

**FRUITLAND PARK CITY COMMISSION
REGULAR MEETING AGENDA**

January 25, 2024

City Hall Commission Chambers
506 W. Berckman Street
Fruitland Park, Florida 34731
6:00 p.m.

1. CALL TO ORDER, INVOCATION AND PLEDGE OF ALLEGIANCE

Commander Larry Miller, John Gella Memorial Unit 219 American Legion

Pledge of Allegiance – Police Chief Erik Luce

2. ROLL CALL

3. CONSENT AGENDA

Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s); and (3) Discuss each pulled item separately and vote.

Approval of Minutes (city clerk)

January 11, 2024 regular meeting minutes.

4. REGULAR AGENDA

- (a) Traffic Signal Maintenance Discussion** (city manager)
Discussion on Lake County's traffic signal maintenance.

PUBLIC HEARING

- (b) First Reading and Public Hearing – Ordinance 2024-002 Solid Waste Rates Increase - Waste Management Inc.** (city attorney/city manager/city treasurer)

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN EXTENSION OF ITS SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA; ADOPTING RATES FOR THE PROVISION OF WASTE MANAGEMENT SERVICES TO THE RESIDENTS OF THE CITY OF FRUITLAND PARK; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

(c) Second Reading and Public Hearing – Ordinance 2023-020 Comprehensive Plan Amendment Building Heights Restriction
(city attorney/city manager/community development)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A MAXIMUM HEIGHT OF 35' WITHIN ALL CITY OF FRUITLAND PARK FUTURE LAND USE DESIGNATIONS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE. (Continued from the January 11, 2024 meeting. The first reading was held on December 14, 2023.)

(d) Second Reading and Public Hearing – Ordinance 2023-019 Land Development Regulations Amendment – Building Heights Restriction
(city attorney/city manager/community development)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 154 OF THE CITY OF FRUITLAND PARK'S LAND DEVELOPMENT CODE TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A MAXIMUM HEIGHT OF 35' WITHIN ALL CITY OF FRUITLAND PARK ZONING DISTRICTS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE. (Continued from the January 11, 2024 meeting. The first reading was held on December 14, 2023.)

QUASI-JUDICIAL PUBLIC HEARING

(e) Second Reading and Quasi-Judicial Public Hearing – Ordinance 2023-021 MDA 2nd Amendment - Mirror Lake Village PUD Phase II – Maximum Impervious Surface Ratio – Petitioner: Fruitland Park LLC
(city attorney/city manager/community development)

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE MASTER DEVELOPMENT AGREEMENT CONDITIONS OF THE MIRROR LAKE

VILLAGE PLANNED UNIT DEVELOPMENT (PUD) TO PROVIDE FOR A MAXIMUM IMPERVIOUS SURFACE RATIO; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SCRIVENER'S ERRORS; AND SETTING AN EFFECTIVE DATE. (Continued from December 14, 2023. The first reading was held on January 11, 2024.)

END OF QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

5. (a) **City Manager**
 - i. **Economic Development Status Update Report**
 - ii. **Commercial Developments Permits Issued Status Update Report**
 - iii. **City Manager Recruiting Firm's Status Update Report**
 - iv. **Holiday Tree Discussion**
 - v. **TD Bank Discussion**
- (b) **City Attorney**
 - i. **U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845 (Judge Baxley)**
 - ii. **Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park , Lake County Case No. 2022-CA-1628**
 - iii. **Code of Ordinances – Codification**
 - iv. **0295 Builder, LLC v. City of Fruitland Park, et al, Lake County Case No. 2023-CA-2919**

6. UNFINISHED BUSINESS

7. PUBLIC COMMENTS

This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the City Commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the City Commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

8. COMMISSIONERS' COMMENTS

(a) Commissioner Mobilian

(b) Commissioner Bell

(c) Commissioner Gunter, Jr.

(d) Vice Mayor DeGrave

9. MAYOR'S COMMENTS

10. ADJOURNMENT

City commission workshop to follow.

DATES TO REMEMBER

- February 8, 2024, City Commission regular at 6:00 p.m.;
- February 10-18, 2024, Love Week, *Attitude of Generosity and Service within Fruitland Park*:
 - o February 10, 2024 5k Love Run, 205 W Berckman Street, Fruitland Park, Florida 34731 at 8:00 a.m.;
 - o February 13, 2024, *Showing Love*;
 - o February 15, 2024, Blood Mobile;
- February 12, 2024, City Commission Lake County Parks, Recreation and Trails Advisory Board, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 3:30 p.m.;
- February 22, 2024, City Commission regular at 6:00 p.m.;
- February 28, 2024, Lake~Sumter Metropolitan Planning Organization Governing Board Meeting, 1300 Citizens Blvd., Suite 175, Leesburg, Florida 34748 at 2:00 p.m.;

For additional events, please visit [Calendar | City of Fruitland Park Florida](#).

Please note that in addition to the city commission meetings, more than one city commissioner may be present at the above-mentioned events.

Any person requiring special accommodation at this meeting because of disability or physical impairment should contact the City Clerk's Office at City Hall (352) 360-6727 at least forty-eight (48) hours prior to the meeting. (§286.26 F.S.)

If a person decides to appeal any decision made by the City of Fruitland Park with respect to any matter considered at such meeting or hearing, he or she will need a record of the proceedings and 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. The city does not provide verbatim records. (§286.0105, F.S.)

PLEASE TURN OFF ELECTRONIC DEVICES OR PLACE IN VIBRATE MODE.

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 3**

ITEM TITLE: Draft Meeting Minutes

MEETING DATE: Thursday, January 25, 2024

DATE SUBMITTED: Tuesday, January 16, 2024

SUBMITTED BY: city clerk

BRIEF NARRATIVE: Routine items and items not anticipated to be controversial are placed on the Consent Agenda to expedite the meeting. If a commissioner, staff member or member of the public wish to discuss any item, the procedure is as follows: (1) Pull the item(s) from the Consent Agenda; (2) Vote on remaining item(s), and (3) Discuss each pulled item separately and vote.

Approval of Minutes

January 11, 2024 regular meeting minutes.

FUNDS BUDGETED: None

ATTACHMENTS: Draft minutes

RECOMMENDATION: Approve the minutes, if there are no corrections, as submitted.

ACTION: Approval

**FRUITLAND PARK CITY COMMISSION REGULAR
DRAFT MEETING MINUTES
January 11, 2024**

A regular meeting of the Fruitland Park City Commission was held at 506 W. Beckman Street, Fruitland Park, Florida 34731 on Thursday, January 11, 2024 at 6:00 p.m.

Members Present: Mayor Chris Cheshire, Vice Mayor Patrick DeGrave, Commissioners John L. Gunter Jr., and Chris Bell.

Members Absent: Commissioner John Mobilian participated by telephonic video conference.

Also Present: City Manager Gary La Venia; City Attorney Anita Geraci-Carver; City Treasurer Gary Bachmann; Police Chief Erik Luce; Public Works Director Robb Dicus; Human Resources Director John Klein; Administrative Manager Sharon Williams and Permit and Zoning Technician Kelli Fielder, Community Development Department, and City Clerk Esther B. Coulson.

1. CALL TO ORDER, INVOCATION, AND PLEDGE OF ALLEGIANCE

After Mayor Cheshire called the meeting to order and Pastor Greg Yarborough, Trinity Assembly Church, gave the invocation, Chief Luce led in the pledge of allegiance to the flag.

ACTION: 6:11:55 p.m. No action was taken.

2. ROLL CALL

Mayor Cheshire requested that Ms. Coulson call the roll where a quorum was declared present, recognized Commissioner Mobilian who joined by telephonic conference, and recognized the following changes to this evening's agenda:

Agenda Changes:

- 3. Consent Agenda – December 14, 2023 regular minutes**
Scrivener's errors grammatical.

- 4.(k) Ordinance 2023-020 Comprehensive Plan Amendment Building Heights Restriction**
Continue to the next meeting at staff's request.

- 4.(l) Ordinance 2023-019 Land Development Regulations Amendment – Building Heights Restriction**
Continue to the next meeting at staff's request.

ACTION: 6:14:02 p.m. Upon Mayor Cheshire's recommendation, and **by unanimous consent, the city commission accepted the previously cited changes to the agenda.**

3. CONSENT AGENDA

The city commission considered its action to approve the following consent agenda items:

Approval of Minutes

December 14, 2023 regular meeting minutes.

ACTION: 6:15:01 p.m. **On motion of Vice Mayor DeGrave, seconded by Commissioner Gunter and unanimously carried, the city commission approved the consent agenda as previously cited.**

7. REGULAR AGENDA

(a) Resolution 2023-077 Comprehensive Plan Updates - LPG Urban & Regional Planners, LLC

Ms. Geraci-Carver read into the record the title of Resolution 2023-077, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING LPG URBAN & REGIONAL PLANNERS, LLC'S PROPOSAL FOR PROFESSIONAL CONSULTING SERVICES DATED DECEMBER 14, 2023 FOR COMPREHENSIVE PLAN UPDATES IN AN AMOUNT NOT TO EXCEED \$94,700.00; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; REPEALING RESOLUTION 2023-005; PROVIDING FOR AN EFFECTIVE DATE. (Postponed from October 12 and 26, 2023.)

After Mayor Cheshire recalled the city commission's discussions at its February 9, 2023 regular meeting, Ms. Geraci-Carver in concurrence, pointed out LPG Urban & Regional Planners LLC's proposal -- Comprehensive Plan Update Resolution 2020-005 -- for professional consulting services that did not commence which the city is repealing.

ACTION: 6:15:11 p.m. After discussion, **a motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2023-077 as previously cited.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(b) Resolution 2024-006 General Revenues Final Property Values and Increase Redevelopment Budget Expenditures - CRA Fund Transfer FY 2023-024 Budget Amendment

Ms. Geraci-Carver read into the record the title of Resolution 2023-006, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE

2023/2024 FISCAL YEAR BUDGET PURSUANT TO SEC. 6.07 OF THE CITY CHARTER TO INCREASE THE BUDGET FOR GENERAL REVENUES DUE TO FINAL PROPERTY VALUES INCREASING AFTER THE BUDGET WAS APPROVED AND INCREASE EXPENDITURES IN THE REDEVELOPMENT BUDGET TO TRANSFER FUNDS TO THE COMMUNITY REDEVELOPMENT AGENCY; AND PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:17:30 p.m. After discussion, a motion was made by Commissioner Gunter and seconded by Vice Mayor DeGrave that the city commission adopt Resolution 2024-006 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

- (c) **Resolution 2024-001 Public Works Building Project – Change Order #7 – EJCDC Standard Form of Agreement – Chain Link Fencing Gates \$5,905.21 Decrease – GSB Construction and Development Inc.**

Ms. Geraci-Carver read into the record the title of Resolution 2024-001, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 7 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR A DECREASE OF \$5,905.21 IN THE STIPULATED SUM; AUTHORIZING THE EXECUTION OF THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:19:17 p.m. After discussion, a motion was made by Commissioner Gunter and seconded by Vice Mayor DeGrave that the city commission adopt Resolution 2024-001 as previously cited.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

- (d) **Resolution 2024-002 Public Works Building Project – Change Order #8 - EJCDC Standard Form of Agreement – Ceramic Tile \$26,820.92 Decrease – GSB Construction and Development Inc.**

Ms. Geraci-Carver read into the record the title of Resolution 2024-002, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 8 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR A DECREASE OF \$26,820.92 IN THE STIPULATED SUM; AUTHORIZING EXECUTION OF THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:21:05 p.m. After much discussion, **a motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission adopt Resolution 2024-002 as previously cited.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

- (e) **Resolution 2024-003 Public Works Building Project – Change Order #9 - EJCDC Standard Form of Agreement – Electric Bay Door Motors-Associated Systems \$42,676.81 Increase – GSB Construction and Development Inc.**

Ms. Geraci-Carver read into the record the title of Resolution 2024-003, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CHANGE ORDER NO. 9 TO THE EJCDC STANDARD FORM OF AGREEMENT BETWEEN OWNER AND CONTRACTOR ON THE BASIS OF A STIPULATED PRICE BETWEEN THE CITY OF FRUITLAND PARK AND GSB CONSTRUCTION & DEVELOPMENT, INC. TO PROVIDE FOR AN INCREASE OF \$42,676.81 IN THE STIPULATED SUM; AUTHORIZING EXECUTION OF THE CHANGE ORDER; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:24:50 p.m. After extensive discussion, **a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission adopt Resolution 2024-003 as previously cited.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

- (f) **Resolution 2024-004 Patricia Avenue Water Line Replacement Project CDBG Program Requirements Proposal – Halff Inc.**

Ms. Geraci-Carver read into the record the title of Resolution 2024-004, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CDBG PROGRAM ADMINISTRATIVE SERVICES PROPOSAL FOR LABOR STANDARDS COMPLIANCE DATED DECEMBER 20, 2023 FOR PATRICIA AVENUE WATER LINE REPLACEMENT PROJECT FROM HALFF IN AN AMOUNT NOT TO EXCEED \$22,000.00 FOR ADMINISTRATIVE SERVICES RELATING TO COMPLIANCE WITH CDBG PROGRAM REQUIREMENTS; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:25:50 p.m. After much discussion, **a motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission adopt Resolution 2023-004 as previously cited.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(g) Resolution 2024-005 Spring Lake Water Line Replacement Project CDBG Program Requirements Proposal – Halff Inc.

Ms. Geraci-Carver read into the record the title of Resolution 2024-005, the substance of which is as follows:

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING CDBG PROGRAM ADMINISTRATIVE SERVICES PROPOSAL FOR LABOR STANDARDS COMPLIANCE DATED DECEMBER 20, 2023 FOR SPRING LAKE ROAD WATER LINE REPLACEMENT PROJECT FROM HALFF IN AN AMOUNT NOT TO EXCEED \$22,000.00 FOR ADMINISTRATIVE SERVICES RELATING TO COMPLIANCE WITH CDBG PROGRAM REQUIREMENTS; AUTHORIZING THE MAYOR TO EXECUTE THE PROPOSAL; PROVIDING FOR AN EFFECTIVE DATE.

ACTION: 6:32:00 p.m. After discussion, **a motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission adopt Resolution 2023-005 as previously cited.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(h) Public Works Four-Post Vehicle Lift Purchase – Quotes

The city commission considered its action to approve a quote for a 27,000 lb. capacity four-post BendPak vehicle lift as well as a pair of 15,000 lb. rolling bridge jaks to be used in conjunction with the four-post lift as follows:

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- 1) Northern Tool, \$33,799.97
- 2) Wrenchers LLC, \$27,325
- 3) BendPak Inc., \$31,395

Mr. Dicus cited reasons why staff is recommending Wrenchers LLC to include installation not to exceed \$30,000.

ACTION: 6:33:53 p.m. Following lengthy discussions and **by unanimous consent, the city commission accepted staff's recommendation to include the installation not to exceed \$30,000.** (Said amount is already earmarked in the FY 2023/24 budget.)

On motion of Vice Mayor DeGrave, seconded by Commissioner Bell and unanimously carried, the city commission approved staff's recommendation to accept Wrenchers LLC's quote as the lowest, responsive and responsible bidder for \$27,325 to include the installation price not to exceed \$30,000.

By unanimous consent, Mayor Cheshire opened the public hearings at this evening's meeting.

PUBLIC HEARING

(i) Second Reading and Public Hearing – Ordinance 2023-022 Wastewater System Asset Management and Fiscal Sustainability Plan

It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2023-022 and after Ms. Geraci-Carver read into the record the following title, Mayor Cheshire called for the public to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, CREATING CHAPTER 104 OF THE CODE OF ORDINANCES AND ADOPTING THE CITY OF FRUITLAND PARK WASTEWATER SYSTEM ASSET MANAGEMENT AND FISCAL SUSTAINABILITY PLAN PREPARED BY FLORIDA RURAL WATER ASSOCIATION IN PARTNERSHIP WITH FDEP AND SRF; REPEALING CONFLICTING ORDINANCES; PROVIDING FOR CODIFICATION; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on December 14, 2023.)

Ms. Geraci-Carver noted the corrections from the first reading to be the correction she made to the title to read “prepared” and the inclusion of Appendix B: Master Asset List.

ACTION: 6:36:14 p.m. A motion was made by Commissioner Bell and seconded by Vice Mayor DeGrave that the city commission enact Ordinance 2023-022 as previously cited to become effective immediately as provided by law.

There being no one from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

- (j) **Second Reading and Public Hearing – Ordinance 2023-023 Redistricting Maps**
It now being the time advertised to hold a public hearing to consider the enactment of Ordinance 2023-023, after Ms. Geraci-Carver read into the record the title, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, COUNTY OF LAKE, STATE OF FLORIDA, CHANGING THE BOUNDARIES OF THE FIVE CITY COMMISSION DISTRICTS BASED ON POPULATION DATA REVIEWED AND PROVIDED BY LPG URBAN & REGIONAL PLANNERS, INC. AND INCLUSION OF PROPERTY ANNEXED INTO THE CITY OF FRUITLAND PARK SINCE THE ADOPTION OF THE CURRENT DISTRICT BOUNDARIES; ADOPTING A NEW EXHIBIT “A” MAP; AND PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on December 14, 2023.)

ACTION: 6:37:44 p.m. After discussion, a motion was made by Commissioner Gunter and seconded by Commissioner Bell that the city commission enact Ordinance 2023-023 as previously cited to become effective immediately as provided by law.

There being no one from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

- (k) **Second Reading and Public Hearing – Ordinance 2023-020 Comprehensive Plan Amendment Building Heights Restriction**
The city commission considered its action to enact Ordinance 2023-020, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY OF FRUITLAND PARK’S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A MAXIMUM HEIGHT OF 35’ WITHIN ALL CITY OF FRUITLAND PARK FUTURE LAND USE DESIGNATIONS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR

CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE. (The first reading was held on December 14, 2023.)

ACTION: 6:38:52 p.m. **On motion of Vice Mayor DeGrave, seconded by Commissioner Gunter and unanimously carried, the city commission continued its action to enact Ordinance 2023-020 as previously cited to the next meeting at staff's request.**

(l) Second Reading and Public Hearing – Ordinance 2023-019 Land Development Regulations Amendment – Building Heights Restriction

The city commission considered its action to enact Ordinance 2023-019, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 154 OF THE CITY OF FRUITLAND PARK'S LAND DEVELOPMENT CODE TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A MAXIMUM HEIGHT OF 35' WITHIN ALL CITY OF FRUITLAND PARK ZONING DISTRICTS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE. (The first reading was held on December 14, 2023.)

ACTION: 6:39:03 p.m. **On motion of Commissioner Gunter, seconded by Vice Mayor DeGrave and unanimously carried, the city commission continued its action to enact Ordinance 2023-019 as previously cited to the next meeting at staff's request.**

(m) Second Reading and Public Hearing - Ordinance 2023-015 Annexation – 16.67 ± Acres – East US Highway 441/27 and East of Register Road Griffin Preserve – Petitioner: Beryl N. Stokes III

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read into the record the title of Ordinance 2023-015, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE BOUNDARIES OF THE CITY OF FRUITLAND PARK FLORIDA, IN ACCORDANCE WITH THE PROCEDURE SET FORTH IN SECTION 171.044, FLORIDA STATUTES, TO INCLUDE WITHIN THE CITY LIMITS APPROXIMATELY

16.67 ± ACRES OF LAND GENERALLY LOCATED EAST OF US HIGHWAY 441/27 AND EAST OF REGISTER ROAD; DIRECTING THE CITY MANAGER TO PROVIDE CERTIFIED COPIES OF THIS ORDINANCE AFTER APPROVAL TO THE CLERK OF THE CIRCUIT COURT, THE LAKE COUNTY MANAGER AND THE DEPARTMENT OF STATE OF THE STATE OF FLORIDA; PROVIDING FOR SCRIVENER'S ERRORS, SEVERABILITY AND CONFLICTS; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on December 14, 2023.)

ACTION: 6:39:14 p.m. A motion was made by Vice Mayor DeGrave and seconded by Commissioner Bell that the city commission enact Ordinance 2023-015 as previously cited to become effective immediately as provided by law.

There being no one from the public and by unanimous consent, Mayor Cheshire closed the public hearing.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(n) Second Reading and Public Hearing - Ordinance 2023-016 SSCPA 16.67 ± Acres – East US Highway 441/27 and East of Register Road Griffin Preserve – Petitioner: Beryl N. Stokes III

It now being the time advertised to hold a public hearing, after Ms. Geraci-Carver read into the record the title of Ordinance 2023-016, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, PROVIDING FOR A SMALL-SCALE COMPREHENSIVE PLAN AMENDMENT BY AMENDING THE FUTURE LAND USE PLAN DESIGNATION FROM LAKE COUNTY REGIONAL OFFICE TO CITY SINGLE-FAMILY MEDIUM DENSITY OF 16.67 +/- ACRES OF PROPERTY GENERALLY LOCATED EAST OF US HWY 441/27 AND EAST OF REGISTER ROAD; DIRECTING THE CITY MANAGER OR DESIGNEE TO TRANSMIT THE AMENDMENT TO THE APPROPRIATE GOVERNMENTAL AGENCIES PURSUANT TO CHAPTER 163, FLORIDA STATUTES; AUTHORIZING THE CITY MANAGER TO AMEND SAID COMPREHENSIVE PLAN; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HERewith; PROVIDING FOR AN EFFECTIVE DATE. (The first reading was held on December 14, 2023.)

ACTION: 6:41:09 p.m. A motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission enact the aforementioned Ordinance 2023-016 to become effective thirty-one (31) days after adoption as provided by law.

There being no one from the public and by unanimous consent, Mayor Cheshire closed the public hearing.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

QUASI-JUDICIAL PUBLIC HEARING

- (o) **Second Reading and Quasi-Judicial Public Hearing – Ordinance 2023-017 Rezoning 16.67± Acres Lake County Agricultural and Light Manufacturing to PUD – East US Highway 441/27 and East of Register Road – Petitioner: Beryl N. Stokes III**

It now being the time advertised to hold a public hearing Ms. Geraci-Carver read into the record the title of Ordinance 2023-017, the substance of which is as follows, Mayor Cheshire called for interested parties to be heard:

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, REZONING 16.67 +/- ACRES OF PROPERTY FROM LAKE COUNTY AGRICULTURE (A) AND LIGHT MANUFACTURING (LM) TO CITY OF FRUITLAND PARK PLANNED UNIT DEVELOPMENT (PUD) WITHIN THE CITY LIMITS OF FRUITLAND PARK; GENERALLY LOCATED EAST OF US HWY. 441/27 AND EAST OF REGISTER ROAD; APPROVING A MASTER DEVELOPMENT AGREEMENT FOR THE PROPERTY; DIRECTING THE CITY MANAGER OR DESIGNEE TO HAVE AMENDED THE ZONING MAP OF THE CITY OF FRUITLAND PARK; PROVIDING FOR SEVERABILITY, CONFLICTS AND SCRIVENER'S ERRORS; REPEALING ALL ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR AN EFFECTIVE DATE. (The second reading will be held on January 11, 2024.)

Ms. Geraci-Carver noted since the first reading, the two changes in the master development agreement (MDA) with Beryl N. Stokes III to be section 3, Land Development to include the date of the conceptual plan *August 28, 2023*, and section 28, Term of Agreement removing *20 years* and replacing it with *five years*.

After Ms. Geraci-Carver swore in Mr. Chris DiMillo, Summerpark Homes, developer representing the applicant, who demonstrated reasons and shared same with staff as to why they are asking for the removal of language in the MDA under Section 6, Residential Standards. . . *or diagonal to each other are prohibited*, she

acknowledged said request that was previously brought to staff's attention and relayed the decision to present same before the city commission.

ACTION: 6:42:28 p.m. After extensive discussions and **by unanimous consent, the city commission accepted the applicant's request to amend the language in the Master Development Agreement under Section 6, Residential Standards removing . . . across the street from each other, or diagonal to each other are prohibited and replacing with or across the street from each other are prohibited. . . . with the proviso that staff review that said change is not in conflict with the city's existing land development code.**

Following further discussion, **a motion was made by Vice Mayor DeGrave and seconded by Commissioner Gunter that the city commission enact the subject Ordinance 2023-017 -- as amended to include the aforementioned language with the previously cited direction to staff -- to become effective immediately as provided by law.**

There being no one from the public and **by unanimous consent, Mayor Cheshire closed the public hearing.**

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

(p) First Reading and Quasi-Judicial Public Hearing – Ordinance 2023-021 MDA 2nd Amendment - Mirror Lake Village PUD Phase II – Maximum Impervious Surface Ratio – Petitioner: Fruitland Park LLC

The city commission considered its action to approve Ordinance 2023-021, the substance of which is as follows:

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE MASTER DEVELOPMENT AGREEMENT CONDITIONS OF THE MIRROR LAKE VILLAGE PLANNED UNIT DEVELOPMENT (PUD) TO PROVIDE FOR A MAXIMUM IMPERVIOUS SURFACE RATIO; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SCRIVENER'S ERRORS; AND SETTING AN EFFECTIVE DATE. (The second reading will be held on January 11, 2024.)

Mr. Neil Klaproth, Park Square Homes, representing the applicant who was sworn in by Ms. Geraci-Carver, explained the intent of the change (originally the 50 percent maximum impervious surface ratio (ISR) associated with the development subdivision when they purchased it from the developers), was to manage the net and keeping it at 50 percent. He referred to the December 21, 2023 Planning and Zoning Board's direction to ensure that the ratio disclosures are conveyed to prospective buyers and conveyed the development sales team's concurrence to allow the buyer to expand on their lot as much as possible, and referred to the revised lot impervious area plan and lot ISR summary showing modifications for

additional ISRs on the lots; thus, the attempt to establish a minimum of 50 in order for the potential property owner to make additions.

In response to Vice Mayor DeGrave's concerns on the construction of larger homes on small properties to maximize development exceeding the ISR, Mr. Dustin Brinkman, KPM Franklin Project Engineer, who was sworn in by Ms. Geraci-Carver, confirmed that the lot impervious area plan and lot ISR summary are not final; described how they were reviewed and recalculated for the selection of constructed model homes, and indicated that once the numbers are submitted, buyers would be made aware of the maximum allowable at 50 percent.

After Mr. Klaproth addressed the intent to provide options for potential buyers and verified the restructuring of the subject ISR, he gave his assurance on the protection of the surrounding areas from stormwater issues which would allow potential buyers with the variety of homes available, and provide equitable and consistent-sized additional square footage for a shed or lanai.

ACTION: 6:53:05 p.m. After much discussion, a motion was made by Commissioner Bell and seconded by Commissioner Gunter that the city commission-approve the previously cited Ordinance 2023-021 and request that by the next meeting, Halff Inc. (consultants retained by the city) review the revised lot impervious area plan and lot impervious surface ratio summary calculations for the selection of the subject constructed model homes.

Mayor Cheshire called for a roll call vote on the motion and declared it carried unanimously.

END OF QUASI-JUDICIAL PUBLIC HEARING

END OF PUBLIC HEARING

8. (a) City Manager

i. Economic Development Status Update

Mr. La Venia did not address the status on economic development.

ACTION: 7:17:54 p.m. No action was taken.

ii. Commercial Developments Permits Issued Status Update

Mr. La Venia did not give the status of commercial development permits issued.

ACTION: 7:17:54 p.m. No action was taken.

iii. City Manager Recruiting Firms Status Update Report

Mr. La Venia conveyed his conversations with Mr. Colin Baenziger, Colin Baenziger & Associates, where he plans to be present before the city commission at its January 25 or February 8, 2024 regular meeting with the

intent to prepare a contract in that regard to which Ms. Geraci-Carver addressed the need for direction from the city commission.

ACTION: 7:17:54 p.m. and 7:31.04 p.m. No action was taken.

iv. City Charter Status Update Report

Mr. La Venia addressed the plan to conduct a charter review with amendments to place on the ballot.

ACTION: 7:18:17 p.m. **By unanimous consent, the city commission agreed to hold a workshop on the city's charter upon the conclusion of the January 25, 2024 regular meeting.**

v. Chief Luce Retirement

Mr. La Venia announced Chief Luce's intent to retire on March 31, 2024 who expressed his pleasure working for the city for 12 years and that he will be entering a new chapter in law enforcement.

ACTION: 7:19:04 p.m. The city commission extended their congratulations to the chief.

(b) City Attorney

i. U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845

Ms. Geraci-Craver relayed her discussions with Mr. Donovan A. Roper, attorney at Roper and Roper P.A, regarding the U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845; reported that the order was entered on January 10, 2024 denying the city's motion for the additional \$11,000, and addressed the plan to file another motion for reconsideration and motion for rehearing on same where she will keep the city commission informed.

ACTION: 7:20:48 p.m. No action was taken.

ii. Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628

Ms. Geraci-Craver referred to the Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-A-1628 where a status conference was held before the judge who agreed that if that was the plaintiff's preference; the parties could go to mediation which he is in the process of scheduling and reported that he pulled it from the trial docket indicating that he will not place it on same until the party notices it and is ready for trial.

Ms. Geraci-Carver pointed out her conversations with Mr. La Venia earlier this day and addressed the plan to recommend or request that, once

mediation is scheduled, a closed-session meeting ought to be conducted with the city commission before going to mediation.

ACTION: 7:21:11 p.m. No action was taken.

iii. Code of Ordinances – Codification

Ms. Geraci-Carver did not address the code of ordinances codification.

ACTION: 7:20:48 p.m. No action was taken.

vi. 0295 Builder, LLC v. City of Fruitland Park, et al, Lake County Case No. 2023-CA-2919

Ms. Geraci-Carver did not address the 0295 Builder, LLC v. City of Fruitland Park, et al, Lake County Case No. 2023-C-2919.

ACTION: 7:20:48 p.m. No action was taken.

9. UNFINISHED BUSINESS

There was no unfinished business to come before the city commission at this time.

ACTION: 7:22:36 p.m. No action was taken.

10. PUBLIC COMMENTS

Mr. Steven “Steve” Girard Stivosky, City of Leesburg resident, presented the new human life protection amendment constitutional concept; the future *Personhood Cities* and a literature and bible bookmark on life peace zone; copies of which are filed with the supplemental papers to the minutes of this meeting.

