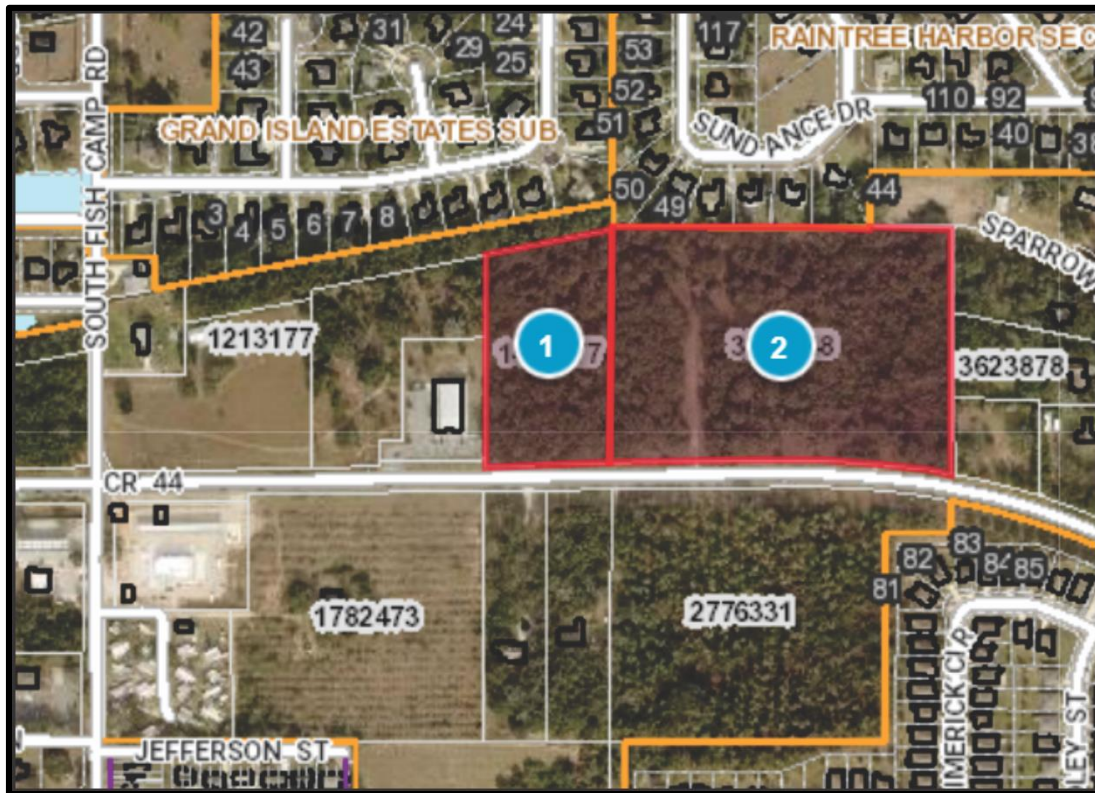
FROM: TOM CARRINO, CITY MANAGER

DATE: JANUARY 18, 2024

RE: RESOLUTION NUMBER 24-05: PRELIMINARY SUBDIVISION PLAT FOR ANGLER'S POINTE 48-LOT SUBDIVISION ON COUNTY ROAD 44, EAST OF THE GRAND ISLAND DOLLAR GENERAL STORE (ALTERNATE KEY NUMBERS 1407877 AND 3395948)

Introduction:

Resolution Number 24-05 approves a preliminary subdivision plat for the Angler's Pointe preliminary subdivision plat with 48-lot detached single-family residential lots on approximately 16.27 acres located on the north side of County Road 44, East of the Grand Island Dollar General Store (Lake County Property Appraisers' Alternate Key Numbers: 1407877 and 3395948).



Recommended Action:

The administration recommends approval of Resolution Number 24-05.

Background:**Pertinent Site Information:**

- The subject property comprises about 16.27 acres, which is currently vacant other than being mostly wooded.
- The site is within the Suburban Residential (SR) land use district, which allows single-family detached residential homes.
- The property is within the Suburban Neighborhood Design District.
- The site and surrounding properties' land use, design district designations, and existing uses are shown below:

Location	Existing Use	Future Land Use	Design District
Site	Undeveloped Wooded Property	Suburban Residential (SR)	Suburban Neighborhood
North	Single Family Residential Railroad Right-of-way (Partial)	Urban Low	N/A
South	Single Family Residential	Mixed Commercial Residential (MCR)	Suburban Neighborhood
East	Single Family Residential	County Agricultural (A)	N/A
West	Vacant Commercial/ Dollar General Store	Mixed Commercial Residential (MCR)	Suburban Corridor

Proposed Development:

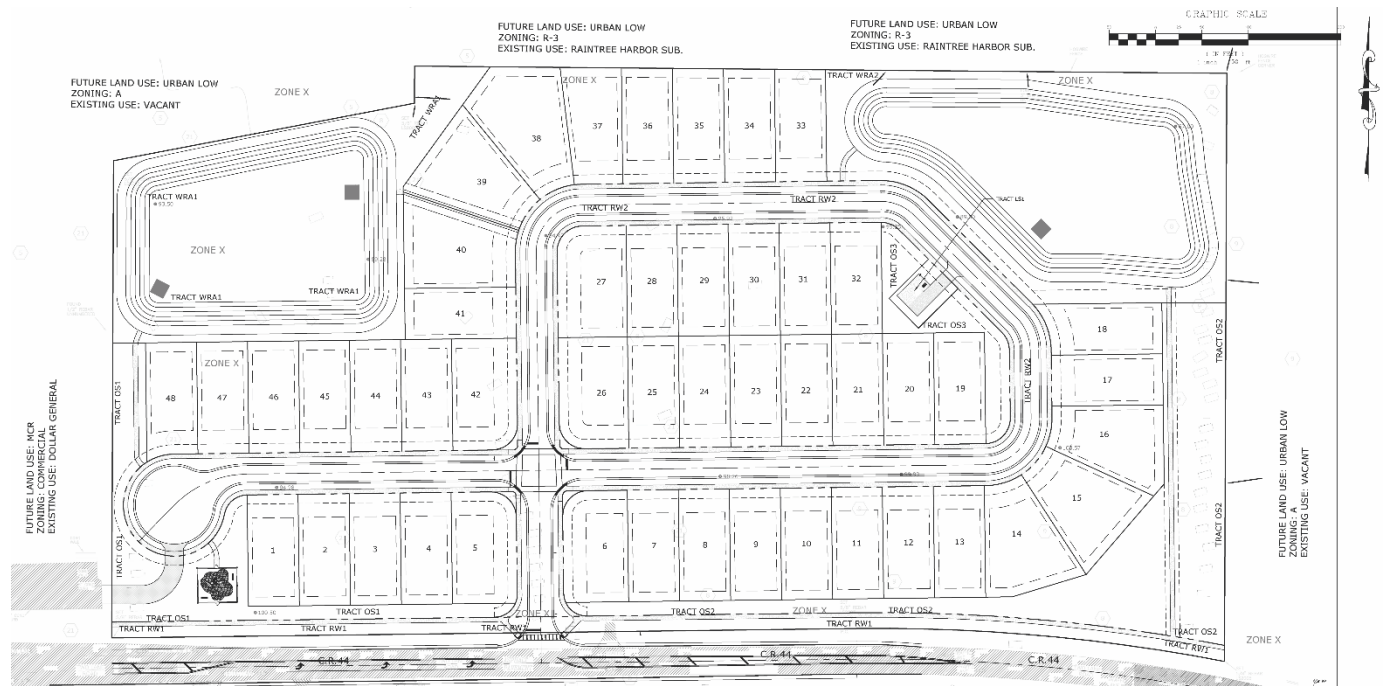
The proposed development is 48 house lot type (conforming with the Suburban Neighborhood design district and Section 110-4.2, House lot type) lots for single-family detached residences. The minimum lot dimensions will be 55 feet by 120 feet. Exhibit A shows the subdivision layout and other basic information, including the following development characteristics:

Subdivision Component	Code	Provided
Gross Area	n/a	16.27 acres / 708,721 square feet
Net Area (gross area less wetlands, water bodies)	n/a	16.27 acres
Lot Typology	House Lot	48 lots, each minimum 55' by 120' except for a few lots in and around the curves.
Density	5 dwelling units/acre maximum (81 dwelling units max.)	2.95 dwelling units/acre

	permitted here)	
Open Space	25% minimum (4.07 ac)	33.7% (5.48 ac)
Park Space	0.5 acres for 25-49 lots	3.07 acres
Landscape Buffers	15-24 feet adjacent to public r/w	15 feet along County Road 44

Waivers:

No waivers are requested and this proposed preliminary subdivision plat is meeting all City requirements in the Code of Ordinances and Land Development Regulations as well as the Florida Statutes at this time.



Proposed Angler's Point Subdivision

Analysis of Request According to Applicable Policies and Codes:

Comprehensive Plan - Future Land Use Element Appendix; Land Development Regulations Section 109-2.3, 109-3, 109-4: Suburban Residential (SR): This designation is provided to accommodate the majority of residential development within the City.

General Range of Uses: This designation is intended to provide for a mix of single-family detached, patio home, and townhouse dwellings in a suburban atmosphere and may also include ACLF, parks and recreation facilities, and schools.

Maximum Density/Intensity: Suburban Residential lands may be developed up to a maximum density of 5 dwelling units per net buildable acre. The maximum density may be exceeded through an affordable housing density bonus as provided in the Special Provisions. Maximum Impervious Surface Area 40%.

The preliminary subdivision plat provides for single-family detached homes at a maximum density of 2.95 dwelling units per acre in a Suburban Residential land use district, which permits up to 5 dwelling units per acre.

The preliminary subdivision plat is consistent with the Comprehensive Plan and Land Development Regulations, and provides for roadway, sidewalks, and maximum on-site impervious coverage of 6.5 acres equating to a 40% impervious surface area (maximum 40%).

The environmental report by Paradise Environmental, LLC submitted for the project stated “potentially occupied” gopher tortoise burrows on the property so a 100% gopher tortoise survey is recommended, prior to construction. In addition, they recommend that the subject property be revisited prior to the initiation of construction activities to determine if there have been any changes to the listed flora and fauna species found.

Property Owner is proposing to develop the subject site compatible with surrounding development patterns.

The proposed plan is consistent with the Suburban Residential land use per the Future Land Use Element Appendix of the Comprehensive Plan and the Land Development Regulations.

- f. Land Development Regulations – Design Districts Section 109-5.5

Suburban development patterns: Intent. The suburban development pattern relies primarily on a pattern of residential development that provides the majority of property owners with substantial yards on their own property. The street layout, comprised of streets with fewer vehicular connections, helps to reduce cut-through traffic and establishes distinct boundaries for residential communities/subdivisions. Each land use provides for pedestrian and bicycle connections.

The subdivision layout meets the intent of the Suburban Neighborhood development district. One subdivision entrance is provided on County Road 44, and there’s an emergency fire access on the west side of the subdivision. Sidewalks are provided throughout the subdivision.

- j. Land Development Regulations – **Building Lot Types – Section 110-4.2 House Lot.**

Minimum house lot requirements in Suburban design districts include the following:
Width of 55 feet; Depth of 120 feet; Square Footage of 6,600 feet

Minimum setback requirements for House Lots in Suburban design districts include the following: Street setback of 25 feet; Common lot setback of 5 feet; Rear setback of 10 feet.

The subdivision plat proposes House Lot typologies. Under Section 109-5.6, the Suburban Neighborhood Design District, Estate Lots, House Lots, and Duplex lots are permitted.

Section 115-3.2. (a), (b) and (c) address suburban districts and residential compatibility as follows:

Sec. 115-3.2. - Suburban districts.

(a) *Suburban residential compatibility.* The maximum residential density permitted within any suburban design district shall be consistent with the maximum density of the applicable land use district assigned to each property.

The maximum residential density of the Suburban Residential future land use district is 5 dwelling units per acre, the subdivision proposes a density of 2.95 dwelling units per acre.

(b) When any suburban design district abuts an existing development in a suburban district, and proposed new residential lots will share a common boundary with existing or platted lots:

(1) The width of the new lots may be no more than 150 percent of the width of the existing or platted lots, unless:

- (a) The existing or platted lots are non-conforming to the suburban design district standards;
- (b) Central sewer service is not available.

Section 115-4.2.1. (and Comprehensive Plan Policies FLU 5.2.1 and 5.2.9) includes general site design criteria to respect the natural topography of the site and follow the outlined four-step design process. Compliance as is demonstrated as follows:

Sec. 115-4.2.1. - All districts.

(a) General site design criteria. Proposed development plans must be organized into three components: 1) wetlands and water bodies; (2) open space; and (3) developed areas. The plan design must respect the natural topography of the site and generally follow the four-step design process described below:

(1) Step 1 - Delineate open space areas as outlined below: a. Create or add to a larger contiguous off-site network of interconnected open space, particularly existing habitats and opportunities for restoring native habitats. b. Create connected and integrated open space within the development to the maximum extent practicable based on the context-sensitive site design standards and priorities below: 1. Protect listed species. 2. Create/enhance connectivity. 3. Protect native habitat. 4. Restore native habitat.

The proposed subdivision plan provides for 3.07 acres of park space in areas around the subdivision, including pedestrian connections that provide an opportunity to create contiguous interconnected open space. Attention was given to providing for tree preservation, to the extent possible.

The plan provides for the retention of native trees that would remain viable post-development, and the landscape plan provides for the planting of new native species in the buffer along County Road 44. Additionally, each house before it is permitted will be required to have a minimum of 3 trees planted on their lot.

(2) Step 2 - Define development areas in such a way as to preserve the function, purpose and integrity of the natural features of the land, the on-site natural resources, and the environmental systems to the maximum extent practicable.

The engineer designed the site to match the existing grade as much as possible.

(3) Step 3 - Align streets and trails to avoid or at least minimize adverse impacts on designated open space. The streets and trails shall provide external and internal connectivity and the street layout of subsequent phases shall be coordinated with the street system of previous phases.

The site is currently wooded and does not provide functional open space. The street layout space have been designed to provide both external and internal connectivity.

(4) Step 4 - Lots lines and building placement should be added as the last step in the design process.

Sections 115-7, 8, and 9 outline standards for transportation, parks, and landscaping. A trip generation statement and request for an exemption from a tier 1 traffic analysis (TIA) were prepared by TMC (Traffic & Mobility Consultants) for the subdivision and submitted for review by the City's transportation consultant, Kimley-Horn. The traffic impact is de-minimis and exempt from a full TIA.

Recommended Action:

Staff recommends approval of the Preliminary Subdivision Plat for the Angler's Pointe Subdivision. The minimum required 55 feet wide by 120 feet deep House Lot is consistent with the Suburban Residential Future Land Use and the Suburban Neighborhood Design District. While the City is experiencing much growth and urbanizing in some areas, the majority of other residential development in the City is consistent with the proposed lot size and density. This proposed subdivision also meets or exceeds all other requirements in the City's Land Development Regulations and Comprehensive Plan.

Policy Implications:

If approved, the City would be showing support for development that meets the codes and ordinances set in place. This would show consistency, fairness, and predictability for future potential development. If denied, City would be denying something that is meeting all requirements, which would set a precedent for future developers to be unsure of what the City is looking for in applications if they do not approve something meeting the Code.

Community Input:

The department has properly advertised the Resolution in the newspaper; notified surrounding properties within 500 feet, and posted the property. No comments have been received at the time this report was prepared.

As listed in Section 163.3177(6)(i), Florida Statutes, a local government may adopt its own property rights element or use the following statement of rights:

The following rights shall be considered in local decision-making:

1. The right of a property owner to physically possess and control his or her interests in the property, including easements, leases, or mineral rights.
2. The right of a property owner to use, maintain, develop, and improve his or her property for personal use or for the use of any other person, subject to state law and local ordinances.
3. The right of the property owner to privacy and to exclude others from the property to protect the owner's possessions and property.
4. The right of a property owner to dispose of his or her property through sale or gift.

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.

Prepared By:

Mike Lane, AICP – Development Services Director

RESOLUTION NUMBER 24-05

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A PRELIMINARY SUBDIVISION PLAT FOR ANGLER'S POINTE, A 48-UNIT SINGLE-FAMILY RESIDENTIAL SUBDIVISION, ON APPROXIMATELY 16.27 ACRES OF PROPERTY LOCATED AT ON THE NORTH SIDE OF COUNTY ROAD 44, APPROXIMATELY 1,000 FEET EAST OF SOUTH FISHCAMP ROAD 44 (ALTERNATE KEY NUMBERS 1407877 AND 3395948).

WHEREAS, DWPM Ventures, LLC (applicant), on behalf of Lorna R. Tillotson and Nicole Wagner (owners), has made an application for Preliminary Subdivision Plat approval for Angler's Pointe Subdivision (48 single-family dwelling units) on approximately 16.27 acres located on the north side of County Road 44, just over 1,000 feet east of South Fishcamp Road, more particularly described as follows:

Parcel Alternate Key Numbers: 1407877 and 3395948

Parcel Identification Numbers: 32-18-26-0001-000-01000 and 33-18-26-0002-000-00600

COMMENCE at the Northwest corner of Section 33, Township 18 South, Range 26 East, Lake County, Florida, and the Northwest corner of Raintree Harbor Section Two, the plat thereof recorded in Plat Book 32, Page 20, Public Records of Lake County, Florida; thence run along the West line of said Section 33, and West boundary of said Raintree Harbor Section Two, S00°10'12"W, a distance of 1326.87 feet to a point on the West line of said Section 33 and the Southwest corner of said Raintree Harbor Section Two; thence run along the South line of said Raintree Harbor Section Two, S89°29'40"E, a distance of 875.44 feet to a point; thence run S00°10'28"W, a distance of 633.20 feet to a point on the Northerly Right-of-Way line of State Road 44, and a curve concave to the West, having a radius of 1964.32 feet, chord bearing of N84°57'09"W, a distance of 398.39 feet; thence run Westerly through an angle of 11°38'25" for a distance of 399.07 feet to a point on the Northerly Right-of-Way line of said State Road 44; thence continuing along said Northerly Right-of-Way line S89°13'46"W, a distance of 803.15 feet to a point on said Northerly Right-of-Way line of State Road 44; thence run N00°10'47"E, a distance of 514.35 feet to the Southerly Right-of-Way line of the Atlantic Coastline Railroad; thence run along said Southerly Right-of-Way line of the Atlantic Coastline Railroad N79°12'29"E, a distance of 330.54 feet to a point on the West line of said Section 33; thence run along said West line of said Section 33 N00°10'47"E, a distance of 39.44 feet to the Point of Beginning.

WHEREAS, the property described above has a Land Use Designation of Suburban Residential (S) and a Design District Designation of Suburban Neighborhood; and

WHEREAS, Single-family detached residential dwelling units, at a density of than 5 dwelling units per acre or less, are permitted in the Suburban Residential (SR) land use

designation; and

WHEREAS, the proposed preliminary subdivision plat as submitted is generally consistent with the City’s Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Commission finds that approval of the requested preliminary subdivision plat is in the best interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE EUSTIS CITY COMMISSION AS FOLLOWS:

SECTION 1. That the Angler’s Pointe Preliminary Subdivision Plat for 48 single-family residential units located on the north side of County Road 44, just over 1,000 feet east of South Fishcamp Road, attached hereto as Exhibit “A”, is hereby approved:

SECTION 2. That the Preliminary Subdivision Plat shall be subject to the owner/developer complying with the following conditions:

- a) Submit the Final Engineering and Construction Plans and Final Plat to be comply with all requirements of the Eustis Land Development Regulations, Eustis Engineering Design Standards Manual, Florida Statutes, and the provisions of this resolution within one year of the approval of this resolution.
- b) Develop the property in accordance with the approved Preliminary Subdivision Plat as referenced in Section 1 and attached hereto as Exhibit "A".
- c) Obtain and provide copies of all applicable permits from other jurisdictional agencies.

DONE AND RESOLVED this 18th day of January 2024 in a regular session of the City Commission of the City of Eustis, Florida.

CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 18th day of January 2024, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 24-05 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: January 18, 2024

RE: Resolution Number 24-06: Preliminary Subdivision Plat for Kurt Street Townhomes, A 62-unit Townhome Residential Subdivision on approximately 5.97 acres of property, located on the west side of Kurt Street, west of West Charlotte Avenue (Alternate Key Numbers: 2930497 and 3859180)

Introduction:

Resolution Number 24-06 approves a preliminary subdivision plat for the Kurt Street Townhomes preliminary subdivision plat with 62 townhome residential units (13 buildings) on approximately 5.97 acres located on the west side of Kurt Street, West of West Charlotte Avenue (Lake County Property Appraisers' Alternate Key Numbers: 2930497 and 3859180).



Recommended Action:

The administration recommends approval of Resolution Number 24-06.

Pertinent Site Information:

- a. The subject property comprises about 5.97 acres, which is currently vacant other than being sparsely wooded on the north side of the property).

- b. The site is within the Mixed Commercial/Residential (MCR) land use district, which allows single-family attached residential homes including duplexes, row houses, and townhomes.
- c. The property is within the Suburban Neighborhood design district.
- d. The site and surrounding properties' land use, design district designations, and existing uses are shown below:

Location	Existing Use	Future Land Use	Design District
Site	Undeveloped Partially Wooded Property	Mixed Commercial/Residential (MCR)	Suburban Neighborhood
North	Office/Business Park	Mixed Commercial/Residential (MCR)	Suburban Neighborhood
South	Senior Housing Apts.	Mixed Commercial/Residential (MCR)	Suburban Neighborhood
East	Medical Clinic/Tech School Parking	Mixed Commercial/Residential (MCR)	Suburban Neighborhood
West	Single Family Residential – (Grafton Ridge Subdivision)	Mixed Commercial/Residential (MCR)	Suburban Neighborhood

Proposed Development:

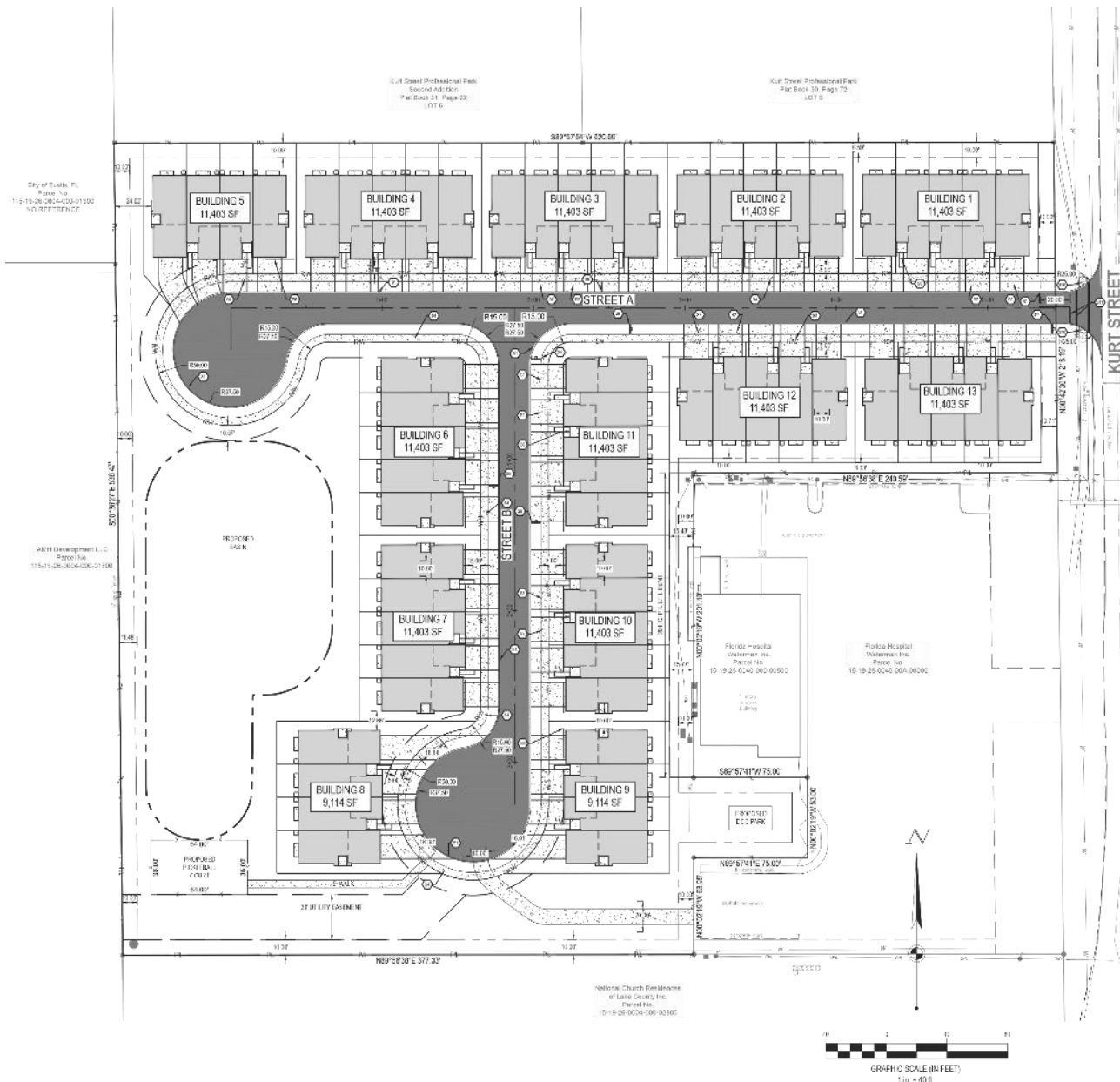
The proposed development is 62 townhouse lot type (conforming with the Suburban Neighborhood design district and Section 110-4.5, Townhouse lot type) lots for single-family attached residences. The minimum lot dimensions will be 22 feet by 80 feet. Exhibit A shows the subdivision layout and other basic information, including the following development characteristics:

Subdivision Component	Code	Provided
Gross Area	n/a	5.97 acres / 260,053 square feet
Net Area (gross area less wetlands, water bodies)	n/a	N/A
Lot Typology	Townhouse Lot	Townhouse Lot (22' x 80' lots)
Density	12 dwelling units/acre maximum (71 dwelling units max. permitted here)	10.38 dwelling units/acre (62 townhome units)
Open Space	25% minimum (1.49 ac)	31% (1.85 ac)

Park Space	1 acre for 50-99 lots	1.84 acres provided
Landscape Buffers	Buffers smaller than 15' may be permitted when the building is sited with a street setback between 5' to 15'.	10 foot landscape buffer along Kurt Street – due to the building being 15' set back from Kurt Street.

Waivers:

No waivers are requested and this proposed preliminary subdivision plat is meeting all City requirements in the Code of Ordinances and Land Development Regulations as well as the Florida Statutes at this time.



Analysis of Request According to Applicable Policies and Codes:
 Comprehensive Plan - Future Land Use Element Appendix; Land Development Regulations Section 109-2.6, 109-3, 109-4:

Mixed Commercial/Residential land use accommodates a mix of residential, commercial, office, institutional, and schools. Residential densities may not exceed 12 dwelling units per net buildable acre. Maximum Impervious Surface Area 40%; Minimum open space required 25%.

The preliminary subdivision plat provides for single-family attached townhomes at a maximum density of 10.38 units per acre (allowed up to 12 du/ac). The plan provides for permeable sidewalks and driveways throughout the site equating to 40% impervious surface area (maximum 40% ISR permitted). The proposed plan is consistent with the Future Land Use Element Appendix of the Comprehensive Plan and the Land Development Regulations.

a. Land Development Regulations-Building Lot Types – Section 110-4.5 Townhouse Lot

Minimum townhouse lot requirements in Suburban design districts include the following:

Width of 22-feet (max 32); Depth of 80 feet (max 120); Square Footage of 1760 sq. feet (max 3840)

Street setback of 0 to 20-feet; Common lot setback of 0-feet; Alley setback of 15-feet

The subdivision plat proposes Townhouse Lot typologies, which lots meet the minimum dimensional criteria of the Land Development Regulations. The typical lot section provided demonstrates the setbacks for the lots meet the requirements. Several of the buildings on Kurt Street will sit back 15' from the right-of-way.

b. Section 115-4.2.1. (and Comprehensive Plan Policies FLU 5.2.1 and 5.2.9) includes general site design criteria to respect the natural topography of the site and follow the outlined four-step design process. The applicant has demonstrated compliance as follows:

“The site design of Kurt Street townhomes took into account the existing topography of the area surrounding the site. The site is bordered to the north by an office/business park, to the south and west by residential, and to the east by commercial/public institutional. The layout proposed is optimized to provide as much open space, as possible.”