Ms. Christian Nelson, City of Leesburg resident, thanked Chief Luce for his years of committed service and cited a chapter verse from the bible.

ACTION: 7:22:37 p.m. No action was taken.

11. COMMISSIONERS’ COMMENTS

(a) Commissioner Mobilian

Commissioner Mobilian shared his experiences on his trip.

ACTION: 7:28:00 p.m. No action was taken.

(b) Commissioner Bell

Commissioner Bell stated that he had nothing to report at this time.

ACTION: 7:30:02 p.m. No action was taken.

January 11, 2024, regular

(c) **Commissioner Gunter - Lake County Educational (School) Concurrency Review Meeting**

Commissioner Gunter stated that he had nothing to report at this time.

ACTION: 7:30:22 p.m. No action was taken.

(d) **Vice Mayor DeGrave**

Vice Mayor DeGrave stated that he had nothing to report at this evening's meeting.

ACTION: 7:30:25 p.m. No action was taken.

12. MAYOR'S COMMENTS

Dates to Remember

Mayor Cheshire announced the following dates:

- January 15, 2024, City Hall Closed – Dr. Martin Luther King Jr., Day;
- January 19, 2024, *St John's River Water Management District Update*, Lake County League of Cities, Mount Dora Golf Course, 1100 South Highland Street, Mount Dora, Florida 32757 at 12:00 noon;
- January 25, 2024, City Commission regular at 6:00 p.m., and
- January 25, 2024, City Commission workshop to follow the regular meeting.

- February 8, 2024, City Commission regular at 6:00 p.m.;
- February 12, 2024, City Commission Lake County Parks, Recreation and Trails Advisory Board, Lake County Administration Building, Board Chambers, 315 West Main Street, Tavares, Florida 32778 at 3:30 p.m.;
- February 22, 2024, City Commission regular at 6:00 p.m., and
- February 28, 2024, Lake~Sumter Metropolitan Planning Organization Governing Board Meeting, 1300 Citizens Blvd., Suite 175, Leesburg, Florida 34748 at 2:00 p.m.;

ACTION: 7:30:28 p.m. No action was taken.

13. ADJOURNMENT

The meeting adjourned at 7:31 p.m.

The minutes were approved at the January 25, 2024, regular meeting.

Signed

Esther B. Coulson, City Clerk, MMC

Signed

Chris Cheshire, Mayor

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 4a**

ITEM TITLE:	Traffic Signal Maintenance Discussion
MEETING DATE:	Thursday, January 25, 2024
DATE SUBMITTED:	Tuesday, January 16, 2024
SUBMITTED BY:	city manager/public works director
BRIEF NARRATIVE:	Traffic signal maintenance discussion
FUNDS BUDGETED:	None
ATTACHMENTS:	Email, request letter, existing interlocal agreement, county's signal list of all devices, and estimated maintenance costs
RECOMMENDATION:	
ACTION:	

From: Gadiel, George <george.gadiel@lakecountyfl.gov>
Sent: Friday, January 12, 2024 9:24 AM
To: Gary La Venia <glavenia@fruitlandpark.org>
Cc: Robb Dicus <rdicus@fruitlandpark.org>; Schneider, Fred <fred.schneider@lakecountyfl.gov>; Bartolowits, Rachel <rachel.bartolowits@lakecountyfl.gov>
Subject: Traffic Signal Maintenance

Dear Mr. La Venia,

I recently spoke to Robb Dicus in Public Works about some upgrades the County will be requiring all Cities we manage traffic devices for to make in the next fiscal year. The letter explains the two upgrades the County is looking to have the Cities budget for the next fiscal year. We are requesting a minimum number of devices to be upgraded per year, but your City is welcome to upgrade every device if they like. Please let me know if your City agrees to make these changes. The County would need your City to upfront the costs for the signal devices and we will add to your annual traffic signal maintenance bill the additional fees for wireless access. I have attached the Request Letter, existing Signal Maintenance Agreement, current list of all devices the County maintains for your City and breakdown of estimated costs. I look forward to working with you on improving maintenance efficiencies for your traffic signal devices.

Thank you,

GEORGE GADIEL, P.E.
Senior Traffic Engineer

PUBLIC WORKS
Engineering Division

A 350 N. Sinclair Ave. Tavares, FL 32778

P 352-253-9092 | F 352-253-9065

E george.gadiel@lakecountyfl.gov | W www.lakecountyfl.gov

NOTE: Florida has a very broad public records law.
Your email communications may be subject to public disclosure.



Public Works Department/Engineering Division
P.O. Box 7800 • 350 N. Sinclair Ave., • Tavares, FL 32778

Dear Mr. La Venia,

Lake County maintains over 600 traffic signal devices (over 230 traffic signals and over 360 other devices including school flashers) with at least 60 additional devices expected over the next year. The County is adding wireless devices to County-owned traffic signals and converting County-owned school flashers to cloud service. These changes will replace the older technology and allow the County to monitor the devices from our Traffic Operations Department office and diagnose issues before driving to the site. The cloud service will allow us to make school flasher time changes upon request within only a few minutes. This improves efficiency and reduces costs significantly, allowing the County to continue providing high-quality maintenance service with the growing number of traffic devices. Within a few years we expect to have all County-owned signals and school flashers on our wireless system.

I am requesting that Fruitland Park budget for these devices over the next two years. Each wireless device for traffic signals has a one-time cost of \$400 and a yearly cost of \$450 currently. The yearly cost shall be added to your yearly maintenance fee. Pursuant to the current signal maintenance agreement, this is a replacement beyond normal maintenance and is therefore the responsibility of the City. The signed agreement from April 12, 2016 references the additional responsibility of the City in paragraphs 4D, 5C, and 5D. The current price for school clocks with five years of cloud service is \$2,506.00. After five years Fruitland Park will be responsible for continuing the cloud service at the current rate at that time. If the City does not wish to make these changes to their five traffic signals and a minimum of five school flashers upgraded per year, the County will no longer be able to provide maintenance and will move forward with terminating the current signal maintenance agreement. The County hopes Fruitland Park will agree to these changes to improve efficiency of your traffic signal devices and reduce delays for the traveling public through your City.

P 352.253.6000 • F 352.253.9025
Board of County Commissioners • www.lakecountyfl.gov

Douglas B. Shields
District 1

Sean M. Parks, AICP, QEP
District 2

Kirby Smith
District 3

Leslie Campione
District 4

Josh Blake
District 5

Sincerely,

George Gadiel

George Gadiel, P.E.

Senior Traffic Engineer

cc: Rachel Bartolowits

Fred Schneider

Robb Dicus

**INTERLOCAL AGREEMENT BETWEEN
LAKE COUNTY, FLORIDA AND THE
CITY OF FRUITLAND PARK FOR
TRAFFIC SIGNAL MAINTENANCE**

This Interlocal Agreement is made by and between Lake County, Florida, a political subdivision of the State of Florida, hereinafter the "County," and the City of Fruitland Park, a municipal corporation organized under the Laws of the State of Florida, hereinafter the "City," for traffic signal maintenance.

WHEREAS, Section 163.01, Florida Statutes, known as the Florida Interlocal Cooperation Act of 1969, allows a public agency to exercise jointly with other public agencies any power, privilege or authority which such agencies share in common; and

WHEREAS, Section 125.01(p), Florida Statutes, authorizes the County to enter into agreements with other governmental agencies for performance of one unit on behalf of the other any of either agency's functions; and

WHEREAS, on September 10, 2013, the parties did enter into an Interlocal Agreement for Traffic Signal Maintenance; and

WHEREAS, the parties now desire to replace the existing agreement.

NOW, THEREFORE, IN CONSIDERATION of the mutual terms, understandings, conditions, premises, covenants and payment hereinafter set forth, and intending to be legally bound, the parties hereby agree as follows:

1. **Recitals.** The foregoing recitals are true and correct and incorporated herein by reference.

2. **Effective Date.** This agreement shall become effective on October 1, 2015.

3. **Term.** This agreement shall have a term of seven (7) years from the Effective date. This agreement shall thereafter renew annually until otherwise terminated in accordance herewith.

4. **County Obligations.**

A. The County will provide traffic signal maintenance, both planned and emergency for those signals identified in **Exhibit A**, attached hereto and incorporated herein by reference. Maintenance shall be in accordance with the most current repair manual, and in compliance with standards promulgated by the State Department of

Transportation pursuant to Section 316.0745, Florida Statutes. Additional devices may be added throughout the term of this Agreement by written memorandum executed by the County Manager or designee, and by the City Manager or designee.

B. The County will provide qualified employees to perform the maintenance needed, and will ensure that such qualified employees will be available at all times, day and night, and will maintain emergency response vehicles for use in performing emergency tasks.

C. In the event of major damage to the signal or its component parts which is beyond the County's ability to repair at the scene, the County shall have the option of restoring traffic control by switching the intersection to temporary flash mode until the equipment can be repaired or replaced.

D. In the event of damage of a catastrophic nature, or in the event of traffic signal, beacon, warning flasher or school flasher rebuild or repair, which is deemed to be beyond the County's maintenance capabilities, the County will employ the services of a contractor to effect the repairs. Selection of a contractor shall be at the County's sole discretion.

5. City's Obligations.

A. The City shall pay to the County the annual amount of **\$2,596.00** per signalized intersection and **\$534.67** per flashing beacon, warning flasher or school flasher intersection to cover the cost of maintenance, including parts and labor, to be billed annually. Such monies shall be remitted within thirty (30) days of receipt of an annual invoice from the County. The annual amount shall include monthly signal inspections, annual preventive maintenance routines, and planned and emergency maintenance. This amount shall **not** include repairs catastrophic in nature as set forth in section 4(D) above. Thereafter, the annual amount shall automatically increase by three percent (3%) upon each anniversary date of this Agreement.

C. The City shall be responsible for all other operational costs associated with such traffic signals, beacons, warning flashers, school flashers, or flashing beacons, including but not limited to electricity.

D. In the event of damage of a catastrophic nature, or in the event of traffic signal, beacon, warning flasher or school flasher rebuild or repair, which is deemed to be beyond the County's maintenance capabilities, the City shall reimburse the County for all charges levied by the County's contractor retained in accordance with section 4(D) above. The County will bill the City for these repairs at its cost and the City shall reimburse the County immediately upon receipt of such invoice.

E. The City shall provide to the County information regarding the installation of any new signals, beacons, warning flashers, or school flashers during the annual period, including signals, beacons, warning flashers or school flashers contained within

any area annexed by the City. Such information shall be given to the County before construction plans are approved, or the annexation is finalized, and the County shall retain the right of review and comment on the construction plans, or proposed annexation. The County shall automatically add such new signals, beacons, warning flashers and school flashers to this Agreement and the City shall include the new traffic signals, beacons, warning flashers, and school flashers when calculating the amount payable to the County under this Agreement. The amount payable shall be prorated for each traffic signals, beacons, warning flashers, school flashers, or flashing beacons as of the date of the device comes on-line, or the date the device is annexed, prior to the annual renewal hereof.

F. Beginning July 1, 2016, the Florida Department of Transportation (FDOT) will be reimbursing all jurisdictions in the amount of \$4,500.00 for each traffic signal that is interconnected with telecommunications and are monitored at a central location. The City recognizes that the County, at the County's sole cost and expense, did interconnect the signals identified in **Exhibit B**, attached hereto and incorporated herein by reference, with available telecommunications and does monitor such signals at a central location. Therefore, the City shall remit to the County an additional **\$1,369.00**, per interconnected traffic signal per year upon receipt of an invoice from the County. This amount is the difference between the \$4,500 allocated by FDOT for interconnected signals, and the \$3,131.00 that FDOT will reimburse for signals that are not interconnected. This amount shall be adjusted if the FDOT allocations for future fiscal years is adjusted, but the formula for such calculation shall remain the same.

6. **Termination.** This agreement may be terminated by either party without cause with one hundred twenty (120) days notice to the non-terminating party.

7. **Notices.** Wherever provision is made in this Agreement for the giving, serving or delivering of any notice, statement, or other instrument, such notice shall be in writing and shall be deemed to have been duly given, served and delivered, if delivered by hand or mailed by United States registered or certified mail, addressed as follows:

COUNTY

Public Works Department
P.O. Box 7800
Tavares, Florida 32778

CITY

City Manager
506 W. Berckman Street
Fruitland Park, Florida 34731

Notice sent by facsimile transmission shall not be accepted.

8. **Entire Agreement.** It is mutually agreed that the entire agreement between the parties is contained herein, and that neither party has made any statement, promise or agreement, or taken upon itself any engagement whatsoever that it is not fully

capable of honoring to its fullest.

9. **Prior Agreements.** The previous agreement entered into between the parties dated on or about November 6, 2013 shall be terminated effective September 30, 2015.

10. **Severability.** If any provision, condition, promise, or part of this agreement is found or held to be invalid, it is the intent of the parties that the remaining provisions are unaffected and will be honored by the parties. To this end, the provisions of this agreement are declared severable.

IN WITNESS HERETO, the parties to this agreement, by their signatures, have caused this agreement and all its parts, to be fully executed on the day and year hereinafter written.

COUNTY

ATTEST:


LAKE COUNTY, through its BOARD OF
COUNTY COMMISSIONERS


Neil Kelly, Clerk
of the Board of County
Commissioners of Lake
County, Florida


Sean M. Parks,
Chairman


This 12th day of April, 2016

Approved as to form and legality:


Melanie Marsh, County Attorney

Interlocal agreement between Lake County, Florida and the City of Fruitland Park for Traffic Signal Maintenance.

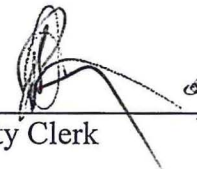
CITY OF FRUITLAND PARK



Name: Chris Bell

Title: Mayor

ATTEST:



12/10/15
City Clerk

Approved as to form and legality:



City Attorney

EXHIBIT A: SIGNALS AND BEACONS

Fruitland Park Exhibit A With Interconneted Telecommunication Information

Cartegraph ID	Type	Major Road	Side Street A	Standard Rate	Additional for Interconnect w/ telecom 2016-17	Interconnected w/ telecom
FP-B-032	Beacon	CR 466A	CR 468	\$534.67		No
FP-S-390	Signal	THOMAS AV	Urick	\$2,596.00		No
FP-S-031	Signal	US 27	PICCIOLA CUTOFF	\$2,596.00	\$1,369.00	Yes
FP-S-056	Signal	US 27	CR 25A (North DIXIE)	\$2,596.00	\$1,369.00	Yes
FP-SF-426	School Flasher	CR 25A	Fruitland Park Elem	\$534.67		No
FP-SF-427	School Flasher	CR 25A	Fruitland Park Elem	\$534.67		No
TOTAL EXHIBIT A				\$9,392.01		

EXHIBIT B: INTERCONNECTED TRAFFIC SIGNALS

Fruitland Park Exhibit B With Interconnected Telecommunication Information FY 2016-17

Cartograph ID	Type	Major Road	Side Street A	Additional for Interconnect w/ telecom 2016-17	Interconnected w/ telecom	NOTES
FP-S-031	Signal	US 27	PICCIOLA CUTOFF	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
FP-S-056	Signal	US 27	CR 25A (North DIXIE)	\$1,369.00	Yes	On the FDOT system, interconnected with Telecommunication
TOTAL EXHIBIT B				\$2,738.00		

ID #	Major Road	Dir	Side Street	Landmark
FP-SF-426	CR 25A/Dixie	NB		Fruitland Park Elem
FP-SF-427	CR 25A/Dixie	SB		Fruitland Park Elem
FP-SF-487	CR 466A	EB		Fruitland Park Elem
FP-SF-488	CR 466A	WB		Fruitland Park Elem
FP-SF-502	<i>CR 466A/ Miller</i>	EB		Fruitland Park Elem
FP-SF-503	<i>CR 466A/ Miller</i>	WB		Fruitland Park Elem
FP-S-032	CR 466A		CR 468 Rose	
FP-S-033	CR 25A (Dixie)		CR 466A (MILLER)	
	Interconnected			
FP-S-390	THOMAS AV		Urick	
FP-S-422	CR 466A		Micro Racetrack	
FP-S-423	CR 466A		Timbertop	

	FY 25	FY 26	FY 27
Upfront Costs	\$ 14,530.00	\$ 2,506.00	
Annual Costs	\$ 2,250.00	\$ 2,250.00	\$ 2,250.00
Total	\$ 16,780.00	\$ 4,756.00	\$ 2,250.00

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 4b

ITEM TITLE: First Reading and Public Hearing 2024-002 Fifth Amendment to Restated Solid Waste Collection Franchise Agreement – Waste Management Inc.

MEETING DATE: January 25, 2024

DATE SUBMITTED: January 17, 2024

SUBMITTED BY: city attorney/city manager/city treasurer

BRIEF NARRATIVE: **Ordinance 2024-002** increases solid waste collections effective March 1, 2024 per the contract that allows an annual increase each January. The consumer price index change is 6.45% and a fuel surcharge has been omitted. The last attachment is the new rates which includes Fruitland Park administration fee of \$2.94 and the 10% franchise fee. This document reflects the total amount billed to the customer. Last year residential was \$31.80 per month and this year it will be \$32.73 per month for an increase of \$0.92. This is an increase of 2.91%. (The second reading will be held on February 8, 2024.)

FUNDS BUDGETED: None

ATTACHMENTS: Proposed ordinance, fee schedule, and rates

RECOMMENDATION: Approval

ACTION TO BE TAKEN: **Approve Ordinance 2024-002.**

ORDINANCE 2024-002

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA, APPROVING AN EXTENSION OF ITS SOLID WASTE COLLECTION FRANCHISE AGREEMENT WITH WASTE MANAGEMENT, INC. OF FLORIDA; ADOPTING RATES FOR THE PROVISION OF WASTE MANAGEMENT SERVICES TO THE RESIDENTS OF THE CITY OF FRUITLAND PARK; PROVIDING FOR CONFLICTS AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Waste Management Inc. of Florida provides consistent, reliable, and more than satisfactory service to the City of Fruitland Park and its residents; and

WHEREAS, after reviewing the surrounding market for such service, the City found rates and terms to be undesirable, and does not want the quality of service to diminish; and

WHEREAS, City Commission of the City of Fruitland Park finds and determines that it is in the best interest of the City residents to extend its franchise agreement with Waste Management Inc. of Florida (“Waste Management”) for an additional term; and

WHEREAS, the City Commission desires to approve the **Fifth** Amendment to Restated Solid Waste Collection Agreement

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA.

Section 1. The City of Fruitland Park hereby extends its franchise agreement with Waste Management to September 30, 2027, pursuant to the terms of the Fourth Amendment to Restated Solid Waste Collection Agreement with Waste Management attached hereto as Exhibit “A” and incorporated herein by reference.

Section 2. The City Commission of the City of Fruitland Park hereby adopts the schedule of rates for solid waste collection services attached to the Fifth Amendment to Restated Solid Waste Collection Agreement and are incorporated herein by reference.

Section 3. Conflict. All ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 4. Codification. Certain provisions of this ordinance are intended to be incorporated into the Code of Ordinances of the City of Fruitland Park, Florida and the sections of this ordinance may be renumbered, relettered, and the word “ordinance” may be changed to “section”, “article”, or such other word or phrase in order to accomplish such intention.

Section 5. Severability. If any section, sentence, clause, or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this ordinance.

Section 6. This Ordinance shall be effective upon passage.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk, MMC

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

First Reading

Second Reading

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

Exhibit "B"

City of Fruitland Park Collection and Disposal Rates

Effective 2/01/24-6/30/24

Residential Services Based on \$40/ton disposal for 2x week garbage/yardwaste
Plus weekly Clamshell/Bulk Collection Services

Garbage Collection	Disposal	Fuel	Rate Per Month
\$ 22.48	\$ 4.33	\$ -	\$ 26.81

Commercial Handstops

	Garbage Collection	Disposal	Fuel	Rate Per Month
Commercial curb 1x week	\$ 19.42	\$ 8.44	\$ -	\$ 27.86
Commercial curb 2x week	\$ 24.79	\$ 8.95	\$ -	\$ 33.74

Commercial Dumpsters (Rate/month)

Rates Effective 7/1/2023

Qty/Size/Frequency	Garbage Coll.	Garbage Disp.	Fuel	Coll./Disp/ Fuel
1-2yd X 1 WEEK	\$ 52.72	\$ 37.87	\$ -	\$ 90.59
1-2yd X 2 WEEK	\$ 105.45	\$ 75.74	\$ -	\$ 181.19
1-2yd X 3 WEEK	\$ 158.19	\$ 113.61	\$ -	\$ 271.80
1-2yd X 4 WEEK	\$ 210.87	\$ 151.48	\$ -	\$ 362.35
1-2yd X 5 WEEK	\$ 263.60	\$ 189.35	\$ -	\$ 452.95
1-2yd X 6 WEEK	\$ 316.33	\$ 227.20	\$ -	\$ 543.53
1-4yd X 1 WEEK	\$ 97.90	\$ 75.74	\$ -	\$ 173.64
1-4yd X 2 WEEK	\$ 195.75	\$ 151.48	\$ -	\$ 347.23
1-4yd X 3 WEEK	\$ 293.68	\$ 227.22	\$ -	\$ 520.90
1-4yd X 4 WEEK	\$ 391.53	\$ 302.96	\$ -	\$ 694.49
1-4yd X 5 WEEK	\$ 489.43	\$ 378.70	\$ -	\$ 868.13
1-4yd X 6 WEEK	\$ 587.29	\$ 454.45	\$ -	\$ 1,041.74
1-6yd X 1 WEEK	\$ 135.53	\$ 113.61	\$ -	\$ 249.14
1-6yd X 2 WEEK	\$ 271.14	\$ 227.22	\$ -	\$ 498.36
1-6yd X 3 WEEK	\$ 406.64	\$ 340.83	\$ -	\$ 747.47
1-6yd X 4 WEEK	\$ 542.20	\$ 454.44	\$ -	\$ 996.64
1-6yd X 5 WEEK	\$ 677.75	\$ 568.05	\$ -	\$ 1,245.80
1-6yd X 6 WEEK	\$ 813.27	\$ 681.66	\$ -	\$ 1,494.93
1-8yd X 1 WEEK	\$ 150.64	\$ 151.48	\$ -	\$ 302.12
1-8yd X 2 WEEK	\$ 301.21	\$ 302.96	\$ -	\$ 604.17
1-8yd X 3 WEEK	\$ 451.83	\$ 454.44	\$ -	\$ 906.27
1-8yd X 4 WEEK	\$ 602.40	\$ 605.92	\$ -	\$ 1,208.32
1-8yd X 5 WEEK	\$ 753.03	\$ 757.40	\$ -	\$ 1,510.43
1-8yd X 6 WEEK	\$ 903.64	\$ 908.88	\$ -	\$ 1,812.52

Commercial Dumpsters (Rate/month)

Rates Effective 7/1/2023

Qty/Size/Frequency	Garbage Coll.	Garbage Disp.	Fuel	Coll./Disp
1-2yd X 1 WEEK	\$ 69.39	\$ 37.87	\$ -	\$ 107.26
1-2yd X 2 WEEK	\$ 138.79	\$ 75.74	\$ -	\$ 214.53
1-2yd X 3 WEEK	\$ 208.18	\$ 113.61	\$ -	\$ 321.79
1-2yd X 4 WEEK	\$ 277.53	\$ 151.48	\$ -	\$ 429.01
1-2yd X 5 WEEK	\$ 346.92	\$ 189.35	\$ -	\$ 536.27
1-2yd X 6 WEEK	\$ 416.32	\$ 227.22	\$ -	\$ 643.54
1-4yd X 1 WEEK	\$ 128.85	\$ 75.74	\$ -	\$ 204.59
1-4yd X 2 WEEK	\$ 257.62	\$ 151.48	\$ -	\$ 409.10
1-4yd X 3 WEEK	\$ 386.50	\$ 227.22	\$ -	\$ 613.72
1-4yd X 4 WEEK	\$ 515.29	\$ 302.96	\$ -	\$ 818.25
1-4yd X 5 WEEK	\$ 644.12	\$ 378.70	\$ -	\$ 1,022.82
1-4yd X 6 WEEK	\$ 772.92	\$ 454.44	\$ -	\$ 1,227.36
1-6yd X 1 WEEK	\$ 178.37	\$ 113.61	\$ -	\$ 291.98
1-6yd X 2 WEEK	\$ 356.83	\$ 227.22	\$ -	\$ 584.05
1-6yd X 3 WEEK	\$ 535.16	\$ 340.83	\$ -	\$ 875.99
1-6yd X 4 WEEK	\$ 713.59	\$ 454.44	\$ -	\$ 1,168.03
1-6yd X 5 WEEK	\$ 891.97	\$ 568.05	\$ -	\$ 1,460.02
1-6yd X 6 WEEK	\$ 1,070.33	\$ 681.66	\$ -	\$ 1,751.99
1-8yd X 1 WEEK	\$ 198.25	\$ 151.48	\$ -	\$ 349.73
1-8yd X 2 WEEK	\$ 396.42	\$ 302.96	\$ -	\$ 699.38
1-8yd X 3 WEEK	\$ 594.64	\$ 454.44	\$ -	\$ 1,049.08
1-8yd X 4 WEEK	\$ 792.80	\$ 605.92	\$ -	\$ 1,398.72
1-8yd X 5 WEEK	\$ 991.04	\$ 757.40	\$ -	\$ 1,748.44
1-8yd X 6 WEEK	\$ 1,189.27	\$ 908.88	\$ -	\$ 2,098.15

CPI for All Urban Consumers (CPI-U)**Original Data Value****For the City of Fruitland Park****Series Id:** CUUR0000SEHG02,CUUS0000SEHG02**Not Seasonally Adjusted****Series Title:** Garbage and trash collection in U.S. city average, all urban consumers, not seasonally adjusted**Area:** U.S. city average**Item:** Garbage and trash collection**Base Period:** DECEMBER 1983=100**Years:** 2013 to 2023

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	HALF1	HALF2
2013	411.126	411.805	412.305	413.675	414.511	414.802	416.505	417.760	418.357	419.687	421.427	422.237		
2014	422.440	422.483	423.413	425.393	425.242	425.930	426.562	426.771	427.327	427.995	427.808	428.187		
2015	427.734	429.248	429.235	429.807	431.234	430.813	431.229	432.967	433.843	434.829	436.428	436.996		
2016	437.205	438.296	437.699	437.676	438.317	437.858	438.607	439.358	439.707	440.311	443.343	444.745		
2017	446.266	447.699	446.987	447.129	447.272	448.046	448.328	448.717	449.008	452.196	453.820	453.596		
2018	453.354	454.915	455.230	458.722	462.887	465.041	465.579	470.457	471.026	472.535	486.650	485.935	458.358	475.364
2019	475.687	477.474	478.569	479.449	480.865	480.984	482.138	483.987	484.346	486.133	486.485	486.708	478.838	484.966
2020	491.003	494.429	495.288	494.432	494.946	496.679	498.564	500.882	501.756	503.315	504.970	508.190	494.463	502.946
2021	512.722	517.270	518.505	518.579	516.440	517.202	521.185	524.408	529.934	530.114	529.053	532.538	516.786	527.872
2022	533.078	538.313	540.719	542.564	544.546	547.554	548.187	548.706	558.254	561.090	563.816	565.185	541.129	557.540
2023	570.412	575.697	576.773	580.124	587.431	589.812	596.167	597.347	596.997	597.569	601.631	602.164	580.042	598.646

Index Change = 36.446

CPI Change 6.45%

Fuel + CPI Applied 6.45%

Month	Lower Atlantic (PADD 1C) No 2 Diesel Ultra Low Sulfur (0- 15 ppm) Retail Prices Dollars per Gallon	WM Surcharge %	6 month Fuel Average
Dec-23	3.886	0.00%	4.15
Nov-23	4.052		
Oct-23	4.322		
Sep-23	4.43		
Aug-23	4.343		
Jul-23	3.843		
Jun-23	3.729	0.00%	4.15
May-23	3.816		
Apr-23	4.048		
Mar-23	4.171		
Feb-23	4.459		
Jan-23	4.671		
Dec-22	4.743	2.60%	5.02
Nov-22	5.188		
Oct-22	5.065		
Sep-22	4.842		
Aug-22	4.898		
Jul-22	5.393		
Jun-22	5.726	1.70%	4.84