Section 115-4.9 includes the City’s stormwater management regulations. The site drains to the west; the main stormwater pond is located at the west side of the site adjacent to the Grafton Ridge Subdivision. Via the development review committee process, the City engineering department reviewed and approved the drainage calculations and stormwater plan. A St. Johns River Water Management District permit will also be required for the project.

Sections 115-7, 8 and 9 outline standards for transportation, parks, and landscaping. A traffic impact statement was prepared for the subdivision. The proposed project will result in 11 inbound trips and 24 outbound trips in the AM peak hour period and 23 inbound trips and 18 outbound trips in the PM peak hour period. The local roadway network has adequate capacity to accommodate the new trips without reducing the Level of Service (LOS). Therefore, the project is exempt from completing a Tier 1 Traffic Impact Analysis.

Regarding parks, the subdivision plan provides for a walking trail, pickleball court, and the bottom of the stormwater pond on the west and southern side. On the east side, there will also be a dog park, adjacent to the medical clinic to meet the minimum park space (1.0 acre). Total provided park space is 1.84 acres.

A 10' landscape buffer is proposed along Kurt Street, in compliance with City regulations.

Summary of Recommendation:

Staff recommends approval of the Kurt Street Townhomes, as the proposed density of 10.38 units per acre falls below the maximum and the subdivision plan meets or exceeds required design standards per the Land Development Regulations.

Alternatives:

1. Approve Resolution Number 24-06
2. Deny Resolution Number 24-06

Discussion of Alternatives:

Alternative 1 approves Resolution Number 24-06

Advantages:

- The property owner can move forward with the proposed development.
- The action will provide for new residential development, potential job creation in the City, and increased tax revenue.
- The action is consistent the Commission's Strategic Plan policies to encourage economic development.
- The action is consistent with the goals, objectives, and policies of the Comprehensive Plan, including the Housing Element, which outlines the goal to promote safe, sanitary and affordable housing to meet the needs of various household types and income groups characteristic of the City and planning area.

Disadvantages:

- The property owner could not develop according to the submitted preliminary plat.
- The City could lose an economic development opportunity.

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. Upon end user development, the City would realize increased tax revenue.

Community Input:

Development Services has placed the proper legal advertisements in the newspaper; notified surrounding property owners within 500 feet; and the property was posted. As of January 9, 2024, staff has received no public input or inquiries regarding this request.

Prepared By:

Mike Lane, AICP – Development Services Director

Attachments

- Resolution Number 24-06 w/Exhibit A – Preliminary Subdivision Plat

RESOLUTION NUMBER 24-06

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A PRELIMINARY SUBDIVISION PLAT FOR KURT STREET TOWNHOMES, A 62-UNIT TOWNHOME RESIDENTIAL SUBDIVISION, ON APPROXIMATELY 5.97 ACRES OF PROPERTY LOCATED ON THE WEST SIDE OF KURT STREET, WEST OF WEST CHARLOTTE AVENUE (ALTERNATE KEY NUMBERS 2930497 AND 3859180)

WHEREAS,. DDC Management (applicant), on behalf of GT Desi Corp (owners), has made an application for Preliminary Subdivision Plat approval for Kurt Street Townhomes (62 townhome residential units) on approximately 5.97 acres located on the west side of Kurt Street, west of West Charlotte Avenue, more particularly described as follows:

Parcel Alternate Key Numbers: 2930497 AND 3859180

Parcel Identification Numbers: 15-19-26-0004-000-02900; 15-19-26-0004-000-03500

LEGAL DESCRIPTION

TRACT ONE:

THE NORTH 218.22 FEET OF THE NORTH 536.22 FEET OF THE SOUTH 740.82 FEET OF THE FOLLOWING DESCRIBED PROPERTY: NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL BEING IN SECTION 15, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; LESS AND EXCEPT THE EAST 40.0 FEET THEREOF.

TRACT TWO:

LOTS 1, 2, 3, 4, 6, 7, 8, 9 AND 10, EAST LAKE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 9, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

TRACTS A, B, C, D, E, F, AND G, EAST LAKE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 9, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

ALL OF THE ABOVE IS ALSO DESCRIBED AS:

TRACT ONE:

THE NORTH 218.22 FEET OF THE NORTH 536.22 FEET OF THE SOUTH 740.82 FEET OF THE FOLLOWING DESCRIBED PROPERTY: NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, ALL BEING IN SECTION 15, TOWNSHIP 19 SOUTH, RANGE 26 EAST, LAKE COUNTY, FLORIDA; LESS AND EXCEPT THE EAST 40.0 FEET THEREOF.

TRACT TWO:

LOTS 1, 2, 3, 4, 6, 7, 8, 9 AND 10, EAST LAKE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 9, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, AND TRACTS "D", "C" AND PORTIONS OF TRACTS "A", "F" AND "E", EAST LAKE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 9, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, ALL BEING DESCRIBED AS FOLLOWS: THAT PART OF EAST LAKE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 9, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, BOUNDED AND DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHWEST CORNER OF LOT 5, ALSO BEING THE NORTHWEST CORNER OF LOT 6, EAST LAKE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 9, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, RUN THENCE NORTH 89°42'40" EAST, ALONG THE NORTH LINE OF SAID LOT 6, A DISTANCE OF 75.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 00°17'20" EAST, ALONG THE EAST LINE OF SAID LOT 6, A DISTANCE OF 53.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE SOUTH 89°42'40" WEST, ALONG THE SOUTH LINE OF SAID LOT 6, A DISTANCE OF 75.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE SOUTH 00°17'20" EAST, ALONG THE SOUTHERLY PROLONGATION OF THE WEST LINE OF LOTS 5 AND 6 OF SAID PLAT OF EAST LAKE SUBDIVISION, A DISTANCE OF 64.00 FEET TO AN INTERSECTION WITH THE SOUTH LINE OF SAID PLAT OF EAST LAKE SUBDIVISION; THENCE SOUTH 89°42'40" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 377.80 FEET TO THE SOUTHWEST CORNER OF SAID PLAT OF EAST LAKE SUBDIVISION; THENCE NORTH 00°47'49" WEST, ALONG THE WEST LINE OF SAID PLAT OF EAST LAKE SUBDIVISION, A DISTANCE OF 318.02 FEET TO THE NORTHWEST CORNER OF SAID PLAT OF EAST LAKE SUBDIVISION; THENCE NORTH 89°42'40" EAST, ALONG THE NORTH LINE OF SAID PLAT OF EAST LAKE SUBDIVISION, A DISTANCE OF 380.62 FEET TO AN INTERSECTION WITH THE NORTHERLY PROLONGATION OF THE WEST LINE OF LOTS 5 AND 6 OF SAID PLAT OF EAST LAKE SUBDIVISION; THENCE SOUTH 00°17'20" EAST, ALONG SAID WEST LINE OF LOTS 5 AND 6 AND ITS NORTHERLY PROLONGATION, A DISTANCE OF 201.00 FEET TO THE SOUTHWEST CORNER OF SAID LOT 5, ALSO BEING THE NORTHWEST CORNER OF SAID LOT 6 AND THE POINT OF BEGINNING.

TRACT THREE:

TRACTS "B" AND "C", EAST LAKE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 9, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

AND

PORTIONS OF TRACTS "A", "F" AND "E", EAST LAKE SUBDIVISION, ACCORDING TO THE MAP OR PLAT THEREOF AS RECORDED IN PLAT BOOK 31, PAGE 9, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, LYING EAST OF A LINE THAT RUNS ALONG AND PARALLEL WITH THE WEST BOUNDARY LINE OF LOT 5 OF SAID EAST LAKE SUBDIVISION AND EXTENDS TO THE NORTH AND SOUTH BOUNDARY LINES OF SAID EAST LAKE SUBDIVISION.

LESS AND EXCEPT:

THAT PART OF EAST LAKE SUBDIVISION, ACCORDING TO THE PLAT THEREOF, AS RECORDED IN PLAT BOOK 31, PAGES 9 AND 10, PUBLIC RECORDS OF LAKE COUNTY, FLORIDA, DESCRIBED AS FOLLOWS:

BEGIN AT THE SOUTHEAST CORNER OF SAID EAST LAKE SUBDIVISION; THENCE SOUTH 89°50'07" WEST ALONG THE SOUTH LINE OF SAID EAST LAKE SUBDIVISION, 244.23 FEET TO THE SOUTHERLY PROLONGATION OF THE WEST LINE OF LOT 6 OF SAID EAST LAKE SUBDIVISION; THENCE NORTH 00°03'02" WEST ALONG SAID SOUTHERLY PROLONGATION OF THE WEST LINE OF LOT 6, FOR A DISTANCE OF 63.85 FEET TO THE SOUTHWEST CORNER OF SAID LOT 6; THENCE NORTH 89°56'58" EAST ALONG THE SOUTH LINE OF SAID LOT 6, FOR A DISTANCE OF 75.00 FEET TO THE SOUTHEAST CORNER OF SAID LOT 6; THENCE NORTH 00°03'02" WEST ALONG THE EAST LINE OF SAID LOT 6 AND THE EAST LINE OF LOT 5 OF SAID EAST LAKE SUBDIVISION, 198.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 5; THENCE SOUTH 89°56'58" WEST ALONG THE NORTH LINE OF SAID LOT 5, FOR A DISTANCE OF 75.00 FEET TO THE NORTHWEST CORNER OF SAID LOT 5; THENCE NORTH 00°03'02" WEST ALONG THE NORTHERLY PROLONGATION OF THE WEST LINE OF SAID LOT 5, FOR A DISTANCE OF 56.04 FEET TO THE NORTH LINE OF SAID EAST LAKE SUBDIVISION; THENCE NORTH 89°57'33" EAST ALONG SAID NORTH LINE, 240.56 FEET TO THE NORTHEAST CORNER OF SAID EAST LAKE SUBDIVISION; THENCE

WHEREAS, the property described above has a Land Use Designation of Mixed Commercial Residential (MCR) and a Design District Designation of Suburban Neighborhood; and

WHEREAS, Single-family attached residential dwelling units, at a density of 12 dwelling units per acre or less, are permitted in the Mixed Commercial Residential (MCR) land use designation; and

WHEREAS, the proposed preliminary subdivision plat as submitted is generally consistent with the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the City Commission finds that approval of the requested preliminary subdivision plat is in the best interests of the public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE EUSTIS CITY COMMISSION AS FOLLOWS:

SECTION 1. That the Kurt Street Townhomes Preliminary Subdivision Plat for 62 townhome units located on the west side of Kurt Street, west of West Charlotte Avenue, attached hereto as Exhibit "A", is hereby approved:

SECTION 2. That the Preliminary Subdivision Plat shall be subject to the owner/developer complying with the following conditions:

- a) Submit the Final Engineering and Construction Plans and Final Plat to comply with all requirements of the Eustis Land Development Regulations, Eustis Engineering Design Standards Manual, Florida Statutes, and the provisions of this resolution within one year of the approval of this resolution.
- b) Develop the property in accordance with the approved Preliminary Subdivision Plat as referenced in Section 1 and attached hereto as Exhibit "A".

c) Obtain and provide copies of all applicable permits from other jurisdictional agencies.

DONE AND RESOLVED this 18th day of January 2024 in a regular session of the City Commission of the City of Eustis, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 18th day of January 2024, 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 City Commission of the City of Eustis, Florida.

City Attorney's Office

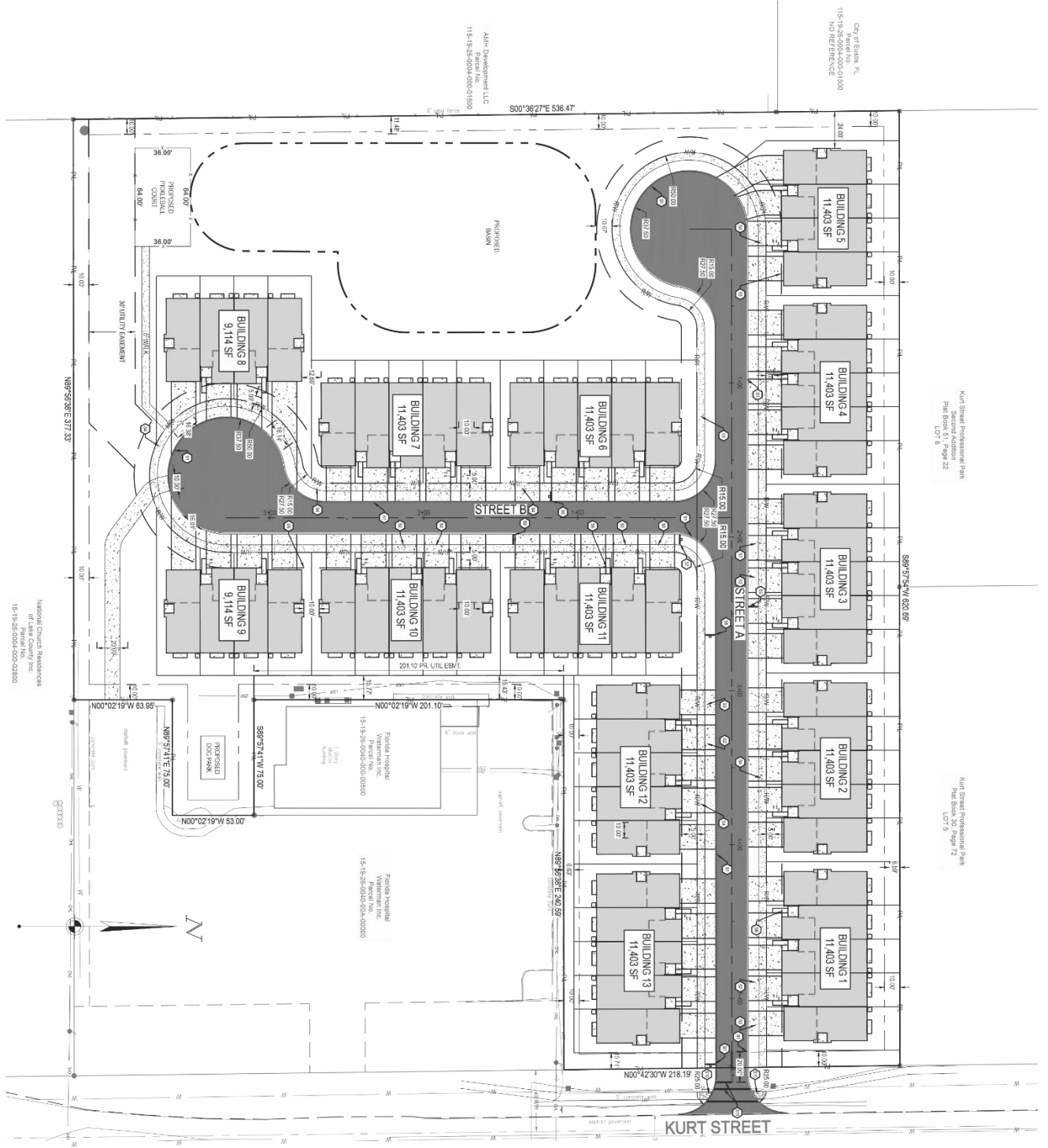
Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 24-06 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

EXHIBIT A





TO: EUSTIS CITY COMMISSION
 FROM: TOM CARRINO, CITY MANAGER
 DATE: JANUARY 18, 2024
 RE: RESOLUTION NUMBER 24-07: SITE PLAN WITH WAIVERS FOR A CONVENIENCE STORE WITH GAS EAST OF 2640 E. ORANGE AVENUE (CR 44) AT ABRAMS ROAD (ALTERNATE KEY NUMBER 1443024)

Introduction:

Resolution Number 24-07 approves a Site Plan with waivers to allow the construction of a 4,750-square foot convenience store with 12 gas pumps and a car wash on 2.03 acres east of 2640 E. Orange Avenue (CR44) at Abrams Road.

Recommended Action:

The administration recommends approval of Resolution Number 24-07.

Background:

1. Pertinent Site Information:

- a. The subject property comprises about 2.03 acres, which currently is vacant.
- b. The site is within the General Commercial (GC) land use district, which allows a convenience store with gas as a permitted use.
- c. The property is within the Suburban Corridor Design District. The project utilizes the Commercial building lot type.
- d. The site and surrounding properties' land use, design district designations, and existing uses are shown below:

Properties Existing Use, Future Land Use, Design District Designations			
Location	Existing Use	Future Land Use	Design District
Site	Vacant – partially wooded	GC - General Commercial	Suburban Corridor
North	Vacant	MCR – Mixed Commercial Residential	Suburban Corridor
South	Single Family Residential Neighborhood	Lake County – Urban Low	N/A
East	Abrams Rd./Circle K Convenience Store	GC- General Commercial	Suburban Corridor/ Suburban Neighborhood
West	Dollar General Store	GC- General Commercial	Suburban Corridor

2. Proposed Development:

The proposed development plan includes a 4,750-square foot convenience store retail building with 12 gas pumps and a car wash. The property fronts on two streets: County Road 44 (E. Orange Ave.) and Abrams Road. The applicant is requesting waivers to the lot width, lot size, setbacks, building frontage.

3. Waivers:

a) Staff Supported:

1. Waiver to the maximum lot width of 300 feet to allow a 354 feet deep lot (Section 110-4.13);
2. Waiver to both street setbacks to allow setbacks of 131 feet from property line adjacent to County Road 44 and 103 feet from the property line adjacent to Abrams Road, in lieu of the maximum setback of 75 feet (Section 110-4.13);
3. Waiver to both minimum 50% frontage buildout percentage to allow frontage buildout of 23.4% at County Road 44 and 14.5% at Abrams Road (Section 110-4.13);

4. Considerations/Waiver Review:

- a) Lot Width and Size: The Commercial lot typology (Section 110-4.13) limits lot size to 300 ft. deep and wide. The commercial lot type is a building lot located and designed to accommodate single use office and retail that are predominately located on corridors as part of a retail complex. The City's Land Development Regulations do not have a lot typology to specifically address gas stations. The proposed lot width is approximately 402 feet. The applicant has a challenge to meet the maximum lot width and size allowances when developing the proposed convenience store with gas, due to the space needed for the canopy over the fueling stations, and drive aisle and turn-around maneuvering space needed.
- b) Street yard setback: The commercial lot type (Section 110-4.13) allows a variable street yard setback from 0 to 75 ft. This requirement allows flexibility in the site design. However, the project site has two street frontages: Abrams Road and County Road 44 (E Orange Avenue), which presents a difficulty for the potential development. As a result, a waiver is requested to both street setbacks to allow setbacks of 124.3 feet from property line adjacent to County Road 44 (e. Orange Avenue) and 102 feet from the property line adjacent to Abrams Road, in lieu of the maximum setback of 75 feet. A waiver to allow a setback greater than 75 feet from the street allows the applicant to more easily construct the canopy and traffic circulation consistent with the County Road 44 posted speed of 55 miles per hour. They seek the ability to place the canopy over the fuel pumps in a location to allow transition from the driveways onto the canopy area, particularly white fuel trucks are present for deliveries. The need for two-way driveway aisles around the gas canopy, access to parking for the store, and turning radiuses for food and gas truck deliveries requires more area than if the development were just a storefront.
- c) Frontage buildout percentage: The commercial lot type requires buildings to extend at least 50% of the lot width and depth. This is a design requirement to keep the street frontages looking full. This would require the store building to have much smaller, less feasible dimensions. The nature of convenience stores with gas pumps devotes a large proportion of the development site to accommodating vehicles movement and parking. The applicant is requesting a waiver to allow less than a 50 percent building frontage; 14.5 percent building frontage along Abrams Road and 23.4 percent building frontage along County Road 44.

5. Applicable Policies and Codes:

- a) Section 110-4.13: Commercial Building Lot. A building lot located and designed to accommodate a single use office and retail that are predominately located as part of a retail complex.

LOT REQUIREMENTS	MIN	MAX
Lot Width (ft)	50	300
Lot Depth (ft)	100	300
Lot Size (sf)	5,000	90,000
BUILDING ENVELOPE	MIN	MAX
Street Setback (ft)	0	75

Common Lot Setback (ft)	0	-
Rear Setback (ft)	15	-
Frontage Buildout (5)	50	100

Alternatives:

1. Approve Resolution Number 24-07.
2. Deny Resolution Number 24-07.

Discussion of Alternatives:

Alternative 1 approves Resolution Number 24-07.

Advantages:

- a) The property owner can move forward to obtain approval of Final Engineering and Construction Plans, as well as a building permit for the proposed development.
- b) The action would be consistent with the existing development patterns in the area.
- c) The City would realize additional ad-valorem tax revenue once the building is constructed.
- d) The action would be consistent with the goals, objectives and policies of the Comprehensive Plan.

Disadvantages:

- a) The action would approve waivers to the Land Development Regulations.

Alternative 2 denies Resolution Number 24-07.

Community Input

The department has properly advertised the Resolution in the newspaper; notified surrounding properties within 500 feet; and posted the property.

Staff have received one objection from a resident living on Joleen Drive. They oppose a new gas station because they fear the store will bring in more crime to the area.

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.

Prepared By:

Mike Lane, AICP, Development Services Director

Attachment:

- Resolution Number 24-07

RESOLUTION NUMBER 24-07

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA; APPROVING A SITE PLAN WITH WAIVERS FOR A 4,750 SQUARE FOOT CONVENIENCE STORE WITH GAS ON APPROXIMATELY +/- 2.03 ACRES LOCATED EAST OF 2640 EAST ORANGE AVENUE AT ABRAMS ROAD (ALTERNATE KEY NUMBER 1443024).

WHEREAS, Herb Green, P.E., Cadjazz Engineering Consultants, LLC has made an application, on behalf of Double Tall, LLC for site plan approval to permit a convenience store with gas, on approximately 2.03 acres located east of 2640 East Orange Avenue at Abrams Road, more particularly described as:

Alternate Key Number: 1443024

Parcel Identification Number: 07-19-27-0002-000-03400

Legal Description:

FROM SW COR OF JOLEEN ESTATES RUN N 0-51-46 E 249.87 FT TO N LINE OF SAID JOLEEN ESTATES SUB & POB, RUN S 89-16-50 E 625.95 FT TO W'LY R/W LINE OF ABRAMS RD, N 0-06-30 E 354.25 FT TO S'LY R/W LINE OF SR 44, S 89-47-56 W 621.32 FT TO E LINE OF ORANGE AVE HEIGHTS, S 0-51-46 W 348.65 FT TO POB--LESS FROM SW COR OF JOLEEN ESTATES SUB PB 17 PG 27 RUN N 0-51-46 E 249.87 FT TO N LINE OF SAID JOLEEN ESTATES FOR POB, RUN N 0-53-58 E 348.54 FT TO S R/W LINE OF EAST ORANGE AVE, S 89-47-56 E ALONG SAID S R/W LINE 219.01 FT, S 0-53-52 W 49.01 FT, N 89-47-39 W 38.01 FT, S 0-53-52 W 301.25 FT TO N LINE OF JOLEEN ESTATES SUB, N 89-15-27 W ALONG N LINE 181.01 FT TO POB-- ORB 5390 PG 1494

WHEREAS, the property described above has a Land Use Designation of General Commercial (GC) and a Design District Designation of Suburban Corridor; and

WHEREAS, a convenience store with gas is a permitted use in the General Commercial (GC) land use designation; and

WHEREAS, the proposed site plan as submitted is generally consistent with the City's Comprehensive Plan and Land Development Regulations; and

WHEREAS, the proposed waivers to the Land Development Regulations meet the general intent of the regulations; do not jeopardize the health, safety, or welfare of the public; and include appropriate mitigation; and

NOW, THEREFORE, BE IT RESOLVED BY THE EUSTIS CITY COMMISSION AS FOLLOWS:

SECTION 1.

That the Site Plan for the convenience store with gas, and attached hereto as Exhibit A is hereby approved with the following waivers:

1. Waiver to the maximum lot width of 300 feet to allow a 350 foot-deep lot (Section 110-4.13);
2. Waiver to both street setbacks to allow setbacks greater than the maximum setback of 75 feet (Section 110-4.13);
3. Waiver to both streets minimum 50% frontage buildout percentage (Section 110-4.13);

SECTION 2.

That the Site Plan Approval shall be subject to the owner/developer complying with the following conditions:

- a. Obtaining a physical address from Lake County
- b. Obtaining Final Construction and Engineering Plan approval within one year, and developing the property in accordance with the approved Site Plan as referenced in Section 1 and attached hereto as Exhibit A.
- c. Obtaining and providing copies of all applicable permits from other jurisdictional agencies.
- d. Meeting applicable concurrency requirements prior to approval of a final development order.

Section 3.

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

Section 4.

That this Resolution shall become effective upon filing.

DONE AND RESOLVED this 18th day of January 2024, in regular session of the City Commission of the City of Eustis, Florida.

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

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran, City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 18th day of January, 2024, 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, but I have not performed an independent Title examination as to the accuracy of the Legal Description.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 24-07 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

EXHIBIT A: SITE PLAN

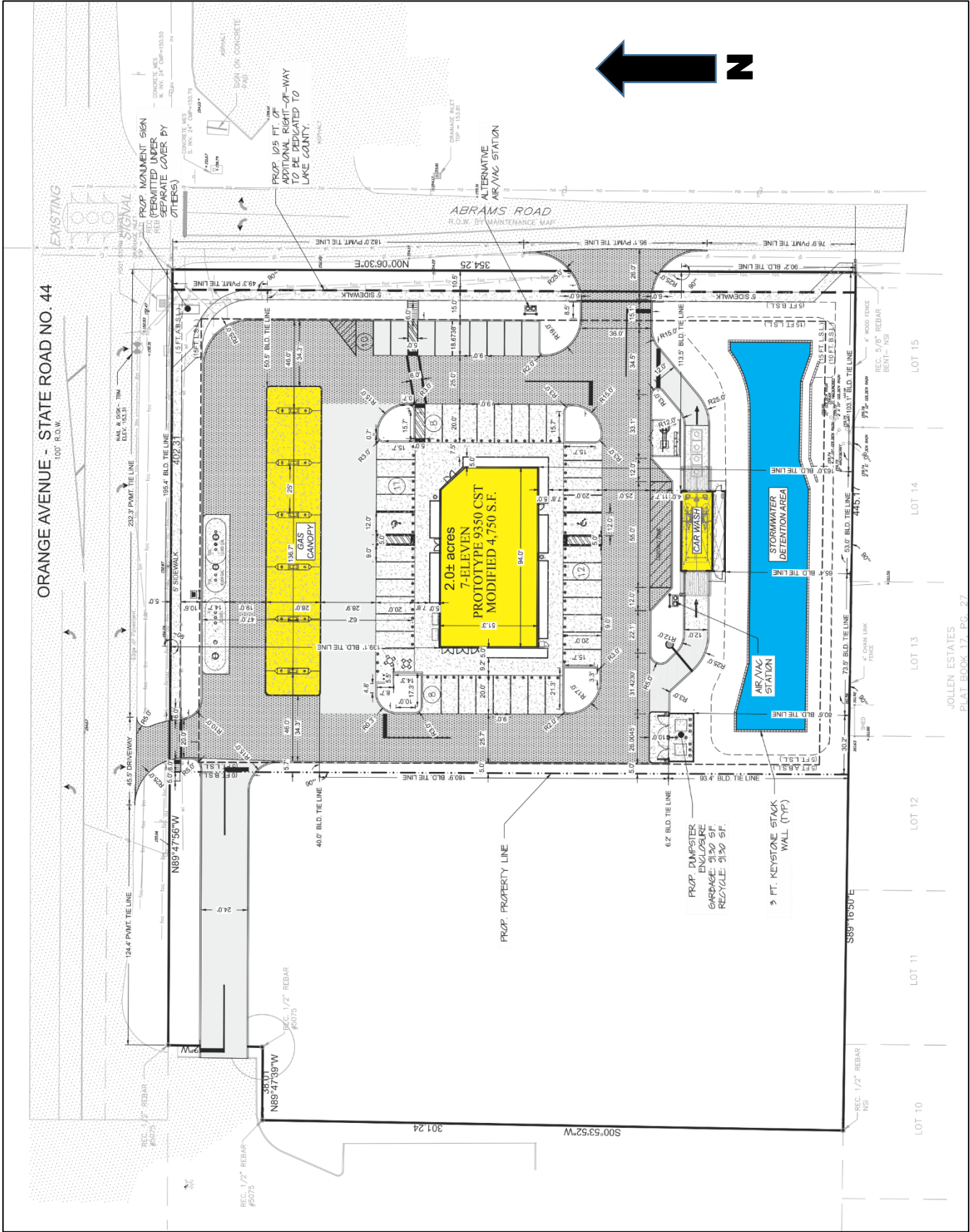
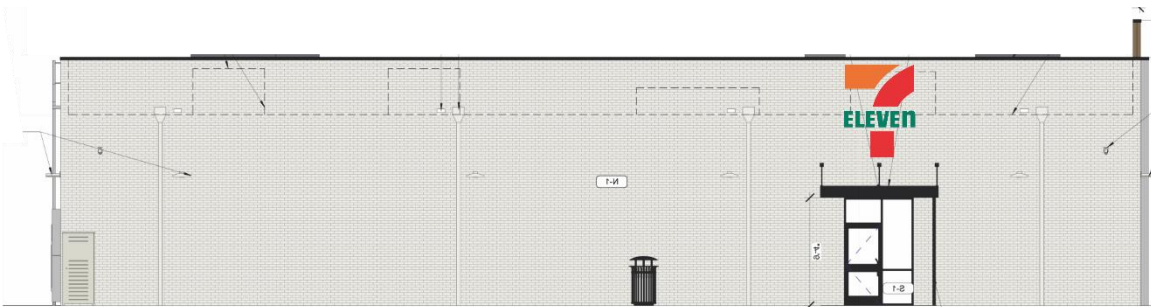


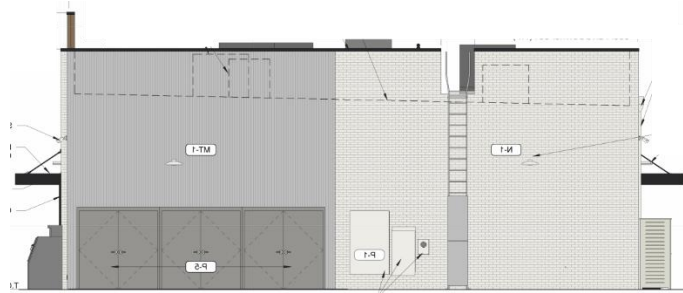
EXHIBIT B: BUILDING ELEVATIONS



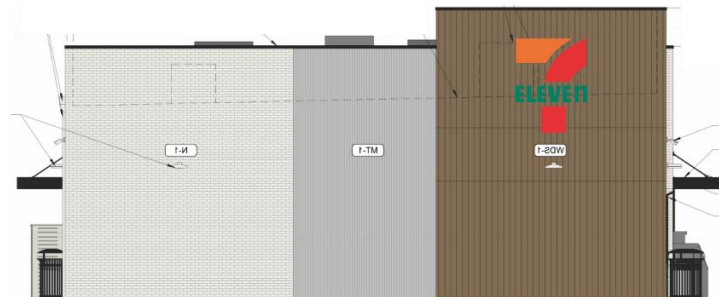
EXTERIOR ELEVATION NORTH FACING ORANGE AVENUE



EXTERIOR ELEVATION SOUTH



RIGHT SIDE



LEFT SIDE



TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: January 18, 2024

RE: RESOLUTION NUMBER 24-13: AUTHORIZING THE RECORDING OF LIENS ON DELINQUENT UTILITY ACCOUNTS

Introduction:

On September 7, 2017, the Commission adopted Resolution Number 17-10, which approved implementing property liens for qualifying delinquent utility accounts. The purpose of recording a lien is twofold:

- 1) To recover the City's water, wastewater, and/or irrigation services cost.
- 2) To follow Florida Statutes. F.S. 159.17 *Lien of Service Charges* requires any city issuing revenue bonds to have property liens on utility systems.
The City issued Water and Sewer Series 2016 Revenue Bonds.