Waste Mgt Colleciton Disposal Rates
Jan 2024

RATE	(R)RE	FY 23 G	New Rate	GB	Fuel	FP	FP	IND AMT	Last Year	Difference	%	Waste
CODE	(C)CO	DESC	FY23	DISP	Surcharge	ADMIN	FF	BILLED	FY2023	fm last year	Increase	Mgt
SWR001	R	Residential	22.48	4.33	0.00	2.94	2.98	32.73	29.94	2.78	9.29%	26.81
SWC002	C	Commercial curb 1x week	19.42	8.44	0.00	2.94	3.08	33.88	31.47	2.41	7.65%	27.86
SWC001	C	Commercial curb 2x week	24.79	8.95	0.00	2.94	3.67	40.35	37.28	3.07	8.23%	33.74
SWC003	C	1-2yd X 1 WEEK	52.72	37.87	0.00	2.94	9.35	102.88	96.35	6.53	6.78%	90.59
SWC004	C	1-2yd X 2 WEEK	105.45	75.74	0.00	2.94	18.41	202.54	189.48	13.07	6.90%	181.19
SWC037	C	1-2yd X 3 WEEK	158.19	113.61	0.00	2.94	27.47	302.21	282.59	19.62	6.94%	271.80
	C	1-2yd X 4 WEEK	210.87	151.47	0.00	2.94	36.53	401.81	375.67	26.14	6.96%	362.34
		1-2yd X 5 WEEK	263.60	189.35	0.00	2.94	45.59	501.48	468.78	32.70	6.98%	452.95
		1-2yd X 6 WEEK	316.33	227.20	0.00	2.94	54.65	601.12	561.90	39.22	6.98%	543.53
SWC005	C	1-4yd X 1 WEEK	97.90	75.74	0.00	2.94	17.66	194.24	182.11	12.13	6.66%	173.64
SWC006	C	1-4yd X 2 WEEK	195.75	151.48	0.00	2.94	35.02	385.19	360.92	24.27	6.72%	347.23
SWC020	C	1-4yd X 3 WEEK	293.68	227.22	0.00	2.94	52.38	576.22	539.81	36.41	6.74%	520.90
	C	1-4yd X 4 WEEK	391.53	302.96	0.00	2.94	69.74	767.17	718.64	48.53	6.75%	694.49
		1-4yd X 5 WEEK	489.43	378.70	0.00	2.94	87.11	958.18	897.50	60.68	6.76%	868.13
		1-4yd X 6 WEEK	587.29	454.45	0.00	2.94	104.47	1,149.15	1,076.35	72.80	6.76%	1,041.74
SWC008	C	1-6yd X 1 WEEK	135.53	113.61	0.00	2.94	25.21	277.29	260.49	16.80	6.45%	249.14
SWC009	C	1-6yd X 2 WEEK	271.14	227.22	0.00	2.94	50.13	551.43	517.81	33.62	6.49%	498.36
SWC022	C	1-6yd X 3 WEEK	406.64	340.83	0.00	2.94	75.04	825.45	775.04	50.41	6.50%	747.47
	C	1-6yd X 4 WEEK	542.20	454.44	0.00	2.94	99.96	1,099.54	1,032.33	67.21	6.51%	996.64
		1-6yd X 5 WEEK	677.75	568.05	0.00	2.94	124.87	1,373.61	1,289.60	84.02	6.52%	1,245.80
		1-6yd X 6 WEEK	813.27	681.66	0.00	2.94	149.79	1,647.66	1,546.84	100.82	6.52%	1,494.93
SWC011	C	1-8yd X 1 WEEK	150.64	151.48	0.00	2.94	30.51	335.57	316.89	18.68	5.89%	302.12
SWC012	C	1-8yd X 2 WEEK	301.21	302.96	0.00	2.94	60.71	667.82	630.49	37.33	5.92%	604.17
SWC018	C	1-8yd X 3 WEEK	451.83	454.44	0.00	2.94	90.92	1,000.13	944.12	56.01	5.93%	906.27
	C	1-8yd X 4 WEEK	602.40	605.92	0.00	2.94	121.13	1,332.39	1,257.71	74.68	5.94%	1,208.32
		1-8yd X 5 WEEK	753.03	757.40	0.00	2.94	151.34	1,664.71	1,571.36	93.35	5.94%	1,510.43
	C	1-8yd X 6 WEEK	903.64	908.88	0.00	2.94	181.55	1,997.01	1,884.99	112.01	5.94%	1,812.52
SWC007		2-4yd X 1 WEEK	195.80	151.48	0.00	2.94	35.02	385.24	360.98	24.27	6.72%	347.28
SWC010		2-6yd X 2 WEEK	542.28	454.44	0.00	2.94	99.97	1,099.63	1,032.39	67.23	6.51%	996.72
SWC013		2-6yd X 1 WEEK	271.06	227.22	0.00	2.94	50.12	551.34	517.75	33.59	6.49%	498.28
SWC014		2-8yd X 1 WEEK	301.28	302.96	0.00	2.94	60.72	667.90	630.54	37.36	5.92%	604.24
SWC015		1-2ydX 1 WK, 2-4ydX 2 WK	444.22	340.83	0.00	2.94	78.80	866.79	811.72	55.07	6.78%	785.05
SWC016		8ydX3 WK & CC X 1 WK	471.25	462.88	0.00	2.94	93.71	1,030.78	972.36	58.42	6.01%	934.13
SWC017		1-2yd 1-4yd X 1 WEEK	150.62	113.61	0.00	2.94	26.72	293.89	275.22	18.67	6.78%	264.23
SWC019		2-8yd & 4yd X 1 WEEK	399.18	378.70	0.00	2.94	78.08	858.90	809.41	49.49	6.11%	777.88
SWC021		2-2yd X 1 WK, 1-2yd X 2 WK	210.89	151.48	0.00	2.94	36.53	401.84	375.71	26.14	6.96%	362.37
SWC023		2-4yd X 2 WEEK	391.50	302.96	0.00	2.94	69.74	767.14	718.61	48.53	6.75%	694.46
SWC024		2-2yd X 2 WEEK	210.90	151.48	0.00	2.94	36.53	401.85	375.72	26.14	6.96%	362.38
SWC025		8yd X 4 WK & CC X 1 wk	621.82	614.36	0.00	2.94	123.91	1,363.03	1,285.94	77.09	5.99%	1,236.18
SWC026		2yd & 4yd X 2 Week	301.20	227.22	0.00	2.94	53.14	584.50	547.16	37.33	6.82%	528.42
SWC027		8yd X 5 WK & CC X 1WK	772.45	765.84	0.00	2.94	154.12	1,695.35	1,599.60	95.76	5.99%	1,538.29
SWC028		2-8yd x 2	602.42	605.92	0.00	2.94	121.13	1,332.41	1,257.74	74.67	5.94%	1,208.34
SWC029		2-2yd X 1 WEEK	105.44	75.74	0.00	2.94	18.41	202.53	189.46	13.07	6.90%	181.18
SWC030		3-2yd X 1 WEEK	158.16	113.61	0.00	2.94	27.47	302.18	282.58	19.60	6.94%	271.77
SWC031		2-4yd 4-RES	273.48	185.24	0.00	2.94	46.17	507.83	473.92	33.90	7.15%	458.72
SWC032		3-8yd X 2 WEEK	903.63	908.88	0.00	2.94	181.55	1,997.00	1,884.99	112.00	5.94%	1,812.51
SWC033		2-CC X 2 WEEK	49.58	17.90	0.00	2.94	7.04	77.46	71.32	6.14	8.61%	67.48
SWC034		2 yd & 6yd X 1	188.25	151.48	0.00	2.94	34.27	376.94	353.61	23.33	6.60%	339.73
SWC035		6yd X 3 & CC X 1	426.06	349.27	0.00	2.94	77.83	856.10	803.28	52.82	6.58%	775.33
SWC036		6yd X 5 WK & CC X 1 WK	697.17	576.49	0.00	2.94	127.66	1,404.26	1,317.83	86.43	6.56%	1,273.66
SWR003		RES/STP/MLTP		18.44	0.00	2.94	2.14	23.52	20.47	3.05	14.89%	18.44

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 4c

ITEM TITLE: Second Reading and Public Hearing Ordinance
2023-020 Comprehensive Plan Amendment
Building Heights Restriction

MEETING DATE: Thursday, January 25, 2024

DATE SUBMITTED: Monday, December 4, 2023

SUBMITTED BY: city attorney/city manager/community development

BRIEF NARRATIVE: Ordinance 2023-020 to amend the city's comprehensive plan to restrict building heights within the city to a maximum of 35' (three stories). (Continued from the January 11, 2024 meeting. The first reading was held on December 14, 2023.)

FUNDS BUDGETED: None

ATTACHMENTS: Ordinance 2023-020, exhibit and affidavit.

RECOMMENDATION:

ACTION: Enact Ordinance 2023-020 to become effective immediately as provided by law.

ORDINANCE 2023-020

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A MAXIMUM HEIGHT OF 35' WITHIN ALL CITY OF FRUITLAND PARK FUTURE LAND USE DESIGNATIONS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fruitland Park desires to amend its comprehensive plan to amend the maximum number of stories allowed and maximum height of buildings within the City of Fruitland Park.

WHEREAS, the Planning and Zoning Board and the local planning agency of the City of Fruitland Park each held a public hearing on this ordinance which was advertised in accordance with law, and the Planning and Zoning Board and the LPA made a recommendation to City Commission.

WHEREAS, the City Commission of the City of Fruitland Park public hearing for transmittal has been advertised as required by law with the public hearing occurring at least 7 days after the day that the first advertisement was published.

WHEREAS, the City Commission of the City of Fruitland Park second public hearing for adoption of this ordinance is being held at least 5 days after the date of the second advertisement.

WHEREAS, the City of Fruitland Park desires to amend the Comprehensive Plan for the City of Fruitland Park as set forth below.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA AS FOLLOWS:

Section 1. Table 1.1, Chapter 1. Table 1.1, Chapter 1 in the Future Land Use Element, Goals, Objectives and Policies of the City of Fruitland Park's comprehensive plan is hereby amended to read as stated herein and which shall be applicable to property located within the City of Fruitland Park municipal boundaries:

Table 1.1

Land Use Designation	Permitted Residential Density	Special Requirements	Non-Residential Allowable Uses and
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			Intensities
Single-Family Low Density	2 units/acre	Min. 25% open space.	Public facilities/services as set out in Policy 1-5.1
Single-Family Medium Density	4 units/acre	Min. 25% open space	Small scale commercial uses may be permitted with PUD zoning, max. size 15,000 sq. ft. & max. FAR 0.20 Public facilities/services as set out in Policy 1-5.1
Multiple-Family Low Density	4-8 units/acre	Max 4/ac without sewer Min. 25% open space	Small scale commercial uses may be permitted with PUD zoning, max. size 15,000 sq. ft. & max. FAR 0.20 Public facilities/services as set out in Policy 1-5.1
Multiple -Family Medium Density	10 units/acre	Min. 25% open space. Building heights above 35 feet may be allowable if approved by the City Commission. <u>Buildings are limited to 3-story maximum and maximum height of 35-ft.</u> Max 4/ac without sewer	Small scale commercial uses may be permitted with PUD zoning, max. size 15,000 sq. ft. & max. FAR 0.20 Public facilities/services as set out in Policy 1-5.1
Multiple-Family High Density	15 units/acre	Min. 25% open space. Building heights above 35 feet may be allowable if approved by the City Commission. <u>Buildings are limited to 3-story maximum and maximum height of 35-ft.</u> Max 4/ac without sewer	Small scale commercial uses may be permitted with PUD zoning, max. size 20,000 sq. ft. & max. FAR 0.20
Central Business District Mixed Use	10 units/acre	Residential at 2 nd or 3 rd floor. Maximum building height 3	Max. FAR 1.0. Max. ISR 80%

		story's Buildings are limited to 3-story maximum and maximum height of 35-ft.	
Transitional	4 units/acre	Min. 25% open space	Maximum FAR 0.20
Mixed Community	6 units/acre	Min. 20% open space. Building heights above 35 feet may be allowable if approved by the City Commission. Buildings are limited to 3-story maximum and maximum height of 35-ft. Min. & Max. uses apply. Max 4/ac without sewer	Neighborhood commercial and professional services. Max ISR 80%, Max FAR 0.70
General Mixed Use	12 units/acre	Min. 20% open space. Building heights above 35 feet may be allowable if approved by the City Commission. Buildings are limited to 3-story maximum and maximum height of 35-ft. Min. & Max. uses apply. Max 4/ac without sewer	Commercial sales/office, educational & civic uses. Max ISR 80%. Max FAR 0.70
Neighborhood Commercial	Residential uses may be permitted 2 nd floor or above 3rd floor with up to 4/ac with PUD zoning per Policy 1-1.10	See Policy 1-1.10 for locational criteria. Building heights above 35 feet may be allowable if approved by the City Commission. Buildings are limited to 3-story maximum and maximum height of 35-ft.	Convenience retail, office and services, civic & institutional. Max ISR 70%, Max FAR 0.50.
Commercial – High Intensity		Building heights above 35 feet may be allowable if approved	Higher intensity commercial uses and wholesale commercial

		by the City Commission. <u>Buildings are limited to 3-story maximum and maximum height of 35-ft.</u>	uses. Max. ISR 70%, Max FAR 0.2-0.5
Industrial		Building heights above 35 feet may be allowable if approved by the City Commission. <u>Buildings are limited to 3-story maximum and maximum height of 35-ft.</u>	Wholesale commercial and light industrial uses. Max ISR 75%, Max FAR 0.2-0.5
Institutional		Building heights above 35 feet may be allowable if approved by the City Commission. <u>Buildings are limited to 3-story maximum and maximum height of 35-ft.</u>	Educational, religious, public and private utilities, and governmental land uses. Max ISR 70%, Max FAR 0.30
Recreation			Private and public recreation facilities. Max. ISR 30% Max. FAR 0.30
Open Space			Max. ISR 35%

See also Policy 1-1.19, Chapter 1.

Section 2. Policy 1-1.8, Chapter 1. Policy 1-1.8, Chapter 1 in the Future Land Use Element, Goals, Objectives and Policies of the City of Fruitland Park's comprehensive plan is hereby amended to read as stated herein and which shall be applicable to property located within the City of Fruitland Park municipal boundaries:

Policy 1-1.8: Central Business District Mixed Use. The Central Business District Mixed Use land use category is established to encourage economic activity, living quarters and local employment opportunities within the central area of Fruitland Park. This category permits the highest commercial floor area ratios in the city and is intended to provide flexibility and to enable uses that meet the retail and service needs of a traditional city center and its vicinity. Permitted land uses include retail, office, business and other professional services at first floor, with office and residential uses at second or third floor. The maximum impervious surface coverage is 80% and the maximum floor area ratio is 1.0. The maximum residential density is up to 10.0 dwelling units per acre. Maximum building height is 35-feet and buildings are limited to a maximum of three (3) stories.

Section 3. Policy 1-1.11, Chapter 1. Policy 1-1.11 Chapter 1 in the Future Land Use Element, Goals, Objectives and Policies of the City of Fruitland Park's comprehensive plan is hereby amended to read as stated herein and which shall be applicable to property located within the City of Fruitland Park municipal boundaries:

Policy 1-1.11: Neighborhood Commercial. Neighborhood Commercial is intended to provide for the day-to-day needs of the immediate neighborhood and should be within walking distance of the supporting neighborhood. Located adjacent to primary highways, commercial development in this land use district is intended to accommodate businesses up to 30,000 sq. ft. in size. Residential uses may be permitted in this category if the site has Planned Unit Development (PUD) zoning and it is compatible with the adjacent properties. No industrial development shall be allowed. ~~Building heights above 35 feet may be allowable if approved by the City Commission. Any building above 35 feet will require assurance of adequate fire protection approved by the City.~~ Maximum building height is 35-feet and buildings are limited to a maximum of three (3) stories.

The following uses and criteria are applicable to this land use category:

- 1) Convenience retail sales and services
- 2) Offices
- 3) Civic and institutional uses.
- 4) Residential at 2nd floor and 3rd floor ~~above~~
- 5) Maximum FAR: 0.5.
- 6) Maximum ISR: 70%
- 7) Maximum residential density 4 units/acre.

Section 4. Policy 1-1.19, Chapter 1. Policy 1-1.19 Chapter 1 in the Future Land Use Element, Goals, Objectives and Policies of the City of Fruitland Park's comprehensive plan is hereby added to read as stated herein and which shall be applicable to property located within the City of Fruitland Park municipal boundaries:

Policy 1-1.19 Affordable Housing Development. It is the City's intention to comply with s.166.04151, Florida Statutes relating to development of affordable housing, as defined in s. 420.0004, Florida Statutes. Therefore, notwithstanding any other policy, ordinance, regulation, or land development code provision, multifamily and mixed-use residential are allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004, F.S. Such proposed multifamily development is not required to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under s.166.04151(7), F.S. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

Section 5. Severability. If any section or phrase of this ordinance is held to be unconstitutional, void or otherwise invalid, the validity of the remaining portions of this ordinance shall not be affected thereby.

Section 6. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 7. Inclusion. It is the intention of the City Commission of the City of Fruitland Park that this comprehensive plan amendment shall become and be made a part of the comprehensive plan for the City. Goals, objectives, and policies of the Comprehensive Plan may be renumbered or reorganized for editorial and codification purposes and such renumbering or reorganization shall not constitute nor be considered a substantive change to the comprehensive plan amendment as adopted.

Section 8. Effective Date. The effective date of this plan amendment shall be pursuant to the state land planning agency's notice of intent. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If timely challenged, this amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this 11th day of January 2024 ~~9th day of February 2023~~.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk, MMC

Mayor Cheshire	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Vice Mayor DeGrave	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Bell	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Gunter	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)
Commissioner Mobilian	_____	(Yes),	_____	(No),	_____	(Abstained),	_____	(Absent)

First Reading	<u>December 14, 2023</u>
Second Reading	_____

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

EXHIBIT A

CHAPTER 154

ZONING DISTRICT REGULATIONS

SECTION 154.030: ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP

d) Purpose and Intent of Zoning Districts

This section presents the basic purpose and intent of each zoning district.

1) **R-2 "Single Family Low Density Residential"**

This district is established to implement comprehensive plan policies for managing low-density, single-family residential development at a density not to exceed two (2) single-family dwelling units per acre. The R-2 district is established to preserve the stability of existing and future conventional single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that future densities are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.

A) *The following uses shall be permitted:*

- i) Single-family detached dwelling units.
- ii) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage and maximum square footage pursuant to the zoning district.
- iii) Customary accessory structures incidental to the principal structure pursuant to Section 156.010 of the Land Development Code.
- iv) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.
- v) Home Occupations pursuant to Section 156.020 of the Land Development Code.

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

- i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of the Land Development Code.

C) *Uses Expressly Prohibited*

- i) Single-family attached dwelling units.
- ii) Multi-family residential dwelling units.
- iii) Two family (duplex) dwelling units.
- iv) Commercial land uses.
- v) Industrial land uses.
- vi) Any use prohibited by City, State, or Federal law.
- vii) Adult Entertainment.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as a conditional use pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size shall be twenty thousand (20,000) square feet.
- ii) Minimum lot width shall be one hundred feet (100') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. ~~Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- iv) Minimum setbacks requirements:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway - Twenty feet (20')
Another lot - Fifteen feet (15')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways - Twenty feet (20')
Another lot - Twenty-five feet (25')
Garage setback from roadway: Twenty-five feet (25')
- v) Maximum building coverage: Thirty percent (30%).
- vi) Minimum living area shall be one thousand two hundred (1,200) square feet exclusive of porches, garages or utility

rooms.

- vii) The minimum open space shall be twenty-five percent (25%).

2) **R-4 "Single-Family Medium Density Residential"**

This district is established to implement comprehensive plan policies for managing traditional single-family residential development at a density not to exceed four (4) dwelling units per acre. This district is established to preserve the stability of existing and future residential neighborhoods, preserve open space, and manage future densities to assure a smooth transition between low-density residential and areas designed for more intense uses, natural features of the land, as well as existing and projected public services and facilities within the area.

A) *The following uses shall be permitted:*

- i) Single-family detached residential dwelling units.
- ii) Customary accessory structures incidental to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- iii) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- iv) Home Occupations pursuant to Section 156.020 of the Land Development Code.
- v) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.

B) *Uses Permitted as Special Exception Use Upon Approval by the City Commission*

- i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of the Land Development Code.
- ii) Small Homestay Bed and Breakfast Inn.

C) *Uses Expressly Prohibited*

- i) General Commercial land uses.
- ii) Industrial land uses.
- iii) Any use prohibited by City, State, or Federal law.

- iv) Multi-family dwelling unit.
- v) Two-family (duplex) dwelling units.
- vi) Single family attached dwelling units.
- vii) Adult Entertainment.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size shall be ten thousand (10,000) square feet provided central sewer is utilized. Minimum lot size shall be twelve thousand five hundred (12,500) square feet when septic tanks are utilized.
- ii) Minimum lot width shall be eighty feet (80') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) ~~Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- iv) Minimum setbacks requirements:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25').
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20')
Garage setback from roadway: Twenty-five feet (25').
- v) Maximum building coverage: Thirty percent (30%).
- vi) Minimum living area shall be one thousand two hundred (1,200) square feet exclusive of porches, garages or utility rooms.
- vii) The minimum open space shall be twenty-five percent (25%).

3) **R-8 "Multi-Family Low Density Residential"**

This district is established to provide for medium density residential development not restricted to single-family dwelling units. Density shall not exceed four (4) units per acre unless central sewer facilities are available at which time density is not allowed to exceed eight (8) dwelling units per acre. This zoning district will facilitate the transition between lower intensity and higher intensity residential uses.

A) *The following uses shall be permitted:*

- i) Single-family detached residential dwelling units.
- ii) Single-family attached residential dwelling units.
- iii) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- iv) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- v) Home Occupations pursuant to Section 156.020 of the Land Development Code.
- vi) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.
- vii) Two family (duplex) dwelling units.
- viii) Multi-family dwelling units.
- ix) Mobile Home Subdivision Development Requirements. The developer shall prepare and submit plans in accordance with the Subdivision Regulations of Chapter 157 of the Land Development Code.
- x) Small and Medium Home Stay Bed and Breakfast Inn

B) *Uses Permitted as Special Exception Use Upon Approval by the City Commission*

- i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of Land Development Code.

C) *Uses Expressly Prohibited*

- i) General Commercial land uses.
- ii) Industrial land uses.
- iii) Adult Entertainment.
- iv) Any use prohibited by City, State, or Federal law.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized. All lot widths are measured at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- vi) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. ~~Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- vii) Minimum setbacks requirements for single family,

duplex and triplex units:

- a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
- a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Fifteen feet (15')

Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20').
Garage setback from roadway:
Twenty-five feet (25')
- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

4) **R-3A “High Density Residential/Neighborhood Commercial”**

This district is established to provide for a mix of high density residential and neighborhood commercial uses not to exceed four (4) dwelling units per acre unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre. Buildings are limited to 3-story maximum and maximum height of 35-ft. It is intended to provide essential services

to residential areas without detrimental effects to residential neighborhoods. Any future request for commercial development in this category will require rezoning to Planned Unit Development consistent with Section 154.030(d)(10).

A) *The following uses shall be permitted:*

- i) Single-family attached dwelling units.
- ii) Single-family detached dwelling units.
- iii) Two-family (duplex) residential dwelling units.
- iv) Multi-family residential dwelling units.
- v) Customary accessory structures incidental to the principal use not to exceed 30% of living area of the principal dwelling unit, or 450 square feet, whichever is greater.
- vi) Home occupations pursuant to Section 156.020 of the Land Development Code.
- vii) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
- viii) Day Care Centers.
- ix) Offices for professional services.
- x) Personal services.
- xi) Commercial uses less than 25,000 square feet, when approved through the Planned Unit Development process in Section 154.030(d)(10).

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

- i) Mobile home subdivisions/parks.
- ii) Adult congregate living facilities.
- iii) Nursing homes.
- iv) Small, medium, and large Homestay Bed and Breakfast Inn.

C) *Uses Expressly Prohibited*

- i) Commercial land uses greater than 25,000 square feet.
- ii) Industrial land uses.

iii) Adult Entertainment.

iv) Uses prohibited by City, State or Federal law.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

5) **R-10 "Multi-Family Medium Density"**

This district is established to provide for a mix of high density residential and neighborhood commercial uses not to exceed four (4) dwelling units per acre, unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre. It is intended to provide essential services to residential areas without detrimental effects to residential neighborhoods.

A) *The following uses shall be permitted:*

- i) Single-family attached dwelling units.
- ii) Single-family detached dwelling units.
- iii) Two-family (duplex) residential dwelling units.
- iv) Multi-family residential dwelling units.
- v) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- vi) Accessory dwelling units for non-paying family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- vii) Home occupations pursuant to Section 156.020 of the Land Development Code.
- viii) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
- ix) Small, medium, and large Homestay Bed and Breakfast Inn.

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

- i) Mobile home subdivisions/parks.
- ii) Adult congregate living facilities.
- iii) Nursing homes.

C) *Uses Expressly Prohibited*

- i) General Commercial land uses
- ii) Industrial land uses.
- iii) Adult Entertainment.
- iv) Uses prohibited by City, State or Federal law.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. The lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.

- vi) ~~Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- vii) Minimum setbacks requirements for single family, duplex and triplex units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway - Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways - Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
 - a. Front yard: Thirty feet (30')
 - b. Front yard garage: Twenty-five feet (25')
 - c. Side yard: Fifteen feet (15')
 - d. Rear yard: Thirty feet (30')
- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet each exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

6) **R-15 "Multi-Family High Density Residential"**

This district is established to implement comprehensive plan policies for managing high density residential development at a density not to exceed four (4) dwelling units per acre unless central sewer facilities are available at which time density is not allowed to exceed (15) dwelling units per acres. This district is established to ensure that sufficient land is available for high density residential development.

- A) *The following uses shall be permitted:*
- i) Single-family attached residential dwelling units.
 - ii) Single-family detached residential dwelling units.
 - iii) Two-family (duplex) residential dwelling units.
 - iv) Multi-family residential dwelling units.
 - v) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
 - vi) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling units may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
 - vii) Home Occupations pursuant to Section 156.020 of the Land Development Code.
 - viii) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
 - ix) Small, Medium, and Large Homestay Bed and Breakfast Inn.
- B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*
- i) Mobile home subdivisions/parks.
 - ii) Adult Congregate Living Facilities.
 - iii) Nursing Homes.
- C) *Uses Expressly Prohibited*
- i) General Commercial land uses.
 - ii) Industrial land uses.
 - iii) Uses prohibited by City, State, or Federal law.
- D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. The lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- vi) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. ~~Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- vii) Minimum setbacks requirements for single family, duplex and triplex units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')

Another lot - Fifteen feet (15')
Garage setback from roadway: Twenty-five feet (25')

- c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20').
Garage setback from roadway: Twenty-five feet (25')

- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet each exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

7) **RP "Residential Professional"**

This district is established to implement comprehensive plan policies for managing transitional areas where existing residential structures can be utilized for personal and professional services and not adversely affect adjacent property. The density cannot exceed four (4) dwelling units per acre.

A) *The following uses shall be permitted:*

- i) Single Family Detached dwelling units
- ii) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- iii) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- iv) Business Services.
- v) Financial Services.
- vi) Personal Services.
- vii) Multi-family dwelling units.
- viii) Medical office/Clinic
- ix) Home occupations pursuant to Section 156.020 of the land Development Code.

- x) Small, Medium, and Large Homestay Bed and Breakfast Inn
- B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*
 - i) Banks.
 - ii) Day Care Centers.
 - iii) Health/Exercise Clubs.
 - iv) Office/Warehouse Facilities.
 - v) Veterinary Offices.
 - vi) Game Recreation Facility.
- C) *Uses Expressly Prohibited*
 - i) Commercial parking.
 - ii) Industrial land uses.
 - iii) Uses prohibited by City, State, or Federal law.
 - iv) Adult Entertainment.
- D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.
- E) *Design Standards*
 - i) Minimum lot size shall be ten thousand (10,000) square feet provided central sewer is utilized. Minimum lot size shall be twelve thousand five hundred (12,500) square feet when septic tanks are utilized.
 - ii) Minimum lot width shall be one hundred feet (100') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
 - ~~iii)~~ Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire and Building Official.
 - iv) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')

- b. Front yard garage: Twenty-five feet (25')
- c. Side yard: Ten feet (10')
- d. Rear yard: Twenty feet (20').
- v) Maximum Impervious Surface Ratio: seventy percent (70%).
- vi) The minimum open space shall be twenty-five percent (25%).

8) **C-1 "Neighborhood Commercial"**

This district is established to implement comprehensive plan policies for managing transitional areas between residential land uses and more intense commercial and industrial uses. This district is established to provide sufficient land for both medium density residential at a density not to exceed six (6) units per acre and professional/light commercial uses.

A) *The following uses shall be permitted:*

- i) Offices for professional services.
- ii) Personal services.
- iii) Convenience stores without fuel operations.
- iv) Laundry and dry-cleaning retail stores.
- v) Day care centers.
- vi) Adult Congregate Living Facilities.
- vii) Licensed Community Residential Homes, Group Homes, Foster Care Facilities with more than six (6) residents.
- viii) Clubs, Lodges, and Fraternal Organizations.
- ix) Financial Services.
- x) Office Supply.
- xi) Retail Sales & Services.
- xii) Business Services.
- xiii) Small, Medium, and Large Homestay Bed & Breakfast Inn.
- xiv) Office Complex.
- xv) Maintenance General Contractor.

- xvi) Medical Office/Clinic.
- xvii) Family Amusement Arcade
- xviii) Adult Arcade Amusement Center/Internet Café as define in Chapter 116 of City Code of Ordinances
- xix) Licensed Medical Marijuana Treatment Centers as proved in s. 381.986, Florida Statutes.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission*

- i) Convenience stores with fuel operations.
- ii) Restaurants.
- iii) Banks.
- iv) Athletic/Sports Facility.
- v) Game/Recreation Facility.
- vi) Health/Exercise Club.
- vii) Mini-warehouses.
- viii) Veterinary Office.
- ix) Xerographic and Offset Printing.
- x) Office/Warehouse Facility.

C) *Uses Expressly Prohibited*

- i) Commercial Parking.
- ii) Wholesale commercial uses.
- iii) Industrial uses.
- iv) Uses prohibited by City, State, and Federal law.
- v) Adult Entertainment.
- vi) RV Parks.
- vii) Outside storage.

D) *Other Possible Uses*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed as a conditional use pursuant

to Chapter 155 of this Code.

E) *Maximum Intensity Standard*

The maximum intensity standard shall be limited to seventy (70) percent impervious surface ratio (which includes building coverage), and maximum floor area ratio of 0.5, ~~and a~~ The maximum building height is of thirty-five (35) feet and buildings are limited to 3-story maximum. ~~unless adequate fire protection is provided and approved by the City Fire Inspector and Building Official.~~

F) *Design Standards*

- i) Minimum lot size shall be fifteen thousand (15,000) square feet.
- ii) Minimum lot width shall be one hundred twenty-five feet (125') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Ten feet (10'). A zero-lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.
 - c. Rear yard: Fifteen feet (15').
- iv) The minimum open space shall be twenty-five percent (25%).

9) **C-2 "General Commercial"**

This district is established to implement comprehensive plan policies for managing commercial development. This district is designed to accommodate general retail sales and services.

A) *The following uses shall be permitted:*

- i) Adult/Vocational Education.
- ii) Appliance/Electronic Repair Shops.
- iii) Athletic/Sports Facility.
- iv) Auction Houses.
- v) Banks.
- vi) Bars, Lounges, and Night Clubs.