Staff identified accounts over 90 days delinquent. With proper notice provided, the City discontinued utility services upon failure of the property owner to pay for water, wastewater, irrigation, and/or garbage services. The City has exhausted all collection options. With the Commission's approval, liens will be applied to the below listed delinquent accounts.

Recommended Action:

Staff recommends approval of Resolution Number 24-13 authorizing the recording of liens for the properties listed see Exhibit A.

Background:

The City provides various utility services to properties throughout the City, including water, wastewater, irrigation, reclaimed water, and garbage services. To follow Florida Statutes and provide prudent measures to recoup utility service reimbursement, the staff recommends recording liens on qualifying delinquent utility accounts.

Alternatives:

1. Approve Resolution Number 24-13
2. Deny Resolution Number 24-13 and direct staff on how they would prefer to proceed.

Discussion of Alternatives:

Approval of Resolution Number 24-13:

Advantages:

- Approval of the Resolution will comply with Florida Statutes and provides prudent management of City utility receivables.

Disadvantages:

- Minimal filing and administrative costs are required to record a lien.

Denial of Resolution Number 24-13:**Advantages:**

- No additional filing or administrative costs are required to file a lien.

Disadvantages:

- The City does not comply with Florida Statutes and has little recourse for collecting unpaid utility services.

Budget/Staff Impact:

The utility enterprise fund has sufficient revenue to process the liens, release and pay recording fees. It is unknown when the recovery will occur. Due to changes in staffing, this process is now being reinstated and will occur on a regular basis.

The proposed action will help the City achieve the following objectives:

- Follow Florida Statutes.
- Create a procedure for collecting past-due utility bills, which is the property owner's responsibility. Only the owner of the property can be liened. Obligations created by the lessee are not an allowed obligation of the property owner.
- Impose and maintain liens on properties for unpaid utility bills.

Attachments:

Resolution Number 24-13 – Utility Liens
Exhibit A: List of Property to be liened

Prepared By:

Arlene Applegate, Customer Service Representative III
Mike Sheppard, Finance Director

RESOLUTION NUMBER 24-13

A RESOLUTION BY THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, APPROVING THE RECORDING OF WATER, WASTEWATER, AND IRRIGATION LIENS.

WHEREAS, Florida Statutes Chapter 180 provides municipalities with authority to establish and operate water utility systems; and

WHEREAS, Florida Statutes 159.17 *Lien of Service Charges* requires that any city issuing revenue bonds shall have a lien on all lands or premises served by any water system, sewer system, or gas system for all service charges for such facilities until paid, which liens shall be prior to all other liens on such lands or premises except the lien of state, county and municipal taxes and shall be on a parity with the lien of such state, county and municipal taxes. Such liens, when delinquent for more than 30 days, may be foreclosed by such city in the manner provided by the laws of Florida for the foreclosure of mortgages on real property; and

WHEREAS, the City of Eustis has issued Water and Sewer Series 2016 Revenue Bonds; and

WHEREAS, as authorized by state law, there is hereby imposed a lien on each property that is served by the City’s water, wastewater, and/or irrigation system to secure the payment of delinquent City utility services; and

WHEREAS, based on utility criteria, the City identified delinquent accounts (See Staff Report), which will be recorded as water, wastewater, and irrigation liens.

NOW, THEREFORE, BE IT RESOLVED that the City Commission of the City of Eustis, Florida, does hereby authorize the recording of such liens, as presented in Exhibit A.

DONE AND RESOLVED, this 18th day of January 2024, in the regular session of the City Commission of the City of Eustis, Lake County, Florida.

CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA

Michael L. Holland
Mayor/Commissioner

ATTEST:

Christine Halloran
City Clerk

CITY OF EUSTIS CERTIFICATION

**STATE OF FLORIDA
COUNTY OF LAKE**

The foregoing instrument was acknowledged before me this 18th of January 2024 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 use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Resolution Number 24-13 is hereby approved. 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 Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

EXHIBIT A

Resolution Number 24-13

56-2	MARTINEZ, PELMA G RED TAIL BLVD Meter was pulled 1/03/24. Three months past due. Last payment was \$120.21 on 9/18/23. Water was cut off on 12/11/23. Irrigation has been on and will be pulled since they are behind and still using.	32216	\$1,335.59
21032-7	LAKE HILLS PLAZA HOLDINGS LLC 2804 S BAY ST Six months past due. No payments were made on water account was cut 9/22/23. Store is vacant and meter is pulled. If unit is rented, we will reach out to the owner for past due amounts before allowing the new tenant to sign in.		\$1,003.48
21992-0	SCOTT, THELMA & JEROME CARDINAL ST Garbage only account and it was stopped on 12/18/23. Seven months past due. Last payment was \$50.00 on 2/01/17.	85	\$451.18
26184-1	HISH CAPITAL LLC 1033 S GROVE ST Meter was pulled 1/03/24. Three months past due. No payments were made on the account. Water was cut off 9/11/23. New owners purchased property in July 2023. They are not responding to phone calls, emails, or letters.		\$223.12
36390-1	MILLER, MICHAEL A WINCHESTER CIR Meter was pulled 1/08/24. Four months past due. Last payment was \$244.21 on 9/08/23. Water was cut off 12/06/23.	2677	\$343.01
TOTAL			\$3,356.38



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: TOM CARRINO, CITY MANAGER

DATE: JANUARY 18, 2024

RE: ORDINANCE NUMBER 24-01: Amending Land Development Regulations, CHAPTER 109, SECTION 109-4: USE REGULATIONS TABLE TO ALLOW ALL COMMUNITY/SERVICE USES (EXCEPT AS LISTED BELOW), SUBJECT TO CERTAIN CONDITIONS, AND ALLOW DAYCARE CENTERS AND CHURCHES AS CONDITIONAL USES WITHIN THE GENERAL INDUSTRIAL DISTRICT AND ALLOW THE DEVELOPMENT SERVICES DIRECTOR TO MAKE DETERMINATIONS ON THE BLANK CELLS OF THE TABLE

Introduction:

Ordinance Number 24-01 amends Land Development Regulations, Chapter 109, Section 109-4: Use Regulations Table to allow all community/service use (except as listed below), subject to certain conditions, and to allow the Development Services Director to make determinations on the blank cells of the table.

Recommended Action:

The administration recommends approval of Ordinance Number 24-01.

Background:

At their November 16, 2023 Meeting, the City Commission directed staff to work with Sarah Pelfrey and make adjustments to the Use Regulations Table to accommodate her requests for additional uses in the General Industrial (GI) Land Use District. As part of that effort, the staff have prepared the following exhibit/modified table and must adjust it accordingly.

Proposed Amendments & Considerations:

“All community/service uses, except as listed below”. The amended Use Regulations Table would include “all community/service uses, except as listed below” as conditional uses in the RR, SR, UR, MH, GI, CBD, and AG Land Use Districts while allowing these uses outright in the GC, RT, MCR, MCI and PI districts.

The Child Daycare Centers use has been amended by removing the word, “Child” from the phrase. This would allow the opportunity to include adult care facilities within the City instead of prohibiting them. The table has been modified so this use would be a Conditional Use under the General Industrial (GI) Land Use District.

Under the Key section of the Table, instead of “Blank meaning use not permitted”, we are proposing to now read “Blank means (or =) Development Services Director determination”. This would allow the Development Services Director to have some discretion on whether a use should be permitted or whether to seek conditional use approval from the City Commission.

Applicable Policies & Codes:

GOAL FLU 1: DEVELOPMENT FRAMEWORK

Implement a land use and development framework that will:

- Promote diversified economic development;
- Protect and enhance residential neighborhoods;
- Ensure services and facilities for new and existing development;
- Discourage urban sprawl;
- Recognize the value of natural resources; and
- Respect private property rights.

OBJECTIVE FLU 1.1: DEVELOPMENT FRAMEWORK IMPLEMENTATION

To create a planning framework and implementation strategy that will enhance the livability of the City of Eustis; promote its natural, cultural, and physical resources; minimize any negative effects of urban development on the natural resources of the City; maintain overall air quality; and discourage urban sprawl.

Policy FLU 1.1.1: Planning Principles

The following principles shall guide the creation of land use policy and development regulations within the City of Eustis:

- Creating a range of housing opportunities and choices;
- Creating walkable neighborhoods;
- Encouraging community and stakeholder collaboration;
- Fostering distinctive, attractive communities with a strong sense of place;
- Making development decisions predictable, fair and cost effective;
- Allowing for a mix of land uses;
- Providing for open space, natural beauty and protection of critical environmental areas;
- Providing a variety of transportation choices;
- Encouraging compact building design.

Alternatives:

1. Approve Ordinance Number 24-01.
2. Deny Ordinance Number 24-01.

Discussion of Alternatives:

1. Alternative 1 approves Ordinance Number 24-01.

Advantages:

- The action is consistent with the goals, objectives, and policies of the Comprehensive Plan including the Future Land Use Element, and the FLUE Appendix.

Disadvantages:

- There are no disadvantages to approving the ordinance.

2. Alternative 2 denies Ordinance Number 24-01.

Advantages:

- The City Commission could consider other revisions to the Land Development Regulations.

Disadvantages:

- There are no disadvantages to disapproving the ordinance.

Community Input

Development Services has properly advertised the ordinance and there is an opportunity for community input at the public hearing.

Budget / Staff Impact:

None

Prepared By:

Mike Lane, AICP, Development Services Director

Attachments: Ordinance Number 24-01 & Exhibit A (Redline/Strike-Thru of Use Regulations Table)

ORDINANCE NUMBER 24-01

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE LAND DEVELOPMENT REGULATIONS, CHAPTER 109, SECTION 109-4: USE REGULATIONS TABLE TO ALLOW ALL COMMUNITY/SERVICE USES (EXCEPT AS LISTED BELOW), SUBJECT TO CERTAIN CONDITIONS, AND ALLOW DAYCARE CENTERS AND CHURCHES AS CONDITIONAL USES WITHIN THE GENERAL INDUSTRIAL DISTRICT AND ALLOW THE DEVELOPMENT SERVICES DIRECTOR TO MAKE DETERMINATIONS ON THE BLANK CELLS OF THE TABLE; PROVIDING FOR CODIFICATION, SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Eustis City Commission adopted revised Land Development Regulations under Ordinance Number 09-33 on July 16, 2009, amended by Ordinance Number 15-13 on October 1, 2015, Ordinance Number 16-18 on April 7, 2016, Ordinance Number 16-13 on May 19, 2016, Ordinance Number 16-31 on December 15, 2016, Ordinance 17-17 on November 2, 2017; and Ordinance Number 19-12 on May 2, 2019, and

WHEREAS, the City Commission finds it necessary to periodically revise and update the Land Development Regulations; and

WHEREAS, the City Commission finds the proposed revisions are necessary for clarification and property owner flexibility; and

WHEREAS, the Local Planning Agency reviewed the proposed revisions to the Land Development Regulations and finds them to be in compliance with the Comprehensive Plan.

WHEREAS, the proposed revisions could make adjustments to the Use Regulations Table; and

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

Section 1. That the City of Eustis Land Development Regulations are hereby amended as shown in the attached red-line/strike Exhibit A.

Section 2. That all Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

Section 3. That it is the intention of the City Commission of the City of Eustis that the provisions of this Ordinance shall become and be made a part of the Land Development Regulations in the City of Eustis Code of Ordinances and that the sections of this Ordinance may be re-numbered or re-lettered and the word "Ordinance" may be changed to "Section", "Article", or such other appropriate word or phrase to accomplish such intentions.

Section 5. That should any section, phrase, sentence, provision, or portion of this Ordinance

be declared by any court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Section 6. That this Ordinance shall become effective immediately on passing.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 1st day of February, 2024.

**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 ____ day of _____ 2024 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 use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 24-01 is hereby approved, and I hereby 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 Parks and Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

EXHIBIT "A"

Use Regulations Table	Residential				Commercial and Industrial		Mixed Use				Other			Standards	
	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON		
Key: P = Permitted Use; L = Permit Subject to Limitations in Standards Column; C = Conditional Use; Blank= Not Permitted <u>Development Services Director determination</u>															
Agricultural															
Agricultural, general	C	C	C	C	C	C	C	C	C	C	C	C	P	L, C	4
Commercial poultry farm													C		
Commercial swine farm													C		
Residential															
Accessory Apt.	C	C	P				P	P	P				C		
Bed & Breakfast	C	C	C	C	P		P	P	P				C		
Boarding & Rooming House			C		P		C	C	P						
Group Home; 6 or fewer residents	P	P	P		C		P	P	P		P	P			
Group Home; 7 or more residents	C	C	C		C		C	P	P		P	C			
Home occupation	L	L	L	L	P		P	P	P			L			6; additional standards in Sec. 110-5.9
Live Work			C			P	P	P							
Mobile Home				p								C			
Multi-Family		L	P		L		P	P	P						2, 7, 8 (as part of PUD)
Recreational vehicle park				P											
Single family detached	P	P	P	P				P	P			P			
Single family attached (duplex, row house, townhouse)		P	P					P	P						
Recreation Facilities															
Golf Course	L	L										L			8
Marina		C	C		P		C		C	C	P				
Parks: tot lot, passive & picnic	P	P	P	P	P		P	P	P	P	P	P	L		3
Regional park; amphitheater		C	C		P		C	P	P		P	C			
Nature, ecology facilities	C	P	P	P	P						P	L	L		3
Sports Complex		C			P	P			P	P	P	C			
Shooting Range, indoor					P	P					P	P			
Shooting Range, outdoor	C	C				C					C	C	C		11
Commercial															
All commercial & office except as specified below				L	P		P	C	P	P					1
Adult						L									
Car sales, leasing & related services					P	P	C	C	C	C					
Car Wash, Automated					P	P			P	P					
Car Wash, full or self service					P	P		C	C	C					
Convenience store w/gas station				L	P	P	P	C	P	P					1
Convenience store w/o gas				L	P	P	P	C	P	P					1
Commercial, neighborhood		L	L	L	P	P	P	C	P	P					1, 5
Drive-thru sales or service					P	P	C	C	P	P					
Dry cleaning/laundry				L	P		P	C	P	P					1
Fast Lube/Oil Change					P	P			P	P					
Food & beverage store/incl. alcohol				L	P		P	C	P	P	L				1, 9
Hotel					P		P	C	P	P					
Mobile vendor					P	P	L, C		P	P					14
Outdoor Kennel					C	P			C	C		P			
Package store					P		P	C	P	P					
Parking, commercial					P		P	C	P	P	L				9
Pharmacy					P	C	P	C	P	P					
Restaurant, no drive-thru				L	P		P	C	P	P	L				1, 9
Restaurant with drive-thru					P		C	C	P	P					
Retail sales and service				L	P	C	P	C	P	P	L				1, 9
Self-service storage					P	P			P	P					
Vehicle service, general						P				P					

Use Regulations Table	Residential				Commercial and Industrial		Mixed Use				Other			Standards
	RR	SR	UR	MH	GC	GI	CBD	RT	MCR	MCI	PI	AG	CON	
Key: P = Permitted Use; L = Permit Subject to Limitations in Standards Column; C = Conditional Use; Blank= Not Permitted Development Services Director determination														
Commercial (continued)														
Vehicle service, major						P				P				
Office														
Professional services & general office			L		P		P	P	P	P				5, 7
Industrial														
All light industrial/research except as listed below						P	P			P	C			
Crematorium						C								
Heavy industrial						P								
Research lab w/o manufacturing					P	P	P	C	C	P				
Warehouse & freight movement						P				L				10
Wholesale						P				L				10
Community/Service Uses														
<u>All community/service uses, except as listed below</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>C</u>	<u>C</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>C</u>		
Child Daycare centers; nursery schools	C	C	P	L	P	<u>C</u>	P	P	P	P	P			1
Churches & accessory uses, including schools	C	C	C	L	P	<u>C</u>	P	P	P	P	P			1
College or university	C	C	C		P		P	C	P	P	P			
Elementary school	P	P	P	P	P	C	C	P	P	C	P			
Middle school	C	C	C	C	P	C	C	P	P	P	P			
High school	C	C	C	C	P	C		P	P	P	P			
Vocational school					P	P	C	C	P	P	P			
Government buildings	C	C	C	L	P	P	P	P	P	P	P	P		1
Hospitals					P				P	P	P			
Nursing home					P		P	P	P	P	P			
Public services/utilities	L,C	L,C	L,C	L,C	L,C	L,C	L,C	L,C	L,C	L,C	L,C	P	C	C
Wireless Communications Antenna &/or Towers	C	C	C	C	C	P	C	C	C	C	P	C	C	
Wireless Communication Antenna &/or Towers Camouflaged	C	C	C	C	C	P	P	P	P	P	P	P	C	



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: January 18, 2024

RE: **FIRST READING**

Request for Postponement

Ordinance Numbers 24-02, 24-03, and 24-04 Annexation, Future Land Use and Design District Assignment for Parcels with Alternate Key Number 1123461

Background:

The applications for Annexation, Comprehensive Plan Land Use Assignment, and Design District assignment were filed with Development Services without consultation.

In the application, the request was made for the assignment of an Urban Residential Future Land Use, however, the surrounding area is Suburban Residential. The applicant was notified that the requested future land use was inconsistent with the surrounding area.

The applicant wishes to change the requested Future Land Use Assignment designation to Suburban Residential, which will require repeating the required Notices to Lake County and the Public according to Florida Statutes and City of Eustis Land Development Regulations. Therefore, the proposed agenda item should be postponed with the intent of providing the proper notice to reschedule for the **February 15, 2024**, LPA and City Commission meetings.



City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: January 18, 2024

RE: **FIRST READING**

ORDINANCE NUMBERS 24-05, 24-06, AND 24-07: EXPLANATION OF ORDINANCES FOR ANNEXATION OF PARCELS WITH ALTERNATE KEY NUMBERS 1213355 AND 1213347

Ordinance Number 24-05 – Voluntary Annexation

Ordinance Number 24-06 – Comprehensive Plan Amendment

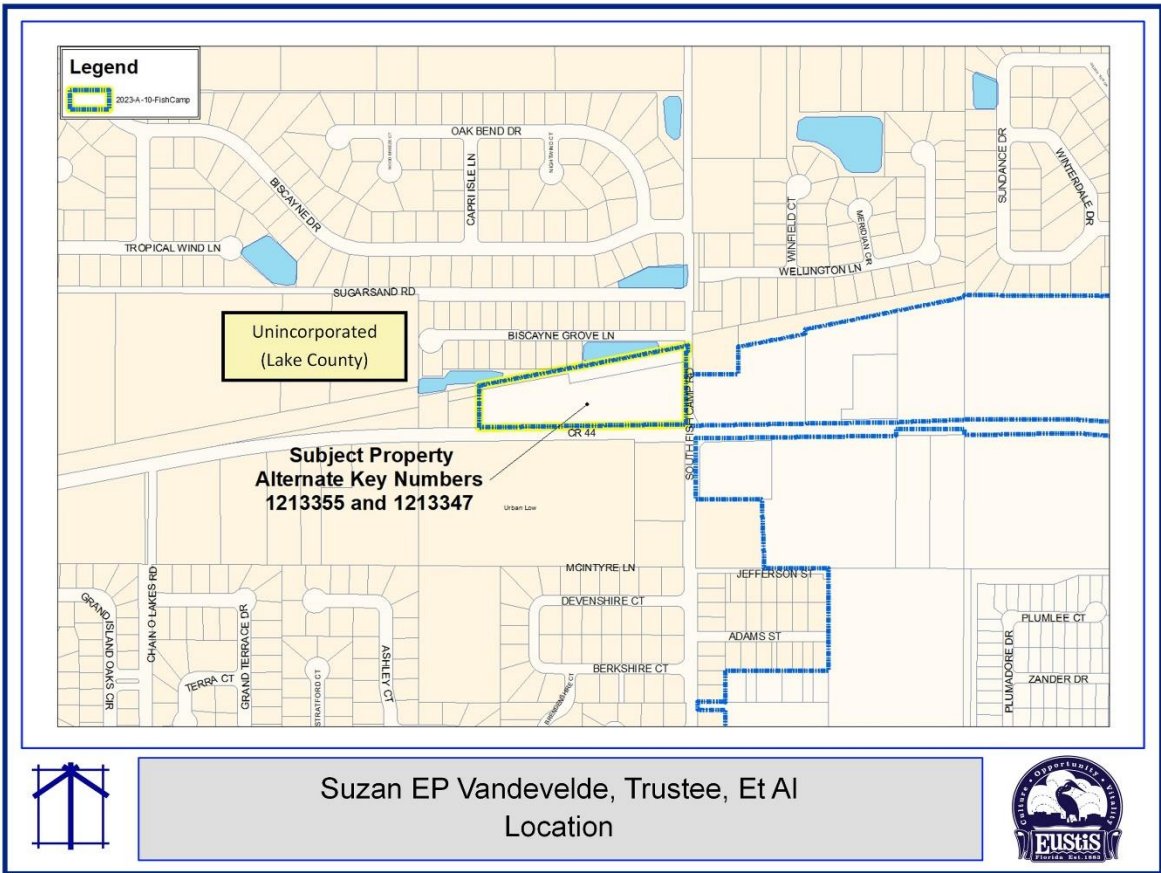
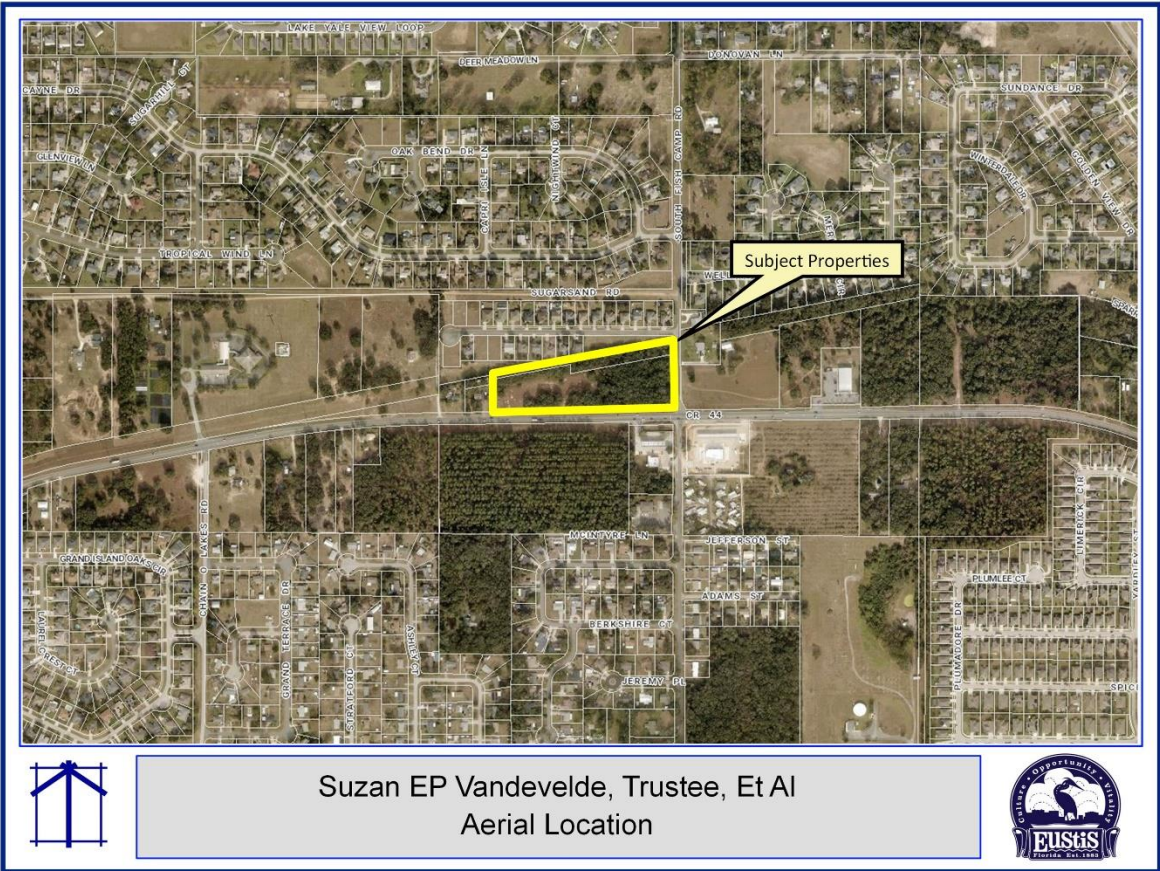
Ordinance Number 24-07 – Design District Assignment

Introduction:

Ordinance Number 24-05 provides for the voluntary annexation of approximately 6.67 acres of land located northwest corner of CR 44 at the intersection with South Fishcamp Road (Alternate Key Numbers). Provided the annexation of the subject property is approved, via Ordinance Number 24-05, Ordinance Number 24-06 would change the future land use designation from Urban Low in Lake County to Mixed Commercial Residential (MCR) in the City of Eustis, and Ordinance Number 24-07 would assign the subject property a design district designation of Suburban Corridor. If Ordinance Number 24-05 is denied, then there can be no consideration of Ordinance Numbers 24-06 and 24-07.