- vii) Boat Sales and Services.
- viii) Business Services.
- ix) Commercial/Industrial Equipment and Supplies.
- x) Convenience Stores with or without Fuel Operations.
- xi) Day Care Centers.
- xii) Equipment Rental.
- xiii) Financial Services.
- xiv) Furniture and Appliance Stores.
- xv) Game/Recreational Facilities.
- xvi) Health/Exercise Clubs.
- xvii) Hotels/Motels.
- xviii) Kennels.
- xix) Maintenance Contractors.
- xx) Medical Office/Clinic.
- xxi) Motor Vehicle Service Centers.
- xxii) Motor Vehicle Service Stations.
- xxiii) Offices.
- xxiv) Office Complex.
- xxv) Office Supplies.
- xxvi) Pawn Shops.
- xxvii) Personal Services.
- xxviii) Restaurants.
- xxvii) Retail Home Building Materials.
- xxviii) Retail Sales and Services.
- xxix) Shopping Center.
- xxx) Theaters.
- xxxi) Transportation Services.

- xxxii) Wholesalers and Distributors.
- xxxiii) Veterinary Clinic.
- xxxiv) Licensed Community residential homes, group homes and foster care facilities with more than six (6) residents.
- xxxv) One single family dwelling unit for owners/caretaker's residence.
- xxxvi) Motor Vehicle Repair Facility.
- xxxvii) Xerographic and Offset Printing.
- xxxviii) Commercial Parking.
- xxxix) Family Amusement Arcade.
- xl) Adult Arcade Amusement Center/Internet Cafes as defined in Chapter 116 of the City Code of Ordinances.
- xli) Licensed Medical Marijuana Treatment Centers as Provided in s, 381.986, Florida Statutes.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission*

- i) Gun & Archery Range.
- ii) Trucking Terminal.
- iii) Farmers/Flea Markets
- iv) Natural Gas/Propane Distribution Centers.
- v) Mobile Homes Sales.
- vi) Motor Vehicle and Boat Storage Facilities.
- vii) Motor Vehicle Dealer Sales.
- viii) Motor Vehicle Sales.

C) *Uses permitted as a Conditional Use Approval of the City Commission*

- i) Mini warehouses.

D) *Uses Expressly Prohibited*

- i) Residential uses, except as stated above in Section 154.030 (8)(A)(xxxvii) and (8)(A)(xxxviii).

- ii) Industrial uses.
- iii) Uses prohibited by City, State, and Federal law.
- iv) Adult Entertainment.
- v) Outside storage.

E) *Other Possible Uses*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed as a conditional use pursuant to Chapter 155 of the Code.

F) *Maximum Intensity Standard*

- i) The maximum intensity standard shall be limited to seventy (70) percent impervious surface ratio (which includes building coverage), ~~and a maximum floor area ratio of .50, and a~~ The maximum building height of is thirty-five (35) feet and buildings are limited to 3-story maximum. unless adequate fire protection is provided and approved by the City Fire Inspector and Building Official.

G) *Design Standards*

- i) Minimum lot size shall be twenty thousand (20,000) square feet.
- ii) Minimum lot width shall be one hundred fifty feet (150') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setback requirements:
 - a. Front yard: Fifty feet (50')
 - b. Side yard: Ten feet (10'). A zero-lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.
 - c. Rear yard: Fifteen feet (15').
- iv) The minimum open space shall be twenty-five percent (25%).

10) **I "Industrial"**

This district is established to implement comprehensive plan policies for managing industrial development and to provide development for

limited industrial operations engaged in fabricating, repair or storage of manufactured goods, where no objectionable by-products of the activity (such as odors, smoke, dust, refuse, electro-magnetic interference, noise in excess of that customary to loading, unloading and handling of goods and materials) are noticeable beyond the lot on which the facility is located. No hazardous materials may be utilized by the industrial operations permitted in this district. The location of such districts shall take into consideration access to rail and terminal facilities, major arterial roadways, labor markets and necessary urban services. Such districts shall be accessible to major thoroughfares and buffered from residential neighborhoods.

A) *The following uses shall be permitted:*

- i) Airport and related activities.
- ii) Agriculturally related industry.
- iii) Boat repair.
- iv) Commercial/Industrial Service.
- v) Construction Contractor's Yard and Storage.
- vi) Distribution Centers.
- vii) Laboratory/Research and Development.
- viii) Laundry/Dry Cleaning Plants.
- ix) Manufacturing: Craftsman Shops.
- x) Manufacturing: Fabrication.
- xi) Manufacturing: Processing.
- xii) Motor Vehicle Repair Facility.
- xiii) Motor Vehicle Towing and Impoundment.
- xiv) Trucking Terminal.
- xv) Warehousing.
- xvi) Wholesale Commercial Uses.
- xvii) Xerographic and Offset Printing.
- xviii) Appliance/Electronic Repair Shops.
- xix) Commercial Parking.
- xx) Maintenance Contractor.

- xxi) Motor Vehicle Service Center.
- xxii) Motor Vehicle Service Station.
- xxiii) Transportation Service.
- xxiv) Family Amusement Arcade.
- xxv) Adult Arcade Amusement Center/Internet Cafes.
- xxvi) Adult Entertainment.

a) Adult entertainment uses shall be permitted as long as they are not located nearer than five hundred (500) feet to any other adult entertainment establishment, or nearer than five hundred (500) feet to any place of worship, child care center, or educational center, except vocational and technical schools, colleges, and universities.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission*

- i) One single-family residential dwelling unit on the site of a permitted use to be used exclusively by an owner/caretaker.
- ii) Used motor vehicle parts yard.
- iii) Natural Gas/Propane Distribution Centers.

C) *Uses Expressly Prohibited*

- i) Residential dwelling units except for Section 154.030(d)(7)(b)(I).
- ii) Uses prohibited by City, State, and Federal law.

D) *Other Possible Uses*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed pursuant to Chapter 155 of this Code.

E) *Maximum Intensity Standard*

The maximum intensity standard shall be limited to seventy-five (75) percent impervious surface ratio (which included building coverage), a maximum floor area ratio of .50, ~~and a maximum building height of thirty-five (35) feet and buildings are limited to 3-story maximum. unless adequate fire protection is-~~

~~provided and approved by the City Fire Inspector and Building Official.~~

F) *Design Standards*

- i) Minimum lot size shall be thirty thousand (30,000) square feet.
- ii) Minimum lot width shall be two hundred fifty feet (200') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setbacks requirements:
 - a. Front yard: Fifty feet (50')
 - b. Side yard: Twenty-five feet (25').
 - c. Rear yard: Twenty-five feet (25').
- iv) The minimum open space shall be twenty-five percent (25%).

11) **PUD "Planned Unit Development"**

The PUD district is established to implement comprehensive plan policies for encouraging affordable housing by allowing a variety of housing types with a broad range of housing costs. This district is designed to encourage innovative development concepts to provide design amenities and to manage natural features of the land. The location of such PUDs will be dictated by the type of development that will be provided. (Residential PUDs will be located in residentially designated areas of the Future Land Use Map of the comprehensive plan, commercial PUDs will be located in commercially designated areas of the Future Land Use Map, etc.) Densities and intensities cannot exceed those which are permitted in that area on the Future Land Use Map. Preliminary and/or Conceptual Development plans are required to be submitted along with the rezoning application. Buildings are limited to maximum of 3-story and building height of 35-ft.

A) *The following uses shall be permitted:*

- i) **Residential PUD** – Single- and Multi-family residential dwelling units provided, however, that the housing stock of PUDs located within the Single-family overlay district of the Future Land Use Map which utilize multi-family units must consist of a minimum of 51% single-family dwelling units. On-site recreational facilities and on-site day care facilities, convenience store and personal services intended to service the principal use shall also be permitted.

- ii) **Mixed Use PUD** – All uses as permitted under the R-2, R-4, R-15, RP, PFD, and C-1 zoning districts and other uses deemed appropriate and incidental to the primary use by the City Commission.

The Mixed-Use PUD located within the Mixed Community land use category shall accommodate a use mix consistent with at least two of the three of the following table and shall not exceed a density of 6 units per acre:

Use	Minimum	Maximum
Residential	15%	65%
Commercial	5%	30%
Institutional	5%	35%
Parks & Open Space	20%	
FAR		.70
ISR		.80

The Mixed-Use PUD located within the General Mixed Use land use category shall accommodate a use mix consistent with at least two of the three of the following table and shall not exceed a density of 12 units per acre:

Use	Minimum	Maximum
Residential	15%	65%
Commercial	5%	30%
Institutional	5%	25%
Parks & Open Space	20%	
FAR		.70
ISR		.80

The Mixed- Use PUD shall incorporate the following principles:

- (1) The creation of an attractive and high-quality environment that is compatible with the scale and character of the surrounding community.
- (2) The development of commercial, residential, and mixed-use areas that is safe, comfortable and attractive to pedestrians.
- (3) The location of the commercial center so that it is easily accessible by pedestrians from as many of the residential areas as possible.
- (4) The maximization of shared parking.

- (5) To develop a network of parks, walkways, public art, and cultural facilities that encourage a sense of place and the overall health and well-being of the community.
- (6) To encourage a mix of housing types and styles that provides people with affordable housing choices that can accommodate changes in lifestyle.
- (7) Encourage alternative forms of transportation.

iii) **Commercial PUD** – Commercial uses as permitted under the C-1 zoning district and other uses deemed appropriate and incidental to the primary use by the City Commission.

iv) **Industrial PUD** – Industrial uses as permitted under the Industrial zoning district, commercial uses intended to service the primary uses and other uses deemed appropriate and incidental to the primary use by the City Commission.

a) **Maximum Density/Intensity**

The maximum density/intensity allowed within the PUD shall be as delineated by the land use districts on the Future Land Use Map. A density bonus may be permitted as outlined in Section 154.030(d)(8)(I), below.

b) **PUD Land Uses**

Land uses proposed within a PUD must conform to uses allowed within the land use designations of the Future Land Use Map of the Comprehensive Plan.

B) *Minimum Parcel Size*

The minimum size of any parcel shall be ten (10) acres. A lesser minimum area may be approved if the City Commission determines that the intent and purpose of the PUD district and expressed municipal development policy would be served in such case.

C) *Unified Ownership*

All land within the PUD shall be under the ownership or control of the applicant at the time of execution of the development agreement whether the applicant be an individual, partnership or corporation or groups of individuals, partnerships or corporations.

D) *Setbacks and Buffering*

Setback requirements within the PUD shall be flexible however, in no case shall the setback be less than ten (10) feet between structures. Buffering requirements shall be established at the time of rezoning of

the property to a PUD.

E) *Pre-application Conference (Optional)*

It is recommended that a pre-application conference be held between the City Manager or designee and the developer or the developer's representatives, in order to verify the steps necessary for application and review, and discuss potential issues regarding the PUD proposal. Comments made during the pre-application conference are totally non-binding on the formal review of the preliminary development plan.

F) *Application for Rezoning*

Application for preliminary development plan and rezoning approval shall be made to the City utilizing the form provided by the City. The application shall be accompanied by one (1) hardcopy along with one (1) electronic copy of the preliminary plan prepared in accordance with the requirements of the Land Development Code.

G) *Preliminary Development Plan*

In order to implement the goals and policies of the Comprehensive Plan and to streamline the development review process, the applicant shall have the option of preparing the following types of submittals:

- i) **Conceptual Plan** – If the applicant so chooses, a conceptual plan may be submitted prior to the first rezoning hearing for review by the TRC. The conceptual plan shall include the following, which shall not be a bubble plan:
 - a) Boundary of subject property.
 - b) Major natural features such as lakes, streams, wetlands and natural communities.
 - c) Existing or proposed streets abutting the project.
 - d) Generalized location map and legal descriptions, including acreage.
 - e) Proposed land use types and their location including perimeter buffers and setbacks from perimeter boundary.
 - f) Gross densities.
 - g) Typical lot sizes showing setbacks and dimensions.
 - h) Number of units and type.
 - i) Floor area for commercial or industrial.
 - j) Adjacent zoning.

- k) Maximum building heights.
- l) Anticipated phasing plan.
- m) Proposed method of providing water service, including fire protection, sewage disposal, and stormwater management.
- n) Percentage of Open Space and location.
- o) Acreage of Parks/Recreation and location.
- p) Typical road section.
- q) Soils and 100-year flood prone areas.
- r) Project name.

- s) Existing topography at one-foot contours based on Lake County or St. Johns River Water Management District datum.
- t) Net living area for each type of dwelling unit.
- u) Preliminary Environmental Assessment per Chapter of the Land Development Code.
- v) Parking & Loading facilities.
- w) Any other information deemed pertinent by the TRC, Planning and Zoning Board or City Commission.

Upon approval of the Conceptual Plan and rezoning application by the TRC, the Planning and Zoning board and the City Commission, a preliminary development plan must be submitted for review and approval by the TRC prior to construction.

- ii) **Preliminary Development Plan** – In order to streamline the process, the applicant may elect to file a preliminary development plan for rezoning approval that meets the following requirements as outlined below. This plan can be submitted in lieu of the conceptual plan.
 - a) All items required for submittal of a Conceptual Plan outlined in 154.030 (d)(12)(g)(i).
 - b) Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information. If the property is owned by a corporation or company, the name and address of its president and secretary, and state of incorporation shall be given.
 - c) Acreage of lots, drainage areas, common areas, and other uses; and the minimum lot size, average lot size and total number of lots, lot typical details including interior and corner lots, setbacks, phase lines, future land use, zoning, density and open space. Future land use and zoning information for adjacent properties.
 - d) Existing topography using one (1) foot contours based upon National Geodetic Vertical datum, and delineation of Flood Insurance Rate Map flood zones. All development located partially within or wholly within the Special Flood Hazard Area must be completed in accordance with Section 161.090.
 - e) Environmental assessment showing all wetlands, delineation of wooded areas and vegetative communities, if required threatened and endangered species information and a separate tree survey showing all specimen trees. See Chapter 165.

- f) All existing buildings, utilities, roads, easements or other improvements on the property, and all roads and lot lines within one hundred fifty (150) feet of the property boundary.
- g) Acreage and square feet open space, preservation areas and common areas.
- h) Required landscaping, required buffers and any fences or walls as outlined in Chapter 164.
- i) A soils report delineating the soils existing on the site to be developed.
- j) Proposed stormwater management plan and drainage control facilities.
- k) Utility sources, distribution and collection lines, if available, (including but not limited to water, sewer, electricity, cable television and telephone).
- l) Traffic Study/Traffic Statement. The traffic study shall follow the requirements of the Lake-Sumter Metropolitan Planning Organization (MPO) Transportation Concurrency Management System Traffic Impact Study Methodology Guidelines Document for Lake County.
- m) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Commission.

Should the developer elect to submit the preliminary plan with the rezoning application, and upon approval of the rezoning application, the applicant can proceed with final development plan approval as outlined below.

iii) Final Development Plan

- a) All items required for submittal of Preliminary Development Plan outlined in 154.030 (d)(12)(g)(ii).
- b) Acreage and square feet open space, preservation areas, and common areas.
- c) Required landscaping, required buffers and any fences or walls as outlined in Chapter 164.
- d) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Commission.

A minimum of twenty-five percent (25%) of the total project area shall be established and maintained as common open space or common facilities. No area shall be accepted as common open space unless it satisfies the following standards.

- i) Common open space shall be dedicated to and useable by all residents of the Planned Unit Development or specific phase thereof.
- ii) Common open space set aside for recreational use shall be suitably improved for its intended use. Such improvements may include aesthetic, amenities, buffering or recreational facilities.
- iii) Common open space set aside for the preservation of natural features or listed species habitats or for buffering purposes shall remain undisturbed and be protected by conservation easements dedicated to the property owner's/homeowner's association or State agency pursuant to Chapter 165 of the Land Development Code.
- iv) Common open space shall not be used for the construction of any structures other than recreational facilities and incidental maintenance buildings.
- v) Common open space shall be maintained by the Home Owner's Association or other legal entity of the Planned Unit Development or the specific phase thereof.

I) *Density Bonuses*

i) Affordable Housing

Residential developments may receive a density bonus not to exceed 20% of the density permitted by the applicable land use designation for the provision of affordable housing units.

An affordable dwelling unit shall be a dwelling unit which:

- a) has a market value less than two (2) times 80% of the median annual household income of Lake County or
- b) has a monthly rent less than or equal to $\frac{1}{12} \times 25\%$ of 80% of the median annual household income of Lake County.
- c) the affordable housing density bonus shall be determined as follows:

% of total units affordable	Bonus
20 – 30%	10%
31 – 50%	15%

51% +	20%
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ii) **Environmental Protection**

Residential developments may receive a density bonus of up to 100% of the number of units allowed by the underlying comprehensive land use designation for the transfer of units from onsite non-altered wetlands and upland habitat.

- a) The total number of units transferred shall not exceed the gross density as allowed on the Future Land Use Map.
- b) A conservation easement pursuant to Chapter 165 of the Land Development Code shall be recorded for the property from which the units are to be transferred. Such easement shall specify that no uses other than passive recreation uses shall be allowed on the property and shall state that the easement shall restrict such land in perpetuity. The easement shall be approved by the City Attorney and recorded in the public records of Lake County.

J) *Application Review Process*

- i) **Technical Review Committee (TRC).** All applications shall be reviewed by the TRC staff and members' comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the TRC shall be transmitted in writing to the applicant no later than five (5) working days after the meeting. A formal staff report will be forwarded to the Planning and Zoning Board with staff recommendations.
- ii) **Resubmittal of the Revised Preliminary Development Plan.** Resubmittal of the preliminary development plan reflecting revisions required by TRC comments shall be made within five (5) days of the regularly scheduled TRC meeting.

K) *Approval of Application for Rezoning*

- i) **Planning and Zoning Board Action.** The Planning and Zoning Board shall consider the submitted plan and rezoning application at a regularly scheduled meeting to determine if the application meets the requirements of this code. Upon consideration of comments and recommendations of the TRC and public, the Board shall take one of the following actions:
 - a) Postpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.
 - b) Recommend that the application be approved.

- c) Recommend that the application be approved with conditions.
 - d) Recommend that the application be denied.
- ii) **City Commission Approval.** The City Commission shall consider the submitted plan and rezoning application at a regularly scheduled meeting and determine if the application meets the requirements of the Land Development Code. Upon consideration of the comments of the TRC, the public, and the recommendation of the Planning and Zoning Board, the City Commission shall take one of the following actions:
- a) Postpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.
 - b) Approve the application.
 - c) Approve the application with conditions.
 - d) Deny the application.

L) *Alterations to Preliminary Development Plan*

Alterations to the approved Preliminary Development Plan shall be classified as either substantial or non-substantial amendments. The following criteria shall constitute a substantial amendment.

- i) A change which would include a land use not previously permitted under the approved PUD zoning.
- ii) A change that would increase the land use intensity by ten percent (10%) within any development phase without a corresponding decrease in some other portion of the overall PUD.
- iii) A change that would require an amendment to the conditions approved by the City Commission.
- i) A change that would reduce the required open space by more than ten percent (10%).
- ii) Any change that would eliminate pedestrian facilities or multi-use trails.

A determination of a substantial or non-substantial alteration shall be made by the City Manager or designee.

Alterations to the preliminary development plan which are determined to be substantial must be submitted with plans and support data for review by the TRC, the Planning and Zoning Board and the City Commission.

All proposed alterations to an approved plan must be submitted to the City Manager or designee for a determination of whether the alteration is substantial or non-substantial.

M) *Execution of Master Development Agreement*

The second reading of the ordinance for rezoning any land to a PUD district shall not take place until the developer has provided an executed copy of the master development agreement to the City Manager or designee. The document shall be a fully corrected copy which addresses all issues discussed prior to the scheduled second reading. The document shall also include reduced copies of the revised conceptual plan exhibits. If there are no additional requirements, corrections, or conditions attached by the City Commission at the second reading, the executed document shall be signed by the City Manager and Mayor and forwarded to the County Clerk for recording. If there are additional requirements, corrections or conditions attached by the City Commission at the second reading, the applicant shall revise the agreement and conceptual plan and return the documents to the City Manager or designee within thirty (30) days for execution and recording. The requirement to return the document within thirty (30) days shall be specified by the City Commission as a condition for approval of the rezoning.

N) *Failure to Provide Timely Resubmission*

Failure to meet any of the resubmission deadlines cited above shall require the filing of a new application, including the appropriate review fees. However, the City Manager may extend the deadlines cited above, when warranted by unforeseeable events. A request for extension shall be filed in writing with the City explaining the circumstances justifying the extension.

O) *Final Development Plan Approval*

Unless otherwise noted within the development agreement, final development approval for subdivisions or site plans within the PUD shall be required in accordance with the general procedures established by this code. Conceptual plan exhibits of the master development agreement which fully satisfy the requirements for - preliminary subdivision plan submittal shall be considered as such.

P) *Expiration of Master Development Agreement*

Any master development executed and recorded after the adoption of this development code shall be required to include an expiration date or series of expiration dates tied to specific improvements or phases. Such date(s) shall be determined based upon the size of the project, installation of physical improvements, and any other factors pertinent to the specific proposal. If the City should determine that the developer has failed to satisfy the requirements necessary to avert expiration, the development agreement shall become null and void, and approval of any additional final development plans for the PUD shall not be permitted without resubmission and approval of a

new development agreement in accordance with the procedures established in the land development code.

12) **PFD "Public Facilities District"**

The PFD district is established to manage policies of the comprehensive plan for development of public facilities. This district is established to provide for the special or substantial public interest facilities that are so desired. Conceptual site plans are required to be submitted along with rezoning applications.

A) *Permitted Uses*

- i) Airports.
- ii) Auditoriums, stadiums, arenas, and expositions.
- iii) Broadcasting facilities.
- iv) Municipal/governmental buildings, structures, and uses.
- v) Cemeteries.
- vi) Houses of worship.
- vii) Educational institutions.
- viii) Day care centers.
- ix) Electric power substations and operation centers.
- x) Gas and water metering stations.
- xi) Hospitals, clinics, and medical facilities.
- xii) Public parks and recreational facilities.
- xiii) Post offices.
- xiv) Libraries.
- xv) Police and fire facilities.
- xvi) Sewage treatment facilities.
- xvii) Water supply operations.
- xviii) Adult care facility.
- xix) Clubs, lodges, and fraternal organizations.
- xx) Funeral homes.
- xxi) Crematorium.

- xxii) Any other use of a similar nature when approved by the City Commission.

B) *Locational Criteria for PFD Districts*

- i) The approved use shall front on an arterial or collector roadway. Sewage treatment facilities, water supply operations, electric power substations and operation centers and cemeteries are exempt from this requirement.
- ii) Approved uses shall comply with appropriate landscaping and buffering requirements and access management requirements.
- iii) The site must be located in close proximity to the main user group.
- iv) The approved use must serve the majority of the population.

C) *Maximum Intensity Standard*

The maximum intensity standard shall be seventy (70) percent impervious surface ratio (which includes building coverage) ~~and a~~ maximum building height of thirty-five (35) feet and buildings are limited to 3-story maximum.

D) *Design Standards*

- i) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Fifteen feet (15').
 - c. Rear yard: Fifteen-five feet (15').
- ii) The minimum open space shall be twenty-five percent (25%).

E) *Site Plan Requirements*

- i) In order to establish "PFD" Public Facility District, the applicant must provide a Conceptual site plan as outlined in Section 154.030(d)(7)(G)(i) of the Land Development Code, with a zoning application.
- ii) After approval of the zoning, a final site plan meeting the requirements of Section 160.080 of the Land Development Code must be submitted and approved by the Technical Review Committee (TRC) before any building permits are issued or the start of operation of activity on the site.

13) **GB "Greenbelt District"**

This district is established to provide green, undeveloped areas and to protect floodplains, wetlands, other natural resources and agricultural uses. Areas of the city in which this category is most appropriate are designated as "conservation" on the future land use map of the comprehensive plan; however, this district is also permitted within all other land use designations.

A) *Permitted Uses*

- i) Groves and farms.
- ii) Single-family homes and customary accessory uses.
- iii) Swamps, wetlands, and forests.
- iv) Private and public gardens.
- v) Pastures.
- vi) Nature preserves.
- vii) Private and public parks.
- viii) Riding stables.

B) *Uses Permitted as Special Exception use Upon Approval by the City Commission*

- i) Golf courses.
- ii) Retail or wholesale plant production, nurseries, and greenhouses.
- iii) Fishing clubs and marinas.

C) *Uses Expressly Prohibited*

All uses not listed above are expressly prohibited.

D) *Site Development Standards*

- i) Minimum lot size (for buildings): One acre.
- ii) Minimum lot width at building line: 200 feet.
- iii) Minimum dwelling size: 1000 sq. feet.
- iv) Minimum street frontage: 50 feet.

- v) Minimum building setbacks:
 - Front yard: 50 feet.
 - Side yard: 25 feet.
 - Rear yard: 25 feet.
 - From any street: 50 feet.
- vi) Maximum building height: 35 feet and 3-story maximum.
- vii) Parking: See Section 162.040.
- viii) Landscaping and buffers: See Section 164.030.
- ix) Signs: See Chapter 163.
- x) Access: See Section 162.030.

14) **CBD "Central Business District Mixed Use"**

This district is established to encourage economic activity, living quarters and local employment opportunities within the central area of the City. Residential density shall not exceed four (4) dwelling units per acre, unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre.

A) *The following uses shall be permitted*

- i) Residential dwelling units on the 2nd or 3rd floor.
- ii) Bed and Breakfast Inn.
- iii) Convenience stores without fuel operations.
- iv) Business Services.
- v) Financial Services.
- vi) Retail sales and services.
- vii) Medical Office/Clinic.
- viii) Professional Services Office.
- ix) Office Supply.

x) Personal Services.

xi) Restaurants.

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

i) Banks.

ii) Daycare Centers.

iii) Health/Exercise Clubs.

iv) Tattoo parlor.

v) Veterinary Offices.

vi) Game Recreation Facility.

C) *Uses Expressly Prohibited*

i) Commercial parking.

ii) Industrial land uses.

iii) Uses prohibited by City, State, or Federal law.

iv) Adult Entertainment.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Maximum Intensity Standard*

Coverage shall be limited to eighty (80) percent impervious surface ratio (which includes building coverage), a maximum floor area ratio of 1.0, ~~and~~ a maximum building height of three stories and 35-ft.

F) *Design Standards*

i) Minimum lot size shall be six thousand (6,000) square feet with central sewer. Minimum lot size shall be ten thousand (10,000) square feet with septic tanks.

- ii) Minimum lot width shall be sixty feet (60') with central sewer at the front property line and eighty feet (80') with septic tank unless the lot is located on a cul-de- sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Ten feet (10'). A zero-lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.
 - c. Rear yard: Fifteen feet (15').
- iv) The minimum open space shall be twenty percent (20%).

The Villages™ DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

Before the undersigned authority personally appeared **Amber Sevison**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal # **01168096** in the matter of

NOTICE OF PUBLIC HEARINGS

was published in said newspaper in the issues of

January 11, 2024

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second-class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.



(Signature Of Affiant)

Sworn to and subscribed before me this 14

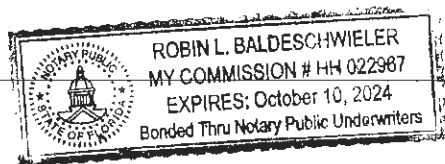
day of January 2024.


Robin L. Baldeschwieler, Notary

Personally Known X or

Production Identification _____

Type of Identification Produced _____



NOTICE OF PUBLIC HEARING

ORDINANCE 2023-019

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 154 OF THE CITY OF FRUITLAND PARK'S LAND DEVELOPMENT CODE TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A MAXIMUM HEIGHT OF 35' WITHIN ALL CITY OF FRUITLAND PARK ZONING DISTRICTS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK'S LAND DEVELOPMENT CODE; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE.

ORDINANCE 2023-020

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A MAXIMUM HEIGHT OF 35' WITHIN ALL CITY OF FRUITLAND PARK FUTURE LAND USE DESIGNATIONS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE.

The proposed Ordinances will be considered at the following public meetings:

Fruitland Park City Commission Meeting on
January 25, 2024 at 6:00 p.m.

All meetings will be held at the Commission Chambers, 506 W. Berckman Street, Fruitland Park, Florida. The proposed Ordinances may be inspected by the public between the hours of 8:00 a.m. to 5:00 p.m. Monday to Friday at the City Clerk's office at City Hall. For further information call (352) 360-6727.

Interested parties may appear at the meetings and be heard with respect to the proposed Ordinances. A person who decides to appeal any decision made by any board, agency or commission with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence which the appeal is based (Florida Statutes 286.0105).

**CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 4d**

ITEM TITLE: Second Reading and Public Hearing Ordinance
2023-019 LDR Amendment Building Heights
Restriction

MEETING DATE: Thursday, January 25, 2024

DATE SUBMITTED: Monday, December 4, 2023

SUBMITTED BY: city attorney/city manager/community development

BRIEF NARRATIVE: Ordinance 2023-019 amending Chapter 154 of the City's Land Development Regulations to restrict building heights within the city to a maximum of 35' (three stories). (Continued from the January 11, 2024 meeting. The first reading was held on December 14, 2023.)

FUNDS BUDGETED: None

ATTACHMENTS: Ordinance 2023-019, exhibit and see item 4c for affidavit.

RECOMMENDATION:

ACTION: Enact Ordinance 2023-019 to become effective immediately as provided by law.

ORDINANCE 2023-019

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING CHAPTER 154 OF THE CITY OF FRUITLAND PARK'S LAND DEVELOPMENT CODE TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A MAXIMUM HEIGHT OF 35' WITHIN ALL CITY OF FRUITLAND PARK ZONING DISTRICTS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK LAND DEVELOPMENT CODE; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fruitland Park desires to amend its land development code to amend the maximum number of stories allowed and maximum height of buildings within the City of Fruitland Park.

WHEREAS, the Planning and Zoning Board of the City of Fruitland Park held a public hearing on this ordinance which was advertised in accordance with law, and the Planning and Zoning Board made a recommendation to City Commission.

WHEREAS, the City Commission of the City of Fruitland Park at second reading held a public hearing for adoption of this ordinance at least 10 days after the date of advertisement.

WHEREAS, the City of Fruitland Park desires to amend the Land Development Code for the City of Fruitland Park as set forth below.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA AS FOLLOWS:

Section 1. The above recitals are true and correct and made an integral part of this ordinance.

Section 2. Section 154.030 d), Chapter 154 of the Land Development Regulations of the City of Fruitland Park, Florida, is hereby amended to read as set forth on **Exhibit A** attached hereto and incorporated herein

Section 3. Applicability. This ordinance shall be applicable to property located within the City of Fruitland Park municipal boundaries.