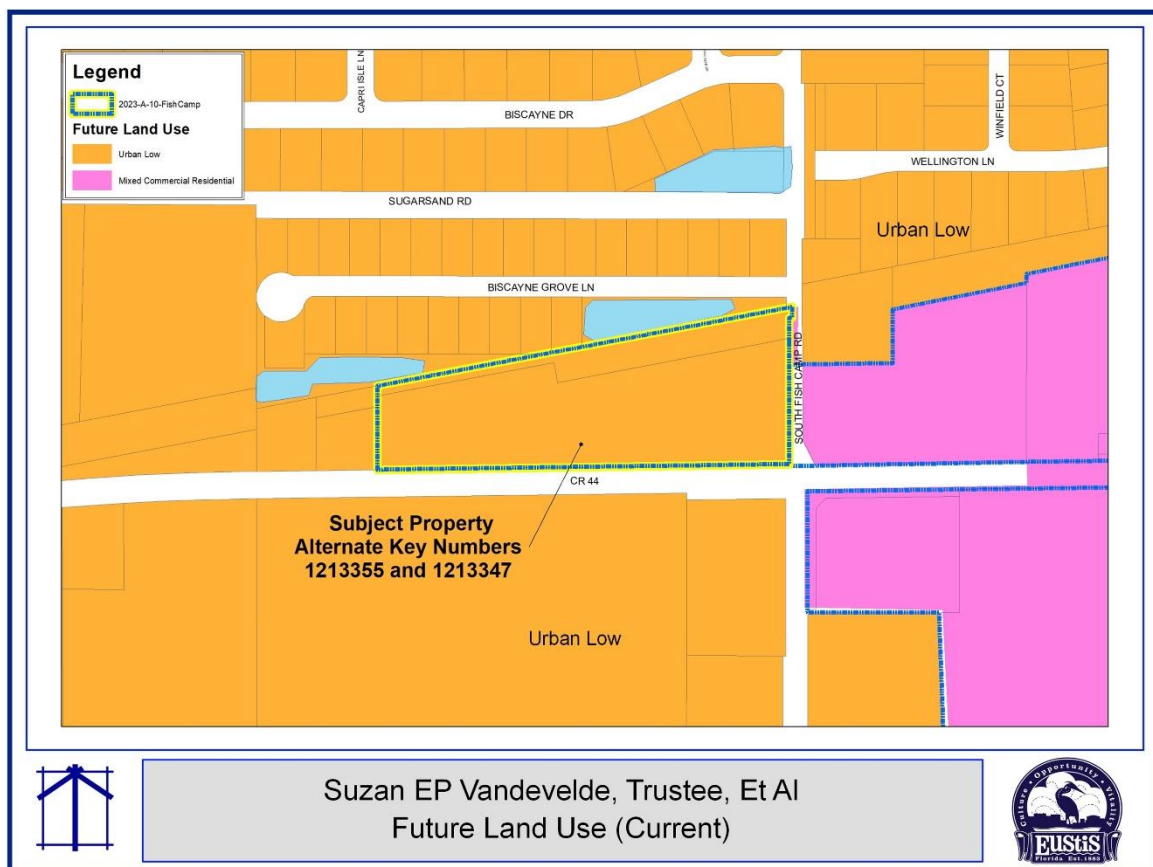
Background:

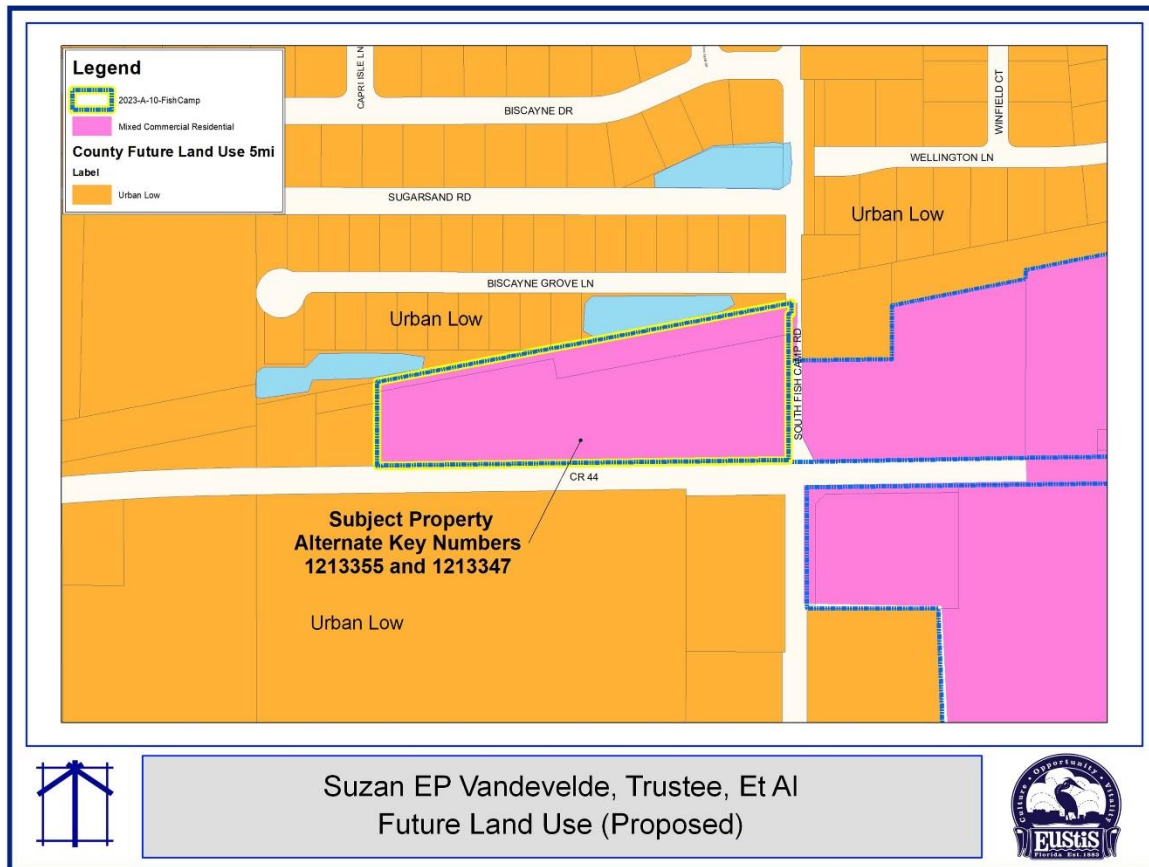
1. The site contains approximately 6.67 acres and is located at the northwest corner of the intersection of CR 44 and South Fishcamp Road within the Eustis Joint Planning Area.
2. The proposed annexation properties are contiguous to the City boundaries, directly on the eastern boundary of the property and across CR 44.
3. The site has a Lake County land use designation of Urban Low, but approval of Ordinance Number 24-06 would change the land use designation to Mixed Commercial Residential (MCR) in the City of Eustis.



Surrounding properties have the following land use designations:

Location	Existing Use	Future Land Use	Design District
Site	Vacant	Urban Low (Lake County)	N/A
North	Single-Family	Urban Low (Lake County)	N/A
South	Vacant	Urban Low (Lake County)	N/A
East	Commercial / Vacant	Mixed Commercial Residential (MCR)	Suburban Corridor
West	Vacant	Urban Low (Lake County)	N/A





Applicant's Request

The applicant LPG Urban and Regional Planners, on behalf of property owner Suzan EP Vandavelde, Trustee, Et Al., wishes to annex the referenced property, assign a City future land use of Mixed Commercial Residential (MCR), and assign a design district of Suburban Corridor.

The current Lake County future land use designation for the subject property is Urban Low. The Lake County land use designation allows for residential uses of up to 4 dwelling units per net buildable acre.

The property owner has requested the City of Eustis Mixed Commercial Residential future land use designation with the annexation. The MCR future land use provides for a mix of commercial and residential uses up to twelve (12) dwelling units per acre.

Analysis of Annexation Request (**Ordinance Number 24-05**)

4. Resolution Number 87-34 – Joint Planning Area Agreement with Lake County:

“The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law.....The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

The subject property is located within the Eustis-Lake County Joint Planning Area. Urban services of adequate capacity are available to serve future development, consistent with the requested Mixed Commercial Residential future land use designation.

5. Florida Statutes Voluntary Annexation - Chapter 171.044(1):

“The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”

The Eustis-Lake County Joint Planning Area boundaries define the reasonably compact area where the City could provide services effectively and efficiently. The subject property lies within that planning area; it is contiguous to the City limits on the eastern and southern boundaries, and the owner has petitioned for voluntary annexation.

6. Florida Statutes Voluntary Annexation - Chapter 171.044(2):

“...Said ordinance shall be passed after notice of the annexation has been published at least once each week for 2 consecutive weeks in some newspaper in such city or town...”

The department published notice of this annexation in the Daily Commercial following the established requirements on January 8, 2024, and again on January 15, 2024.

7. Florida Statutes Voluntary Annexation - Chapter 171.044(5):

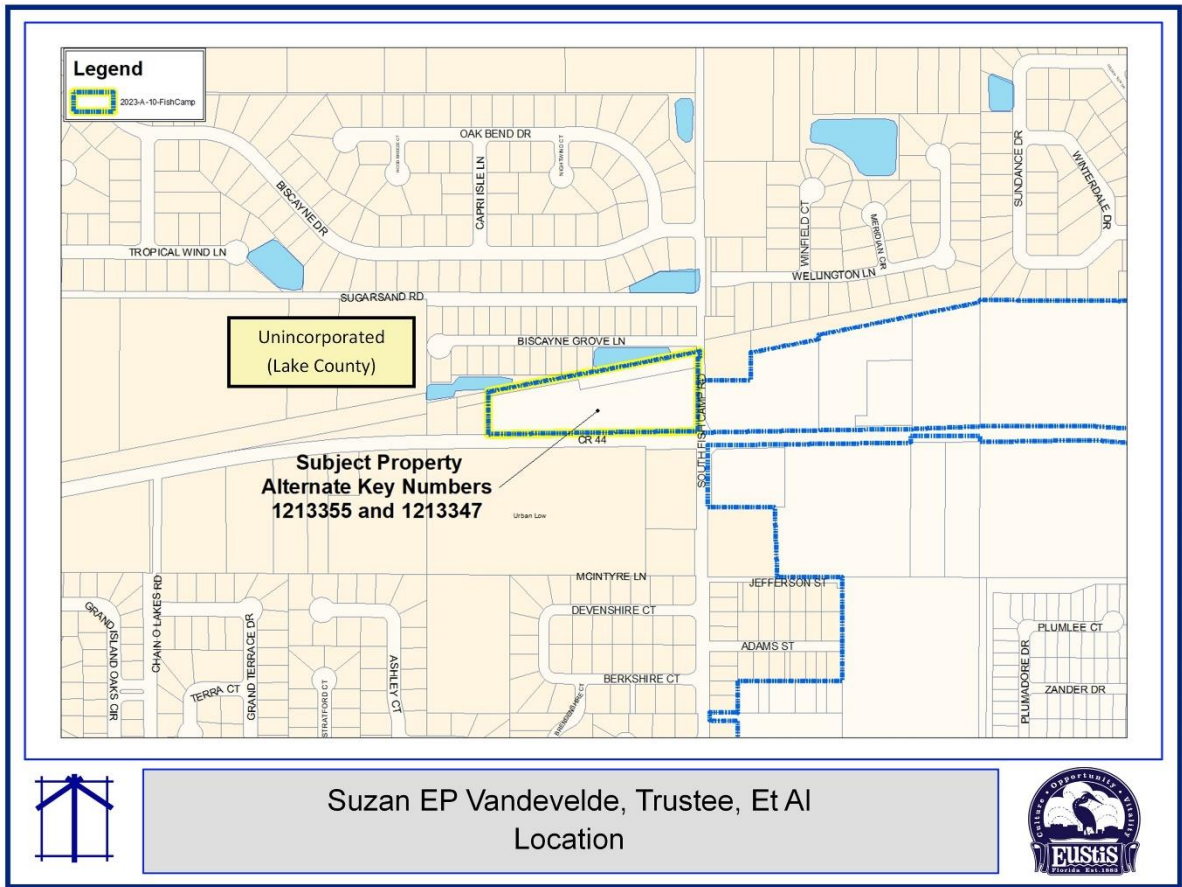
“Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

Annexation of the subject property does not create an enclave as defined by the Florida Statutes. The subject properties are a continuous and logical extension of the city boundary.

Florida Statutes Voluntary Annexation - Chapter 171.044(6):

“Not fewer than 10 days prior to publishing or posting the ordinance notice required under subsection (2), the governing body of the municipality must provide a copy of the notice, via certified mail, to the board of the county commissioners of the county wherein the municipality is located...”

The department sent notice to the Lake County Board of County Commissioners by Certified Mail on December 29, 2023.



Suzan EP Vandavelde, Trustee, Et Al
Location

Analysis of Comprehensive Plan/Future Land Use Request (**Ordinance Number 24-06**)

In accordance with the Florida Statutes Chapter 163.3177.9.:

Discourage Urban Sprawl:

Primary Indicators of Sprawl:

The future land use element and any amendment to the future land use element shall discourage the proliferation of urban sprawl. The primary indicators that a plan or plan amendment does not discourage the proliferation of urban sprawl are listed below. The evaluation of the presence of these indicators shall consist of an analysis of the plan or plan amendment within the context of features and characteristics unique to each locality in order to determine whether the plan or plan amendment:

Review of Indicators

Low-Intensity Development:

Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses.

This indicator does not apply. The requested future land use will provide for a higher residential density (12 du/acre) and the MCR designation allows for commercial or mixed-use opportunities.

Urban Development in Rural Areas:

Promotes, allows, or designates significant amounts of urban development to occur in rural areas at substantial distances from existing urban areas while not using undeveloped lands that are available and suitable for development.

This indicator does not apply. The area has established commercial development and is situated as a suburban residential, commercial, and urbanizing area.

Strip or Isolated Development:

Promotes, allows, or designates urban development in radial, strip, isolated, or ribbon patterns generally emanating from existing urban developments.

This indicator does not apply. The area is an already established suburban commercial area/intersection with similar land uses directly adjacent.

Natural Resources Protection:

Fails to adequately protect and conserve natural resources, such as wetlands, floodplains, native vegetation, environmentally sensitive areas, natural groundwater aquifer recharge areas, lakes, rivers, shorelines, beaches, bays, estuarine systems, and other significant natural systems.

This indicator does not apply. The subject property is not subject to floodplain impact and does not contain wetland areas. The Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should the conditions at the time of development warrant such protection.

Agricultural Area Protection:

Fails to adequately protect adjacent agricultural areas and activities, including silviculture, active agricultural and silvicultural activities, passive agricultural activities, and dormant, unique, and prime farmlands and soils.

This indicator does not apply. This site and adjacent areas do not support active agricultural or silvicultural activities. The site is within an existing developed and further developing area.

Public Facilities:

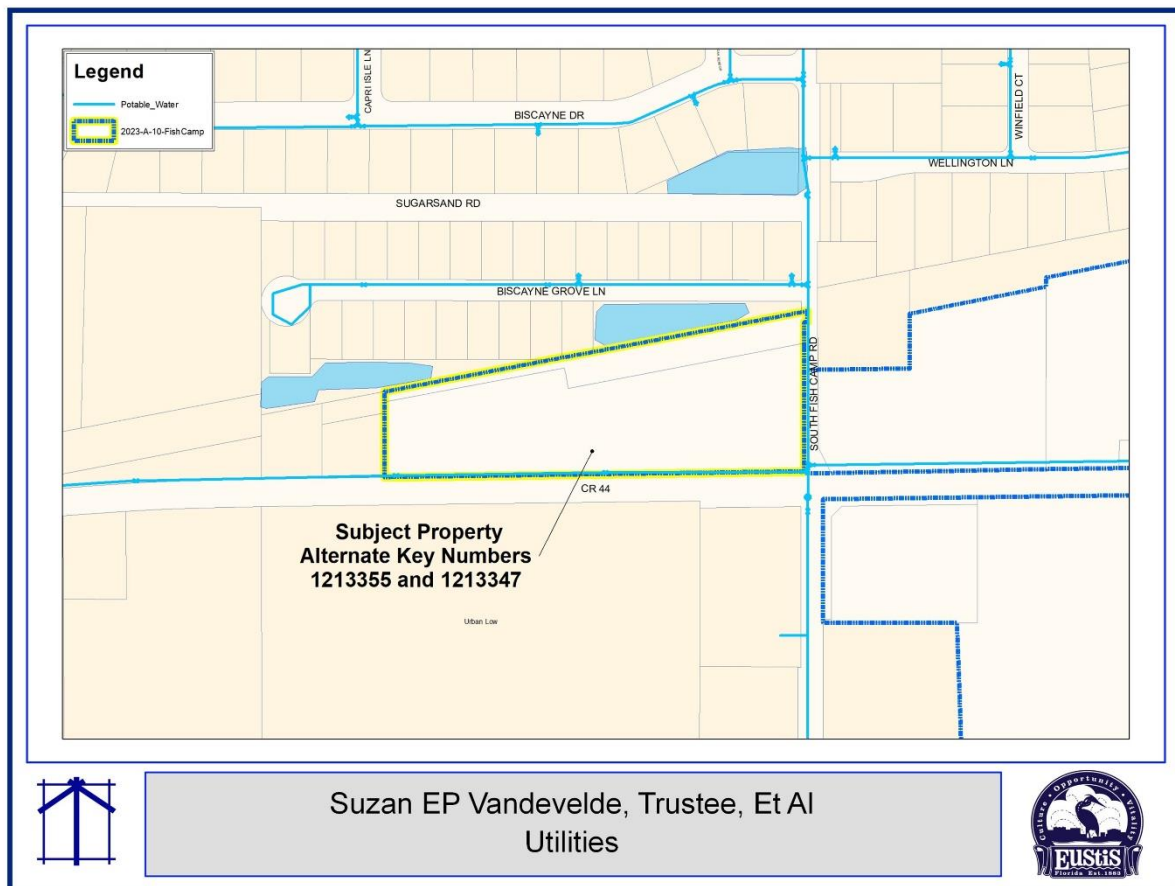
Fails to maximize the use of existing public facilities and services.

This indicator does not apply. City water is available to serve the property. Development of this parcel will maximize the use and efficiency of the City water services.

Cost Effectiveness and Efficiency of Public Facilities:

Allows for land use patterns or timing which disproportionately increase the cost in time, money, and energy of providing and maintaining facilities and services, including roads, potable water, sanitary sewer, stormwater management, law enforcement, education, health care, fire and emergency response, and general government.

This indicator does not apply. Adequate capacity is available to serve the existing future development.



Separation of Urban and Rural:

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

This indicator does not apply. No nearby properties contain active agricultural activities or use. The surrounding area is developed or has development entitlements attached to the land. These developments have densities and intensities that are clearly suburban uses.

Infill and Redevelopment:

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

This indicator does not apply. This property will promote infill development by allowing access to public facilities.

Functional Mix of Uses:

Fails to encourage a functional mix of uses.

This indicator does not apply. The site is surrounded by single-family and existing commercial development on the adjacent properties, which is consistent with permitted uses in the area.

Accessibility among Uses:

Results in poor accessibility among linked or related land uses.

This indicator does not apply. The Land Development Regulations include provisions to provide adequate access and linkage between related uses. City Departments will ensure compliance with these standards at the time of development review.

Open Space:

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

This indicator does not apply. The site does not contain functional open space and is not connected to regionally significant open space. The subject properties are existing residential lots.

Urban Sprawl:

The future land use element or plan amendment shall be determined to discourage the proliferation of urban sprawl if it incorporates a development pattern or urban form that achieves four or more of the following:

Direction of Growth:

Directs or locates economic growth and associated land development to geographic areas of the community in a manner that does not have an adverse impact on and protects natural resources and ecosystems.

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

Efficient and Cost-Effective Services:

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

Public utility service is available. The development of the property will further encourage the efficient provision of services.

Walkable and Connected Communities:

Promotes walkable and connected communities and provides for compact development and a mix of uses at densities and intensities that will support a range of housing choices and a multimodal transportation system, including pedestrian, bicycle, and transit, if available.

At the time of development, the site must meet the City's Land Development Regulations including the creation of streets and street connections where they do not currently exist.

Water and Energy Conservation:

Promotes the conservation of water and energy.

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

Agricultural Preservation:

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

Not applicable; this site and adjacent areas do not support active agricultural silvicultural activities. The site is within an existing developed residential and commercial area.

Open Space:

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

This is not applicable. The site does not provide functional open space or natural areas on a regional basis.

Balance of Land Uses:

Creates a balance of land uses based upon demands of the residential population for the nonresidential needs of an area.

The proposed land use is consistent with the surrounding area. The land use proposed would allow for opportunities for development types to support the surrounding area.

Urban Form Densities and Intensities:

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

Not applicable.

In Accordance with Comprehensive Plan Future Land Use Element Appendix:

All applications for a Plan amendment relating to the development patterns described and supported within the Plan including, but not limited to, site-specific applications for changes in land use designations, are presumed to involve a legislative function of local government which, if approved, would be by legislative act of the City and shall, therefore, be evaluated based upon the numerous generally acceptable planning, timing, compatibility, and public facility considerations detailed or inferred in the policies of the Plan. Each application for an amendment to the Map #1: 2035 Future Land Use Map by changing the land use designation assigned to a parcel of property shall also be reviewed to determine and assess any significant impacts to the policy structure on the Comprehensive Plan of the proposed amendment including, but not limited to, the effect of the land use change on either the internal consistency or fiscal structure of the Plan.

Major Categories of Plan Policies:

This Plan amendment application review and evaluation process will be prepared and presented in a format consistent with the major categories of Plan policies as follows:

General Public Facilities/Services:

Since the Plan policies address the continuance, expansion and initiation of new government service and facility programs, including, but not limited to, capital facility construction, each application for a land use designation amendment shall include a description and evaluation of any Plan programs (such as the effect on the timing/financing of these programs) that will be affected by the amendment if approved. This analysis shall include the availability of, and actual and anticipated demand on, facilities and services serving or proposed to serve the subject property. The facilities and services required for analysis include emergency services, parks and recreation, potable water, public transportation if and when available, sanitary sewer, schools, solid waste, stormwater, and the transportation network.

1. Emergency Services Analysis:

Eustis Emergency Services already provide emergency response to other properties in the area. Any development consistent with the proposed future land use designation would not have a significant negative impact on the operations of Eustis emergency services.

2. Parks & Recreation:

In 2010, the City prepared a Park Inventory and Level of Service Demand and Capacity analysis as part of the Comprehensive Plan Evaluation and Appraisal Report. The results show that a surplus of park area exists up to and beyond the City's population of 20,015. The current population is approximately 24,500. Pursuant to Comprehensive Plan policies and Land Development Regulations, residential development will be required to provide on-site park amenities.

3. Potable Water & Sanitary Sewer:

Water and sewer are available to the subject property. Both the water and sewer systems have adequate capacity to serve the development of the property.

4. Schools:

The proposed change should not negatively impact schools. At the time of development application verification of capacity will be required from Lake County Schools.

5. Solid Waste:

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

6. Stormwater:

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

7. Transportation Network Analysis:

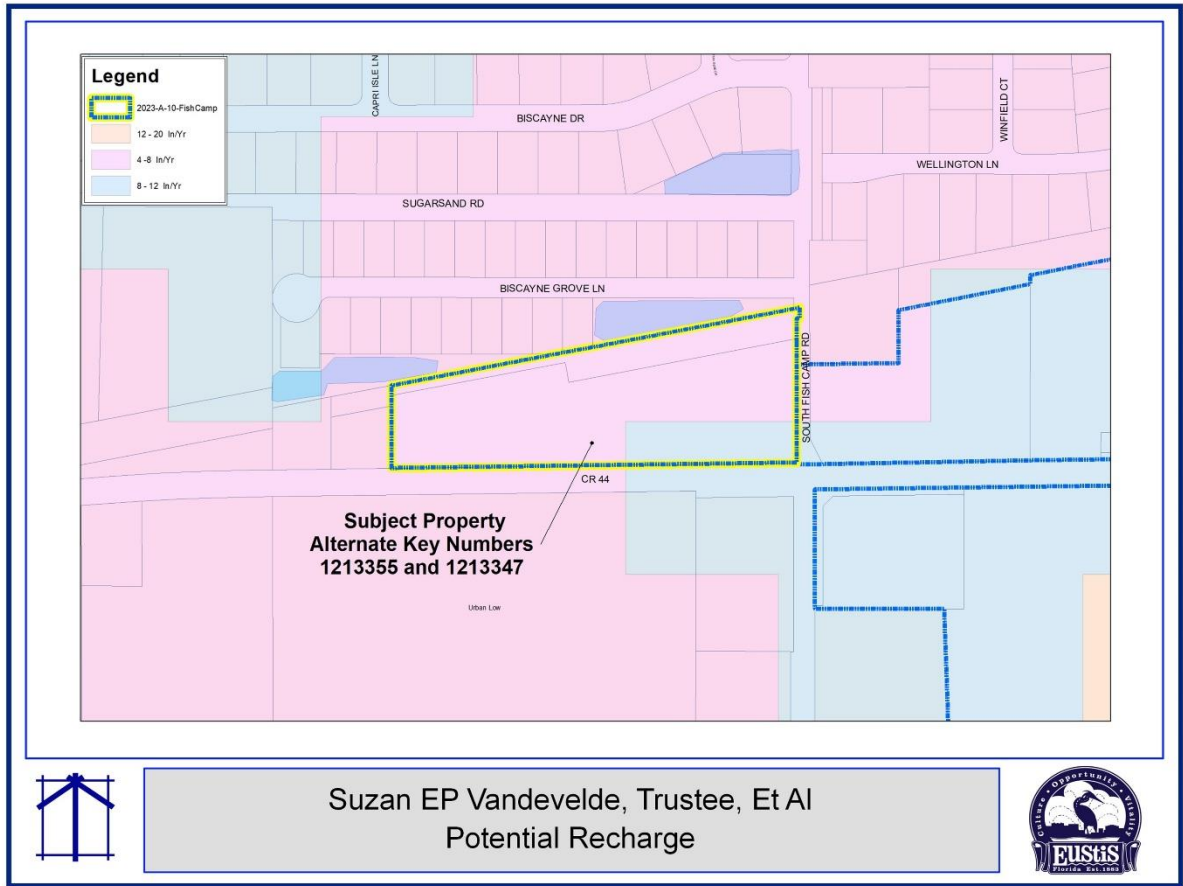
This potential annexation and the subsequent development of the property will not add additional impacts as the parcels being annexed include existing platted lots.

8. Natural Resources/Natural Features:

The policies of the Plan also contain general regulatory guidelines and requirements for managing growth and protecting the environment. These guidelines will be used to evaluate the overall consistency of the land use amendment with the Comprehensive Plan. Specifically, each amendment will be evaluated to 1) determine the existence of groundwater recharge areas; 2) the existence of any historical or archaeological sites; 3) the location of flood zones and the demonstration that the land uses proposed in flood-prone areas are suitable to the continued natural functioning of flood plains; and 4) the suitability of the soil and topography to the development proposed.

9. Groundwater recharge areas:

The site may be within a recharge area, and a site-specific geotechnical and hydrologic study will be needed to determine the site-specific impact at the time of development. Source: Lake County Comprehensive Plan 2030 Floridian Aquifer Recharge Map.