Section 4. Severability. If any section or phrase of this ordinance is held to be unconstitutional, void or otherwise invalid, the validity of the remaining portions of this ordinance shall not be affected thereby.

Section 5. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 6. Inclusion. It is the intention of the City Commission of the City of Fruitland Park that this ordinance shall become and be made a part of the Land Development Code for the City. Sections may be renumbered or reorganized for editorial and codification purposes and such renumbering or reorganization shall not constitute nor be considered a substantive change to the Land Development Code as adopted.

Section 7. Effective Date. The effective date of this ordinance is upon adoption.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this ____ day of _____, 2024.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk, MMC

Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Vice Mayor DeGrave	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Mobilian	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

First Reading December 14, 2023
Second Reading _____

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

ORDINANCE 2023-020

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN FUTURE LAND USE ELEMENT TO RESTRICT BUILDING HEIGHTS TO 3-STORIES WITH A MAXIMUM HEIGHT OF 35' WITHIN ALL CITY OF FRUITLAND PARK FUTURE LAND USE DESIGNATIONS APPLICABLE TO ALL PROPERTIES WITHIN THE CITY OF FRUITLAND PARK, FLORIDA; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CITY OF FRUITLAND PARK'S COMPREHENSIVE PLAN; AND PROVIDING FOR APPROVAL AND AN EFFECTIVE DATE.

WHEREAS, the City Commission of the City of Fruitland Park desires to amend its comprehensive plan to amend the maximum number of stories allowed and maximum height of buildings within the City of Fruitland Park.

WHEREAS, the Planning and Zoning Board and the local planning agency of the City of Fruitland Park each held a public hearing on this ordinance which was advertised in accordance with law, and the Planning and Zoning Board and the LPA made a recommendation to City Commission.

WHEREAS, the City Commission of the City of Fruitland Park public hearing for transmittal has been advertised as required by law with the public hearing occurring at least 7 days after the day that the first advertisement was published.

WHEREAS, the City Commission of the City of Fruitland Park second public hearing for adoption of this ordinance is being held at least 5 days after the date of the second advertisement.

WHEREAS, the City of Fruitland Park desires to amend the Comprehensive Plan for the City of Fruitland Park as set forth below.

NOW THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF FRUITLAND PARK, FLORIDA AS FOLLOWS:

Section 1. Table 1.1, Chapter 1. Table 1.1, Chapter 1 in the Future Land Use Element, Goals, Objectives and Policies of the City of Fruitland Park's comprehensive plan is hereby amended to read as stated herein and which shall be applicable to property located within the City of Fruitland Park municipal boundaries:

Table 1.1

Land Use Designation	Permitted Residential Density	Special Requirements	Non-Residential Allowable Uses and
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			Intensities
Single-Family Low Density	2 units/acre	Min. 25% open space.	Public facilities/services as set out in Policy 1-5.1
Single-Family Medium Density	4 units/acre	Min. 25% open space	Small scale commercial uses may be permitted with PUD zoning, max. size 15,000 sq. ft. & max. FAR 0.20 Public facilities/services as set out in Policy 1-5.1
Multiple-Family Low Density	4-8 units/acre	Max 4/ac without sewer Min. 25% open space	Small scale commercial uses may be permitted with PUD zoning, max. size 15,000 sq. ft. & max. FAR 0.20 Public facilities/services as set out in Policy 1-5.1
Multiple -Family Medium Density	10 units/acre	Min. 25% open space. Building heights above 35 feet may be allowable if approved by the City Commission. <u>Buildings are limited to 3-story maximum and maximum height of 35-ft.</u> Max 4/ac without sewer	Small scale commercial uses may be permitted with PUD zoning, max. size 15,000 sq. ft. & max. FAR 0.20 Public facilities/services as set out in Policy 1-5.1
Multiple-Family High Density	15 units/acre	Min. 25% open space. Building heights above 35 feet may be allowable if approved by the City Commission. <u>Buildings are limited to 3-story maximum and maximum height of 35-ft.</u> Max 4/ac without sewer	Small scale commercial uses may be permitted with PUD zoning, max. size 20,000 sq. ft. & max. FAR 0.20
Central Business District Mixed Use	10 units/acre	Residential at 2 nd or 3 rd floor. Maximum building height 3	Max. FAR 1.0. Max. ISR 80%

		story's Buildings are limited to 3-story maximum and maximum height of 35-ft.	
Transitional	4 units/acre	Min. 25% open space	Maximum FAR 0.20
Mixed Community	6 units/acre	Min. 20% open space. Building heights above 35 feet may be allowable if approved by the City Commission. Buildings are limited to 3-story maximum and maximum height of 35-ft. Min. & Max. uses apply. Max 4/ac without sewer	Neighborhood commercial and professional services. Max ISR 80%, Max FAR 0.70
General Mixed Use	12 units/acre	Min. 20% open space. Building heights above 35 feet may be allowable if approved by the City Commission. Buildings are limited to 3-story maximum and maximum height of 35-ft. Min. & Max. uses apply. Max 4/ac without sewer	Commercial sales/office, educational & civic uses. Max ISR 80%. Max FAR 0.70
Neighborhood Commercial	Residential uses may be permitted 2 nd floor or above 3rd floor with up to 4/ac with PUD zoning per Policy 1-1.10	See Policy 1-1.10 for locational criteria. Building heights above 35 feet may be allowable if approved by the City Commission. Buildings are limited to 3-story maximum and maximum height of 35-ft.	Convenience retail, office and services, civic & institutional. Max ISR 70%, Max FAR 0.50.
Commercial – High Intensity		Building heights above 35 feet may be allowable if approved	Higher intensity commercial uses and wholesale commercial

		by the City Commission. <u>Buildings are limited to 3-story maximum and maximum height of 35-ft.</u>	uses. Max. ISR 70%, Max FAR 0.2-0.5
Industrial		Building heights above 35 feet may be allowable if approved by the City Commission. <u>Buildings are limited to 3-story maximum and maximum height of 35-ft.</u>	Wholesale commercial and light industrial uses. Max ISR 75%, Max FAR 0.2-0.5
Institutional		Building heights above 35 feet may be allowable if approved by the City Commission. <u>Buildings are limited to 3-story maximum and maximum height of 35-ft.</u>	Educational, religious, public and private utilities, and governmental land uses. Max ISR 70%, Max FAR 0.30
Recreation			Private and public recreation facilities. Max. ISR 30% Max. FAR 0.30
Open Space			Max. ISR 35%

See also Policy 1-1.19, Chapter 1.

Section 2. Policy 1-1.8, Chapter 1. Policy 1-1.8, Chapter 1 in the Future Land Use Element, Goals, Objectives and Policies of the City of Fruitland Park's comprehensive plan is hereby amended to read as stated herein and which shall be applicable to property located within the City of Fruitland Park municipal boundaries:

Policy 1-1.8: Central Business District Mixed Use. The Central Business District Mixed Use land use category is established to encourage economic activity, living quarters and local employment opportunities within the central area of Fruitland Park. This category permits the highest commercial floor area ratios in the city and is intended to provide flexibility and to enable uses that meet the retail and service needs of a traditional city center and its vicinity. Permitted land uses include retail, office, business and other professional services at first floor, with office and residential uses at second or third floor. The maximum impervious surface coverage is 80% and the maximum floor area ratio is 1.0. The maximum residential density is up to 10.0 dwelling units per acre. Maximum building height is 35-feet and buildings are limited to a maximum of three (3) stories.

Section 3. Policy 1-1.11, Chapter 1. Policy 1-1.11 Chapter 1 in the Future Land Use Element, Goals, Objectives and Policies of the City of Fruitland Park's comprehensive plan is hereby amended to read as stated herein and which shall be applicable to property located within the City of Fruitland Park municipal boundaries:

Policy 1-1.11: Neighborhood Commercial. Neighborhood Commercial is intended to provide for the day-to-day needs of the immediate neighborhood and should be within walking distance of the supporting neighborhood. Located adjacent to primary highways, commercial development in this land use district is intended to accommodate businesses up to 30,000 sq. ft. in size. Residential uses may be permitted in this category if the site has Planned Unit Development (PUD) zoning and it is compatible with the adjacent properties. No industrial development shall be allowed. ~~Building heights above 35 feet may be allowable if approved by the City Commission. Any building above 35 feet will require assurance of adequate fire protection approved by the City.~~ Maximum building height is 35-feet and buildings are limited to a maximum of three (3) stories.

The following uses and criteria are applicable to this land use category:

- 1) Convenience retail sales and services
- 2) Offices
- 3) Civic and institutional uses.
- 4) Residential at 2nd floor and 3rd floor ~~above~~
- 5) Maximum FAR: 0.5.
- 6) Maximum ISR: 70%
- 7) Maximum residential density 4 units/acre.

Section 4. Policy 1-1.19, Chapter 1. Policy 1-1.19 Chapter 1 in the Future Land Use Element, Goals, Objectives and Policies of the City of Fruitland Park's comprehensive plan is hereby added to read as stated herein and which shall be applicable to property located within the City of Fruitland Park municipal boundaries:

Policy 1-1.19 Affordable Housing Development. It is the City's intention to comply with s.166.04151, Florida Statutes relating to development of affordable housing, as defined in s. 420.0004, Florida Statutes. Therefore, notwithstanding any other policy, ordinance, regulation, or land development code provision, multifamily and mixed-use residential are allowable uses in any area zoned for commercial, industrial, or mixed use if at least 40 percent of the residential units in a proposed multifamily rental development are, for a period of at least 30 years, affordable as defined in s. 420.0004, F.S. Such proposed multifamily development is not required to obtain a zoning or land use change, special exception, conditional use approval, variance, or comprehensive plan amendment for the building height, zoning, and densities authorized under s.166.04151(7), F.S. For mixed-use residential projects, at least 65 percent of the total square footage must be used for residential purposes.

Section 5. Severability. If any section or phrase of this ordinance is held to be unconstitutional, void or otherwise invalid, the validity of the remaining portions of this ordinance shall not be affected thereby.

Section 6. Conflicts. In the event of a conflict or conflicts between this ordinance and other ordinances, this ordinance shall control and supersede.

Section 7. Inclusion. It is the intention of the City Commission of the City of Fruitland Park that this comprehensive plan amendment shall become and be made a part of the comprehensive plan for the City. Goals, objectives, and policies of the Comprehensive Plan may be renumbered or reorganized for editorial and codification purposes and such renumbering or reorganization shall not constitute nor be considered a substantive change to the comprehensive plan amendment as adopted.

Section 8. Effective Date. The effective date of this plan amendment shall be pursuant to the state land planning agency's notice of intent. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If timely challenged, this amendment does not become effective until the state land planning agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this 11th day of January 2024 ~~9th day of February 2023~~.

Chris Cheshire, Mayor

Attest:

Esther B. Coulson, City Clerk, MMC

Mayor Cheshire	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Vice Mayor DeGrave	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Bell	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Gunter	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)
Commissioner Mobilian	_____ (Yes),	_____ (No),	_____ (Abstained),	_____ (Absent)

First Reading	<u>December 14, 2023</u>
Second Reading	_____

Approved as to form and legality:

Anita Geraci-Carver, City Attorney

EXHIBIT A

CHAPTER 154

ZONING DISTRICT REGULATIONS

SECTION 154.030: ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP

d) Purpose and Intent of Zoning Districts

This section presents the basic purpose and intent of each zoning district.

1) R-2 "Single Family Low Density Residential"

This district is established to implement comprehensive plan policies for managing low-density, single-family residential development at a density not to exceed two (2) single-family dwelling units per acre. The R-2 district is established to preserve the stability of existing and future conventional single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that future densities are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.

A) The following uses shall be permitted:

- i) Single-family detached dwelling units.
- ii) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage and maximum square footage pursuant to the zoning district.
- iii) Customary accessory structures incidental to the principal structure pursuant to Section 156.010 of the Land Development Code.
- iv) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.
- v) Home Occupations pursuant to Section 156.020 of the Land Development Code.

B) Uses Permitted as Special Exception Use Upon Approval of the City Commission

- i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of the Land Development Code.

C) *Uses Expressly Prohibited*

- i) Single-family attached dwelling units.
- ii) Multi-family residential dwelling units.
- iii) Two family (duplex) dwelling units.
- iv) Commercial land uses.
- v) Industrial land uses.
- vi) Any use prohibited by City, State, or Federal law.
- vii) Adult Entertainment.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as a conditional use pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size shall be twenty thousand (20,000) square feet.
- ii) Minimum lot width shall be one hundred feet (100') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. ~~Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- iv) Minimum setbacks requirements:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Fifteen feet (15')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty-five feet (25')
Garage setback from roadway: Twenty-five feet (25')
- v) Maximum building coverage: Thirty percent (30%).
- vi) Minimum living area shall be one thousand two hundred

(1,200) square feet exclusive of porches, garages or utility rooms.

- vii) The minimum open space shall be twenty-five percent (25%).

2) **R-4 "Single-Family Medium Density Residential"**

This district is established to implement comprehensive plan policies for managing traditional single-family residential development at a density not to exceed four (4) dwelling units per acre. This district is established to preserve the stability of existing and future residential neighborhoods, preserve open space, and manage future densities to assure a smooth transition between low-density residential and areas designed for more intense uses, natural features of the land, as well as existing and projected public services and facilities within the area.

A) *The following uses shall be permitted:*

- i) Single-family detached residential dwelling units.
- ii) Customary accessory structures incidental to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- iii) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- iv) Home Occupations pursuant to Section 156.020 of the Land Development Code.
- v) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.

B) *Uses Permitted as Special Exception Use Upon Approval by the City Commission*

- i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of the Land Development Code.
- ii) Small Homestay Bed and Breakfast Inn.

C) *Uses Expressly Prohibited*

- i) General Commercial land uses.
- ii) Industrial land uses.

- iii) Any use prohibited by City, State, or Federal law.
- iv) Multi-family dwelling unit.
- v) Two-family (duplex) dwelling units.
- vi) Single family attached dwelling units.
- vii) Adult Entertainment.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size shall be ten thousand (10,000) square feet provided central sewer is utilized. Minimum lot size shall be twelve thousand five hundred (12,500) square feet when septic tanks are utilized.
- ii) Minimum lot width shall be eighty feet (80') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) ~~Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- iv) Minimum setbacks requirements:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25').
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20')
Garage setback from roadway: Twenty-five feet (25').
- v) Maximum building coverage: Thirty percent (30%).
- vi) Minimum living area shall be one thousand two hundred (1,200) square feet exclusive of porches, garages or utility rooms.
- vii) The minimum open space shall be twenty-five percent (25%).

3) **R-8 "Multi-Family Low Density Residential"**

This district is established to provide for medium density residential development not restricted to single-family dwelling units. Density shall not exceed four (4) units per acre unless central sewer facilities are available at which time density is not allowed to exceed eight (8) dwelling units per acre. This zoning district will facilitate the transition between lower intensity and higher intensity residential uses.

A) *The following uses shall be permitted:*

- i) Single-family detached residential dwelling units.
- ii) Single-family attached residential dwelling units.
- iii) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- iv) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- v) Home Occupations pursuant to Section 156.020 of the Land Development Code.
- vi) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.
- vii) Two family (duplex) dwelling units.
- viii) Multi-family dwelling units.
- ix) Mobile Home Subdivision Development Requirements. The developer shall prepare and submit plans in accordance with the Subdivision Regulations of Chapter 157 of the Land Development Code.
- x) Small and Medium Home Stay Bed and Breakfast Inn

B) *Uses Permitted as Special Exception Use Upon Approval by the City Commission*

- i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of Land Development Code.

C) *Uses Expressly Prohibited*

- i) General Commercial land uses.
- ii) Industrial land uses.
- iii) Adult Entertainment.
- iv) Any use prohibited by City, State, or Federal law.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized. All lot widths are measured at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- vi) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. ~~Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- vii) Minimum setbacks requirements for single family,

duplex and triplex units:

- a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
- a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Fifteen feet (15')

Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20').
Garage setback from roadway:
Twenty-five feet (25')
- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

4) **R-3A “High Density Residential/Neighborhood Commercial”**

This district is established to provide for a mix of high density residential and neighborhood commercial uses not to exceed four (4) dwelling units per acre unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre. Buildings are limited to 3-story maximum and maximum height of 35-ft. It is intended to provide essential services

to residential areas without detrimental effects to residential neighborhoods. Any future request for commercial development in this category will require rezoning to Planned Unit Development consistent with Section 154.030(d)(10).

A) *The following uses shall be permitted:*

- i) Single-family attached dwelling units.
- ii) Single-family detached dwelling units.
- iii) Two-family (duplex) residential dwelling units.
- iv) Multi-family residential dwelling units.
- v) Customary accessory structures incidental to the principal use not to exceed 30% of living area of the principal dwelling unit, or 450 square feet, whichever is greater.
- vi) Home occupations pursuant to Section 156.020 of the Land Development Code.
- vii) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
- viii) Day Care Centers.
- ix) Offices for professional services.
- x) Personal services.
- xi) Commercial uses less than 25,000 square feet, when approved through the Planned Unit Development process in Section 154.030(d)(10).

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

- i) Mobile home subdivisions/parks.
- ii) Adult congregate living facilities.
- iii) Nursing homes.
- iv) Small, medium, and large Homestay Bed and Breakfast Inn.

C) *Uses Expressly Prohibited*

- i) Commercial land uses greater than 25,000 square feet.
- ii) Industrial land uses.

iii) Adult Entertainment.

iv) Uses prohibited by City, State or Federal law.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

5) **R-10 "Multi-Family Medium Density"**

This district is established to provide for a mix of high density residential and neighborhood commercial uses not to exceed four (4) dwelling units per acre, unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre. It is intended to provide essential services to residential areas without detrimental effects to residential neighborhoods.

A) *The following uses shall be permitted:*

- i) Single-family attached dwelling units.
- ii) Single-family detached dwelling units.
- iii) Two-family (duplex) residential dwelling units.
- iv) Multi-family residential dwelling units.
- v) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- vi) Accessory dwelling units for non-paying family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- vii) Home occupations pursuant to Section 156.020 of the Land Development Code.
- viii) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
- ix) Small, medium, and large Homestay Bed and Breakfast Inn.

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

- i) Mobile home subdivisions/parks.
- ii) Adult congregate living facilities.
- iii) Nursing homes.

C) *Uses Expressly Prohibited*

- i) General Commercial land uses
- ii) Industrial land uses.
- iii) Adult Entertainment.
- iv) Uses prohibited by City, State or Federal law.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. The lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.

- vi) ~~Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- vii) Minimum setbacks requirements for single family, duplex and triplex units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway - Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways - Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
 - a. Front yard: Thirty feet (30')
 - b. Front yard garage: Twenty-five feet (25')
 - c. Side yard: Fifteen feet (15')
 - d. Rear yard: Thirty feet (30')
- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet each exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

6) **R-15 "Multi-Family High Density Residential"**

This district is established to implement comprehensive plan policies for managing high density residential development at a density not to exceed four (4) dwelling units per acre unless central sewer facilities are available at which time density is not allowed to exceed (15) dwelling units per acres. This district is established to ensure that sufficient land is available for high density residential development.

- A) *The following uses shall be permitted:*
- i) Single-family attached residential dwelling units.
 - ii) Single-family detached residential dwelling units.
 - iii) Two-family (duplex) residential dwelling units.
 - iv) Multi-family residential dwelling units.
 - v) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
 - vi) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling units may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
 - vii) Home Occupations pursuant to Section 156.020 of the Land Development Code.
 - viii) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
 - ix) Small, Medium, and Large Homestay Bed and Breakfast Inn.
- B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*
- i) Mobile home subdivisions/parks.
 - ii) Adult Congregate Living Facilities.
 - iii) Nursing Homes.
- C) *Uses Expressly Prohibited*
- i) General Commercial land uses.
 - ii) Industrial land uses.
 - iii) Uses prohibited by City, State, or Federal law.
- D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. The lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- vi) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. ~~Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- vii) Minimum setbacks requirements for single family, duplex and triplex units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')

Another lot - Fifteen feet (15')
Garage setback from roadway: Twenty-five feet (25')

- c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20').
Garage setback from roadway: Twenty-five feet (25')

- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet each exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

7) **RP "Residential Professional"**

This district is established to implement comprehensive plan policies for managing transitional areas where existing residential structures can be utilized for personal and professional services and not adversely affect adjacent property. The density cannot exceed four (4) dwelling units per acre.

A) *The following uses shall be permitted:*

- i) Single Family Detached dwelling units
- ii) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- iii) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- iv) Business Services.
- v) Financial Services.
- vi) Personal Services.
- vii) Multi-family dwelling units.
- viii) Medical office/Clinic
- ix) Home occupations pursuant to Section 156.020 of the land Development Code.

- x) Small, Medium, and Large Homestay Bed and Breakfast Inn
- B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*
 - i) Banks.
 - ii) Day Care Centers.
 - iii) Health/Exercise Clubs.
 - iv) Office/Warehouse Facilities.
 - v) Veterinary Offices.
 - vi) Game Recreation Facility.
- C) *Uses Expressly Prohibited*
 - i) Commercial parking.
 - ii) Industrial land uses.
 - iii) Uses prohibited by City, State, or Federal law.
 - iv) Adult Entertainment.
- D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.
- E) *Design Standards*
 - i) Minimum lot size shall be ten thousand (10,000) square feet provided central sewer is utilized. Minimum lot size shall be twelve thousand five hundred (12,500) square feet when septic tanks are utilized.
 - ii) Minimum lot width shall be one hundred feet (100') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
 - iii) ~~Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire and Building Official.~~
 - iv) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')

- b. Front yard garage: Twenty-five feet (25')
- c. Side yard: Ten feet (10')
- d. Rear yard: Twenty feet (20').
- v) Maximum Impervious Surface Ratio: seventy percent (70%).
- vi) The minimum open space shall be twenty-five percent (25%).

8) **C-1 "Neighborhood Commercial"**

This district is established to implement comprehensive plan policies for managing transitional areas between residential land uses and more intense commercial and industrial uses. This district is established to provide sufficient land for both medium density residential at a density not to exceed six (6) units per acre and professional/light commercial uses.

A) *The following uses shall be permitted:*

- i) Offices for professional services.
- ii) Personal services.
- iii) Convenience stores without fuel operations.
- iv) Laundry and dry-cleaning retail stores.
- v) Day care centers.
- vi) Adult Congregate Living Facilities.
- vii) Licensed Community Residential Homes, Group Homes, Foster Care Facilities with more than six (6) residents.
- viii) Clubs, Lodges, and Fraternal Organizations.
- ix) Financial Services.
- x) Office Supply.
- xi) Retail Sales & Services.
- xii) Business Services.
- xiii) Small, Medium, and Large Homestay Bed & Breakfast Inn.
- xiv) Office Complex.
- xv) Maintenance General Contractor.

- xvi) Medical Office/Clinic.
- xvii) Family Amusement Arcade
- xviii) Adult Arcade Amusement Center/Internet Café as define in Chapter 116 of City Code of Ordinances
- xix) Licensed Medical Marijuana Treatment Centers as proved in s. 381.986, Florida Statutes.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission*

- i) Convenience stores with fuel operations.
- ii) Restaurants.
- iii) Banks.
- iv) Athletic/Sports Facility.
- v) Game/Recreation Facility.
- vi) Health/Exercise Club.
- vii) Mini-warehouses.
- viii) Veterinary Office.
- ix) Xerographic and Offset Printing.
- x) Office/Warehouse Facility.

C) *Uses Expressly Prohibited*

- i) Commercial Parking.
- ii) Wholesale commercial uses.
- iii) Industrial uses.
- iv) Uses prohibited by City, State, and Federal law.
- v) Adult Entertainment.
- vi) RV Parks.
- vii) Outside storage.

D) *Other Possible Uses*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed as a conditional use pursuant

to Chapter 155 of this Code.

E) *Maximum Intensity Standard*

The maximum intensity standard shall be limited to seventy (70) percent impervious surface ratio (which includes building coverage), and maximum floor area ratio of 0.5, ~~and a~~ The maximum building height is of thirty-five (35) feet and buildings are limited to 3-story maximum. ~~unless adequate fire protection is provided and approved by the City Fire Inspector and Building Official.~~

F) *Design Standards*

- i) Minimum lot size shall be fifteen thousand (15,000) square feet.
- ii) Minimum lot width shall be one hundred twenty-five feet (125') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Ten feet (10'). A zero-lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.
 - c. Rear yard: Fifteen feet (15').
- iv) The minimum open space shall be twenty-five percent (25%).

9) **C-2 "General Commercial"**

This district is established to implement comprehensive plan policies for managing commercial development. This district is designed to accommodate general retail sales and services.

A) *The following uses shall be permitted:*

- i) Adult/Vocational Education.
- ii) Appliance/Electronic Repair Shops.
- iii) Athletic/Sports Facility.
- iv) Auction Houses.
- v) Banks.
- vi) Bars, Lounges, and Night Clubs.

- vii) Boat Sales and Services.
- viii) Business Services.
- ix) Commercial/Industrial Equipment and Supplies.
- x) Convenience Stores with or without Fuel Operations.
- xi) Day Care Centers.
- xii) Equipment Rental.
- xiii) Financial Services.
- xiv) Furniture and Appliance Stores.
- xv) Game/Recreational Facilities.
- xvi) Health/Exercise Clubs.
- xvii) Hotels/Motels.
- xviii) Kennels.
- xix) Maintenance Contractors.
- xx) Medical Office/Clinic.
- xxi) Motor Vehicle Service Centers.
- xxii) Motor Vehicle Service Stations.
- xxiii) Offices.
- xxiv) Office Complex.
- xxv) Office Supplies.
- xxvi) Pawn Shops.
- xxvii) Personal Services.
- xxviii) Restaurants.
- xxvii) Retail Home Building Materials.
- xxviii) Retail Sales and Services.
- xxix) Shopping Center.
- xxx) Theaters.
- xxxi) Transportation Services.

- xxxii) Wholesalers and Distributors.
- xxxiii) Veterinary Clinic.
- xxxiv) Licensed Community residential homes, group homes and foster care facilities with more than six (6) residents.
- xxxv) One single family dwelling unit for owners/caretaker's residence.
- xxxvi) Motor Vehicle Repair Facility.
- xxxvii) Xerographic and Offset Printing.
- xxxviii) Commercial Parking.
- xxxix) Family Amusement Arcade.
- xl) Adult Arcade Amusement Center/Internet Cafes as defined in Chapter 116 of the City Code of Ordinances.
- xli) Licensed Medical Marijuana Treatment Centers as Provided in s. 381.986, Florida Statutes.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission*

- i) Gun & Archery Range.
- ii) Trucking Terminal.
- iii) Farmers/Flea Markets
- iv) Natural Gas/Propane Distribution Centers.
- v) Mobile Homes Sales.
- vi) Motor Vehicle and Boat Storage Facilities.
- vii) Motor Vehicle Dealer Sales.
- viii) Motor Vehicle Sales.

C) *Uses permitted as a Conditional Use Approval of the City Commission*

- i) Mini warehouses.

D) *Uses Expressly Prohibited*

- i) Residential uses, except as stated above in Section 154.030 (8)(A)(xxxvii) and (8)(A)(xxxviii).

- ii) Industrial uses.
- iii) Uses prohibited by City, State, and Federal law.
- iv) Adult Entertainment.
- v) Outside storage.

E) *Other Possible Uses*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed as a conditional use pursuant to Chapter 155 of the Code.

F) *Maximum Intensity Standard*

- i) The maximum intensity standard shall be limited to seventy (70) percent impervious surface ratio (which includes building coverage), and a maximum floor area ratio of .50, and a The maximum building height of is thirty-five (35) feet and buildings are limited to 3-story maximum. unless adequate fire protection is provided and approved by the City Fire Inspector and Building Official.

G) *Design Standards*

- i) Minimum lot size shall be twenty thousand (20,000) square feet.
- ii) Minimum lot width shall be one hundred fifty feet (150') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setback requirements:
 - a. Front yard: Fifty feet (50')
 - b. Side yard: Ten feet (10'). A zero-lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.
 - c. Rear yard: Fifteen feet (15').
- iv) The minimum open space shall be twenty-five percent (25%).

10) **I "Industrial"**

This district is established to implement comprehensive plan policies for managing industrial development and to provide development for

limited industrial operations engaged in fabricating, repair or storage of manufactured goods, where no objectionable by-products of the activity (such as odors, smoke, dust, refuse, electro-magnetic interference, noise in excess of that customary to loading, unloading and handling of goods and materials) are noticeable beyond the lot on which the facility is located. No hazardous materials may be utilized by the industrial operations permitted in this district. The location of such districts shall take into consideration access to rail and terminal facilities, major arterial roadways, labor markets and necessary urban services. Such districts shall be accessible to major thoroughfares and buffered from residential neighborhoods.

A) *The following uses shall be permitted:*

- i) Airport and related activities.
- ii) Agriculturally related industry.
- iii) Boat repair.
- iv) Commercial/Industrial Service.
- v) Construction Contractor's Yard and Storage.
- vi) Distribution Centers.
- vii) Laboratory/Research and Development.
- viii) Laundry/Dry Cleaning Plants.
- ix) Manufacturing: Craftsman Shops.
- x) Manufacturing: Fabrication.
- xi) Manufacturing: Processing.
- xii) Motor Vehicle Repair Facility.
- xiii) Motor Vehicle Towing and Impoundment.
- xiv) Trucking Terminal.
- xv) Warehousing.
- xvi) Wholesale Commercial Uses.
- xvii) Xerographic and Offset Printing.
- xviii) Appliance/Electronic Repair Shops.
- xix) Commercial Parking.
- xx) Maintenance Contractor.

- xxi) Motor Vehicle Service Center.
- xxii) Motor Vehicle Service Station.
- xxiii) Transportation Service.
- xxiv) Family Amusement Arcade.
- xxv) Adult Arcade Amusement Center/Internet Cafes.
- xxvi) Adult Entertainment.

a) Adult entertainment uses shall be permitted as long as they are not located nearer than five hundred (500) feet to any other adult entertainment establishment, or nearer than five hundred (500) feet to any place of worship, child care center, or educational center, except vocational and technical schools, colleges, and universities.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission*

- i) One single-family residential dwelling unit on the site of a permitted use to be used exclusively by an owner/caretaker.
- ii) Used motor vehicle parts yard.
- iii) Natural Gas/Propane Distribution Centers.