10. Historical or archaeological sites:

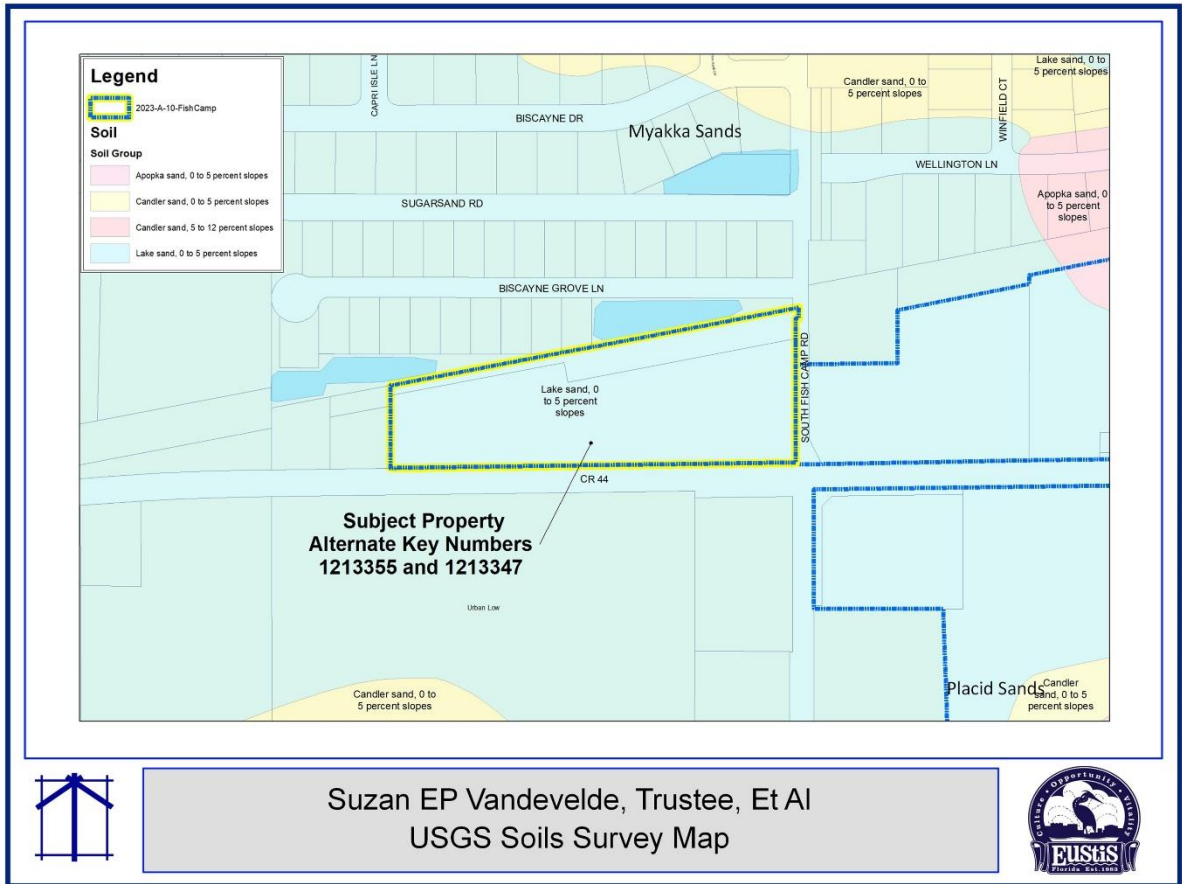
The City does not have any record of Florida Master Site Files related to this property and no known historical or cultural resources exist.

11. Flood zones:

The subject property is not impacted by a 100-year flood zone area. Source - Lake County GIS - 2012 Flood Zones.

12. Soil and topography:

The soil on the site is mainly made up of Lake sands. The Lake series is composed of highly-drained, quickly to very quickly permeable soils that were created in large deposits of sand..



13. Comprehensive Plan Review:

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

Existing Land Use According to the Lake County Comprehensive Plan:

The existing Lake County future land use designation of the property is Urban Low, which provides for residential uses at up to 4 dwelling units per acre as well as supporting commercial and institutional uses.

Proposed Land Use According to the Eustis Comprehensive Plan:

The Mixed Use Commercial Residential (MCR) land use designation is intended to regulate the character and scale of commercial uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby residential uses.

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

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

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

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

Residential: 15% - 25% of total MCR Acreage

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

Comparison of Lake County Development Conditions

The land use designations of residential properties within the City of Eustis in the surrounding area are generally Mixed Commercial Residential (MCR) with a maximum density of 12 dwelling units per acre (du/ac) and allow for commercial development consistent with the General Commercial uses of the Comprehensive Plan and the Land Development Regulations.

The surrounding properties, immediately adjacent to the north and west, are unincorporated areas that are designated Urban Low with a maximum density of 4 dwelling units per net buildable acre.

Proposed Residential Land Uses.

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

This area is predominantly residential in nature with commercial uses at the major intersection of Fish Camp Road and County Road 44, the proposed Future Land Use will allow commercial and residential uses.

Proposed Non-Residential Land Uses.

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

Not applicable.

14. Transportation:

Each application for a land use designation amendment will be required to demonstrate consistency with the Transportation Element of the adopted Comprehensive Plan.

The use of the land will be evaluated at the time of development. The proposed land use is consistent with the existing designation to the east and south .

15. Water Supply:

Each application for a land use designation amendment will be required to demonstrate that adequate water supplies and associated public facilities are (or will be) available to meet the projected growth demands.

City water service and other services are available. The City's adopted Water Supply Plan anticipated additional growth consistent with this development, so both supply and capacity are available.

In Accordance with Chapter 102-16(f), Land Development Regulations

Standards for Review:

In reviewing the application of a proposed amendment to the comprehensive plan, the local planning agency and the city commission shall consider:

1. *Consistent with Comprehensive Plan:*

Whether the proposed amendment is consistent with all expressed policies the comprehensive plan.

The proposed amendment is consistent with the Comprehensive Plan.

2. *In Conflict with Land Development Regulations:*

Whether the proposed amendment is in conflict with any applicable provisions of these land development regulations.

The proposed amendment is not in conflict with the Land Development Regulations. At the time of development, there will be further review for compliance.

3. *Inconsistent with Surrounding Uses:*

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

The existing land uses in the immediate area are residential and the proposed use of the land is continued residential.

4. *Changed Conditions:*

Whether there have been changed conditions that justify an amendment.

The applicant wishes to annex the property into the City limits of Eustis. Assignment of a City of Eustis future land use designation is required. Upon annexation, the subject property will have a full array of municipal services, including central water. These changed conditions warrant a change in the land use designation.

5. *Demand on Public Facilities:*

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

City public utility services are available and, in close proximity to the site. A capacity is available to serve future development consistent with the requested Mixed Commercial Resient future land use designation.

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

6. *Impact on Environment:*

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

The site contains no apparent natural resources and is not connected to significant open space.

7. *Orderly Development Pattern:*

Whether, and the extent to which, the proposed amendment would result in an orderly and logical development pattern, specifically identifying any negative effects on such pattern.

The site is contiguous to the City limits. The development patterns already exist in the area and the future building on the previously platted lots will not cause incompatibilities with those development patterns.

8. *Public Interest and Intent of Regulations:*

Whether the proposed amendment would be consistent with or advance the public interest, and in harmony with the purpose and intent of these land development regulations.

The purpose and intent of the Land Development Regulations is as follows:

“The general purpose of this Code is to establish procedures and standards for the development of land within the corporate boundaries and the planning area of the city, such procedures and standards being formulated in an effort to promote the public health, safety and welfare and enforce and implement the City's Comprehensive Plan, while permitting the orderly growth and development with the city and Eustis planning area consistent with its small-town community character and lifestyle.”

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

9. *Other Matters:*

Any other matters that may be deemed appropriate by the local planning agency or the city commissioners, in review and consideration of the proposed amendment.

No other matters.

Analysis of Design District Request (**Ordinance Number 24-07**):

Form-Based Code:

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

1. *Standards for Review:*

The Land Development Regulations include the following standards for review of an amendment to the Design District Map. In approving a change in the designation, the City Commission shall consider: Whether the amendment is in conflict with any applicable provisions of the Code.

2. *Section 102-17(a) "...Section 109-3 Design Districts:*

identifies the definition, structure, and form of each design district. The assignment of design district must follow the district pattern and intent.

The requested amendment assigns a newly annexed parcel a designation that meets the district pattern and intent (Suburban Corridor). The Suburban development pattern and intent, and the Suburban Corridor definition, structure, and form description are stated below. The assignment of a Suburban Corridor design district designation is appropriate due to the established and proposed development patterns in the area.

3. *Sec. 109-3.4. Suburban development pattern intent statements:*

Intent. Suburban development pattern relies primarily on a pattern of residential development that provides the majority of property owners with substantial yards on their own property. The street layout, comprised of streets with fewer vehicular connections, helps to reduce cut-through traffic and establishes distinct boundaries for residential communities/subdivisions. Each land use provides for pedestrian and bicycle connections.

Design districts – Suburban Corridor

a. Definition. Linear concentrations of typically commercial uses, predominately auto-oriented uses. The parcel size ranges from large areas of depth to shallow in nature, compatible with the adjacent neighborhoods.

b. Structure. The street system is designed to accommodate the density, intensity, and form of suburban development and provides functional connections that link neighborhoods to shopping areas.

c. Form: Predominately single-use areas that may include a mix of uses, retail, and residential.

A Suburban Corridor designation follows the district pattern and intent outlined in the Land Development Regulations and is consistent with the existing transect in the area providing opportunities for both commercial and residential development types.

4. **Section 102-17(a)**

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

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

Reassignment is not being proposed; a Eustis design district designation must be assigned to annexed property; the proposed design district is compatible with the adjacent and facing design districts.

5. *Consistent with Comprehensive Plan:*

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

The requested amendment is consistent with the Future Land Use element (including Policy FLU 1.2.4, Development Patterns, and FLU 1.3.2. Maintain Residential Compatibility), as well as all other elements of the Comprehensive Plan.

6. *Consistent with Surrounding Uses:*

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

The Suburban Corridor definition, structure, and form are compatible with the existing uses and any proposed uses permitted under the Mixed Commercial Resient future land use designation.

7. *Changed Conditions:*

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

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

8. *Public Facilities.*

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

A redistricting is not proposed. Assigning a design district to an annexation property will not change the demand impact on public facilities. The Future Land Use designation controls the density and intensity permitted on the site, so the Design District map amendment would not result in impacts beyond that already anticipated. Also, see the analysis of public facilities in the above sections of this report.

9. *Impact on the Environment:*

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

The proposed Design District designation for this property does not change the development potential of the parcel. Design Districts control the form and function of any development that does occur. The Future Land Use designation controls the density, intensity, and minimum open space permitted on the site, so the Design District amendment would not result in additional impacts on the natural environment. As building permit approval must be obtained before development can begin, the Comprehensive Plan and the Land Development Regulations include standards for the protection of environmentally sensitive lands that would apply should the conditions at the time of development warrant such protection.

10. *Property Values:*

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

Redistricting is not being proposed; a Eustis design district designation must be assigned to the annexed property. This request should not affect property values, because the proposed Design District designation is consistent with the surrounding development patterns and design districts.

11. *Orderly Development Pattern:*

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

The request is the assignment of a design district to an annexation parcel, not redistricting. However, the proposed Design District designation is consistent with the suburban development pattern identified in Section 109-5.5 of the Land Development Regulations. Assignment of the requested designation will result in a more orderly and logical development pattern; making the designation consistent with the surrounding area designations and established development patterns.

12. *Public Interest and Intent of Regulations:*

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

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

13. *Other Matters:*

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

The request is the assignment of a design district to an annexation parcel, not redistricting. The City's Land Development Regulations are a form-based code. The Design District designations define the development form, but not the types of land use, densities, intensities, or required open space. The districts, therefore, must be consistent and follow the urban, suburban, and rural transects. This request assigns a Suburban Corridor design district designation to an annexation parcel, which is consistent with the existing transect.

Applicable Policies and Codes

1. Resolution Number 87-34

Joint Planning Area Agreement with Lake County: “The City and the County agree that the unincorporated areas adjacent to the City might be appropriately served by urban services provided by the City, and might therefore be annexed into the City in accordance with State law..... The City agrees to annex property in accordance with State law and provide adequate urban services and facilities to serve those areas within the Joint Planning Area.”

Florida Statutes Chapter 171.044: Voluntary Annexation:

- a. “The owner or owners of real property in an unincorporated area of a county which is contiguous to a municipality and reasonably compact may petition the governing body of said municipality that said property be annexed to the municipality.”
- b. “Land shall not be annexed through voluntary annexation when such annexation results in the creation of enclaves.”

2. Comprehensive Plan – Mixed Commercial Residential (MCR)

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

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

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

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

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

Residential: 15% - 25% of total MCR acreage
 Commercial/Office: 75% - 85% of total MCR
 acreage

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

Special Provisions:

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

- a. where the arterial road frontage is generally undeveloped, residential development may be feasible and will be encouraged;
- b. strip commercial development shall be minimized, including actions that would

- extend or expand existing strip development;
- c. the arterial road frontage contains an existing mix of viable commercial and residential uses;
- d. the clustering of viable commercial businesses within or adjacent to residential neighborhoods is determined to not have a detrimental visual or operational impact on such adjacent or nearby residential uses;
- e. Developments within the Wekiva Protection Overlay that include longleaf pine, sand hill, sand pine, and xeric oak communities shall protect these areas as dedicated open space or conservation easements, with total open space equal to at least 35% of the net buildable area.

Land Development Regulations Section 109-5.5(b)(1): The Suburban Corridor Design District has predominately residential uses with some neighborhood-scale commercial services with interconnected trails, bikeways, and walkways with a street framework comprised of a range of blocks permitted throughout the neighborhoods.

Land Development Regulations Section 109-3 (Table 1) and Section 109-2.6: Mixed Commercial Resient land use has a maximum density of 12 units to one-acre *and* is intended to regulate the character and scale of commercial and residential uses so as to minimize their impacts on adjacent roadways and to promote their compatibility with adjacent or nearby land uses, and provide for mixed-use development.

Recommended Action:

Development Services recommends approval of Ordinance Numbers 24-05, 24-06, and 24-07.

Policy Implications:

None

Alternatives:

1. Approve Ordinance Numbers 24-05 (Annexation), 24-06 (Comp. Plan Amendment), and 24-07 (Design District Designation).
2. Deny Ordinance Numbers 24-05, 24-06, and 24-07.

Budget/Staff Impact:

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

Prepared By:

Jeff Richardson, AICP, Deputy Development Services Director

Reviewed By:

Mike Lane, AICP, Development Services Director

ORDINANCE NUMBER 24-05

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, FLORIDA, VOLUNTARILY ANNEXING APPROXIMATELY 6.67 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1213355 AND 1213347, ON THE WEST SIDE OF SOUTH FISHCAMP ROAD, NORTH OF COUNTY ROAD 44.

WHEREAS, On behalf of Suzan EP Vandavelde, Trustee, Et Al, property owner, LPG Urban & Reginal Planners, LLC, the applicant, has made an application for voluntary annexation of approximately 6.67 acres of real property located on the west side of South Fishcamp Road, north of County Road 44, more particularly described as:

Alternate Key Numbers: 1213355 and 1213347

Parcel Numbers: 32-18-26-0001-000-00700 and 32-18-26-0001-000-00703

Legal Description: E 1025 FT OF SW 1/4 OF NE 1/4 S OF S LINE OF RR & N OF HWY--LESS N'LY 50 FT OF E'LY 600 FT-- ORB 806 PG 90
ORB 1216 PG 985ORB 1536 PG 1896 ORB 2810 PG 2313
ORB 3277 PG 1146 ORB 3855PG 2292

WHEREAS, the subject property is reasonably compact and contiguous; and

WHEREAS, the annexation of this property will not result in the creation of enclaves;
and

WHEREAS, the subject property is located within the City of Eustis Planning Area, and water service is available to the property; and

WHEREAS, on January 18, 2024, the City Commission held the 1st Public Hearing to consider the voluntary annexation of the property contained herein; and

WHEREAS, on February1 , 2024, the City Commission held the 2nd Public Hearing to consider the voluntary annexation of the property contained herein

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

SECTION 1.

That pursuant to, and under the authority of, Florida Statute 171.044, the City of Eustis, Lake County, Florida, does hereby annex and amend the municipal boundaries to include approximately 6.67 acres of real property, as described above.

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

SECTION 2.

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

SECTION 3.

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

SECTION 4.

That upon final passage and adoption, the City Clerk is hereby directed to file a copy hereof with the Clerk of the Circuit Court, the County Manager for Lake County, Florida, and the Department of State for the State of Florida within 7 days after the adoption of such ordinances.

SECTION 5.

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

SECTION 6.

That this Ordinance shall become effective upon passing.

SECTION 7.

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

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____, 2024.

**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 ____ day of _____, 2024, 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 for the use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

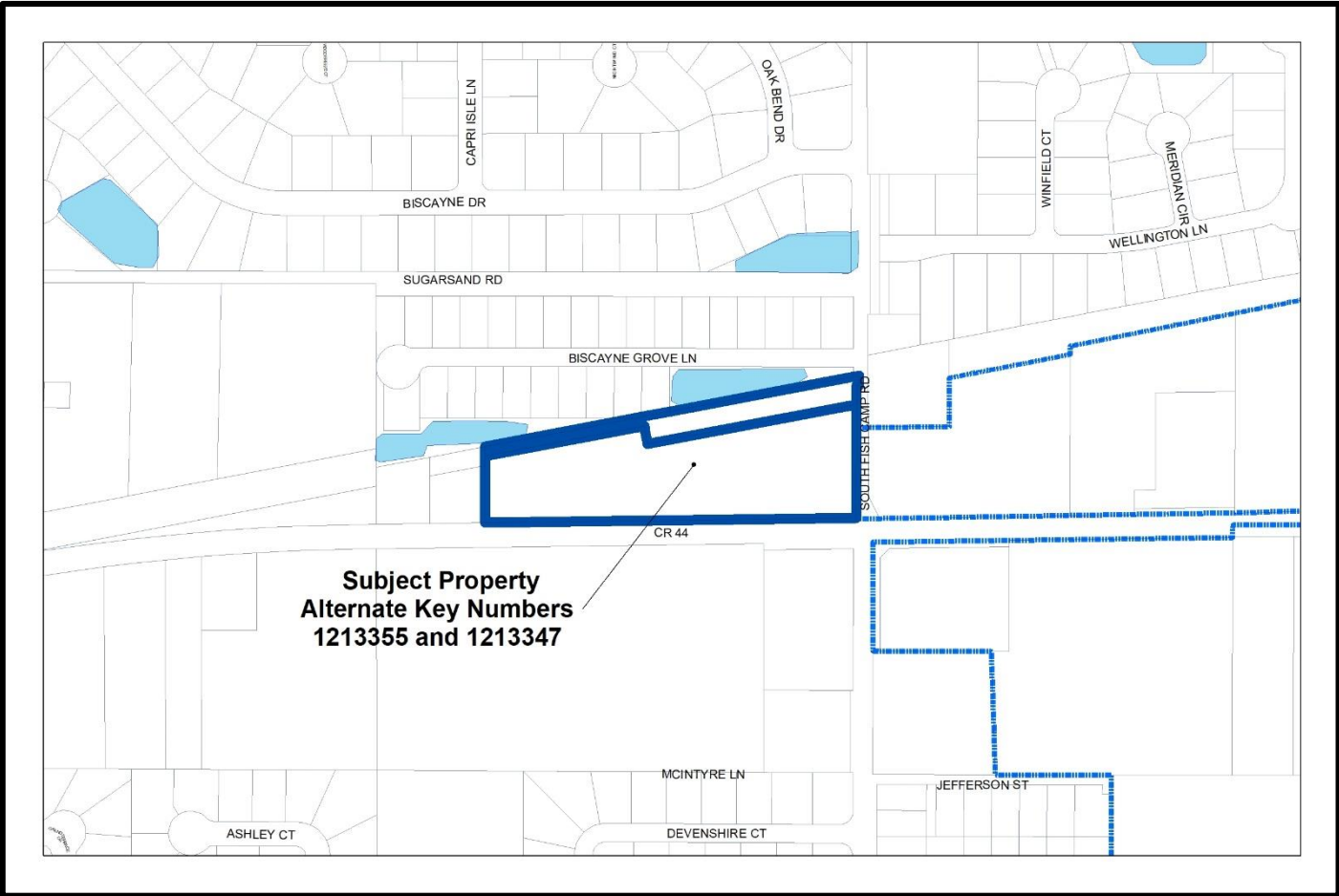
Date

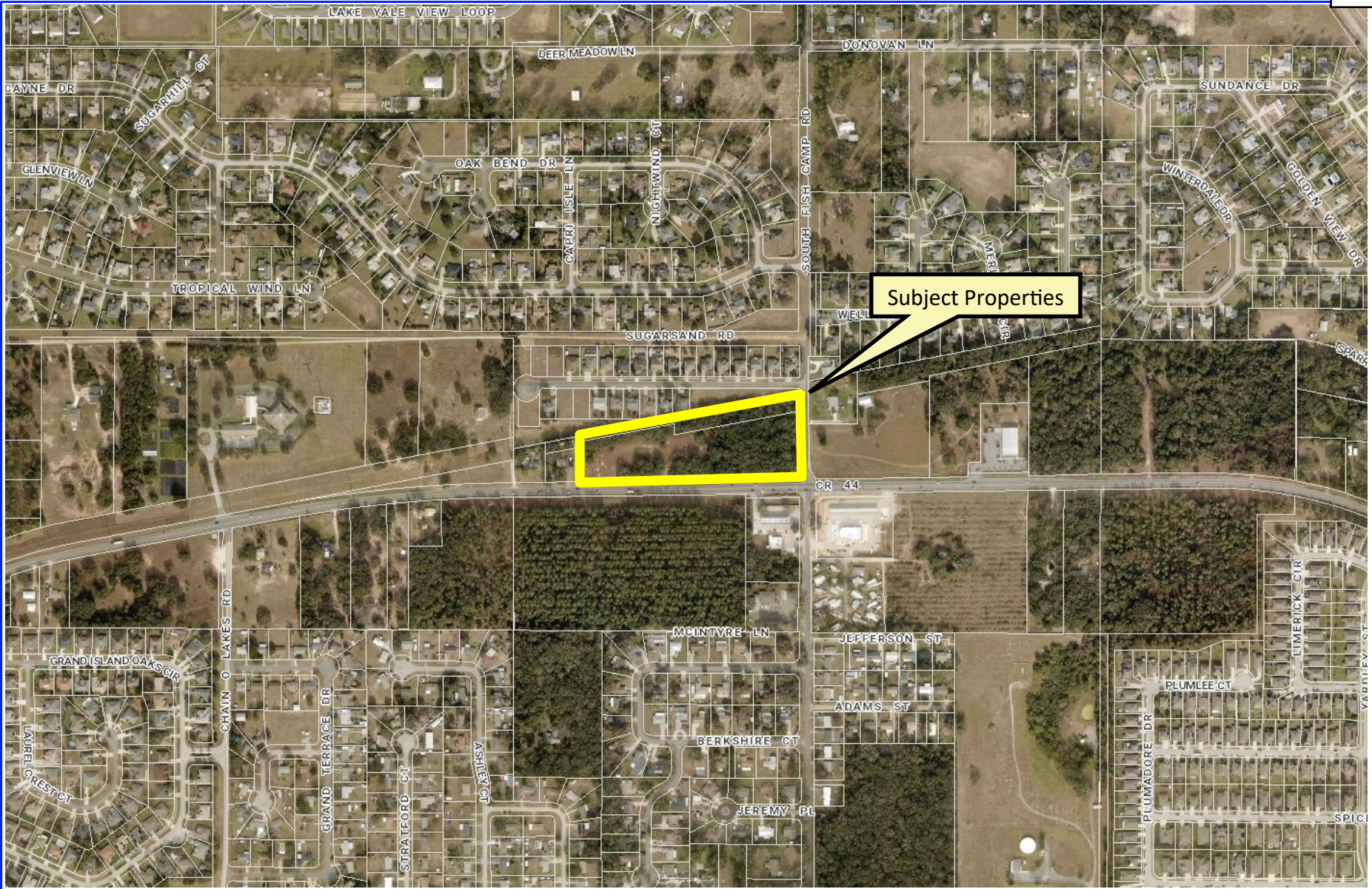
CERTIFICATE OF POSTING

The foregoing Ordinance Number 24-05 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

Exhibit A



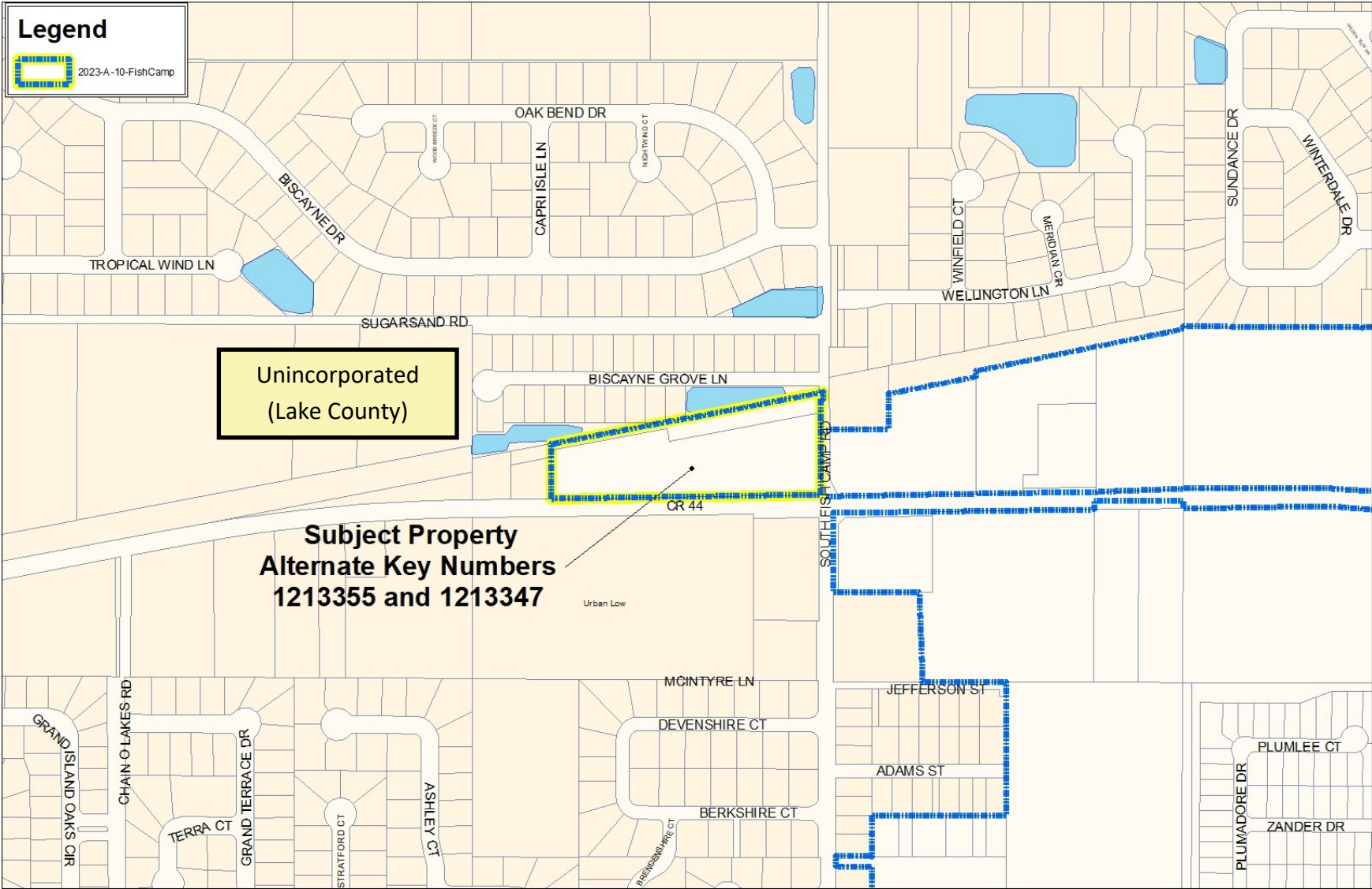


Subject Properties



Suzan EP Vandavelde, Trustee, Et Al
 Aerial Location







Suzan EP Vandavelde, Trustee, Et Al
 Location




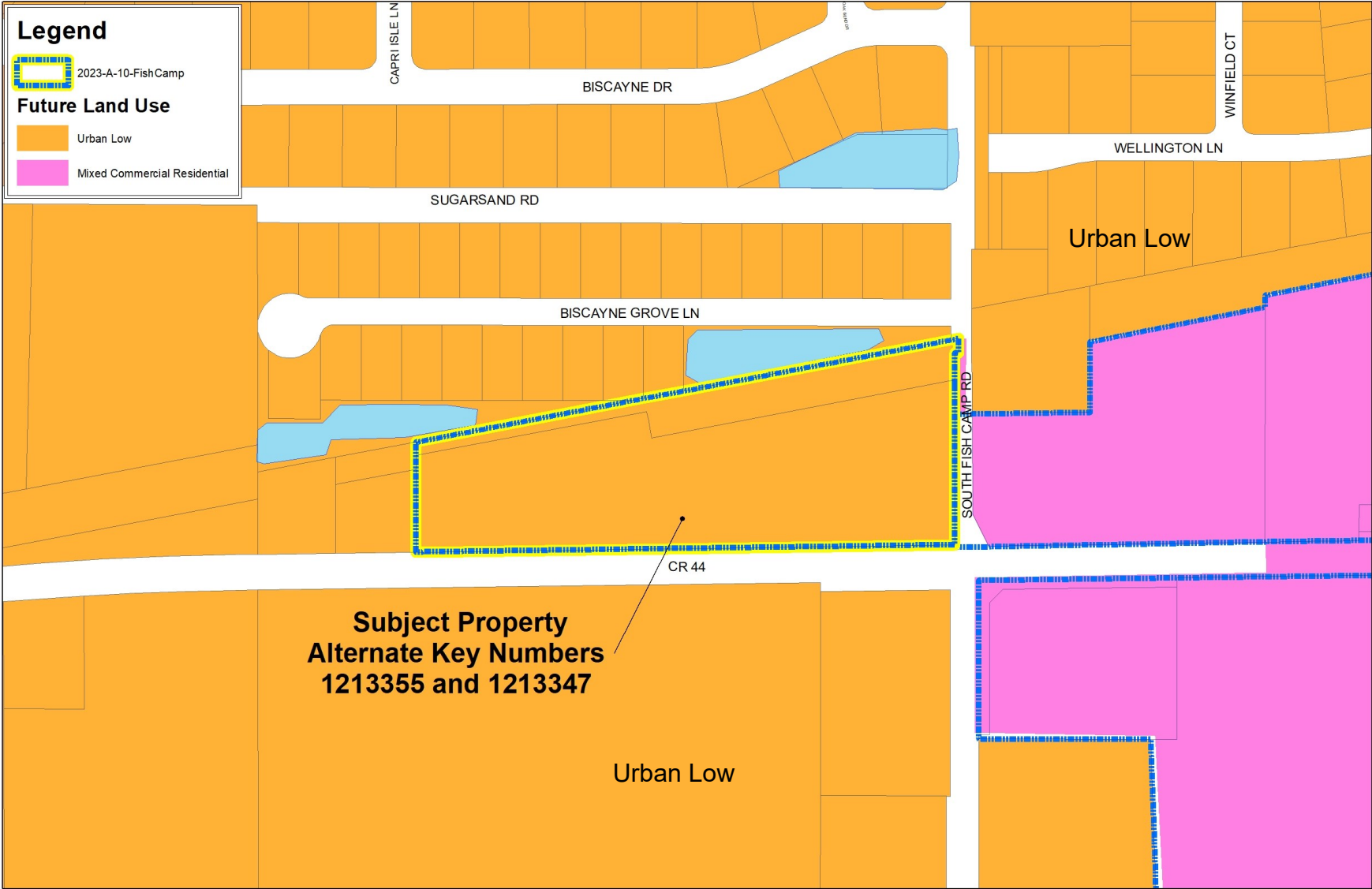
Legend

 2023-A-10-Fish Camp

Future Land Use

 Urban Low

 Mixed Commercial Residential



Subject Property
Alternate Key Numbers
1213355 and 1213347

Urban Low



Urban Low



Suzan EP Vandavelde, Trustee, Et Al
 Future Land Use (Current)




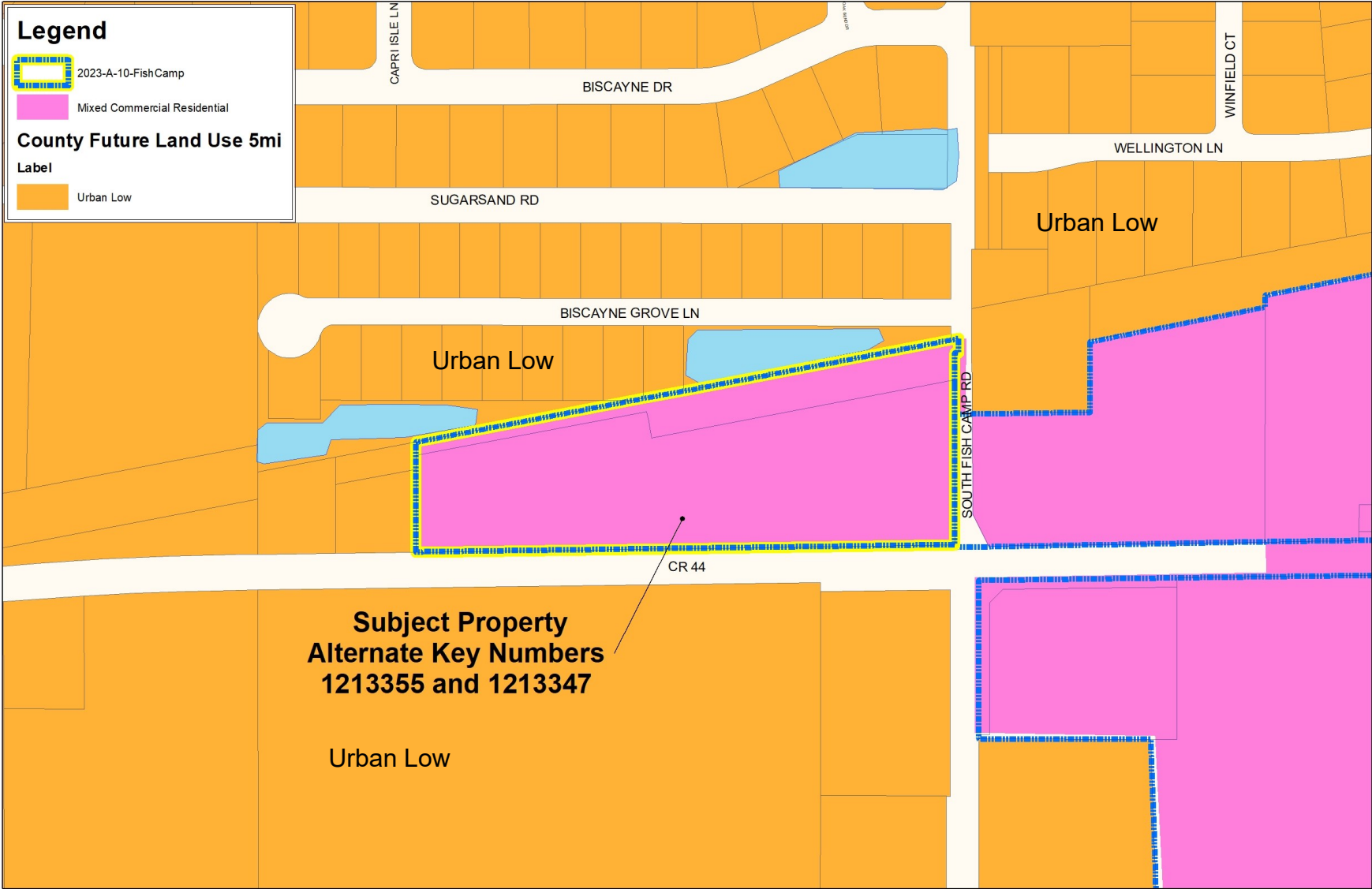
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-  2023-A-10-Fish Camp
-  Mixed Commercial Residential

County Future Land Use 5mi

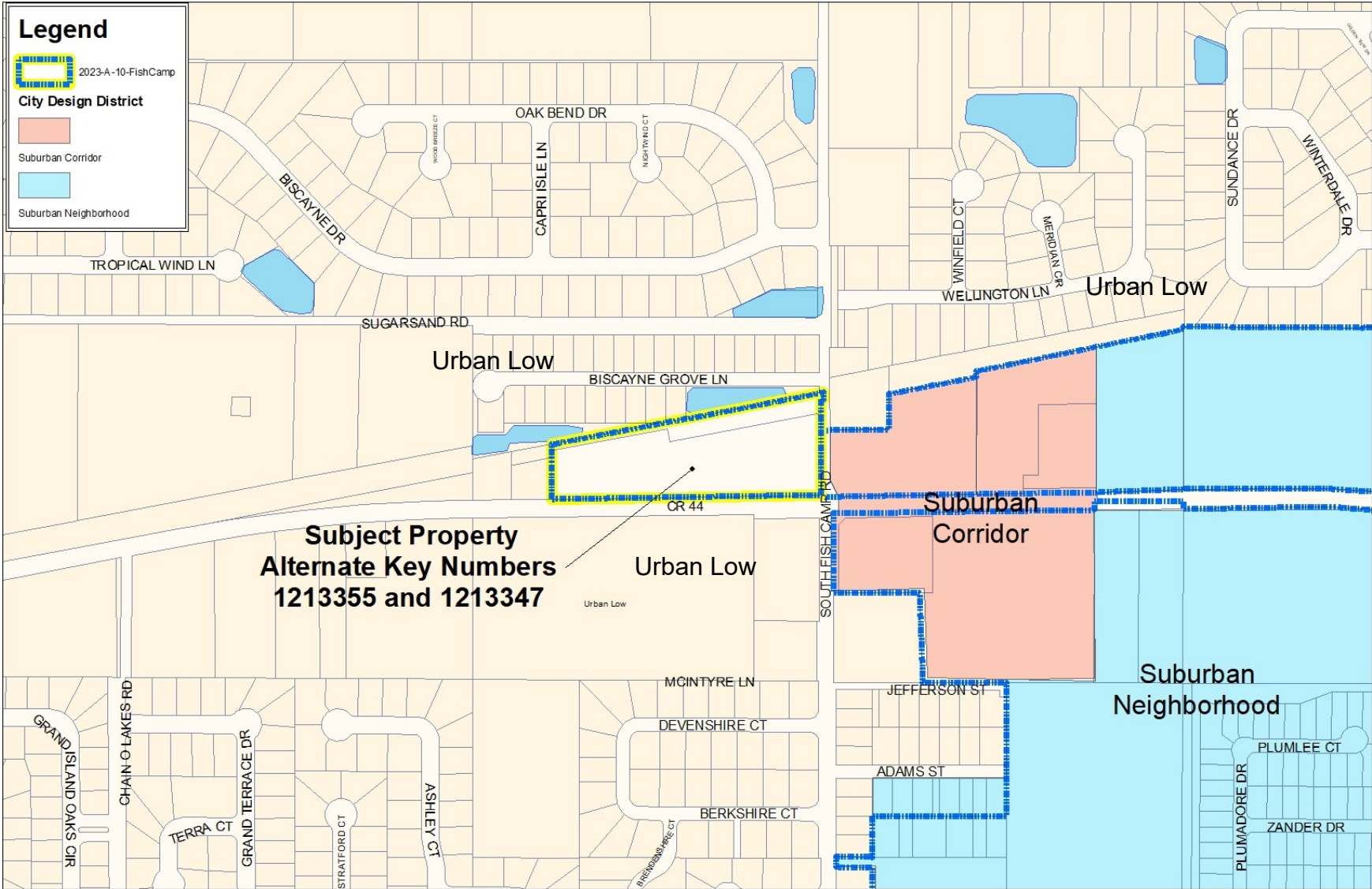
Label

-  Urban Low



Suzan EP Vandavelde, Trustee, Et Al
 Future Land Use (Proposed)







Suzan EP Vandavelde, Trustee, Et Al
 Design District (Before)




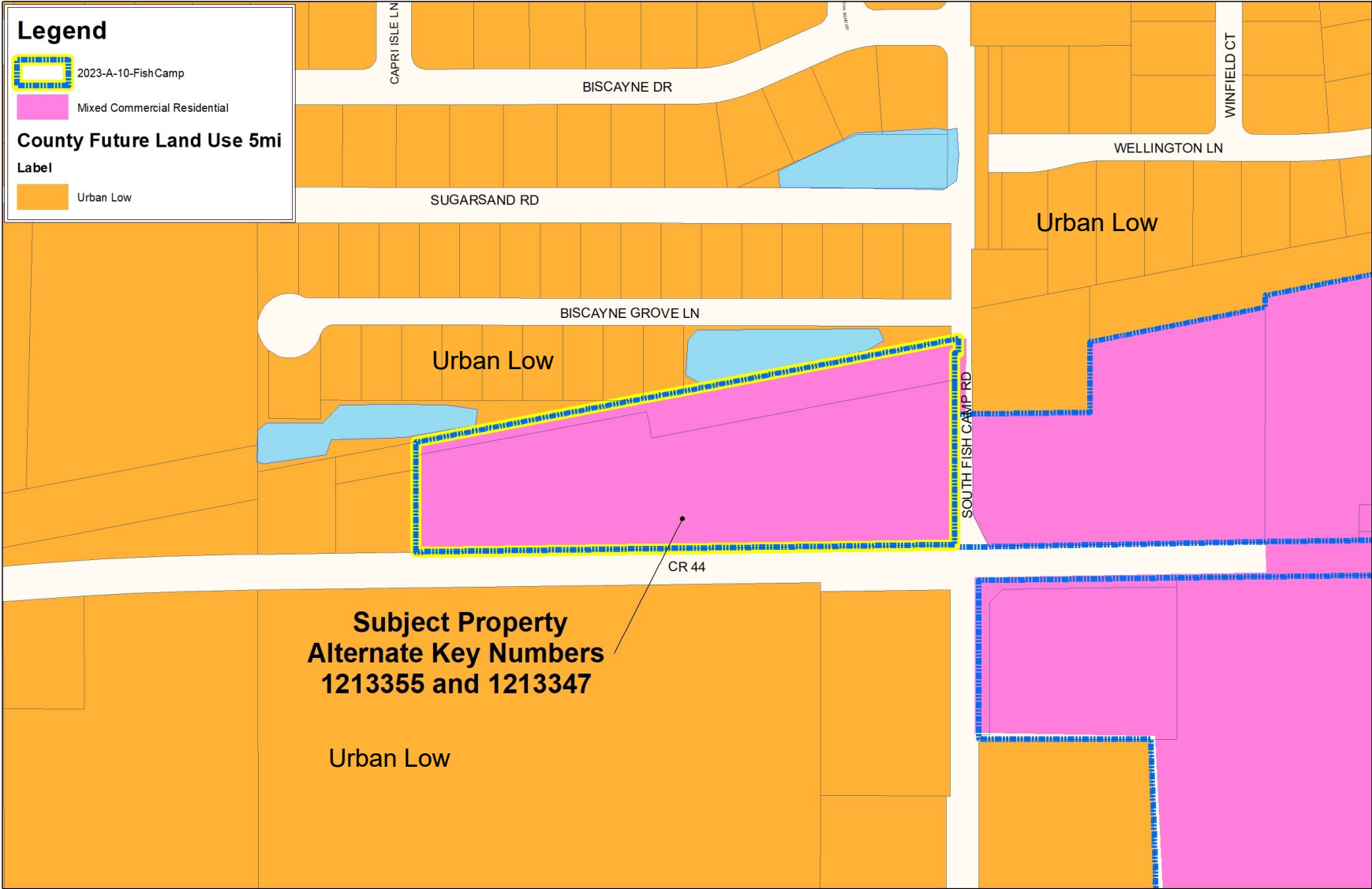
Legend

-  2023-A-10-Fish Camp
-  Mixed Commercial Residential

County Future Land Use 5mi

Label

-  Urban Low

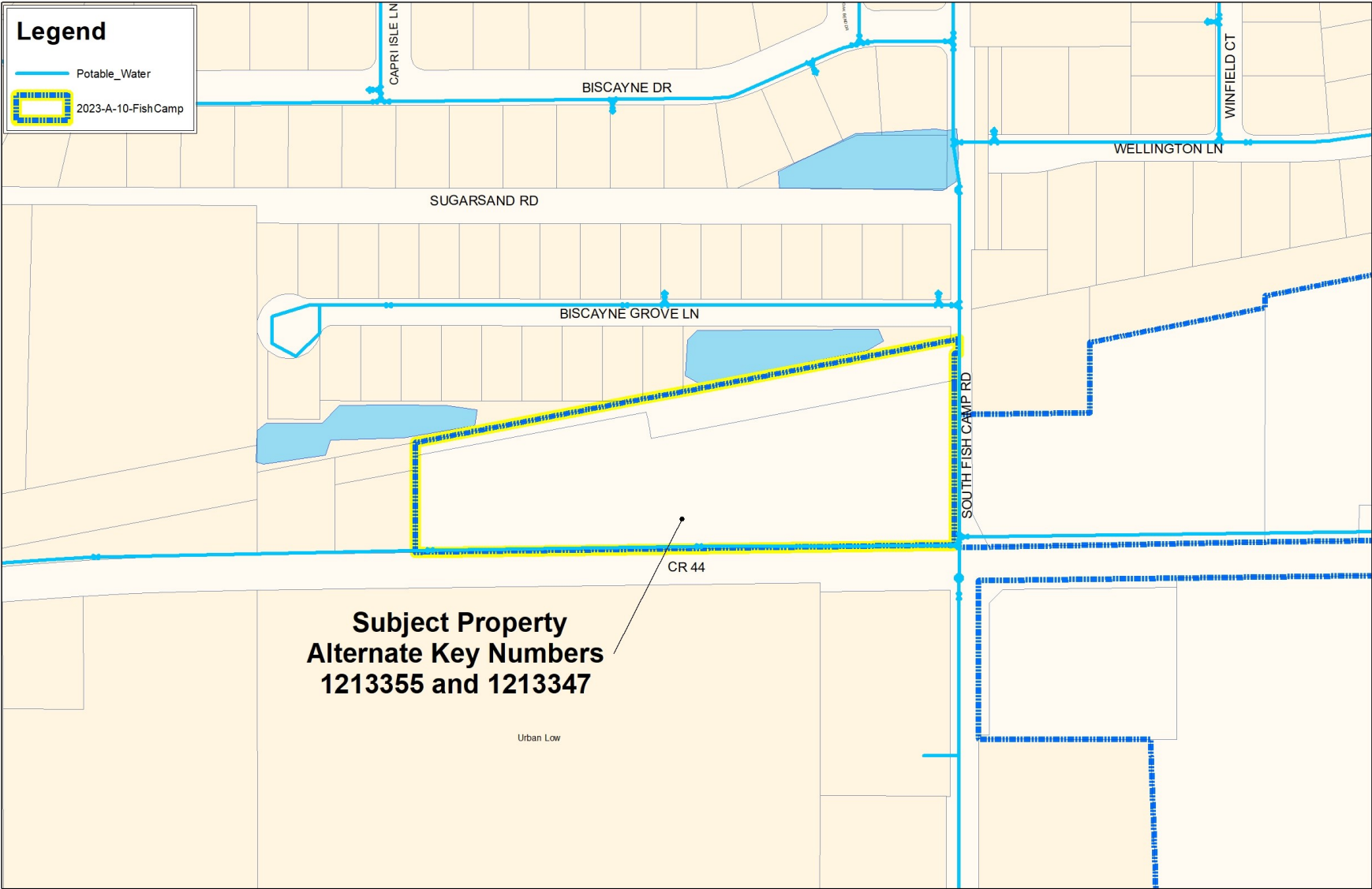


Suzan EP Vandavelde, Trustee, Et Al
Design District (After)



Legend





- Potable_Water
- ▭ 2023-A-10-Fish Camp

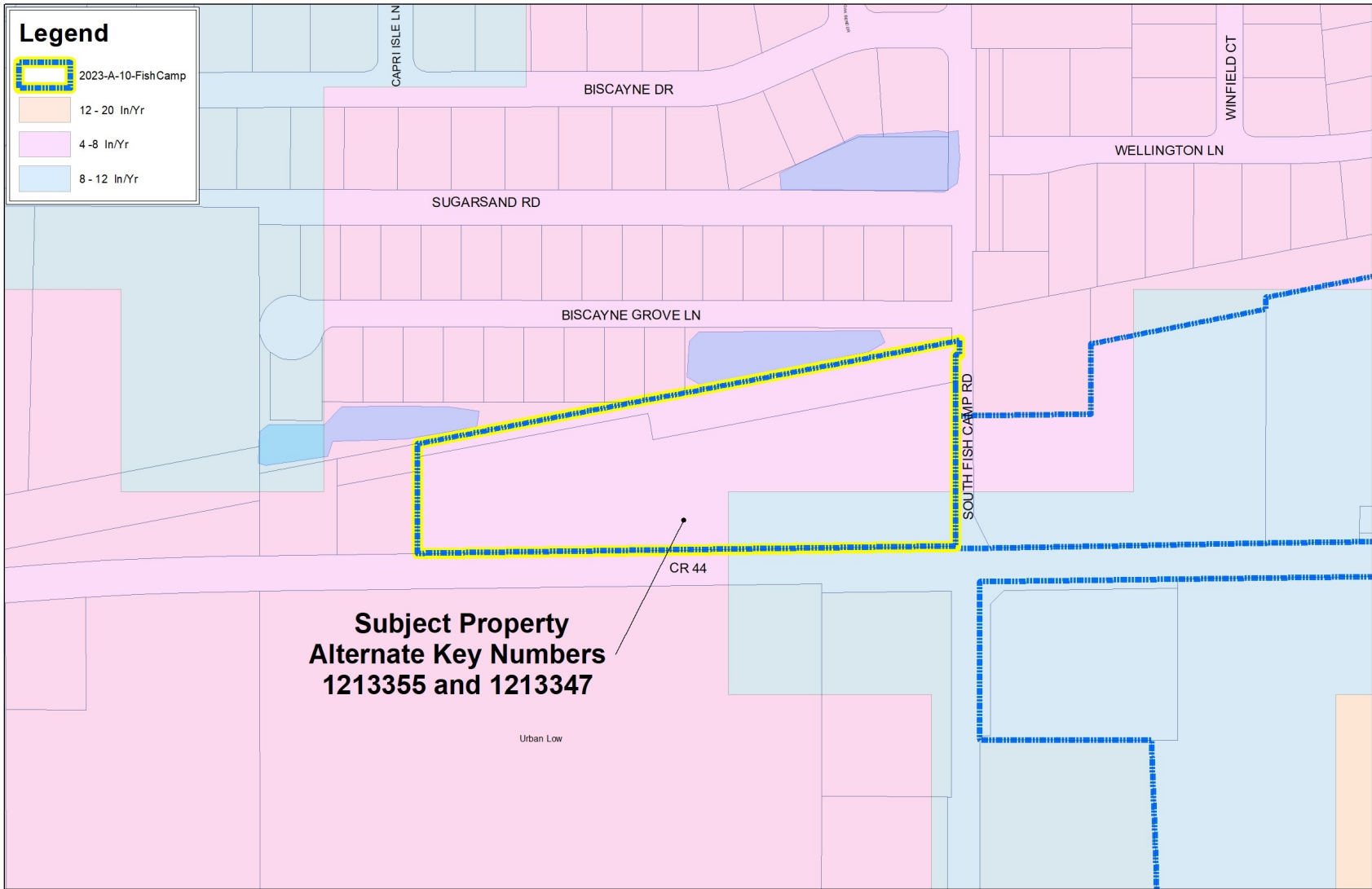


Suzan EP Vandavelde, Trustee, Et Al
Utilities



Legend

-  2023-A-10-FishCamp
-  12 - 20 In/Yr
-  4 - 8 In/Yr
-  8 - 12 In/Yr



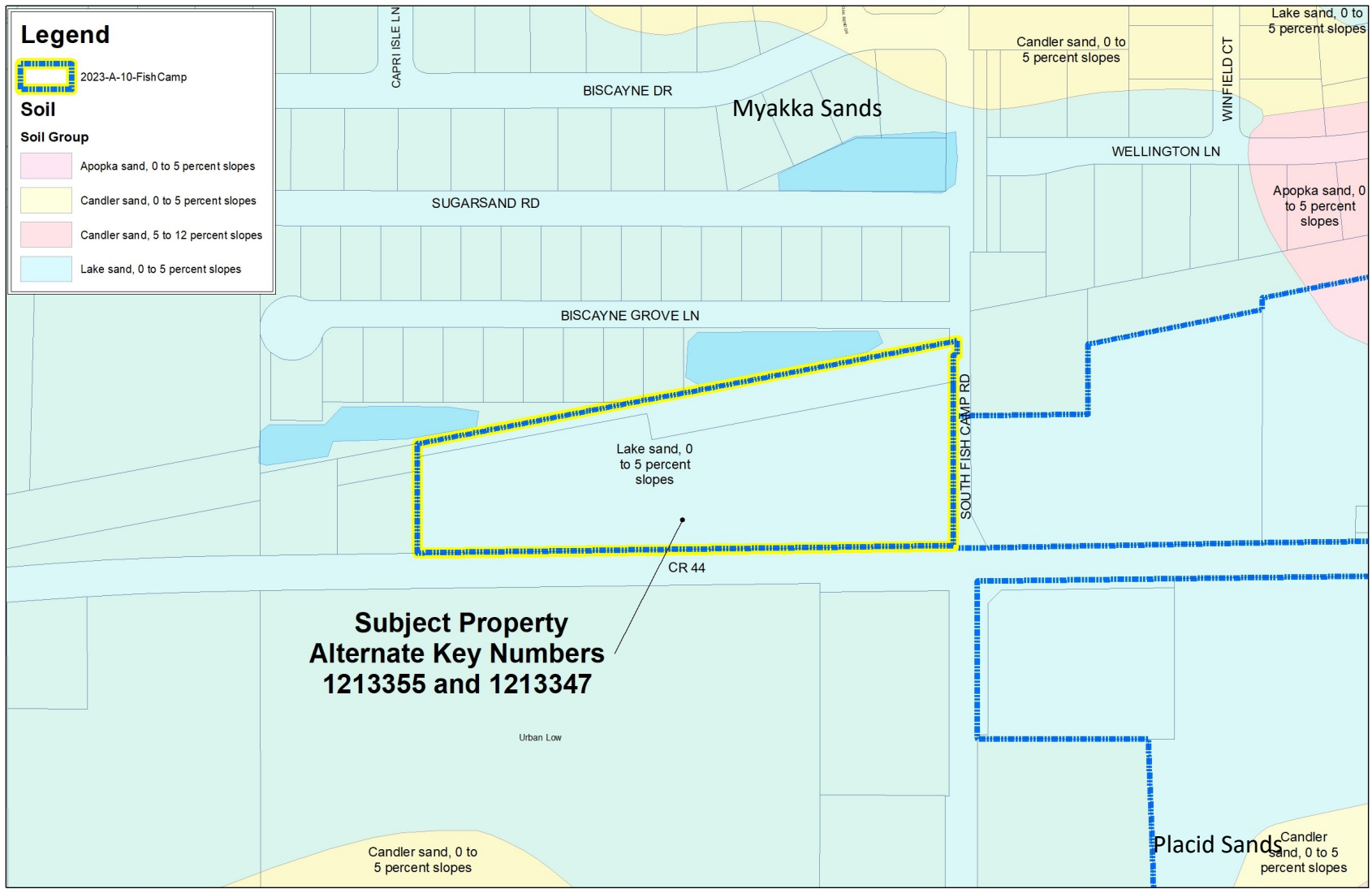
**Subject Property
Alternate Key Numbers
1213355 and 1213347**

CR 44



Suzan EP Vandavelde, Trustee, Et Al
Potential Recharge





Suzan EP Vandavelde, Trustee, Et Al
USGS Soils Survey Map



ORDINANCE NUMBER 24-06

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, AMENDING THE CITY OF EUSTIS COMPREHENSIVE PLAN PURSUANT TO 163.3187 F.S.; CHANGING THE FUTURE LAND USE DESIGNATION OF APPROXIMATELY 6.67 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1213355 AND 1213347, ON THE WEST SIDE OF SOUTH FISHCAMP ROAD, NORTH OF COUNTY ROAD 44. FROM URBAN LOW IN LAKE COUNTY TO MIXED COMMERCIAL RESIDENTIAL IN THE CITY OF EUSTIS.

WHEREAS, on November 4, 2010, the Eustis City Commission adopted the City of Eustis Comprehensive Plan 2010-2035 through Ordinance Number 10-11; and

WHEREAS, State of Florida Department of Community Affairs found the City of Eustis Comprehensive Plan 2010-2035 In Compliance pursuant to Sections 163.3184, 163.3187, and 163.3189 Florida Statutes; and

WHEREAS, the City of Eustis periodically amends its Comprehensive Plan in accordance with Chapter 163.3187 and 163.3191, Florida Statutes; and

WHEREAS, the City of Eustis desires to amend the Future Land Use Map Series to change the Future Land Use designation on approximately 6.67 acres of real property at Lake County Property Appraiser's Alternate Key Numbers 1213355 and 1213347, on the west side of South Fishcamp Road, north of County Road 44., and more particularly described herein; and

WHEREAS, on January 18, 2024, the Local Planning Agency held a Public Hearing to consider the adoption of a Small-Scale Future Land Use Amendment for this change in designation; and

WHEREAS, on January 18, 2024, the City Commission held the 1st Adoption Public Hearing to accept the Local Planning Agency's recommendation to adopt the Small-Scale Future Land Use Amendment contained herein; and

WHEREAS, on February 1, 2024, the City Commission held the 2nd Adoption Public Hearing to consider the adoption of the Small-Scale Future Land Use Amendment contained herein;

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

SECTION 1.