C) *Uses Expressly Prohibited*

- i) Residential dwelling units except for Section 154.030(d)(7)(b)(I).
- ii) Uses prohibited by City, State, and Federal law.

D) *Other Possible Uses*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed pursuant to Chapter 155 of this Code.

E) *Maximum Intensity Standard*

The maximum intensity standard shall be limited to seventy-five (75) percent impervious surface ratio (which included building coverage), a maximum floor area ratio of .50, ~~and a maximum building height of thirty-five (35) feet and buildings are limited to 3-story maximum. unless adequate fire protection is-~~

~~provided and approved by the City Fire Inspector and Building Official.~~

F) *Design Standards*

- i) Minimum lot size shall be thirty thousand (30,000) square feet.
- ii) Minimum lot width shall be two hundred fifty feet (200') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setbacks requirements:
 - a. Front yard: Fifty feet (50')
 - b. Side yard: Twenty-five feet (25').
 - c. Rear yard: Twenty-five feet (25').
- iv) The minimum open space shall be twenty-five percent (25%).

11) **PUD "Planned Unit Development"**

The PUD district is established to implement comprehensive plan policies for encouraging affordable housing by allowing a variety of housing types with a broad range of housing costs. This district is designed to encourage innovative development concepts to provide design amenities and to manage natural features of the land. The location of such PUDs will be dictated by the type of development that will be provided. (Residential PUDs will be located in residentially designated areas of the Future Land Use Map of the comprehensive plan, commercial PUDs will be located in commercially designated areas of the Future Land Use Map, etc.) Densities and intensities cannot exceed those which are permitted in that area on the Future Land Use Map. Preliminary and/or Conceptual Development plans are required to be submitted along with the rezoning application. Buildings are limited to maximum of 3-story and building height of 35-ft.

A) *The following uses shall be permitted:*

- i) **Residential PUD** – Single- and Multi-family residential dwelling units provided, however, that the housing stock of PUDs located within the Single-family overlay district of the Future Land Use Map which utilize multi-family units must consist of a minimum of 51% single-family dwelling units. On-site recreational facilities and on-site day care facilities, convenience store and personal services intended to service the principal use shall also be permitted.

- ii) **Mixed Use PUD** – All uses as permitted under the R-2, R-4, R-15, RP, PFD, and C-1 zoning districts and other uses deemed appropriate and incidental to the primary use by the City Commission.

The Mixed-Use PUD located within the Mixed Community land use category shall accommodate a use mix consistent with at least two of the three of the following table and shall not exceed a density of 6 units per acre:

Use	Minimum	Maximum
Residential	15%	65%
Commercial	5%	30%
Institutional	5%	35%
Parks & Open Space	20%	
FAR		.70
ISR		.80

The Mixed-Use PUD located within the General Mixed Use land use category shall accommodate a use mix consistent with at least two of the three of the following table and shall not exceed a density of 12 units per acre:

Use	Minimum	Maximum
Residential	15%	65%
Commercial	5%	30%
Institutional	5%	25%
Parks & Open Space	20%	
FAR		.70
ISR		.80

The Mixed- Use PUD shall incorporate the following principles:

- (1) The creation of an attractive and high-quality environment that is compatible with the scale and character of the surrounding community.
- (2) The development of commercial, residential, and mixed-use areas that is safe, comfortable and attractive to pedestrians.
- (3) The location of the commercial center so that it is easily accessible by pedestrians from as many of the residential areas as possible.
- (4) The maximization of shared parking.

- (5) To develop a network of parks, walkways, public art, and cultural facilities that encourage a sense of place and the overall health and well-being of the community.
- (6) To encourage a mix of housing types and styles that provides people with affordable housing choices that can accommodate changes in lifestyle.
- (7) Encourage alternative forms of transportation.

iii) **Commercial PUD** – Commercial uses as permitted under the C-1 zoning district and other uses deemed appropriate and incidental to the primary use by the City Commission.

iv) **Industrial PUD** – Industrial uses as permitted under the Industrial zoning district, commercial uses intended to service the primary uses and other uses deemed appropriate and incidental to the primary use by the City Commission.

a) **Maximum Density/Intensity**

The maximum density/intensity allowed within the PUD shall be as delineated by the land use districts on the Future Land Use Map. A density bonus may be permitted as outlined in Section 154.030(d)(8)(I), below.

b) **PUD Land Uses**

Land uses proposed within a PUD must conform to uses allowed within the land use designations of the Future Land Use Map of the Comprehensive Plan.

B) *Minimum Parcel Size*

The minimum size of any parcel shall be ten (10) acres. A lesser minimum area may be approved if the City Commission determines that the intent and purpose of the PUD district and expressed municipal development policy would be served in such case.

C) *Unified Ownership*

All land within the PUD shall be under the ownership or control of the applicant at the time of execution of the development agreement whether the applicant be an individual, partnership or corporation or groups of individuals, partnerships or corporations.

D) *Setbacks and Buffering*

Setback requirements within the PUD shall be flexible however, in no case shall the setback be less than ten (10) feet between structures. Buffering requirements shall be established at the time of rezoning of

the property to a PUD.

E) *Pre-application Conference (Optional)*

It is recommended that a pre-application conference be held between the City Manager or designee and the developer or the developer's representatives, in order to verify the steps necessary for application and review, and discuss potential issues regarding the PUD proposal. Comments made during the pre-application conference are totally non-binding on the formal review of the preliminary development plan.

F) *Application for Rezoning*

Application for preliminary development plan and rezoning approval shall be made to the City utilizing the form provided by the City. The application shall be accompanied by one (1) hardcopy along with one (1) electronic copy of the preliminary plan prepared in accordance with the requirements of the Land Development Code.

G) *Preliminary Development Plan*

In order to implement the goals and policies of the Comprehensive Plan and to streamline the development review process, the applicant shall have the option of preparing the following types of submittals:

- i) **Conceptual Plan** – If the applicant so chooses, a conceptual plan may be submitted prior to the first rezoning hearing for review by the TRC. The conceptual plan shall include the following, which shall not be a bubble plan:
 - a) Boundary of subject property.
 - b) Major natural features such as lakes, streams, wetlands and natural communities.
 - c) Existing or proposed streets abutting the project.
 - d) Generalized location map and legal descriptions, including acreage.
 - e) Proposed land use types and their location including perimeter buffers and setbacks from perimeter boundary.
 - f) Gross densities.
 - g) Typical lot sizes showing setbacks and dimensions.
 - h) Number of units and type.
 - i) Floor area for commercial or industrial.
 - j) Adjacent zoning.

- k) Maximum building heights.
- l) Anticipated phasing plan.
- m) Proposed method of providing water service, including fire protection, sewage disposal, and stormwater management.
- n) Percentage of Open Space and location.
- o) Acreage of Parks/Recreation and location.
- p) Typical road section.
- q) Soils and 100-year flood prone areas.
- r) Project name.

- s) Existing topography at one-foot contours based on Lake County or St. Johns River Water Management District datum.
- t) Net living area for each type of dwelling unit.
- u) Preliminary Environmental Assessment per Chapter of the Land Development Code.
- v) Parking & Loading facilities.
- w) Any other information deemed pertinent by the TRC, Planning and Zoning Board or City Commission.

Upon approval of the Conceptual Plan and rezoning application by the TRC, the Planning and Zoning board and the City Commission, a preliminary development plan must be submitted for review and approval by the TRC prior to construction.

- ii) **Preliminary Development Plan** – In order to streamline the process, the applicant may elect to file a preliminary development plan for rezoning approval that meets the following requirements as outlined below. This plan can be submitted in lieu of the conceptual plan.
 - a) All items required for submittal of a Conceptual Plan outlined in 154.030 (d)(12)(g)(i).
 - b) Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information. If the property is owned by a corporation or company, the name and address of its president and secretary, and state of incorporation shall be given.
 - c) Acreage of lots, drainage areas, common areas, and other uses; and the minimum lot size, average lot size and total number of lots, lot typical details including interior and corner lots, setbacks, phase lines, future land use, zoning, density and open space. Future land use and zoning information for adjacent properties.
 - d) Existing topography using one (1) foot contours based upon National Geodetic Vertical datum, and delineation of Flood Insurance Rate Map flood zones. All development located partially within or wholly within the Special Flood Hazard Area must be completed in accordance with Section 161.090.
 - e) Environmental assessment showing all wetlands, delineation of wooded areas and vegetative communities, if required threatened and endangered species information and a separate tree survey showing all specimen trees. See Chapter 165.

- f) All existing buildings, utilities, roads, easements or other improvements on the property, and all roads and lot lines within one hundred fifty (150) feet of the property boundary.
- g) Acreage and square feet open space, preservation areas and common areas.
- h) Required landscaping, required buffers and any fences or walls as outlined in Chapter 164.
- i) A soils report delineating the soils existing on the site to be developed.
- j) Proposed stormwater management plan and drainage control facilities.
- k) Utility sources, distribution and collection lines, if available, (including but not limited to water, sewer, electricity, cable television and telephone).
- l) Traffic Study/Traffic Statement. The traffic study shall follow the requirements of the Lake-Sumter Metropolitan Planning Organization (MPO) Transportation Concurrency Management System Traffic Impact Study Methodology Guidelines Document for Lake County.
- m) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Commission.

Should the developer elect to submit the preliminary plan with the rezoning application, and upon approval of the rezoning application, the applicant can proceed with final development plan approval as outlined below.

iii) Final Development Plan

- a) All items required for submittal of Preliminary Development Plan outlined in 154.030 (d)(12)(g)(ii).
- b) Acreage and square feet open space, preservation areas, and common areas.
- c) Required landscaping, required buffers and any fences or walls as outlined in Chapter 164.
- d) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Commission.

A minimum of twenty-five percent (25%) of the total project area shall be established and maintained as common open space or common facilities. No area shall be accepted as common open space unless it satisfies the following standards.

- i) Common open space shall be dedicated to and useable by all residents of the Planned Unit Development or specific phase thereof.
- ii) Common open space set aside for recreational use shall be suitably improved for its intended use. Such improvements may include aesthetic, amenities, buffering or recreational facilities.
- iii) Common open space set aside for the preservation of natural features or listed species habitats or for buffering purposes shall remain undisturbed and be protected by conservation easements dedicated to the property owner's/homeowner's association or State agency pursuant to Chapter 165 of the Land Development Code.
- iv) Common open space shall not be used for the construction of any structures other than recreational facilities and incidental maintenance buildings.
- v) Common open space shall be maintained by the Home Owner's Association or other legal entity of the Planned Unit Development or the specific phase thereof.

I) *Density Bonuses*

i) Affordable Housing

Residential developments may receive a density bonus not to exceed 20% of the density permitted by the applicable land use designation for the provision of affordable housing units.

An affordable dwelling unit shall be a dwelling unit which:

- a) has a market value less than two (2) times 80% of the median annual household income of Lake County or
- b) has a monthly rent less than or equal to $\frac{1}{12} \times 25\%$ of 80% of the median annual household income of Lake County.
- c) the affordable housing density bonus shall be determined as follows:

% of total units affordable	Bonus
20 – 30%	10%
31 – 50%	15%

51% +	20%
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ii) **Environmental Protection**

Residential developments may receive a density bonus of up to 100% of the number of units allowed by the underlying comprehensive land use designation for the transfer of units from onsite non-altered wetlands and upland habitat.

- a) The total number of units transferred shall not exceed the gross density as allowed on the Future Land Use Map.
- b) A conservation easement pursuant to Chapter 165 of the Land Development Code shall be recorded for the property from which the units are to be transferred. Such easement shall specify that no uses other than passive recreation uses shall be allowed on the property and shall state that the easement shall restrict such land in perpetuity. The easement shall be approved by the City Attorney and recorded in the public records of Lake County.

J) *Application Review Process*

- i) **Technical Review Committee (TRC).** All applications shall be reviewed by the TRC staff and members' comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the TRC shall be transmitted in writing to the applicant no later than five (5) working days after the meeting. A formal staff report will be forwarded to the Planning and Zoning Board with staff recommendations.
- ii) **Resubmittal of the Revised Preliminary Development Plan.** Resubmittal of the preliminary development plan reflecting revisions required by TRC comments shall be made within five (5) days of the regularly scheduled TRC meeting.

K) *Approval of Application for Rezoning*

- i) **Planning and Zoning Board Action.** The Planning and Zoning Board shall consider the submitted plan and rezoning application at a regularly scheduled meeting to determine if the application meets the requirements of this code. Upon consideration of comments and recommendations of the TRC and public, the Board shall take one of the following actions:
 - a) Postpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.
 - b) Recommend that the application be approved.

- c) Recommend that the application be approved with conditions.
 - d) Recommend that the application be denied.
- ii) **City Commission Approval.** The City Commission shall consider the submitted plan and rezoning application at a regularly scheduled meeting and determine if the application meets the requirements of the Land Development Code. Upon consideration of the comments of the TRC, the public, and the recommendation of the Planning and Zoning Board, the City Commission shall take one of the following actions:
- a) Postpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.
 - b) Approve the application.
 - c) Approve the application with conditions.
 - d) Deny the application.

L) *Alterations to Preliminary Development Plan*

Alterations to the approved Preliminary Development Plan shall be classified as either substantial or non-substantial amendments. The following criteria shall constitute a substantial amendment.

- i) A change which would include a land use not previously permitted under the approved PUD zoning.
- ii) A change that would increase the land use intensity by ten percent (10%) within any development phase without a corresponding decrease in some other portion of the overall PUD.
- iii) A change that would require an amendment to the conditions approved by the City Commission.
- i) A change that would reduce the required open space by more than ten percent (10%).
- ii) Any change that would eliminate pedestrian facilities or multi-use trails.

A determination of a substantial or non-substantial alteration shall be made by the City Manager or designee.

Alterations to the preliminary development plan which are determined to be substantial must be submitted with plans and support data for review by the TRC, the Planning and Zoning Board and the City Commission.

All proposed alterations to an approved plan must be submitted to the City Manager or designee for a determination of whether the alteration is substantial or non-substantial.

M) *Execution of Master Development Agreement*

The second reading of the ordinance for rezoning any land to a PUD district shall not take place until the developer has provided an executed copy of the master development agreement to the City Manager or designee. The document shall be a fully corrected copy which addresses all issues discussed prior to the scheduled second reading. The document shall also include reduced copies of the revised conceptual plan exhibits. If there are no additional requirements, corrections, or conditions attached by the City Commission at the second reading, the executed document shall be signed by the City Manager and Mayor and forwarded to the County Clerk for recording. If there are additional requirements, corrections or conditions attached by the City Commission at the second reading, the applicant shall revise the agreement and conceptual plan and return the documents to the City Manager or designee within thirty (30) days for execution and recording. The requirement to return the document within thirty (30) days shall be specified by the City Commission as a condition for approval of the rezoning.

N) *Failure to Provide Timely Resubmission*

Failure to meet any of the resubmission deadlines cited above shall require the filing of a new application, including the appropriate review fees. However, the City Manager may extend the deadlines cited above, when warranted by unforeseeable events. A request for extension shall be filed in writing with the City explaining the circumstances justifying the extension.

O) *Final Development Plan Approval*

Unless otherwise noted within the development agreement, final development approval for subdivisions or site plans within the PUD shall be required in accordance with the general procedures established by this code. Conceptual plan exhibits of the master development agreement which fully satisfy the requirements for - preliminary subdivision plan submittal shall be considered as such.

P) *Expiration of Master Development Agreement*

Any master development executed and recorded after the adoption of this development code shall be required to include an expiration date or series of expiration dates tied to specific improvements or phases. Such date(s) shall be determined based upon the size of the project, installation of physical improvements, and any other factors pertinent to the specific proposal. If the City should determine that the developer has failed to satisfy the requirements necessary to avert expiration, the development agreement shall become null and void, and approval of any additional final development plans for the PUD shall not be permitted without resubmission and approval of a

new development agreement in accordance with the procedures established in the land development code.

12) **PFD "Public Facilities District"**

The PFD district is established to manage policies of the comprehensive plan for development of public facilities. This district is established to provide for the special or substantial public interest facilities that are so desired. Conceptual site plans are required to be submitted along with rezoning applications.

A) *Permitted Uses*

- i) Airports.
- ii) Auditoriums, stadiums, arenas, and expositions.
- iii) Broadcasting facilities.
- iv) Municipal/governmental buildings, structures, and uses.
- v) Cemeteries.
- vi) Houses of worship.
- vii) Educational institutions.
- viii) Day care centers.
- ix) Electric power substations and operation centers.
- x) Gas and water metering stations.
- xi) Hospitals, clinics, and medical facilities.
- xii) Public parks and recreational facilities.
- xiii) Post offices.
- xiv) Libraries.
- xv) Police and fire facilities.
- xvi) Sewage treatment facilities.
- xvii) Water supply operations.
- xviii) Adult care facility.
- xix) Clubs, lodges, and fraternal organizations.
- xx) Funeral homes.
- xxi) Crematorium.

- xxii) Any other use of a similar nature when approved by the City Commission.

B) *Locational Criteria for PFD Districts*

- i) The approved use shall front on an arterial or collector roadway. Sewage treatment facilities, water supply operations, electric power substations and operation centers and cemeteries are exempt from this requirement.
- ii) Approved uses shall comply with appropriate landscaping and buffering requirements and access management requirements.
- iii) The site must be located in close proximity to the main user group.
- iv) The approved use must serve the majority of the population.

C) *Maximum Intensity Standard*

The maximum intensity standard shall be seventy (70) percent impervious surface ratio (which includes building coverage) ~~and~~ a maximum building height of thirty-five (35) feet and buildings are limited to 3-story maximum.

D) *Design Standards*

- i) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Fifteen feet (15').
 - c. Rear yard: Fifteen-five feet (15').
- ii) The minimum open space shall be twenty-five percent (25%).

E) *Site Plan Requirements*

- i) In order to establish "PFD" Public Facility District, the applicant must provide a Conceptual site plan as outlined in Section 154.030(d)(7)(G)(i) of the Land Development Code, with a zoning application.
- ii) After approval of the zoning, a final site plan meeting the requirements of Section 160.080 of the Land Development Code must be submitted and approved by the Technical Review Committee (TRC) before any building permits are issued or the start of operation of activity on the site.

13) **GB "Greenbelt District"**

This district is established to provide green, undeveloped areas and to protect floodplains, wetlands, other natural resources and agricultural uses. Areas of the city in which this category is most appropriate are designated as "conservation" on the future land use map of the comprehensive plan; however, this district is also permitted within all other land use designations.

A) *Permitted Uses*

- i) Groves and farms.
- ii) Single-family homes and customary accessory uses.
- iii) Swamps, wetlands, and forests.
- iv) Private and public gardens.
- v) Pastures.
- vi) Nature preserves.
- vii) Private and public parks.
- viii) Riding stables.

B) *Uses Permitted as Special Exception use Upon Approval by the City Commission*

- i) Golf courses.
- ii) Retail or wholesale plant production, nurseries, and greenhouses.
- iii) Fishing clubs and marinas.

C) *Uses Expressly Prohibited*

All uses not listed above are expressly prohibited.

D) *Site Development Standards*

- i) Minimum lot size (for buildings): One acre.
- ii) Minimum lot width at building line: 200 feet.
- iii) Minimum dwelling size: 1000 sq. feet.
- iv) Minimum street frontage: 50 feet.

- v) Minimum building setbacks:
 - Front yard: 50 feet.
 - Side yard: 25 feet.
 - Rear yard: 25 feet.
 - From any street: 50 feet.
- vi) Maximum building height: 35 feet and 3-story maximum.
- vii) Parking: See Section 162.040.
- viii) Landscaping and buffers: See Section 164.030.
- ix) Signs: See Chapter 163.
- x) Access: See Section 162.030.

14) **CBD "Central Business District Mixed Use"**

This district is established to encourage economic activity, living quarters and local employment opportunities within the central area of the City. Residential density shall not exceed four (4) dwelling units per acre, unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre.

A) *The following uses shall be permitted*

- i) Residential dwelling units on the 2nd or 3rd floor.
- ii) Bed and Breakfast Inn.
- iii) Convenience stores without fuel operations.
- iv) Business Services.
- v) Financial Services.
- vi) Retail sales and services.
- vii) Medical Office/Clinic.
- viii) Professional Services Office.
- ix) Office Supply.

x) Personal Services.

xi) Restaurants.

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

i) Banks.

ii) Daycare Centers.

iii) Health/Exercise Clubs.

iv) Tattoo parlor.

v) Veterinary Offices.

vi) Game Recreation Facility.

C) *Uses Expressly Prohibited*

i) Commercial parking.

ii) Industrial land uses.

iii) Uses prohibited by City, State, or Federal law.

iv) Adult Entertainment.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Maximum Intensity Standard*

Coverage shall be limited to eighty (80) percent impervious surface ratio (which includes building coverage), a maximum floor area ratio of 1.0, ~~and~~ a maximum building height of three stories and 35-ft.

F) *Design Standards*

i) Minimum lot size shall be six thousand (6,000) square feet with central sewer. Minimum lot size shall be ten thousand (10,000) square feet with septic tanks.

- ii) Minimum lot width shall be sixty feet (60') with central sewer at the front property line and eighty feet (80') with septic tank unless the lot is located on a cul-de- sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Ten feet (10'). A zero-lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.
 - c. Rear yard: Fifteen feet (15').
- iv) The minimum open space shall be twenty percent (20%).

EXHIBIT A

CHAPTER 154

ZONING DISTRICT REGULATIONS

SECTION 154.030: ESTABLISHMENT OF ZONING DISTRICTS AND OFFICIAL ZONING MAP

d) Purpose and Intent of Zoning Districts

This section presents the basic purpose and intent of each zoning district.

1) **R-2 "Single Family Low Density Residential"**

This district is established to implement comprehensive plan policies for managing low-density, single-family residential development at a density not to exceed two (2) single-family dwelling units per acre. The R-2 district is established to preserve the stability of existing and future conventional single-family residential neighborhoods, preserve open space, and manage future densities in order to assure that future densities are compatible with existing developments, natural features of the land, as well as existing and projected public services and facilities within the area.

A) *The following uses shall be permitted:*

- i) Single-family detached dwelling units.
- ii) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage and maximum square footage pursuant to the zoning district.
- iii) Customary accessory structures incidental to the principal structure pursuant to Section 156.010 of the Land Development Code.
- iv) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.
- v) Home Occupations pursuant to Section 156.020 of the Land Development Code.

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

- i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of the Land Development Code.

C) *Uses Expressly Prohibited*

- i) Single-family attached dwelling units.
- ii) Multi-family residential dwelling units.
- iii) Two family (duplex) dwelling units.
- iv) Commercial land uses.
- v) Industrial land uses.
- vi) Any use prohibited by City, State, or Federal law.
- vii) Adult Entertainment.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as a conditional use pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size shall be twenty thousand (20,000) square feet.
- ii) Minimum lot width shall be one hundred feet (100') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. ~~Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- iv) Minimum setbacks requirements:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Fifteen feet (15')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty-five feet (25')
Garage setback from roadway: Twenty-five feet (25')
- v) Maximum building coverage: Thirty percent (30%).
- vi) Minimum living area shall be one thousand two hundred (1,200) square feet exclusive of porches, garages or utility

rooms.

- vii) The minimum open space shall be twenty-five percent (25%).

2) **R-4 "Single-Family Medium Density Residential"**

This district is established to implement comprehensive plan policies for managing traditional single-family residential development at a density not to exceed four (4) dwelling units per acre. This district is established to preserve the stability of existing and future residential neighborhoods, preserve open space, and manage future densities to assure a smooth transition between low-density residential and areas designed for more intense uses, natural features of the land, as well as existing and projected public services and facilities within the area.

A) *The following uses shall be permitted:*

- i) Single-family detached residential dwelling units.
- ii) Customary accessory structures incidental to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- iii) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- iv) Home Occupations pursuant to Section 156.020 of the Land Development Code.
- v) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.

B) *Uses Permitted as Special Exception Use Upon Approval by the City Commission*

- i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of the Land Development Code.
- ii) Small Homestay Bed and Breakfast Inn.

C) *Uses Expressly Prohibited*

- i) General Commercial land uses.
- ii) Industrial land uses.
- iii) Any use prohibited by City, State, or Federal law.

- iv) Multi-family dwelling unit.
- v) Two-family (duplex) dwelling units.
- vi) Single family attached dwelling units.
- vii) Adult Entertainment.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size shall be ten thousand (10,000) square feet provided central sewer is utilized. Minimum lot size shall be twelve thousand five hundred (12,500) square feet when septic tanks are utilized.
- ii) Minimum lot width shall be eighty feet (80') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) ~~Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- iv) Minimum setbacks requirements:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25').
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20')
Garage setback from roadway: Twenty-five feet (25').
- v) Maximum building coverage: Thirty percent (30%).
- vi) Minimum living area shall be one thousand twelve hundred (1,200) square feet exclusive of porches, garages or utility rooms.
- vii) The minimum open space shall be twenty-five percent (25%).

3) **R-8 "Multi-Family Low Density Residential"**

This district is established to provide for medium density residential development not restricted to single-family dwelling units. Density shall not exceed four (4) units per acre unless central sewer facilities are available at which time density is not allowed to exceed eight (8) dwelling units per acre. This zoning district will facilitate the transition between lower intensity and higher intensity residential uses.

A) *The following uses shall be permitted:*

- i) Single-family detached residential dwelling units.
- ii) Single-family attached residential dwelling units.
- iii) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- iv) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- v) Home Occupations pursuant to Section 156.020 of the Land Development Code.
- vi) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with 1-6 residents.
- vii) Two family (duplex) dwelling units.
- viii) Multi-family dwelling units.
- ix) Mobile Home Subdivision Development Requirements. The developer shall prepare and submit plans in accordance with the Subdivision Regulations of Chapter 157 of the Land Development Code.
- x) Small and Medium Home Stay Bed and Breakfast Inn

B) *Uses Permitted as Special Exception Use Upon Approval by the City Commission*

- i) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents pursuant to Section 155.030(b)(5) of Land Development Code.

C) *Uses Expressly Prohibited*

- i) General Commercial land uses.
- ii) Industrial land uses.
- iii) Adult Entertainment.
- iv) Any use prohibited by City, State, or Federal law.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized. All lot widths are measured at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- vi) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. ~~Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- vii) Minimum setbacks requirements for single family,

duplex and triplex units:

- a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
- a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Fifteen feet (15')

Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20').
Garage setback from roadway:
Twenty-five feet (25')
- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

4) **R-3A “High Density Residential/Neighborhood Commercial”**

This district is established to provide for a mix of high density residential and neighborhood commercial uses not to exceed four (4) dwelling units per acre unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre. Buildings are limited to 3-story maximum and maximum height of 35-ft. It is intended to provide essential services

to residential areas without detrimental effects to residential neighborhoods. Any future request for commercial development in this category will require rezoning to Planned Unit Development consistent with Section 154.030(d)(10).

A) *The following uses shall be permitted:*

- i) Single-family attached dwelling units.
- ii) Single-family detached dwelling units.
- iii) Two-family (duplex) residential dwelling units.
- iv) Multi-family residential dwelling units.
- v) Customary accessory structures incidental to the principal use not to exceed 30% of living area of the principal dwelling unit, or 450 square feet, whichever is greater.
- vi) Home occupations pursuant to Section 156.020 of the Land Development Code.
- vii) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
- viii) Day Care Centers.
- ix) Offices for professional services.
- x) Personal services.
- xi) Commercial uses less than 25,000 square feet, when approved through the Planned Unit Development process in Section 154.030(d)(10).

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

- i) Mobile home subdivisions/parks.
- ii) Adult congregate living facilities.
- iii) Nursing homes.
- iv) Small, medium, and large Homestay Bed and Breakfast Inn.

C) *Uses Expressly Prohibited*

- i) Commercial land uses greater than 25,000 square feet.
- ii) Industrial land uses.

iii) Adult Entertainment.

iv) Uses prohibited by City, State or Federal law.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

5) **R-10 "Multi-Family Medium Density"**

This district is established to provide for a mix of high density residential and neighborhood commercial uses not to exceed four (4) dwelling units per acre, unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre. It is intended to provide essential services to residential areas without detrimental effects to residential neighborhoods.

A) *The following uses shall be permitted:*

- i) Single-family attached dwelling units.
- ii) Single-family detached dwelling units.
- iii) Two-family (duplex) residential dwelling units.
- iv) Multi-family residential dwelling units.
- v) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- vi) Accessory dwelling units for non-paying family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling unit may not be rented or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- vii) Home occupations pursuant to Section 156.020 of the Land Development Code.
- viii) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
- ix) Small, medium, and large Homestay Bed and Breakfast Inn.

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

- i) Mobile home subdivisions/parks.
- ii) Adult congregate living facilities.
- iii) Nursing homes.

C) *Uses Expressly Prohibited*

- i) General Commercial land uses
- ii) Industrial land uses.
- iii) Adult Entertainment.
- iv) Uses prohibited by City, State or Federal law.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. The lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.

- vi) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. ~~Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- vii) Minimum setbacks requirements for single family, duplex and triplex units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway - Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways - Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
 - a. Front yard: Thirty feet (30')
 - b. Front yard garage: Twenty-five feet (25')
 - c. Side yard: Fifteen feet (15')
 - d. Rear yard: Thirty feet (30')
- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet each exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

6) **R-15 "Multi-Family High Density Residential"**

This district is established to implement comprehensive plan policies for managing high density residential development at a density not to exceed four (4) dwelling units per acre unless central sewer facilities are available at which time density is not allowed to exceed (15) dwelling units per acres. This district is established to ensure that sufficient land is available for high density residential development.