Land Use Designation: That the Future Land Use Designation of the real property as described below shall be changed from Urban Low in Lake County to Mixed Commercial Residential within the City of Eustis:

Alternate Key Number: 1213355 and 1213347

Parcel Number: 32-18-26-0001-000-00700 and 32-18-26-0001-000-00703

Legal Description: E 1025 FT OF SW 1/4 OF NE 1/4 S OF S LINE OF RR & N OF HWY--LESS N'LY 50 FT OF E'LY 600 FT-- ORB 806 PG 90 ORB 1216 PG 985ORB 1536 PG 1896 ORB 2810 PG 2313 ORB 3277 PG 1146 ORB 3855PG 2292

SECTION 2.

Map Amendment and Notification: That the Director of Development Services shall be authorized to amend the Future Land Use Map of the Comprehensive Plan to incorporate the change described in Section 1 and provide appropriate notification in accordance with Florida Statutes.

SECTION 3.

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

SECTION 4.

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

SECTION 5.

Effective Date: The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____, 2024.

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 ____ day of _____, 2024, 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 for the use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

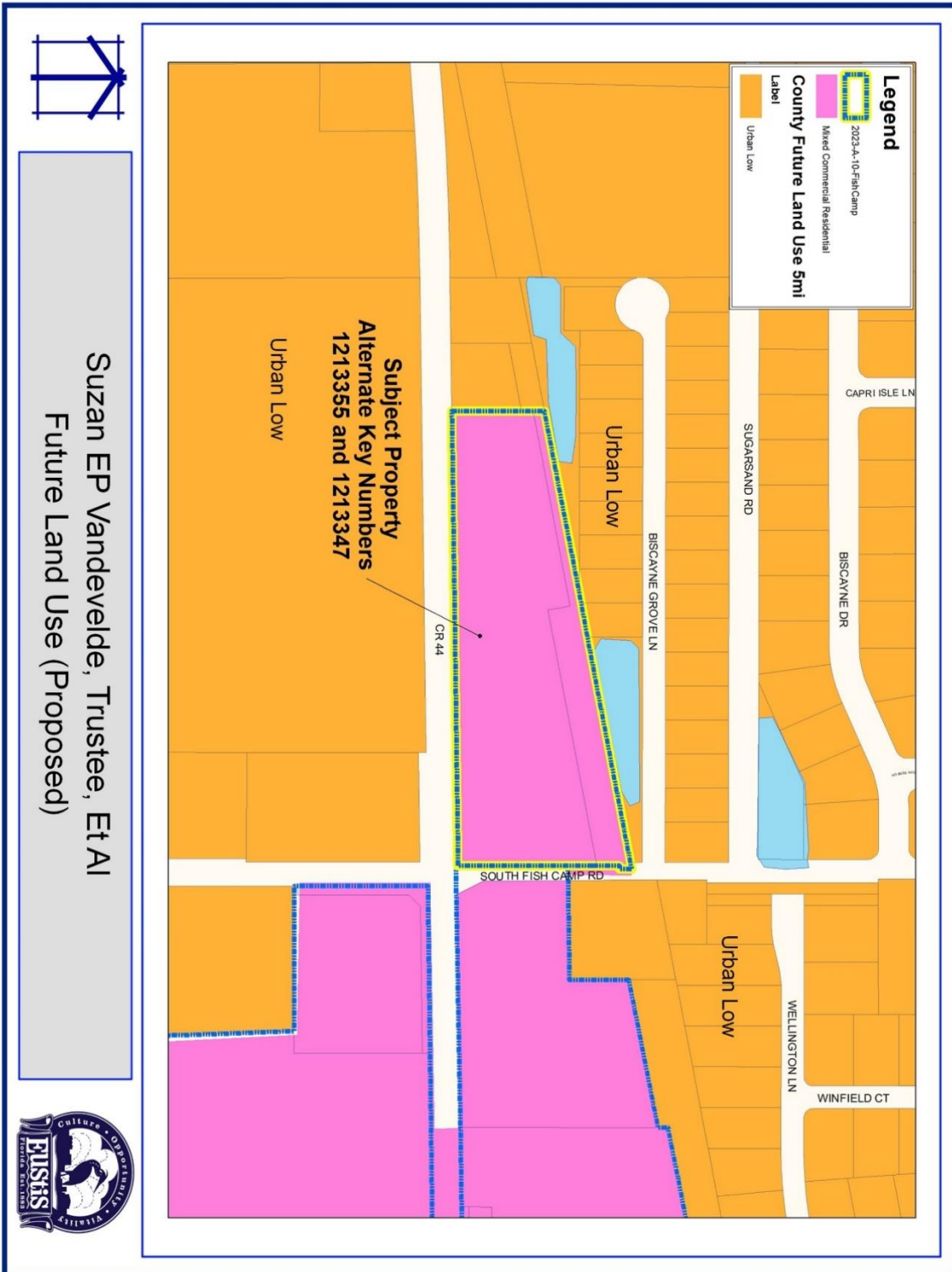
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 24-06 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

Exhibit A



ORDINANCE NUMBER 24-07

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA; ASSIGNING THE SUBURBAN CORRIDOR DESIGN DISTRICT DESIGNATION TO APPROXIMATELY 6.67 ACRES OF REAL PROPERTY AT ALTERNATE KEY NUMBERS 1213355 AND 1213347, ON THE WEST SIDE OF SOUTH FISHCAMP ROAD, NORTH OF COUNTY ROAD 44.

WHEREAS, the City of Eustis desires to amend the Design District Map of the Land Development Regulations adopted under Ordinance Number 09-33 to assign a Design District designation of Suburban Corridor to approximately 6.67 acres of recently annexed real property further described below, and

WHEREAS, on January 18, 2024, the City Commission held the 1st Public Hearing to consider the Design District Amendment contained herein; and

WHEREAS, on February 1, 2024, the City Commission held the 2nd Public Hearing to consider the adoption of the Design District Amendment contained herein;

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

Section 1. Design District Designation

That the Design District Designation of the real property described below and shown on Exhibit A shall be Suburban Corridor:

Alternate Key Numbers: 1213355 and 1213347

Parcel Numbers: 32-18-26-0001-000-00700 and 32-18-26-0001-000-00703

Legal Description: E 1025 FT OF SW 1/4 OF NE 1/4 S OF S LINE OF RR & N OF HWY--LESS N'LY 50 FT OF E'LY 600 FT-- ORB 806 PG 90 ORB 1216 PG 985ORB 1536 PG 1896 ORB 2810 PG 2313 ORB 3277 PG 1146 ORB 3855PG 2292

Section 2. Map Amendment

That the Director of Development Services shall be authorized to amend the Design District Map to incorporate the change described in Section 1.

Section 3. Conflict

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

Section 4. Severability

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

be unconstitutional or invalid.

Section 5. Effective Date

That this Ordinance shall become effective upon annexation of the subject property through approval of Ordinance Number 24-07.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this _____ day of _____, 2024.

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 ____ day of _____, 2024, 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 for the use and reliance of the City Commission of the City of Eustis, Florida.

City Attorney's Office

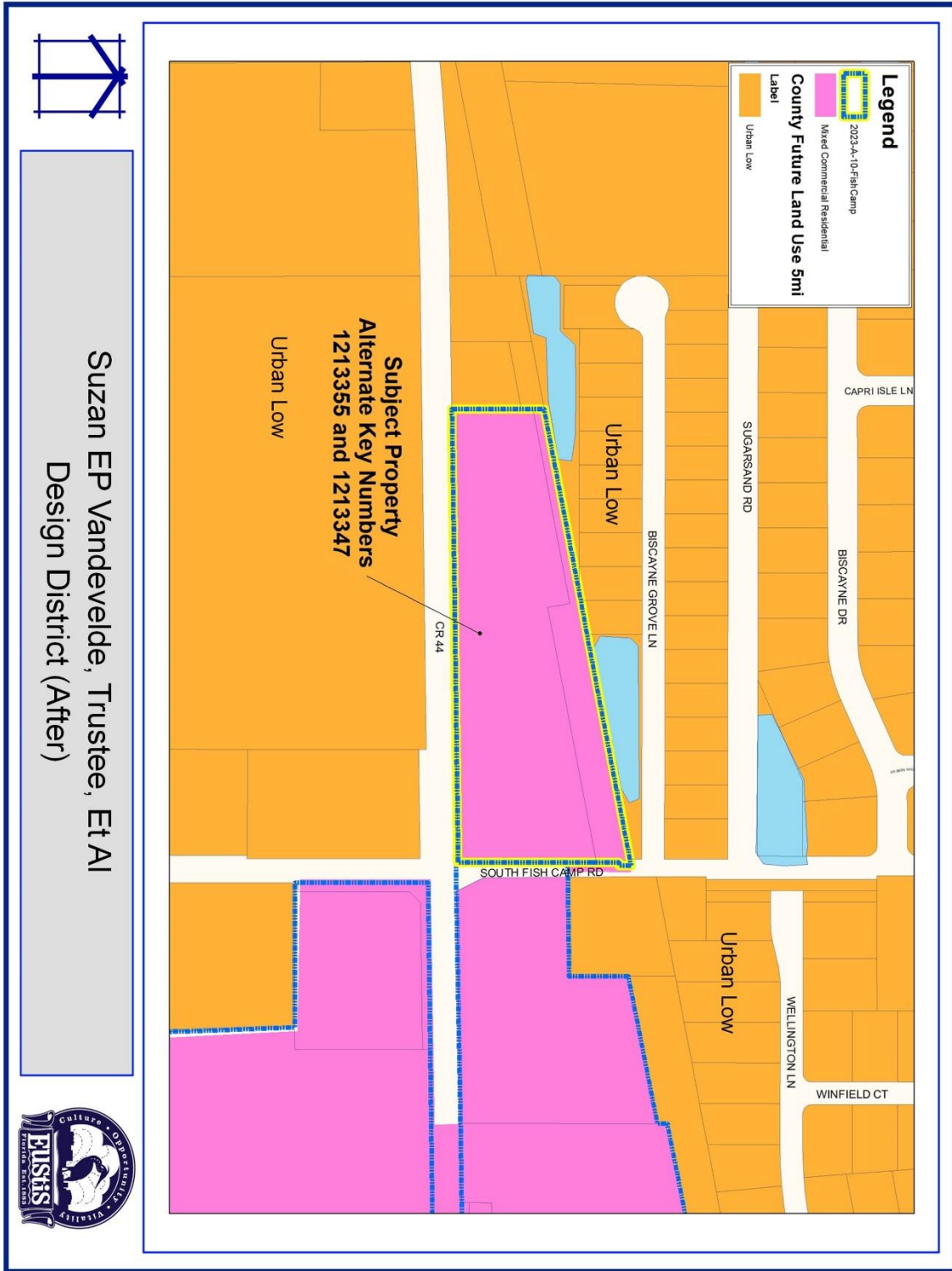
Date

CERTIFICATE OF POSTING

The foregoing Ordinance Number 24-07 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

Exhibit A





City of Eustis

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

TO: EUSTIS CITY COMMISSION

FROM: Tom Carrino, City Manager

DATE: January 18, 2024

RE: **FIRST READING**

Request for Postponement

Ordinance Numbers 24-08, 24-09, and 24-10: Annexation, Future Land Use and Design District Assignment for Parcels with Alternate Key Number 1784069, 2814128 and 2814144.

Background:

The applications for Annexation, Comprehensive Plan Land Use Assignment, and Design District assignment were filed with Development Services without consultation.

In the application, the request was made for the assignment of an Urban Residential Future Land Use, however, the surrounding area is Suburban Residential. The applicant was notified that the requested future land use was inconsistent with the surrounding area.

The applicant wishes to change the requested Future Land Use Assignment designation to Suburban Residential, which will require repeating the required Notices to Lake County and the Public according to Florida Statutes and City of Eustis Land Development Regulations. Therefore, the proposed agenda item should be postponed with the intent of providing the proper notice to reschedule for the **February 15, 2024**, LPA and City Commission meetings.



City of Eustis

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

TO: Eustis City Commission

FROM: Tom Carrino, City Manager

DATE: January 18, 2024

RE: Ordinance Number 24-11: Amending Chapter 90 – Traffic and Vehicles of the City’s Code of Ordinances, by creating new Article VII to be titled “School Zone Speed Enforcement;” authorizing the establishment of a speed detection system on roadways maintained as school zones within City limits

On July 1, 2023, House Bill 657, as codified under Chapter 2023-174 of the Laws of Florida, went into effect, authorizing municipalities to use speed detection systems in accordance with certain technical specifications established by the Florida Department of Transportation to enforce the speed limit in a school zone at specified periods.

Prior to utilizing speed detection systems to enforce eligible school zone speeding violations within its jurisdiction, municipalities are required to adopt an ordinance authorizing the placement and installation of speed detection systems and creating administrative and enforcement procedures for the use of speed detection systems at designated school zones. The municipality must determine whether a school zone constitutes a heightened safety risk that warrants additional traffic enforcement measures based on traffic data collected.

Ordinance 24-11 sets forth parameters for the establishment and implementation of a school zone speed enforcement program using speed detection systems to further protect the health, safety, and welfare of City residents. Among other matters, the Ordinance allows for local hearings for individuals who wish to contest violation notices and sets forth other administrative requirements such as annual reporting to City Commission and Department of Highway Safety and Motor Vehicles.

Before beginning a school zone speed enforcement program, the City must make a public announcement and conduct a public awareness campaign of the proposed use of speed detection systems at least 30 days before commencing enforcement under the speed detection system program and must notify the public of the specifics. During the public awareness campaign only warnings may be issued to those individuals who commit a speed infraction captured by a speed detection system.

FISCAL IMPACT

There is no fiscal impact at this time. Projected revenue and expenditures associated with the School Zone Speed Enforcement program will be provided to the City Commission when the contractual services are presented for approval.

RECOMMENDATION

Approval of Ordinance Number 24-11.

ATTACHMENTS

Ordinance Number 24-11

Requesting Department: Eustis Police Department

Prepared By: Sasha Garcia, City Attorney

Reviewed By: Tom Carrino, City Manager

ORDINANCE NUMBER 24-11

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF EUSTIS, LAKE COUNTY, FLORIDA, ENACTING ARTICLE VII – “SCHOOL ZONE SPEED ENFORCEMENT” - CHAPTER 90 OF THE CITY OF EUSTIS CODE OF ORDINANCES; PROVIDING FOR PURPOSE, INTENT AND DEFINITIONS; ESTABLISHING A SCHOOL ZONE SPEED ENFORCEMENT PROGRAM AND AUTHORIZING THE USE OF SPEED DETECTION SYSTEMS WITHIN THE CITY; PROVIDING FOR PROGRAM IMPLEMENTATION REQUIREMENTS AND DESIGNATION OF SCHOOL ZONES; PROVIDING FOR ENFORCEMENT AND ADMINISTRATIVE PROCEDURES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Chapter 166 of the Florida Statutes and Article VIII of the Florida Constitution authorizes the legislative body of each municipality to enact ordinances to protect the health, safety, and welfare of its residents; and

WHEREAS, on July 1, 2023, House Bill 657 (“HB 657”), as codified under Chapter 2023-174 of the Laws of Florida, went into effect, authorizing municipalities to use speed detection systems in accordance with certain technical specifications established by the Florida Department of Transportation to enforce the speed limit in a school zone at specified periods; and

WHEREAS, prior to utilizing speed detection systems to enforce eligible school zone speeding violations within its jurisdiction, municipalities are required to adopt an ordinance authorizing the placement and installation of speed detection systems and creating administrative and enforcement procedures for the use of speed detection systems at designated school zones; and

WHEREAS, prior to utilization of the speed detection systems in any particular school zone, HB 657 also requires the governing body of the municipality to first determine whether a school zone constitutes a heightened safety risk that warrants additional traffic enforcement measures based on traffic data collected; and

WHEREAS, HB 657 provides that a municipality may issue notices of violation and may authorize a law enforcement officer or traffic infraction enforcement officer to issue uniform traffic citations for violations of sections 316.1895 and 316.183, Florida Statutes, that are captured by speed detection systems during specified time periods and further provides for notice to the registered owner of the subject vehicle, hearing procedures, appellate remedies, and the assessment and remittance of civil penalties and costs; and

WHEREAS, HB 657 requires municipalities that elect to operate school zone speed detection systems to implement a public awareness campaign at least 30 days before commencing with the enforcement of violations and to annually report information about the program to both the public and the Florida Department of Highway Safety and Motor Vehicles; and

WHEREAS, HB 657 restricts the location and use of speed detection systems to school zones that the municipality determines constitute a heightened safety risk warranting additional enforcement measures based on data or other evidence presented at a public hearing; and

WHEREAS, the City of Eustis (the “City”) wishes to deter drivers from speeding through school zones and provide a supplemental means for the enforcement of unlawful speed violations by enacting an ordinance to implement a school zone speed enforcement program; and

WHEREAS, HB 657 requires that before the City contracts or renews a contract with a vendor to place or install speed detection systems, the City must approve the contract or contract renewal at a regular or special commission meeting; the vendor contract may not be considered as part of the consent agenda as public input must be allowed; and

WHEREAS, at the time of adoption, the City has considered the relevant traffic data and other evidence presented, incorporated by reference and submitted to the City Clerk as supplemental information to this Ordinance at the time of adoption, supporting the installation and operation of speed detection systems for certain school zones within City limits; and

WHEREAS, based upon the relevant traffic data and other evidence presented, the City has determined that each school zone where a speed detection system is to be placed or installed constitutes a heightened safety risk that warrants additional enforcement measures; and

WHEREAS, the City finds that motor vehicles speeding on a roadway maintained as a school zone during specified periods is an unacceptable hazard that threatens the health, safety, and welfare of students and pedestrians in the City, and that enforcement of applicable speed limits in school zones during specified periods through the use of a speed detection system may reduce safety risks in school zones, which warrants implementation of school zone speed detection enforcement pursuant to the rules and regulations of Chapter 2023-174, Laws of Florida, and other applicable state law.

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

SECTION 1. The foregoing recitals are incorporated herein and are approved.

SECTION 2. Chapter 90 of the City of Eustis Code of Ordinances is hereby amended by adding Article VII – “School Zone Speed Enforcement,” as follows:

**CHAPTER 90
TRAFFIC AND VEHICLES**

ARTICLE VII. – SCHOOL ZONE SPEED ENFORCEMENT

Sec. 90-379. – Purpose and Intent.

The purpose and intent of this Article is to protect the health, safety, and welfare of City residents by authorizing the placement or installation and use of speed detection systems on roadways maintained as a school zone within City limits, to promote compliance with speed limits in school zones, and to adopt a quasi-judicial system to enforce violations. This Article provides a supplemental means of enforcing unlawful speed violations in school zones and shall not prohibit a law enforcement officer from issuing a uniform traffic citation for a traffic violation in accordance with Chapter 316, Florida Statutes.

Sec. 90-380. – Definitions.

For the purposes of this Article, the following terms shall have the meanings given to them below. No attempt is made to define any words which was used in accordance with their established dictionary meaning, except when necessary to avoid misunderstanding.

- (a) HEARING PROCEDURES shall mean the procedures set forth under section 316.1896, Florida Statutes, governing noticing, scheduling, and conducting hearings before a Local Hearing Officer.
- (b) LAW ENFORCEMENT OFFICER shall mean, as defined by section 943.10(1), Florida Statutes, any person who is elected, appointed, or employed full time by a municipality or the state or any political subdivision thereof, who is vested with authority to bear arms and make arrests; and whose primary responsibility is the prevention and detection of crime or the enforcement of the penal, criminal, traffic, or highway laws of the state.
- (c) LOCAL HEARING OFFICER shall mean the City Code Enforcement Board, Special Magistrate, or other City appointee as permitted by law and as established by the City Commission through a resolution.
- (d) MOTOR VEHICLE shall mean, as defined by section 316.003, Florida Statutes, a self-propelled vehicle not operated upon rails or guideway, but not including any bicycle, electric bicycle, motorized scooter, electric personal assistive mobility device, mobile carrier, personal delivery device, swamp buggy, or moped.

- (e) NOTICE OF VIOLATION shall mean the written notification sent to the registered owner of a vehicle after a school zone speed infraction by that vehicle has been captured by a speed detection system and thereafter reviewed and approved by a law enforcement officer or traffic infraction enforcement officer. A notice of violation must be in the form and include the contents prescribed by section 316.1896, Florida Statutes, as it may be amended.
- (f) SCHOOL ZONE shall mean that portion of a street or highway established as a school zone pursuant to section 316.1895, Florida Statutes, as it may be amended.
- (g) SCHOOL ZONE SPEED ENFORCEMENT PROGRAM shall mean the regulations and procedures governing the use of speed detection systems on roadways maintained as a school zone within the jurisdiction of the City, as provided for by applicable law and established by this Ordinance.
- (h) SCHOOL ZONE SPEED INFRACTION shall mean a violation of section 316.183 or 316.1895, Florida Statutes, captured by a speed detection system on a roadway maintained as a school zone during the hours provided for by applicable law and set forth in this Ordinance.
- (i) SCHOOL ZONE SPEED LIMIT shall mean the regularly posted or reduced posted speed limit within a school zone pursuant to section 316.1895, Florida Statutes.
- (j) SPEED DETECTION SYSTEM shall mean a portable or fixed automated system used to detect a motor vehicle's speed using radar or LiDAR and to capture a photograph or video of the rear of a motor vehicle that exceeds the speed limit in force at the time of the violation. This term is synonymous with the term "Speed Detection System" defined in section 316.003(83), Florida Statutes, as it may be amended.
- (k) TRAFFIC INFRACTION ENFORCEMENT OFFICER shall mean a person who meets the qualifications established by section 316.640, Florida Statutes, as it may be amended.
- (l) UNIFORM TRAFFIC CITATION shall mean the citation issued to the registered owner of a vehicle for a school zone speed infraction, in the form and including the contents prescribed by sections 316.1896 and 316.650, Florida Statutes, as it may be amended.

Sec. 90-381. – Use of Speed Detection Systems.

Pursuant to section 316.008(9), Florida Statutes, the City hereby elects to use speed detection systems on roadways properly maintained as a school zone to

enforce speed limits within the City's jurisdiction. The City may utilize speed detection systems as a supplemental means of assisting law enforcement personnel in the enforcement of compliance with state law related to unlawful speed in school zones, in accordance with Chapter 316, Florida Statutes.

Sec. 90-382. – Program Administration.

- (a) The City Manager or City Manager's designee, in cooperation with the Eustis Police Department and any necessary City staff as determined by the City Manager or City Manager's designee, is empowered to administer and assist with the City's school zone speed enforcement program, consistent with the provisions of Chapter 2023-174, Laws of Florida, subject to any other applicable state law, this Article, and all corresponding City resolutions.
- (b) As permitted and defined by applicable law and corresponding resolution adopted by the City Commission, the City may designate its City Code Enforcement Board, Special Magistrate, or other City appointee as its Local Hearing Officer, who shall have jurisdiction to conduct proceedings in accordance with Chapter 2023-174, Laws of Florida, and section 316.1896, Florida Statutes, as such may be amended from time to time.
- (c) In accordance with Chapter 2023-174, Laws of Florida, and section 316.1896, Florida Statutes, as may be amended, the City Commission shall designate by resolution existing City staff to serve as the clerk to the Local Hearing Officer.

Sec. 90-383. – Program Implementation Requirements.

- (a) *Vendor Contract.* Pursuant to section 316.0776, Florida Statutes, before the City contracts or renews a contract to place or install a speed detection system in a school zone, the contract or contract renewal must be approved by the City Commission at a regular or special City Commission meeting. The contract or contract renewal may not be heard on the consent agenda and the public must be allowed to comment pursuant to the City's public comment policies.
- (b) *Installation and Operation of Speed Detection Systems.* Pursuant to sections 316.008 and 316.0776, Florida Statutes, speed detection systems may be installed and operated only in the school zones designated by this Ordinance and/or subsequent amendments thereto.
- (c) *Signage Requirements.* The installation and operation of speed detection systems, including required signage, shall be in accordance with Chapter 316, Florida Statutes, all applicable regulations of the Florida Department of Transportation and the Florida Department of Highway Safety and Motor Vehicles, and the terms of any Memorandum of Understanding or other

written agreement that may be entered into between Eustis Police Department and/or the City and its vendor(s).

- (d) *Public Awareness.* Pursuant to section 316.0776, Florida Statutes, before notices of violation for school zone speed infractions may be issued, a public announcement and 30-day public awareness campaign of the initial proposed use of speed detection systems must be conducted. During the 30-day public awareness campaign, only a warning may be issued to the registered owner for a school speed zone infraction and a fine shall not be imposed.

Sec. 90-384. – Designation of School Zones.

The City Commission finds that based upon the traffic data and other evidence presented at the public hearing this date of adoption, the school zones on the roadways surrounding the following schools constitute a heightened safety risk that warrants additional enforcement measures by installation or placement of speed detection systems pursuant to section 316.008, Florida Statutes. Subsequent speed detection systems may be approved for inclusion or removal via amendment to this Ordinance in accordance with applicable law.

Eustis High School
1300 E Washington Avenue
Eustis, FL 32726

Eustis Elementary
714 Citrus Avenue
Eustis, FL 32726

Eustis Heights Elementary
250 W Atwater Avenue
Eustis, FL 32726

Sec. 90-385. – Enforcement Procedures.

- (a) *General Powers.* The Eustis Police Department shall be authorized to enforce the applicable speed limit on a roadway properly maintained as a school zone pursuant to Chapter 2023-174, Laws of Florida, for violations of sections 316.183 and 316.1895, Florida Statutes, through the use of a speed detection system for the detection of speed and capturing of photographs or videos for violations in excess of 10 miles per hour over the speed limit in force at the time of the violation. The Eustis Police Department Chief of Police or designee is responsible for establishing the business rules of procedure between the vendor and the City necessary for implementing this Section.

- (b) *Review of Speed Detection System Information.* Pursuant to section 316.1896, Florida Statutes, as may be amended, information captured by a speed detection system shall be reviewed by a law enforcement officer or traffic infraction enforcement officer.
- (c) *School Zone Speed Detection System Violations.* The applicable speed limit on a roadway properly maintained as a school zone may be enforced through the capturing of a violation by a speed detection system as follows:
- (i) For a violation of section 316.1895, Florida Statutes, in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled breakfast program.
 - (ii) For a violation of section 316.1895, Florida Statutes, in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the start of a regularly scheduled school session.
 - (iii) For a violation of section 316.183, Florida Statutes, in excess of 10 miles per hour over the posted speed limit during the entirety of a regularly scheduled school session.
 - (iv) For a violation of section 316.1895, Florida Statutes, in excess of 10 miles per hour over the school zone speed limit which occurs within 30 minutes before through 30 minutes after the end of a regularly scheduled school session.
- (d) *Notice of Violation.* A notice of violation must be sent to the registered owner of the motor vehicle involved in the violation as provided under section 316.1896, Florida Statutes.
- (e) *Hearing Procedures and Appeals.* Hearings to contest notices of violations shall be held in accordance with the requirements of Chapter 2023-174, Laws of Florida, and sections 316.0083(5) and 316.1896, Florida Statutes. An aggrieved party may appeal a final administrative order of the Local Hearing Officer in accordance with section 316.1896, Florida Statutes.
- (f) *Defenses and Penalties.* The enforcement of school zone speed infractions including the issuance of notices of violation and uniform traffic citations, the processing of affidavits to assert an exception to liability, and the assessment of fines and costs must comply with section 316.1896, Florida Statutes.

In accordance with section 316.1896(14)(e), Florida Statutes, the Local Hearing Officer must assess the statutory authorized penalty if the registered owner is found in violation and may also require the registered

owner to pay municipal costs not to exceed \$250 per violation. A registered owner who receives a notice of violation may, within 30 days:

- (i) Pay the fine of \$100.00, as fixed by section 318.18(3)(d), Florida Statutes, as it may be amended; or
- (ii) Submit an affidavit establishing an exception to liability pursuant to section 316.1896(8), Florida Statutes, as it may be amended; or
- (iii) Request a hearing.

(g) *Issuance of a uniform traffic citation.* A law enforcement officer or traffic infraction enforcement officer shall be authorized, pursuant to section 316.1896, Florida Statutes, to issue a uniform traffic citation for violations of sections 316.1895 or 316.183 as authorized by section 316.008(9), Florida Statutes. If the registered owner of a vehicle does not timely pay the fine reflected on the notice of violation, submit a sufficient affidavit, or request a hearing, a uniform traffic citation must be issued by a law enforcement officer or a traffic infraction enforcement officer to the registered owner and transmitted to the Lake County Clerk of the Court for disposition by the county court.

Sec. 90-386. – Collection of Evidence, Public Records, and Retention Requirements.

In accordance with section 316.1896, Florida Statutes, a speed detection system in a school zone may not be used for remote surveillance. The collection of evidence by a speed detection system to enforce school zone speed infractions, or user-controlled pan or tilt adjustments of speed detection components, do not constitute remote surveillance. Recorded video or photographs collected as part of a speed detection system in a school zone may only be used to document school zone speed infractions and for purposes of determining criminal or civil liability for incidents captured by the speed detection system incidental to the permissible use of the speed detection system.

Any recorded video or photograph obtained via a speed detection system must be destroyed within 90 days after the final disposition of the recorded event, pursuant to section 316.1896, Florida Statutes. Written notice that such records have been destroyed must be provided by December 31st of each year to the City by its speed detection system vendor. All public records related to the administration of this Section must be maintained in accordance with Florida law and all requests for such records must be addressed in accordance with Chapter 119, Florida Statutes, and any other applicable state law.

Sec. 90-387. – Annual Reporting Requirements.

The City, with the assistance of Eustis Police Department and/or the vendor, will annually report on the City’s school zone speed enforcement program to the public and to the Florida Department of Highway Safety and Motor Vehicles in

accordance with sections 316.0776 and 316.1896, Florida Statutes, as they may be amended.

Pursuant to section 316.0776 (3)(c), the compliance or sufficiency of compliance with this requirement may not be raised in a proceeding challenging a notice of violation for a school zone speed infraction.

Sec. 90-388. –Collected Fines and Costs.

All fines and costs collected pursuant to this Article must be remitted in accordance with sections 316.1896 and 318.18, Florida Statutes, and any other relevant state law.

Sec. 90-389. –School Crossing Guard Recruitment and Retention Program.

Pursuant to section 316.1894, Florida Statutes, as may be amended, the law enforcement agency having jurisdiction over a municipality conducting a school zone speed detection system program authorized by section 316.008(9), Florida Statutes, must use funds generated pursuant to section 316.1896(5)(e), Florida Statutes, from the school zone speed detection system program to administer the School Crossing Guard Recruitment and Retention Program. Such program may provide recruitment and retention stipends to crossing guards at K-12 public schools, including charter schools, or stipends to third parties for the recruitment of new crossing guards. The School Crossing Guard Recruitment and Retention Program must be designed and managed at the discretion of the law enforcement agency.

Sec. 90-390 – 90-399. –Reserved.

SECTION 3. SEVERABILITY. If any part of this Ordinance is declared unconstitutional or otherwise invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect.

SECTION 4. RESOLUTION OF CONFLICT OF LAWS. In all instances where Florida law, as evidenced by the Florida Administrative Code, Florida Statutes, applicable case law, or otherwise, mandates standards or requirements that are stricter than the provisions of this Ordinance, or where a matter is addressed by Florida law that is not addressed by this Ordinance, then said law shall govern. In situations where this Ordinance addresses a matter in a manner that is stricter than that of Florida law, the provisions of this Ordinance shall control.

SECTION 5. INCLUSION IN THE CITY OF EUSTIS CODE OF ORDINANCES. The provisions of this Ordinance shall become and be made a part of the City of Eustis Code of Ordinances, that the sections of this Ordinance may be renumbered

to accomplish such intention, and that the word Ordinance shall be changed to Article, Section, Subsection, or other appropriate word as may be applicable.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective immediately upon adoption on second reading. Following the adoption of this Ordinance, the City may take all steps necessary to carry out the implementation of this Ordinance as provided herein.

PASSED, ORDAINED AND APPROVED in Regular Session of the City Commission of the City of Eustis, Florida, this 1st day of February, 2024.

**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 by means of physical presence this 1st day of February, 2024 by Michael 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 use and reliance by the City Commission of the City of Eustis, Florida.

City Attorney's Office

Date

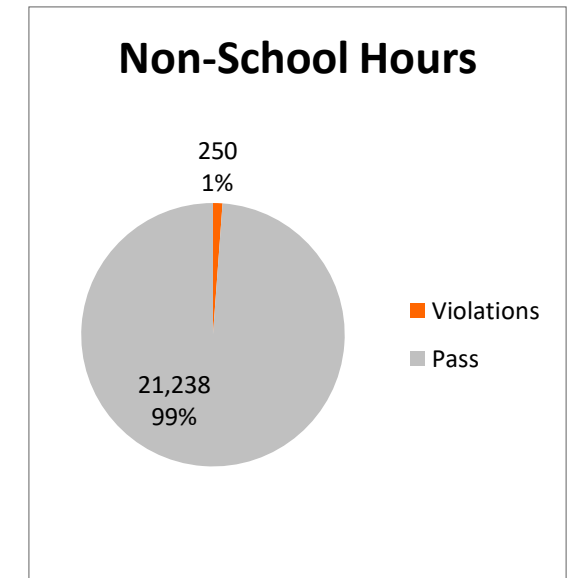
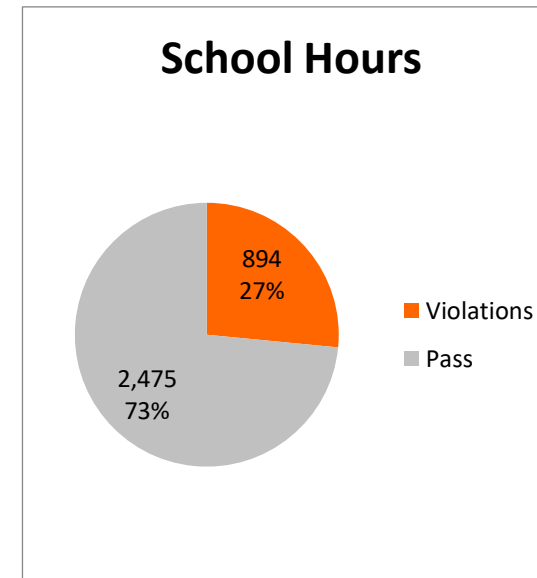
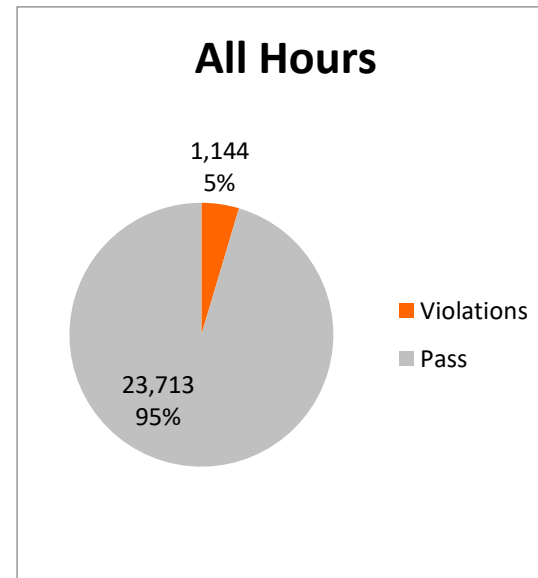
CERTIFICATE OF POSTING

The foregoing Ordinance Number 24-11 is hereby approved, and I hereby 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 Parks & Recreation Office, all within the corporate limits of the City of Eustis, Lake County, Florida.

Christine Halloran, City Clerk

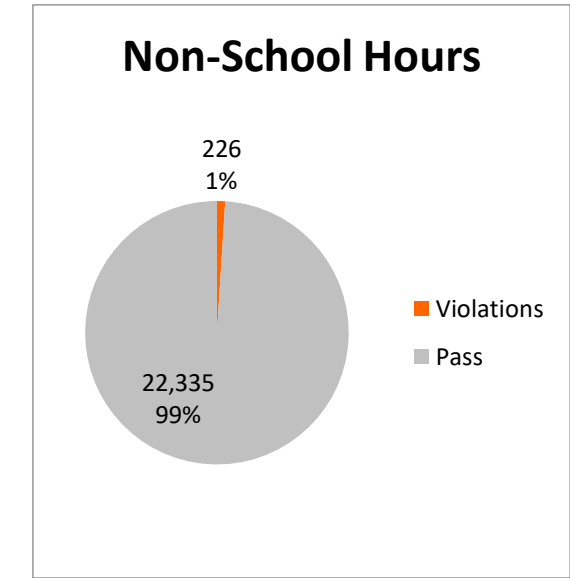
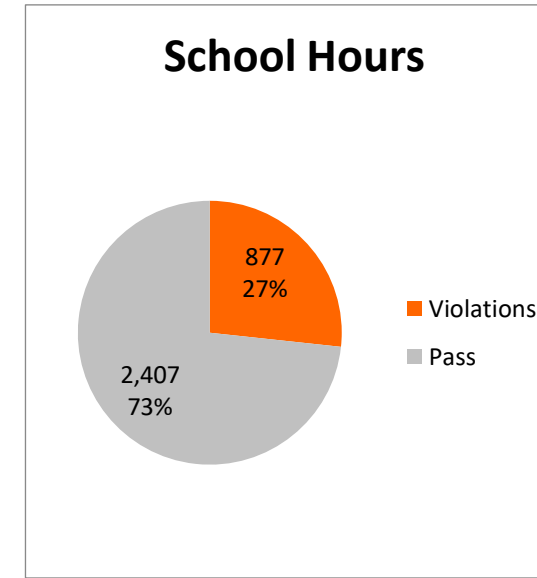
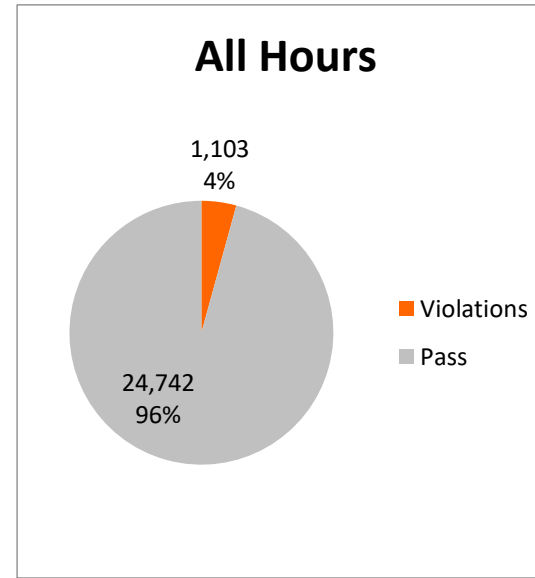
ORANGE AVE 5-2

5/2/2023	All Hours	School Hours	Non-School Hours
Vehicle Count	24,857	3,369	21,488
Violations	1,144	894	250
Pass	23,713	2,475	21,238
Average Speed	37.2	25.5	39.0
Median Speed	39.0	21.8	39.6
85th Percentile Speed	43.9	38.3	44.2



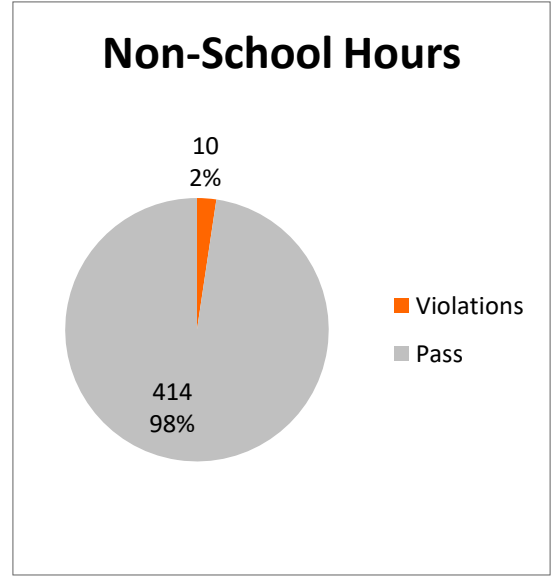
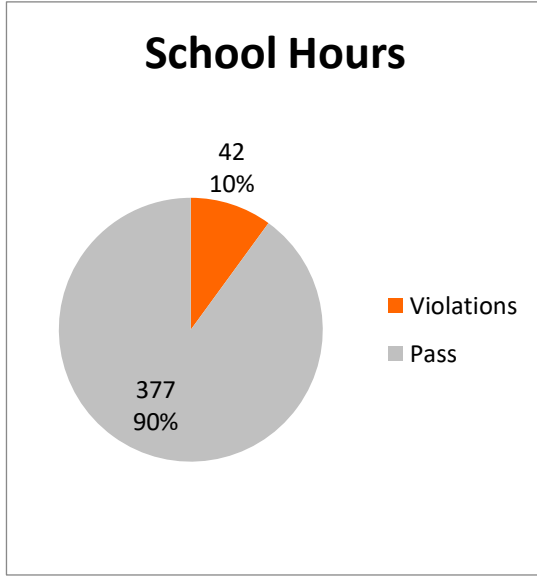
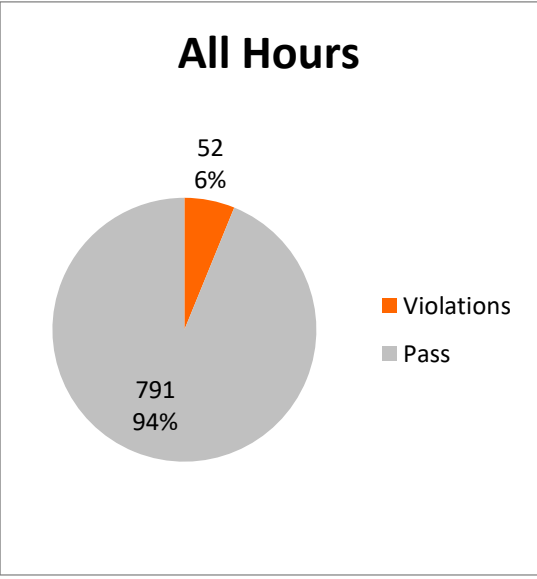
ORANGE AVE 5-3

5/3/2023	All Hours	School Hours	Non-School Hours
Vehicle Count	25,845	3,284	22,561
Violations	1,103	877	226
Pass	24,742	2,407	22,335
Average Speed	36.9	25.1	38.7
Median Speed	38.7	21.4	39.3
85th Percentile Speed	43.6	38.0	43.9

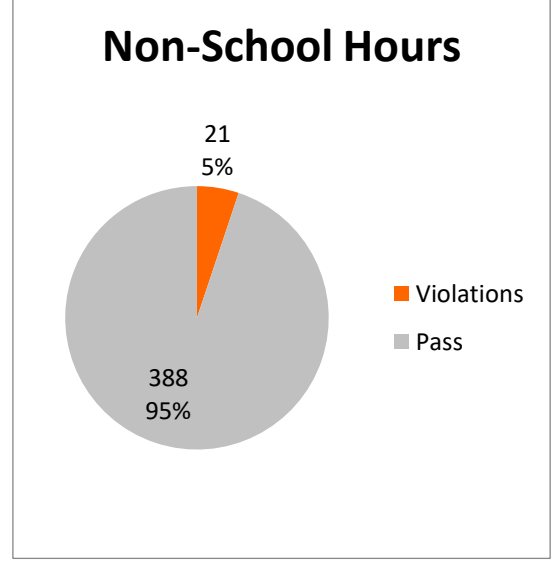
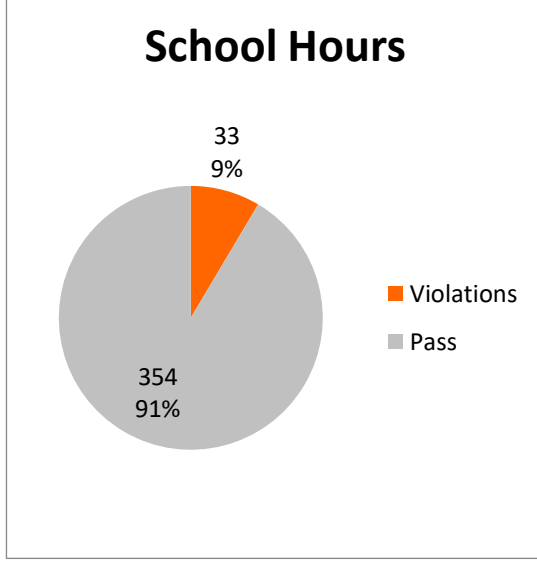
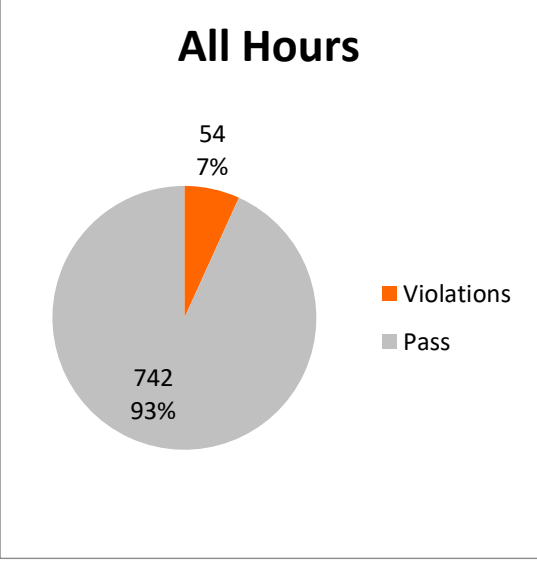


EUSTIS HS EB

11/7/2023	All Hours	School Hours	Non-School Hours
Vehicle Count	843	419	424
Violations	52	42	10
Pass	791	377	414
Average Speed	23.8	23.5	24.0
Median Speed	23.9	23.1	24.5
85th Percentile Speed	30.0	30.0	30.0

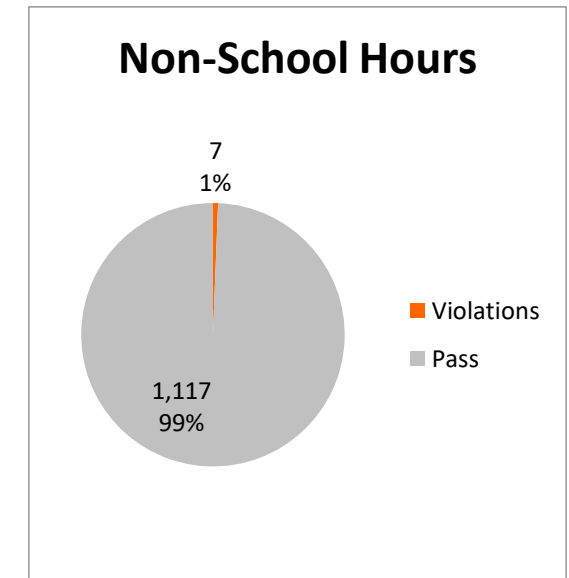
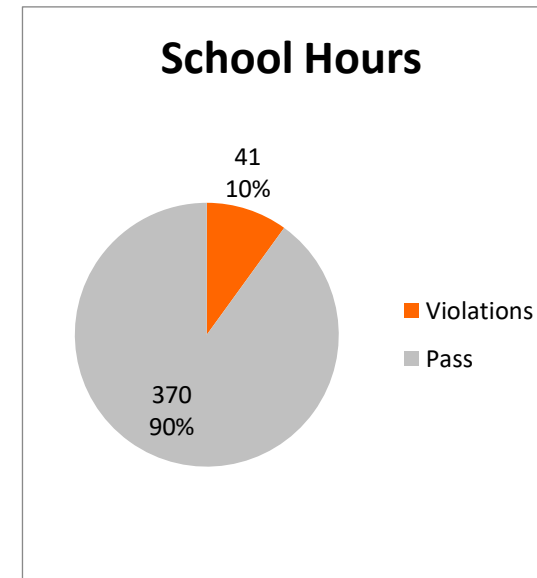
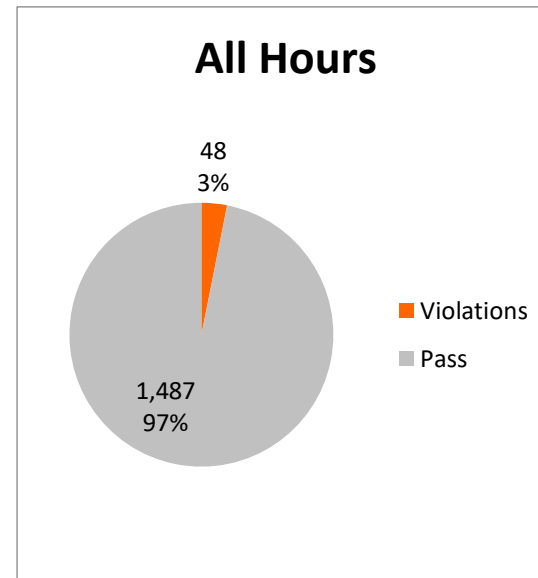


11/8/2023	All Hours	School Hours	Non-School Hours
Vehicle Count	796	387	409
Violations	54	33	21
Pass	742	354	388
Average Speed	23.5	22.6	24.4
Median Speed	23.8	22.4	25.2
85th Percentile Speed	30.5	29.1	31.3

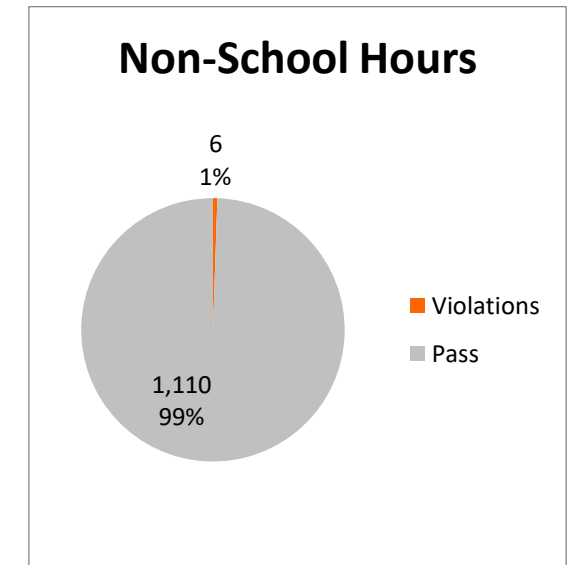
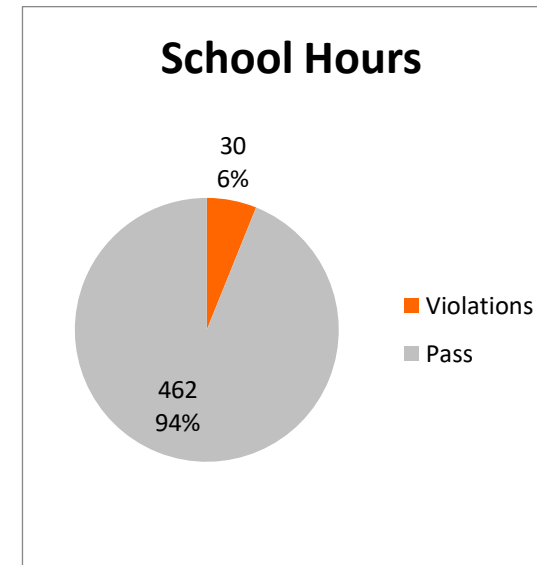
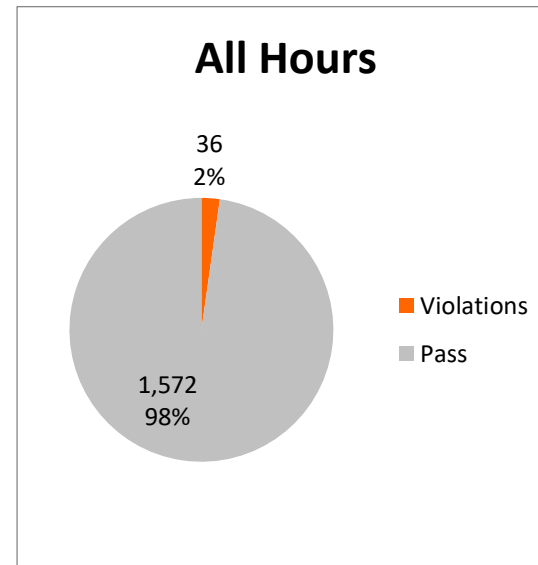


EUSTIS HS

9/6/2023	All Hours	School Hours	Non-School Hours
Vehicle Count	1,535	411	1,124
Violations	48	41	7
Pass	1,487	370	1,117
Average Speed	22.2	20.3	22.9
Median Speed	22.4	20.9	22.8
85th Percentile Speed	26.5	25.0	27.1

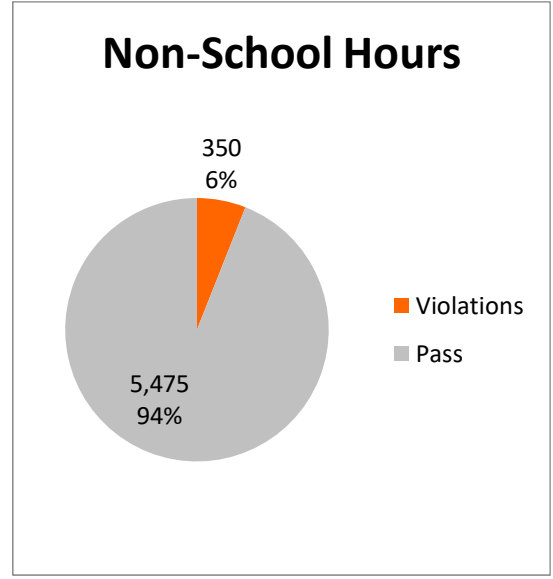
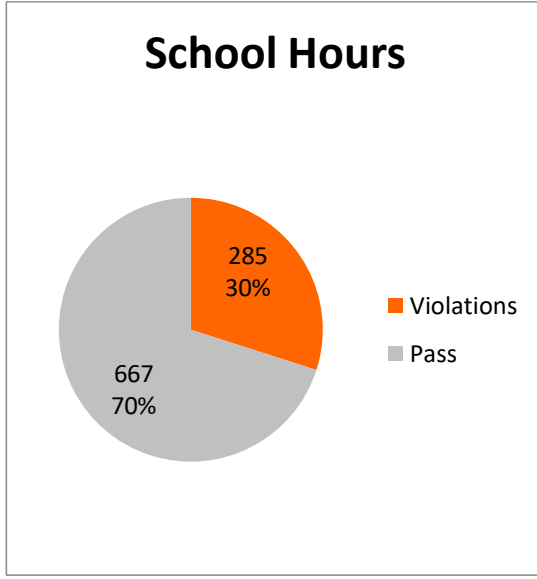
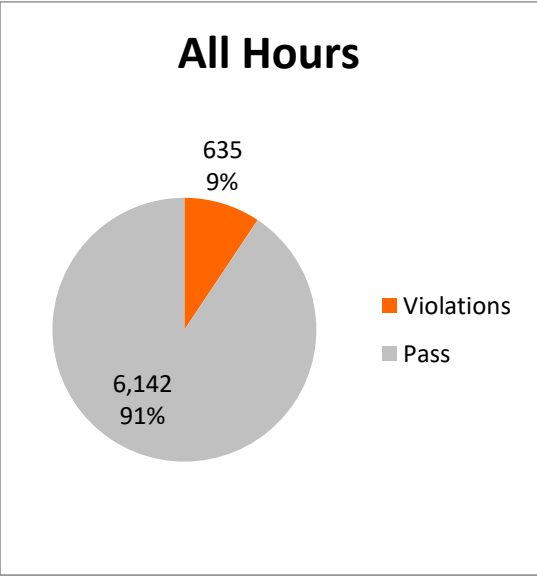


9/7/2023	All Hours	School Hours	Non-School Hours
Vehicle Count	1,608	492	1,116
Violations	36	30	6
Pass	1,572	462	1,110
Average Speed	21.6	19.2	22.7
Median Speed	21.8	19.6	22.7
85th Percentile Speed	26.4	23.8	27.1



BAY ST 5-2

5/2/2023	All Hours	School Hours	Non-School Hours
Vehicle Count	6,777	952	5,825
Violations	635	285	350
Pass	6,142	667	5,475
Average Speed	40.0	27.1	42.1
Median Speed	42.2	22.4	42.9
85th Percentile Speed	47.8	43.2	48.1



BAY ST 5-3

5/3/2023	All Hours	School Hours	Non-School Hours
Vehicle Count	13,748	1,870	11,878
Violations	1,461	420	1,041
Pass	12,287	1,450	10,837
Average Speed	40.9	26.8	43.1
Median Speed	42.8	24.3	43.6
85th Percentile Speed	48.6	37.9	49.1