- A) *The following uses shall be permitted:*
- i) Single-family attached residential dwelling units.
 - ii) Single-family detached residential dwelling units.
 - iii) Two-family (duplex) residential dwelling units.
 - iv) Multi-family residential dwelling units.
 - v) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
 - vi) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development Code. Accessory dwelling units may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
 - vii) Home Occupations pursuant to Section 156.020 of the Land Development Code.
 - viii) Licensed Community Residential Homes, Group Homes and Foster Care Facilities with more than six (6) residents.
 - ix) Small, Medium, and Large Homestay Bed and Breakfast Inn.
- B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*
- i) Mobile home subdivisions/parks.
 - ii) Adult Congregate Living Facilities.
 - iii) Nursing Homes.
- C) *Uses Expressly Prohibited*
- i) General Commercial land uses.
 - ii) Industrial land uses.
 - iii) Uses prohibited by City, State, or Federal law.
- D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Design Standards*

- i) Minimum lot size for single family dwellings shall be eight thousand (8,000) square feet provided central sewer is utilized. Minimum lot size for single family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- ii) Minimum lot size for multi-family dwellings shall be six thousand (6,000) square feet provided central sewer is utilized. Minimum lot size for multi-family shall be ten thousand (10,000) square feet when septic tanks are utilized.
- iii) Minimum lot size for triplex units shall be nine thousand (9,000) square feet provided central sewer is utilized. Minimum lot size shall be fifteen thousand (15,000) square feet when septic tanks are utilized.
- iv) Minimum lot width for single family shall be sixty-five feet (65') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- v) Minimum lot width for multi-family shall be sixty feet (60') provided central sewer is utilized. The lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- vi) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. ~~Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire Inspector and Building Official.~~
- vii) Minimum setbacks requirements for single family, duplex and triplex units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')
Another lot - Ten feet (10')
Garage setback from roadway: Twenty-five feet (25')
 - c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20'). Each additional story of triplex units will add five feet (5') to the rear setback.
Garage setback from roadway: Twenty-five feet (25')
- viii) Minimum setbacks requirements for multi-family units:
 - a. Front: Local roadways - Twenty feet (20')
Garage setback from roadway - Twenty-five feet (25').
 - b. Side: Local roadway – Twenty feet (20')

Another lot - Fifteen feet (15')
Garage setback from roadway: Twenty-five feet (25')

- c. Rear: Local roadways – Twenty feet (20')
Another lot - Twenty feet (20').
Garage setback from roadway: Twenty-five feet (25')

- ix) Maximum building coverage: Thirty percent (30%).
- x) Minimum living area for single family shall be one thousand (1,000) square feet exclusive of porches, garages or utility rooms. Minimum living area for multi-family, duplex and triplex shall be six hundred (600) square feet each exclusive of porches, garages or utility rooms.
- xi) The minimum open space shall be twenty-five percent (25%).

7) **RP "Residential Professional"**

This district is established to implement comprehensive plan policies for managing transitional areas where existing residential structures can be utilized for personal and professional services and not adversely affect adjacent property. The density cannot exceed four (4) dwelling units per acre.

A) *The following uses shall be permitted:*

- i) Single Family Detached dwelling units
- ii) Customary accessory structures to the principal structure pursuant to Section 156.010 of the Land Development Code. The accessory structures shall comply with maximum building coverage pursuant to the zoning district.
- iii) Accessory dwelling unit for non-paying guests or family members pursuant to Section 156.010 of the Land Development code. Accessory dwelling unit may not be rented separately or sold separately from the principal structure. Accessory dwelling unit shall comply with the maximum building coverage pursuant to the zoning district.
- iv) Business Services.
- v) Financial Services.
- vi) Personal Services.
- vii) Multi-family dwelling units.
- viii) Medical office/Clinic
- ix) Home occupations pursuant to Section 156.020 of the land Development Code.

- x) Small, Medium, and Large Homestay Bed and Breakfast Inn
- B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*
 - i) Banks.
 - ii) Day Care Centers.
 - iii) Health/Exercise Clubs.
 - iv) Office/Warehouse Facilities.
 - v) Veterinary Offices.
 - vi) Game Recreation Facility.
- C) *Uses Expressly Prohibited*
 - i) Commercial parking.
 - ii) Industrial land uses.
 - iii) Uses prohibited by City, State, or Federal law.
 - iv) Adult Entertainment.
- D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.
- E) *Design Standards*
 - i) Minimum lot size shall be ten thousand (10,000) square feet provided central sewer is utilized. Minimum lot size shall be twelve thousand five hundred (12,500) square feet when septic tanks are utilized.
 - ii) Minimum lot width shall be one hundred feet (100') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
 - ~~iii) Maximum building height shall be thirty-five feet (35') and buildings are limited to 3-story maximum. Maximum building height may be increased if adequate fire protection measures are provided and approved by the City Fire and Building Official.~~
 - iv) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')

- b. Front yard garage: Twenty-five feet (25')
- c. Side yard: Ten feet (10')
- d. Rear yard: Twenty feet (20').
- v) Maximum Impervious Surface Ratio: seventy percent (70%).
- vi) The minimum open space shall be twenty-five percent (25%).

8) **C-1 "Neighborhood Commercial"**

This district is established to implement comprehensive plan policies for managing transitional areas between residential land uses and more intense commercial and industrial uses. This district is established to provide sufficient land for both medium density residential at a density not to exceed six (6) units per acre and professional/light commercial uses.

A) *The following uses shall be permitted:*

- i) Offices for professional services.
- ii) Personal services.
- iii) Convenience stores without fuel operations.
- iv) Laundry and dry-cleaning retail stores.
- v) Day care centers.
- vi) Adult Congregate Living Facilities.
- vii) Licensed Community Residential Homes, Group Homes, Foster Care Facilities with more than six (6) residents.
- viii) Clubs, Lodges, and Fraternal Organizations.
- ix) Financial Services.
- x) Office Supply.
- xi) Retail Sales & Services.
- xii) Business Services.
- xiii) Small, Medium, and Large Homestay Bed & Breakfast Inn.
- xiv) Office Complex.
- xv) Maintenance General Contractor.

- xvi) Medical Office/Clinic.
- xvii) Family Amusement Arcade
- xviii) Adult Arcade Amusement Center/Internet Café as define in Chapter 116 of City Code of Ordinances
- xix) Licensed Medical Marijuana Treatment Centers as proved in s. 381.986, Florida Statutes.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission*

- i) Convenience stores with fuel operations.
- ii) Restaurants.
- iii) Banks.
- iv) Athletic/Sports Facility.
- v) Game/Recreation Facility.
- vi) Health/Exercise Club.
- vii) Mini-warehouses.
- viii) Veterinary Office.
- ix) Xerographic and Offset Printing.
- x) Office/Warehouse Facility.

C) *Uses Expressly Prohibited*

- i) Commercial Parking.
- ii) Wholesale commercial uses.
- iii) Industrial uses.
- iv) Uses prohibited by City, State, and Federal law.
- v) Adult Entertainment.
- vi) RV Parks.
- vii) Outside storage.

D) *Other Possible Uses*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed as a conditional use pursuant

to Chapter 155 of this Code.

E) *Maximum Intensity Standard*

The maximum intensity standard shall be limited to seventy (70) percent impervious surface ratio (which includes building coverage), and maximum floor area ratio of 0.5~~5~~, ~~and a~~ The maximum building height is of thirty-five (35) feet and buildings are limited to 3-story maximum. ~~unless adequate fire protection is provided and approved by the City Fire Inspector and Building Official.~~

F) *Design Standards*

- i) Minimum lot size shall be fifteen thousand (15,000) square feet.
- ii) Minimum lot width shall be one hundred twenty-five feet (125') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Ten feet (10'). A zero-lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.
 - c. Rear yard: Fifteen feet (15').
- iv) The minimum open space shall be twenty-five percent (25%).

9) **C-2 "General Commercial"**

This district is established to implement comprehensive plan policies for managing commercial development. This district is designed to accommodate general retail sales and services.

A) *The following uses shall be permitted:*

- i) Adult/Vocational Education.
- ii) Appliance/Electronic Repair Shops.
- iii) Athletic/Sports Facility.
- iv) Auction Houses.
- v) Banks.
- vi) Bars, Lounges, and Night Clubs.

- vii) Boat Sales and Services.
- viii) Business Services.
- ix) Commercial/Industrial Equipment and Supplies.
- x) Convenience Stores with or without Fuel Operations.
- xi) Day Care Centers.
- xii) Equipment Rental.
- xiii) Financial Services.
- xiv) Furniture and Appliance Stores.
- xv) Game/Recreational Facilities.
- xvi) Health/Exercise Clubs.
- xvii) Hotels/Motels.
- xviii) Kennels.
- xix) Maintenance Contractors.
- xx) Medical Office/Clinic.
- xxi) Motor Vehicle Service Centers.
- xxii) Motor Vehicle Service Stations.
- xxiii) Offices.
- xxiv) Office Complex.
- xxv) Office Supplies.
- xxvi) Pawn Shops.
- xxvii) Personal Services.
- xxviii) Restaurants.
- xxvii) Retail Home Building Materials.
- xxviii) Retail Sales and Services.
- xxix) Shopping Center.
- xxx) Theaters.
- xxxi) Transportation Services.

- xxxii) Wholesalers and Distributors.
- xxxiii) Veterinary Clinic.
- xxxiv) Licensed Community residential homes, group homes and foster care facilities with more than six (6) residents.
- xxxv) One single family dwelling unit for owners/caretaker's residence.
- xxxvi) Motor Vehicle Repair Facility.
- xxxvii) Xerographic and Offset Printing.
- xxxviii) Commercial Parking.
- xxxix) Family Amusement Arcade.
- xl) Adult Arcade Amusement Center/Internet Cafes as defined in Chapter 116 of the City Code of Ordinances.
- xli) Licensed Medical Marijuana Treatment Centers as Provided in s, 381.986, Florida Statutes.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission*

- i) Gun & Archery Range.
- ii) Trucking Terminal.
- iii) Farmers/Flea Markets
- iv) Natural Gas/Propane Distribution Centers.
- v) Mobile Homes Sales.
- vi) Motor Vehicle and Boat Storage Facilities.
- vii) Motor Vehicle Dealer Sales.
- viii) Motor Vehicle Sales.

C) *Uses permitted as a Conditional Use Approval of the City Commission*

- i) Mini warehouses.

D) *Uses Expressly Prohibited*

- i) Residential uses, except as stated above in Section 154.030 (8)(A)(xxxvii) and (8)(A)(xxxviii).

- ii) Industrial uses.
- iii) Uses prohibited by City, State, and Federal law.
- iv) Adult Entertainment.
- v) Outside storage.

E) *Other Possible Uses*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed as a conditional use pursuant to Chapter 155 of the Code.

F) *Maximum Intensity Standard*

- i) The maximum intensity standard shall be limited to seventy (70) percent impervious surface ratio (which includes building coverage), ~~and a maximum floor area ratio of .50, and a~~ The maximum building height of is thirty-five (35) feet and buildings are limited to 3-story maximum. unless adequate fire protection is provided and approved by the City Fire Inspector and Building Official.

G) *Design Standards*

- i) Minimum lot size shall be twenty thousand (20,000) square feet.
- ii) Minimum lot width shall be one hundred fifty feet (150') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setback requirements:
 - a. Front yard: Fifty feet (50')
 - b. Side yard: Ten feet (10'). A zero-lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.
 - c. Rear yard: Fifteen feet (15').
- iv) The minimum open space shall be twenty-five percent (25%).

10) **I "Industrial"**

This district is established to implement comprehensive plan policies for managing industrial development and to provide development for

limited industrial operations engaged in fabricating, repair or storage of manufactured goods, where no objectionable by-products of the activity (such as odors, smoke, dust, refuse, electro-magnetic interference, noise in excess of that customary to loading, unloading and handling of goods and materials) are noticeable beyond the lot on which the facility is located. No hazardous materials may be utilized by the industrial operations permitted in this district. The location of such districts shall take into consideration access to rail and terminal facilities, major arterial roadways, labor markets and necessary urban services. Such districts shall be accessible to major thoroughfares and buffered from residential neighborhoods.

A) *The following uses shall be permitted:*

- i) Airport and related activities.
- ii) Agriculturally related industry.
- iii) Boat repair.
- iv) Commercial/Industrial Service.
- v) Construction Contractor's Yard and Storage.
- vi) Distribution Centers.
- vii) Laboratory/Research and Development.
- viii) Laundry/Dry Cleaning Plants.
- ix) Manufacturing: Craftsman Shops.
- x) Manufacturing: Fabrication.
- xi) Manufacturing: Processing.
- xii) Motor Vehicle Repair Facility.
- xiii) Motor Vehicle Towing and Impoundment.
- xiv) Trucking Terminal.
- xv) Warehousing.
- xvi) Wholesale Commercial Uses.
- xvii) Xerographic and Offset Printing.
- xviii) Appliance/Electronic Repair Shops.
- xix) Commercial Parking.
- xx) Maintenance Contractor.

- xxi) Motor Vehicle Service Center.
- xxii) Motor Vehicle Service Station.
- xxiii) Transportation Service.
- xxiv) Family Amusement Arcade.
- xxv) Adult Arcade Amusement Center/Internet Cafes.
- xxvi) Adult Entertainment.

a) Adult entertainment uses shall be permitted as long as they are not located nearer than five hundred (500) feet to any other adult entertainment establishment, or nearer than five hundred (500) feet to any place of worship, child care center, or educational center, except vocational and technical schools, colleges, and universities.

B) *Uses Permitted as a Special Exception Use Upon Approval of the City Commission*

- i) One single-family residential dwelling unit on the site of a permitted use to be used exclusively by an owner/caretaker.
- ii) Used motor vehicle parts yard.
- iii) Natural Gas/Propane Distribution Centers.

C) *Uses Expressly Prohibited*

- i) Residential dwelling units except for Section 154.030(d)(7)(b)(I).
- ii) Uses prohibited by City, State, and Federal law.

D) *Other Possible Uses*

Any use not listed as permitted, permitted as a special exception use or prohibited may be allowed pursuant to Chapter 155 of this Code.

E) *Maximum Intensity Standard*

The maximum intensity standard shall be limited to seventy-five (75) percent impervious surface ratio (which included building coverage), a maximum floor area ratio of .50, ~~and a maximum building height of thirty-five (35) feet and buildings are limited to 3-story maximum. unless adequate fire protection is-~~

~~provided and approved by the City Fire Inspector and Building Official.~~

F) *Design Standards*

- i) Minimum lot size shall be thirty thousand (30,000) square feet.
- ii) Minimum lot width shall be two hundred fifty feet (200') at the front property line unless the lot is located on a cul-de-sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setbacks requirements:
 - a. Front yard: Fifty feet (50')
 - b. Side yard: Twenty-five feet (25').
 - c. Rear yard: Twenty-five feet (25').
- iv) The minimum open space shall be twenty-five percent (25%).

11) **PUD "Planned Unit Development"**

The PUD district is established to implement comprehensive plan policies for encouraging affordable housing by allowing a variety of housing types with a broad range of housing costs. This district is designed to encourage innovative development concepts to provide design amenities and to manage natural features of the land. The location of such PUDs will be dictated by the type of development that will be provided. (Residential PUDs will be located in residentially designated areas of the Future Land Use Map of the comprehensive plan, commercial PUDs will be located in commercially designated areas of the Future Land Use Map, etc.) Densities and intensities cannot exceed those which are permitted in that area on the Future Land Use Map. Preliminary and/or Conceptual Development plans are required to be submitted along with the rezoning application. Buildings are limited to maximum of 3-story and building height of 35-ft.

A) *The following uses shall be permitted:*

- i) **Residential PUD** – Single- and Multi-family residential dwelling units provided, however, that the housing stock of PUDs located within the Single-family overlay district of the Future Land Use Map which utilize multi-family units must consist of a minimum of 51% single-family dwelling units. On-site recreational facilities and on-site day care facilities, convenience store and personal services intended to service the principal use shall also be permitted.

- ii) **Mixed Use PUD** – All uses as permitted under the R-2, R-4, R-15, RP, PFD, and C-1 zoning districts and other uses deemed appropriate and incidental to the primary use by the City Commission.

The Mixed-Use PUD located within the Mixed Community land use category shall accommodate a use mix consistent with at least two of the three of the following table and shall not exceed a density of 6 units per acre:

Use	Minimum	Maximum
Residential	15%	65%
Commercial	5%	30%
Institutional	5%	35%
Parks & Open Space	20%	
FAR		.70
ISR		.80

The Mixed-Use PUD located within the General Mixed Use land use category shall accommodate a use mix consistent with at least two of the three of the following table and shall not exceed a density of 12 units per acre:

Use	Minimum	Maximum
Residential	15%	65%
Commercial	5%	30%
Institutional	5%	25%
Parks & Open Space	20%	
FAR		.70
ISR		.80

The Mixed- Use PUD shall incorporate the following principles:

- (1) The creation of an attractive and high-quality environment that is compatible with the scale and character of the surrounding community.
- (2) The development of commercial, residential, and mixed-use areas that is safe, comfortable and attractive to pedestrians.
- (3) The location of the commercial center so that it is easily accessible by pedestrians from as many of the residential areas as possible.
- (4) The maximization of shared parking.

- (5) To develop a network of parks, walkways, public art, and cultural facilities that encourage a sense of place and the overall health and well-being of the community.
- (6) To encourage a mix of housing types and styles that provides people with affordable housing choices that can accommodate changes in lifestyle.
- (7) Encourage alternative forms of transportation.

iii) **Commercial PUD** – Commercial uses as permitted under the C-1 zoning district and other uses deemed appropriate and incidental to the primary use by the City Commission.

iv) **Industrial PUD** – Industrial uses as permitted under the Industrial zoning district, commercial uses intended to service the primary uses and other uses deemed appropriate and incidental to the primary use by the City Commission.

a) **Maximum Density/Intensity**

The maximum density/intensity allowed within the PUD shall be as delineated by the land use districts on the Future Land Use Map. A density bonus may be permitted as outlined in Section 154.030(d)(8)(I), below.

b) **PUD Land Uses**

Land uses proposed within a PUD must conform to uses allowed within the land use designations of the Future Land Use Map of the Comprehensive Plan.

B) *Minimum Parcel Size*

The minimum size of any parcel shall be ten (10) acres. A lesser minimum area may be approved if the City Commission determines that the intent and purpose of the PUD district and expressed municipal development policy would be served in such case.

C) *Unified Ownership*

All land within the PUD shall be under the ownership or control of the applicant at the time of execution of the development agreement whether the applicant be an individual, partnership or corporation or groups of individuals, partnerships or corporations.

D) *Setbacks and Buffering*

Setback requirements within the PUD shall be flexible however, in no case shall the setback be less than ten (10) feet between structures. Buffering requirements shall be established at the time of rezoning of

the property to a PUD.

E) *Pre-application Conference (Optional)*

It is recommended that a pre-application conference be held between the City Manager or designee and the developer or the developer's representatives, in order to verify the steps necessary for application and review, and discuss potential issues regarding the PUD proposal. Comments made during the pre-application conference are totally non-binding on the formal review of the preliminary development plan.

F) *Application for Rezoning*

Application for preliminary development plan and rezoning approval shall be made to the City utilizing the form provided by the City. The application shall be accompanied by one (1) hardcopy along with one (1) electronic copy of the preliminary plan prepared in accordance with the requirements of the Land Development Code.

G) *Preliminary Development Plan*

In order to implement the goals and policies of the Comprehensive Plan and to streamline the development review process, the applicant shall have the option of preparing the following types of submittals:

- i) **Conceptual Plan** – If the applicant so chooses, a conceptual plan may be submitted prior to the first rezoning hearing for review by the TRC. The conceptual plan shall include the following, which shall not be a bubble plan:
 - a) Boundary of subject property.
 - b) Major natural features such as lakes, streams, wetlands and natural communities.
 - c) Existing or proposed streets abutting the project.
 - d) Generalized location map and legal descriptions, including acreage.
 - e) Proposed land use types and their location including perimeter buffers and setbacks from perimeter boundary.
 - f) Gross densities.
 - g) Typical lot sizes showing setbacks and dimensions.
 - h) Number of units and type.
 - i) Floor area for commercial or industrial.
 - j) Adjacent zoning.

- k) Maximum building heights.
- l) Anticipated phasing plan.
- m) Proposed method of providing water service, including fire protection, sewage disposal, and stormwater management.
- n) Percentage of Open Space and location.
- o) Acreage of Parks/Recreation and location.
- p) Typical road section.
- q) Soils and 100-year flood prone areas.
- r) Project name.

- s) Existing topography at one-foot contours based on Lake County or St. Johns River Water Management District datum.
- t) Net living area for each type of dwelling unit.
- u) Preliminary Environmental Assessment per Chapter of the Land Development Code.
- v) Parking & Loading facilities.
- w) Any other information deemed pertinent by the TRC, Planning and Zoning Board or City Commission.

Upon approval of the Conceptual Plan and rezoning application by the TRC, the Planning and Zoning board and the City Commission, a preliminary development plan must be submitted for review and approval by the TRC prior to construction.

- ii) **Preliminary Development Plan** – In order to streamline the process, the applicant may elect to file a preliminary development plan for rezoning approval that meets the following requirements as outlined below. This plan can be submitted in lieu of the conceptual plan.
 - a) All items required for submittal of a Conceptual Plan outlined in 154.030 (d)(12)(g)(i).
 - b) Name and address of owner, surveyor, engineer, and any other professional consultants involved with the generation of the plan information. If the property is owned by a corporation or company, the name and address of its president and secretary, and state of incorporation shall be given.
 - c) Acreage of lots, drainage areas, common areas, and other uses; and the minimum lot size, average lot size and total number of lots, lot typical details including interior and corner lots, setbacks, phase lines, future land use, zoning, density and open space. Future land use and zoning information for adjacent properties.
 - d) Existing topography using one (1) foot contours based upon National Geodetic Vertical datum, and delineation of Flood Insurance Rate Map flood zones. All development located partially within or wholly within the Special Flood Hazard Area must be completed in accordance with Section 161.090.
 - e) Environmental assessment showing all wetlands, delineation of wooded areas and vegetative communities, if required threatened and endangered species information and a separate tree survey showing all specimen trees. See Chapter 165.

- f) All existing buildings, utilities, roads, easements or other improvements on the property, and all roads and lot lines within one hundred fifty (150) feet of the property boundary.
- g) Acreage and square feet open space, preservation areas and common areas.
- h) Required landscaping, required buffers and any fences or walls as outlined in Chapter 164.
- i) A soils report delineating the soils existing on the site to be developed.
- j) Proposed stormwater management plan and drainage control facilities.
- k) Utility sources, distribution and collection lines, if available, (including but not limited to water, sewer, electricity, cable television and telephone).
- l) Traffic Study/Traffic Statement. The traffic study shall follow the requirements of the Lake-Sumter Metropolitan Planning Organization (MPO) Transportation Concurrency Management System Traffic Impact Study Methodology Guidelines Document for Lake County.
- m) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Commission.

Should the developer elect to submit the preliminary plan with the rezoning application, and upon approval of the rezoning application, the applicant can proceed with final development plan approval as outlined below.

iii) Final Development Plan

- a) All items required for submittal of Preliminary Development Plan outlined in 154.030 (d)(12)(g)(ii).
- b) Acreage and square feet open space, preservation areas, and common areas.
- c) Required landscaping, required buffers and any fences or walls as outlined in Chapter 164.
- d) Any other information deemed pertinent by the Technical Review Committee, Planning and Zoning Board or City Commission.

A minimum of twenty-five percent (25%) of the total project area shall be established and maintained as common open space or common facilities. No area shall be accepted as common open space unless it satisfies the following standards.

- i) Common open space shall be dedicated to and useable by all residents of the Planned Unit Development or specific phase thereof.
- ii) Common open space set aside for recreational use shall be suitably improved for its intended use. Such improvements may include aesthetic, amenities, buffering or recreational facilities.
- iii) Common open space set aside for the preservation of natural features or listed species habitats or for buffering purposes shall remain undisturbed and be protected by conservation easements dedicated to the property owner's/homeowner's association or State agency pursuant to Chapter 165 of the Land Development Code.
- iv) Common open space shall not be used for the construction of any structures other than recreational facilities and incidental maintenance buildings.
- v) Common open space shall be maintained by the Home Owner's Association or other legal entity of the Planned Unit Development or the specific phase thereof.

I) *Density Bonuses*

i) Affordable Housing

Residential developments may receive a density bonus not to exceed 20% of the density permitted by the applicable land use designation for the provision of affordable housing units.

An affordable dwelling unit shall be a dwelling unit which:

- a) has a market value less than two (2) times 80% of the median annual household income of Lake County or
- b) has a monthly rent less than or equal to $\frac{1}{12} \times 25\%$ of 80% of the median annual household income of Lake County.
- c) the affordable housing density bonus shall be determined as follows:

% of total units affordable	Bonus
20 – 30%	10%
31 – 50%	15%

51% +	20%
-------	-----

ii) **Environmental Protection**

Residential developments may receive a density bonus of up to 100% of the number of units allowed by the underlying comprehensive land use designation for the transfer of units from onsite non-altered wetlands and upland habitat.

- a) The total number of units transferred shall not exceed the gross density as allowed on the Future Land Use Map.
- b) A conservation easement pursuant to Chapter 165 of the Land Development Code shall be recorded for the property from which the units are to be transferred. Such easement shall specify that no uses other than passive recreation uses shall be allowed on the property and shall state that the easement shall restrict such land in perpetuity. The easement shall be approved by the City Attorney and recorded in the public records of Lake County.

J) *Application Review Process*

- i) **Technical Review Committee (TRC).** All applications shall be reviewed by the TRC staff and members' comments shall be delivered and discussed at a regularly scheduled meeting. Formal comments of the TRC shall be transmitted in writing to the applicant no later than five (5) working days after the meeting. A formal staff report will be forwarded to the Planning and Zoning Board with staff recommendations.
- ii) **Resubmittal of the Revised Preliminary Development Plan.** Resubmittal of the preliminary development plan reflecting revisions required by TRC comments shall be made within five (5) days of the regularly scheduled TRC meeting.

K) *Approval of Application for Rezoning*

- i) **Planning and Zoning Board Action.** The Planning and Zoning Board shall consider the submitted plan and rezoning application at a regularly scheduled meeting to determine if the application meets the requirements of this code. Upon consideration of comments and recommendations of the TRC and public, the Board shall take one of the following actions:
 - a) Postpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.
 - b) Recommend that the application be approved.

- c) Recommend that the application be approved with conditions.
 - d) Recommend that the application be denied.
- ii) **City Commission Approval.** The City Commission shall consider the submitted plan and rezoning application at a regularly scheduled meeting and determine if the application meets the requirements of the Land Development Code. Upon consideration of the comments of the TRC, the public, and the recommendation of the Planning and Zoning Board, the City Commission shall take one of the following actions:
- a) Postpone the consideration of the application until the next regularly scheduled meeting to allow for the resolution of outstanding issues.
 - b) Approve the application.
 - c) Approve the application with conditions.
 - d) Deny the application.

L) *Alterations to Preliminary Development Plan*

Alterations to the approved Preliminary Development Plan shall be classified as either substantial or non-substantial amendments. The following criteria shall constitute a substantial amendment.

- i) A change which would include a land use not previously permitted under the approved PUD zoning.
- ii) A change that would increase the land use intensity by ten percent (10%) within any development phase without a corresponding decrease in some other portion of the overall PUD.
- iii) A change that would require an amendment to the conditions approved by the City Commission.
- i) A change that would reduce the required open space by more than ten percent (10%).
- ii) Any change that would eliminate pedestrian facilities or multi-use trails.

A determination of a substantial or non-substantial alteration shall be made by the City Manager or designee.

Alterations to the preliminary development plan which are determined to be substantial must be submitted with plans and support data for review by the TRC, the Planning and Zoning Board and the City Commission.

All proposed alterations to an approved plan must be submitted to the City Manager or designee for a determination of whether the alteration is substantial or non-substantial.

M) *Execution of Master Development Agreement*

The second reading of the ordinance for rezoning any land to a PUD district shall not take place until the developer has provided an executed copy of the master development agreement to the City Manager or designee. The document shall be a fully corrected copy which addresses all issues discussed prior to the scheduled second reading. The document shall also include reduced copies of the revised conceptual plan exhibits. If there are no additional requirements, corrections, or conditions attached by the City Commission at the second reading, the executed document shall be signed by the City Manager and Mayor and forwarded to the County Clerk for recording. If there are additional requirements, corrections or conditions attached by the City Commission at the second reading, the applicant shall revise the agreement and conceptual plan and return the documents to the City Manager or designee within thirty (30) days for execution and recording. The requirement to return the document within thirty (30) days shall be specified by the City Commission as a condition for approval of the rezoning.

N) *Failure to Provide Timely Resubmission*

Failure to meet any of the resubmission deadlines cited above shall require the filing of a new application, including the appropriate review fees. However, the City Manager may extend the deadlines cited above, when warranted by unforeseeable events. A request for extension shall be filed in writing with the City explaining the circumstances justifying the extension.

O) *Final Development Plan Approval*

Unless otherwise noted within the development agreement, final development approval for subdivisions or site plans within the PUD shall be required in accordance with the general procedures established by this code. Conceptual plan exhibits of the master development agreement which fully satisfy the requirements for - preliminary subdivision plan submittal shall be considered as such.

P) *Expiration of Master Development Agreement*

Any master development executed and recorded after the adoption of this development code shall be required to include an expiration date or series of expiration dates tied to specific improvements or phases. Such date(s) shall be determined based upon the size of the project, installation of physical improvements, and any other factors pertinent to the specific proposal. If the City should determine that the developer has failed to satisfy the requirements necessary to avert expiration, the development agreement shall become null and void, and approval of any additional final development plans for the PUD shall not be permitted without resubmission and approval of a

new development agreement in accordance with the procedures established in the land development code.

12) **PFD "Public Facilities District"**

The PFD district is established to manage policies of the comprehensive plan for development of public facilities. This district is established to provide for the special or substantial public interest facilities that are so desired. Conceptual site plans are required to be submitted along with rezoning applications.

A) *Permitted Uses*

- i) Airports.
- ii) Auditoriums, stadiums, arenas, and expositions.
- iii) Broadcasting facilities.
- iv) Municipal/governmental buildings, structures, and uses.
- v) Cemeteries.
- vi) Houses of worship.
- vii) Educational institutions.
- viii) Day care centers.
- ix) Electric power substations and operation centers.
- x) Gas and water metering stations.
- xi) Hospitals, clinics, and medical facilities.
- xii) Public parks and recreational facilities.
- xiii) Post offices.
- xiv) Libraries.
- xv) Police and fire facilities.
- xvi) Sewage treatment facilities.
- xvii) Water supply operations.
- xviii) Adult care facility.
- xix) Clubs, lodges, and fraternal organizations.
- xx) Funeral homes.
- xxi) Crematorium.

- xxii) Any other use of a similar nature when approved by the City Commission.

B) *Locational Criteria for PFD Districts*

- i) The approved use shall front on an arterial or collector roadway. Sewage treatment facilities, water supply operations, electric power substations and operation centers and cemeteries are exempt from this requirement.
- ii) Approved uses shall comply with appropriate landscaping and buffering requirements and access management requirements.
- iii) The site must be located in close proximity to the main user group.
- iv) The approved use must serve the majority of the population.

C) *Maximum Intensity Standard*

The maximum intensity standard shall be seventy (70) percent impervious surface ratio (which includes building coverage) ~~and a~~ maximum building height of thirty-five (35) feet and buildings are limited to 3-story maximum.

D) *Design Standards*

- i) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Fifteen feet (15').
 - c. Rear yard: Fifteen-five feet (15').
- ii) The minimum open space shall be twenty-five percent (25%).

E) *Site Plan Requirements*

- i) In order to establish "PFD" Public Facility District, the applicant must provide a Conceptual site plan as outlined in Section 154.030(d)(7)(G)(i) of the Land Development Code, with a zoning application.
- ii) After approval of the zoning, a final site plan meeting the requirements of Section 160.080 of the Land Development Code must be submitted and approved by the Technical Review Committee (TRC) before any building permits are issued or the start of operation of activity on the site.

13) **GB "Greenbelt District"**

This district is established to provide green, undeveloped areas and to protect floodplains, wetlands, other natural resources and agricultural uses. Areas of the city in which this category is most appropriate are designated as "conservation" on the future land use map of the comprehensive plan; however, this district is also permitted within all other land use designations.

A) *Permitted Uses*

- i) Groves and farms.
- ii) Single-family homes and customary accessory uses.
- iii) Swamps, wetlands, and forests.
- iv) Private and public gardens.
- v) Pastures.
- vi) Nature preserves.
- vii) Private and public parks.
- viii) Riding stables.

B) *Uses Permitted as Special Exception use Upon Approval by the City Commission*

- i) Golf courses.
- ii) Retail or wholesale plant production, nurseries, and greenhouses.
- iii) Fishing clubs and marinas.

C) *Uses Expressly Prohibited*

All uses not listed above are expressly prohibited.

D) *Site Development Standards*

- i) Minimum lot size (for buildings): One acre.
- ii) Minimum lot width at building line: 200 feet.
- iii) Minimum dwelling size: 1000 sq. feet.
- iv) Minimum street frontage: 50 feet.

- v) Minimum building setbacks:
 - Front yard: 50 feet.
 - Side yard: 25 feet.
 - Rear yard: 25 feet.
 - From any street: 50 feet.
- vi) Maximum building height: 35 feet and 3-story maximum.
- vii) Parking: See Section 162.040.
- viii) Landscaping and buffers: See Section 164.030.
- ix) Signs: See Chapter 163.
- x) Access: See Section 162.030.

14) **CBD "Central Business District Mixed Use"**

This district is established to encourage economic activity, living quarters and local employment opportunities within the central area of the City. Residential density shall not exceed four (4) dwelling units per acre, unless central sewer facilities are available at which time density is not allowed to exceed ten (10) dwelling units per acre.

A) *The following uses shall be permitted*

- i) Residential dwelling units on the 2nd or 3rd floor.
- ii) Bed and Breakfast Inn.
- iii) Convenience stores without fuel operations.
- iv) Business Services.
- v) Financial Services.
- vi) Retail sales and services.
- vii) Medical Office/Clinic.
- viii) Professional Services Office.
- ix) Office Supply.

x) Personal Services.

xi) Restaurants.

B) *Uses Permitted as Special Exception Use Upon Approval of the City Commission*

i) Banks.

ii) Daycare Centers.

iii) Health/Exercise Clubs.

iv) Tattoo parlor.

v) Veterinary Offices.

vi) Game Recreation Facility.

C) *Uses Expressly Prohibited*

i) Commercial parking.

ii) Industrial land uses.

iii) Uses prohibited by City, State, or Federal law.

iv) Adult Entertainment.

D) *Other Possible Uses*

Other uses not listed as permitted, permitted as special exception uses or prohibited may be allowed as conditional uses pursuant to Chapter 155 of this Code.

E) *Maximum Intensity Standard*

Coverage shall be limited to eighty (80) percent impervious surface ratio (which includes building coverage), a maximum floor area ratio of 1.0, ~~and~~ a maximum building height of three stories and 35-ft.

F) *Design Standards*

i) Minimum lot size shall be six thousand (6,000) square feet with central sewer. Minimum lot size shall be ten thousand (10,000) square feet with septic tanks.

- ii) Minimum lot width shall be sixty feet (60') with central sewer at the front property line and eighty feet (80') with septic tank unless the lot is located on a cul-de- sac or a curve in which case the lot width shall be measured along the building setback line.
- iii) Minimum setbacks requirements:
 - a. Front yard: Thirty feet (30')
 - b. Side yard: Ten feet (10'). A zero-lot line is allowed on one side setback only with a minimum of ten feet (10') on the opposite side.
 - c. Rear yard: Fifteen feet (15').
- iv) The minimum open space shall be twenty percent (20%).

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 4e

ITEM TITLE: Second Reading and Quasi-Judicial Public Hearing – Ordinance 2023-021 MDA 2nd Amendment - Mirror Lake Village PUD Phase II – Maximum Impervious Surface Ratio – Petitioner: Park Square Enterprises, LLC

MEETING DATE: Thursday, January 25, 2024

DATE SUBMITTED: Friday, December 29, 2023

SUBMITTED BY: city attorney/city manager/community development

BRIEF NARRATIVE: **Ordinance 2023-021** Impervious Surface Ratio (ISR) planned unit development (PUD) amendment for Mirror Lake Village Phase II - generally located west of South Dixie Avenue, south of Lemon Avenue, and north of Atlantic Avenue.

Previously enacted Ordinance 2019-021 allows a maximum ISR of 50% per lot. The applicant is requesting to allow a 50% ISR to be applied to the Phase II overall subdivision instead of on a per lot basis. The submitted summary Lot ISR Summary indicates that the ISR ratio per lot ranges from 37% to 56%. The total ISR ratio when applied to the overall Phase II subdivision as a whole equates to 50%.

At the January 11, 2024 meeting, the commission directed staff and Halff Inc. (consultants retained by the city) to the revised lot impervious area plan and lot impervious surface ratio summary calculations. See Halff's comments attached. (Continued from December 14, 2023. The first reading was held on January 11, 2024.)

FUNDS BUDGETED: None

ATTACHMENTS: Proposed ordinance, maps, legal description, revised ISR summary and lot area plan, staff comments, and advertising affidavit.

RECOMMENDATION: The Planning and Zoning Board at its December 21, 2023 meeting recommended approval with condition that applicant/owner notifies new homeowner that no additional building will be allowed (i.e., sheds, pool, etc.--anything that will affect current ISR listed on summary sheet).

ACTION:

ORDINANCE 2023-021

**AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA,
AMENDING THE MASTER DEVELOPMENT AGREEMENT CONDITIONS OF
THE MIRROR LAKE VILLAGE PLANNED UNIT DEVELOPMENT (PUD) TO
PROVIDE FOR A MAXIMUM IMPERVIOUS SURFACE RATIO; PROVIDING
FOR CONFLICTS, SEVERABILITY, AND SCRIVENER'S ERRORS; AND
SETTING AN EFFECTIVE DATE.**

WHEREAS, the Mirror Lake Village Planned Unit Development (PUD) was approved by City Commission on January 8, 2015, by Ordinance No. 2014-024;

WHEREAS, the Mirror Lake Village Planned Unit Development (PUD) Master Development Agreement terms and conditions to allow a maximum impervious surface ratio of fifty percent (50%) for each lot instead of a maximum building coverage of thirty percent (30%), and to reduce the front setback requirements from thirty feet (30') to twenty feet (20') was approved by the City Commission on April 25, 2019, by Ordinance No. 2019-001; and

WHEREAS, Park Square Enterprises, LLC the property owner ~~have~~has requested a second amendment to the Mirror Lake Village Planned Unit Development (PUD) Master Development Agreement terms and conditions to allow a maximum impervious surface ratio of fifty percent (50%) ~~shall be~~ implemented on a cumulative site basis for Phase II development rather than per lot; and

WHEREAS, the petition bears all required signatures; and

WHEREAS, the required notice of the amendment has been properly published;

NOW, THEREFORE, be it ordained by the City Commission of the City of Fruitland Park, Florida:

SECTION 1. LEGAL DESCRIPTION.

The above-referenced property, more particularly described on Exhibit "A," attached hereto and incorporated herein by reference, consisting of approximately 42.26 ± acres generally located north of Urick Street and west of Seminole Boulevard.

SECTION 2. AMENDMENT OF MASTER DEVELOPMENT AGREEMENT CONDITIONS.

(NOTE: Underlined words constitute the additions to the existing text of the PUD Ordinance No. ~~2014-024~~2019-001, and ~~strikes throughs~~ constitute deletions to the existing text.

The conditions within "Section 5" of the Mirror Lake Village Master Development Agreement by Ordinance No. 2014-024 adopted on January 8, 2015, and amended in Ordinance No. 2019-001 are hereby amended as follows:

Section 5. Development Standards. City and Owner agree that building setbacks shall be as follows:

A. Front: Local Roadways – Twenty feet (20')*
Garage – Twenty-five feet (25')

B. Side: Five feet (5')

- C. Rear: Twenty feet (20')
- D. Rear: From Mirror Lake – Fifty feet (50')

*Notwithstanding the foregoing, corner lots facing roadways on two sides shall be subject to a twenty feet (20') setback along the roadway designated as the property address for the principal residence and a twenty-five feet (25') setback for garage and a twenty foot (20') setback along the other roadway not designated as the property address.

Maximum Impervious Surface Ratio (ISR) – Fifty percent (50%). Maximum Fifty Percent (50%) Impervious Surface Ratio (ISR) shall be implemented on a cumulative site basis within the Phase II development, allowing specific lots to exceed the 50% ISR while simultaneously placing restrictions on others to maintain a lesser percentage. This shall be in compliance with the attached Exhibit “B”, which will serve as the master ISR key for all subject lots located within the Mirror Lake Phase II development. The ISR is in lieu of a maximum building coverage. Phase II must remain vacant and no construction can commence within Phase II until site plan modification is approved and the stormwater permit is issued to accommodate any increased ISR in Phases I and II.

SECTION 3: CONFLICTS.

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

SECTION 4: SEVERABILITY.

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

SECTION 5: EFFECTIVE DATE.

This Ordinance shall become effective immediately upon enactment.

PASSED AND ORDAINED in regular session of the City Commission of the City of Fruitland Park, Lake County, Florida, this _____ day of _____, 2024.

Chris Cheshire, Mayor
City of Fruitland Park, Florida

ATTEST:

Approved as to Form:

Esther Coulson, MMC, City Clerk

Anita Geraci-Carver, City Attorney

Mayor Cheshire
Vice Mayor DeGrave

_____(Yes), ____ (No), ____ (Abstained), ____ (Absent)
_____(Yes), ____ (No), ____ (Abstained), ____ (Absent)

Commissioner Bell	____(Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner Gunter	____(Yes), ____ (No), ____ (Abstained), ____ (Absent)
Commissioner Mobilian	____(Yes), ____ (No), ____ (Abstained), ____ (Absent)

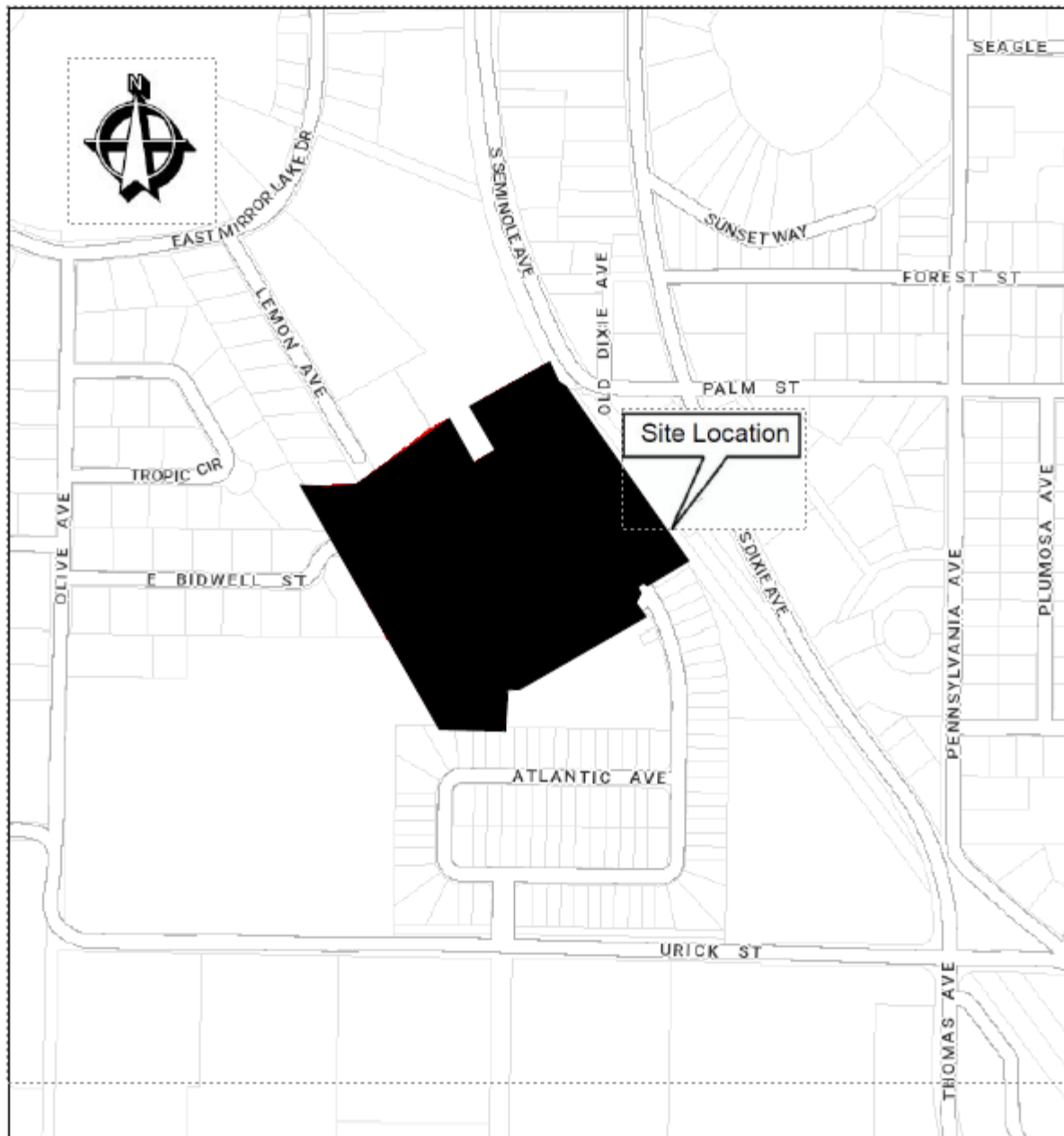
Passed First Reading January 11, 2024
Passed Second Reading _____
(SEAL)

LEGAL DESCRIPTION

TRACT F, MIRROR LAKE VILLAGE, ACCORDING TO THE PLAT THEREOF AS RECORDED IN
PLAT BOOK 66, PAGES 92 THROUGH 96, OF THE PUBLIC RECORDS OF LAKE COUNTY, FLORIDA.

CONTAINS 14.41 ACRES MORE OR LESS.

Location Map



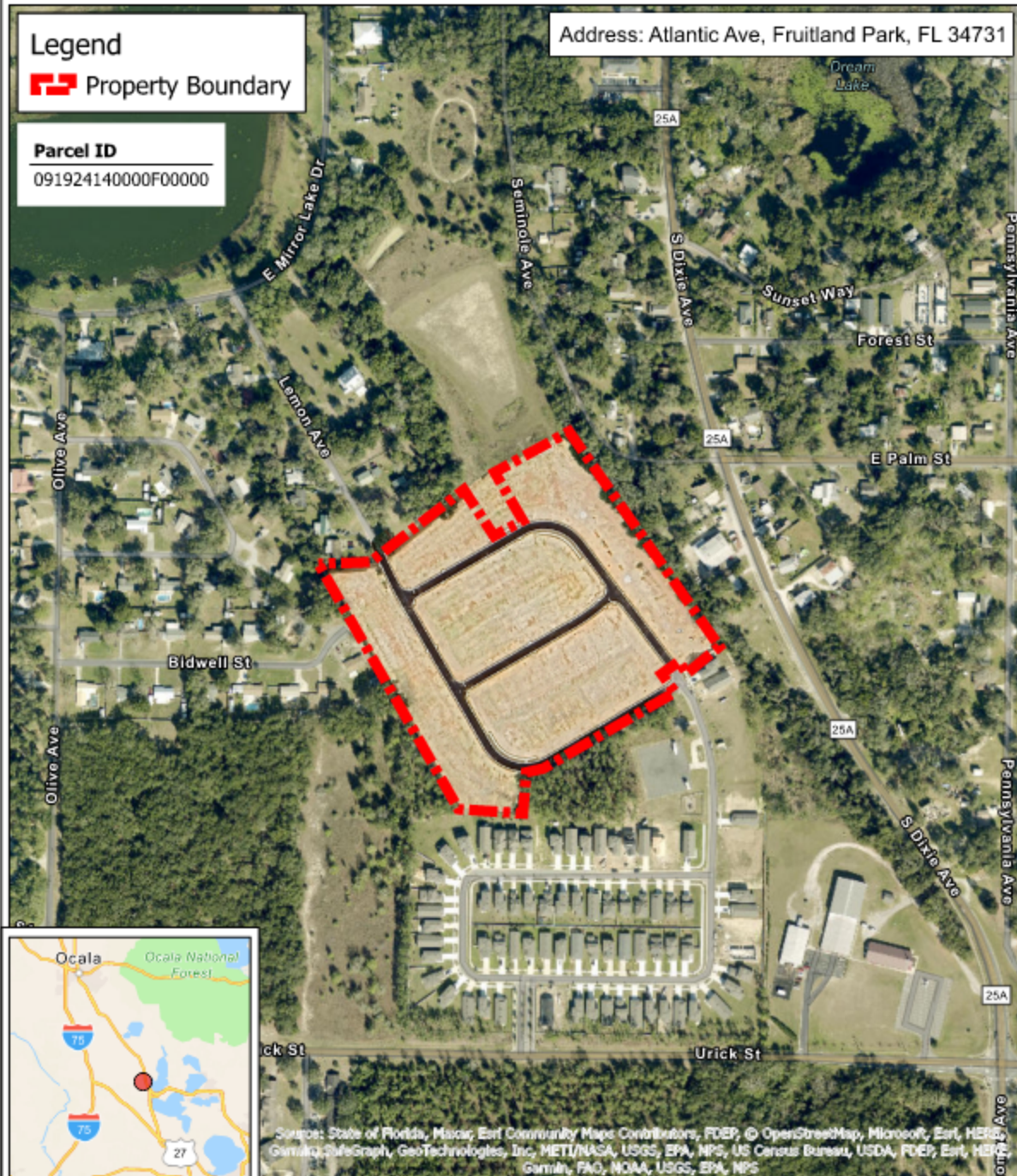
Legend

 Property Boundary

Parcel ID

091924140000F00000

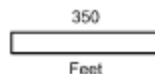
Address: Atlantic Ave, Fruitland Park, FL 34731



6300 Hazeltine National Drive, Suite 118
Orlando, Florida 32822
Office (407) 410-8624 | www.kpmfranklin.com

Fruitland Park Development Lake County, Florida 2020 Aerial Map

FIGURE - A2 | Sep 29, 2023



CITY OF FRUITLAND PARK
STAFF REPORT BY LPG URBAN & REGIONAL PLANNERS, INC.

DO AMENDMENT – MIRROR LAKE PHASE 2

Owner: Fruitland Park, LLC

Applicant: Park Square Enterprises, LLC

General Location: West of S. Dixie Ave, south of Lemon Ave, North of Atlantic Ave

Number of Acres: 14.19 ± acres

Existing Zoning: PUD

Existing Land Use: Single Family Medium Density

Date: October 31, 2023

Description of Project

The approved PUD Ordinance (2019-001) allows a maximum impervious surface ratio of 50%. The ISR was in lieu of a maximum building coverage which applies to a per lot basis. The applicant is requesting DO Amendment to allow a 50% ISR to be applied to the Phase 2 subdivision instead of a per lot basis.

Assessment

It is planning staff's understanding that the applicant has tried to utilize "pervious pavers" in order to stay within the 50% ISR as outlined in the Amended DO; however, from a stormwater management point of view, pervious pavers appear to have a curve number that is assigned and which would produce stormwater runoff. Utilizing pervious pavers to meet the intent of the LDRs could affect the SJRWMD permit and could potentially exceed the ISR limitations of the existing permit; therefore, a modification to the ISR applying to a per lot basis is sought.

The Lot ISR Summary for Phase II (75 lots) submitted by the applicant indicates that the ISR ratio per lot ranges from 37% to 56%. The total ISR ratio when applied to Phase 2 subdivision as a whole equates to 50%.

The applicant is requesting the existing language as approved by Ordinance 2019-001 be modified as follows:

“Maximum Fifty Percent (50%) Impervious Survey Ratio (ISR) shall be implemented on a cumulative site basis within the Phase II development, allowing specific lots to exceed the 50% ISR while simultaneously placing restrictions on others to maintain a lesser percentage. This shall be in compliance with the attached Exhibit A, which will serve as the master ISR key for all subject lots located within the Mirror Lake Phase II development.”

Recommendation

It is planning staff’s recommendation that the Development Order be modified. Staff supports the revision of how the ISR is applied and recommends that the exhibit submitted by the applicant be included as an attachment to the revised DO which shows the maximum ISR allocated per lot.



VIA EMAIL echurch@fruitlandpark.org

October 16, 2023

Emily Church
Office Assistant
City of Fruitland Park
506 W. Berckman St.
Fruitland Park, FL 34731

**RE: Mirror Lake Phase 2 Variance, Review #1
(Halff AVO 043866.119)**

Dear Ms. Church:

Per your email request dated October 5, 2023, I have reviewed the documents which were included in the drop box for the above referenced project. Based on my review, my comments are below:

1. Engineering does not object to such a variance, as the overall impervious area of the development would be in keeping with the originally approved stormwater calculations. However, COFP building department will need to keep the submitted ISR summary plan, and enforce percentages listed on said plan.

Should you have any questions, please feel free to contact our office at 352-343-8481.

Sincerely,
HALFF

A handwritten signature in blue ink, appearing to read "BT", with a stylized flourish at the end.

Brett Tobias, P.E.
Team Leader
btobias@Halff.com

BJT:am

From: [Sharon Williams](#)
To: [Esther Coulson](#)
Cc: [Gary La Venia](#); [Michael](#); [Emily Church](#)
Subject: FW: Mirror Lake ISR Summary with breakown per lot - PUD Amendment
Date: Wednesday, January 17, 2024 2:12:09 PM
Attachments: [image002.png](#)
[image003.png](#)

Esther,

Please see Halff's comments below regarding the new ISR Summary submitted today for Mirror Lake Phase II. Please include these comments with the newly submitted ISR summary documents. As soon as we get an opinion from LPG, we will provide to you also.

Respectfully,



Sharon Williams

Administrative Manager

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF FRUITLAND PARK

506 W BERCKMAN ST, FRUITLAND PARK, FL 34731 P: (352) 360-6727 | F: (352) 360-6652

swilliams@fruitlandpark.org | www.fruitlandpark.org

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From: Brett Tobias <btobias@halff.com>
Sent: Wednesday, January 17, 2024 11:22 AM
To: Sharon Williams <swilliams@fruitlandpark.org>
Cc: Michael <MichaelR@lpgurp.com>; Emily Church <echurch@fruitlandpark.org>
Subject: RE: Mirror Lake ISR Summary with breakown per lot - PUD Amendment

Sharon,

This ISR they are showing in the chart does lead to a overall 50% ISR on the lots. From an engineering standpoint, the impervious area used is less than what they have in their original stormwater calculations so I have no issues there either.

I am ok with their approach and calculations. These charts should be kept in the file so that as building permits are applied for, it can be referenced to ensure each lot is using the proper amount of impervious area to remain compliant.

Brett Tobias, PE
Land Development / Public Works Team Leader

Halff
O: 352.557.9225
E: btobias@halff.com

We improve lives and communities
by turning ideas into reality.

From: Sharon Williams <swilliams@fruitlandpark.org>
Sent: Wednesday, January 17, 2024 10:06 AM
To: Brett Tobias <btobias@halff.com>
Cc: Michael <MichaelR@lpgurp.com>; Emily Church <echurch@fruitlandpark.org>
Subject: FW: Mirror Lake ISR Summary with breakown per lot - PUD Amendment

Good morning Brett,

As you may recall, the subject submitted calculations for city commission's approval consideration of a PUD ISR amendment to allow a 50% ISR for the entire development instead of per lot. During the 1st hearing commission meeting, held January 11th, the applicant changed their approach and presented the attached which we did not have the opportunity to review. City Commission is requesting your feedback regarding this revision. Upon your review, please let me know and I will forward your response for the Commission meeting scheduled January 25th.

If you need to see what was previously submitted please let me know.

Respectfully,



Sharon Williams

Administrative Manager

COMMUNITY DEVELOPMENT DEPARTMENT

CITY OF FRUITLAND PARK

506 W BERCKMAN ST, FRUITLAND PARK, FL 34731 P: (352) 360-6727 | F: (352) 360-6652

swilliams@fruitlandpark.org | www.fruitlandpark.org

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From: Dustin Brinkman <DBrinkman@kpmfranklin.com>

Sent: Wednesday, January 17, 2024 9:14 AM

To: Sharon Williams <swilliams@fruitlandpark.org>

Cc: Emily Church <echurch@fruitlandpark.org>; Michael <MichaelR@lpgurp.com>; Neil Klaproth <NKlaproth@parksquarehomes.com>

Subject: RE: Mirror Lake ISR Summary with breakown per lot - PUD Amendment

Hi Sharon, Please find attached the revised lot ISR calculations and the accompanying supporting figure. As discussed during the city commission meeting, we have adjusted these calculations by reallocating additional impervious area from the larger lots to the smaller lots. This modification is intended to accommodate impervious additions for each lot, specifically considering the scenario where the largest model home is constructed on a smaller lot. This adjustment enhances flexibility within each site, guaranteeing that every homeowner possesses the capability for lot additions.

Your attention to these revised calculations is highly appreciated, and we welcome any feedback or further discussion on this matter.

If you have any immediate questions, please let us know. We look forward to the 2nd hearing on 1/25/24.

Thanks,

Dustin Brinkman, PE
PROJECT MANAGER



o (407) 410-8624 d (407) 994-4456

e dbrinkman@kpmfranklin.com w www.kpmfranklin.com

6300 Hazeltine National Drive, Suite 118, Orlando, Florida 32822

CONFIDENTIALITY NOTE: "This message and its contents are intended to be confidential. If you received this message in error, please do not use, redistribute or rely upon it. Instead, please inform the sender and then delete it. Thank you."

From: Sharon Williams <swilliams@fruitlandpark.org>

Sent: Tuesday, January 16, 2024 9:48 AM

To: Dustin Brinkman <DBrinkman@kpmfranklin.com>

LOT ISR SUMMARY					
LOT No.	AREA (SF)	Lot Width (Ft)	TOTAL IMP (SF)	TOTAL OPEN SPACE (SF)	LOT ISR
91	5,000	40	2,710	2,290	54%
92	4,800	40	2,710	2,090	56%
93	4,800	40	2,710	2,090	56%
94	4,800	40	2,710	2,090	56%
95	4,800	40	2,710	2,090	56%
96	5,400	40	2,710	2,690	50%
97	5,400	40	2,710	2,690	50%
98	4,800	40	2,710	2,090	56%
99	4,800	40	2,710	2,090	56%
100	4,800	40	2,710	2,090	56%
101	6,071	40	2,993	3,078	49%
102	9,663	40	3,694	5,969	38%
103	15,648	40	5,068	10,580	32%
104	15,270	40	4,204	11,066	28%
105	10,081	40	3,716	6,365	37%
106	7,365	50	3,306	4,059	45%
107	7,200	50	3,403	3,797	47%
108	6,866	50	3,003	3,863	44%
109	6,533	50	3,137	3,396	48%
110	7,313	50	3,560	3,753	49%
111	12,210	40	4,187	8,023	34%
112	5,800	40	2,960	2,840	51%
113	5,800	40	2,960	2,840	51%
114	5,800	40	2,960	2,840	51%
115	5,800	40	2,960	2,840	51%
116	5,800	40	2,960	2,840	51%
117	5,800	40	2,960	2,840	51%
118	5,800	40	2,960	2,840	51%
119	5,800	40	2,960	2,840	51%
120	5,800	40	2,960	2,840	51%
121	5,800	40	2,960	2,840	51%
122	5,800	40	2,960	2,840	51%
123	5,800	40	2,960	2,840	51%
124	5,800	40	2,960	2,840	51%
125	6,674	40	3,479	3,195	52%
126	12,427	50	4,293	8,134	35%
127	10,198	50	3,924	6,274	38%
128	7,080	50	3,426	3,654	48%
129	5,965	50	3,137	2,828	53%
130	6,000	50	3,137	2,863	52%
131	6,000	50	3,137	2,863	52%
132	6,000	50	3,137	2,863	52%
133	6,000	50	3,137	2,863	52%
134	6,000	50	3,137	2,863	52%
135	6,000	50	3,137	2,863	52%
136	8,169	50	3,582	4,587	44%
137	8,135	40	3,493	4,642	43%
138	4,936	40	2,960	1,976	60%
139	4,833	40	2,960	1,873	61%
140	4,800	40	2,960	1,840	62%
141	4,800	40	2,960	1,840	62%

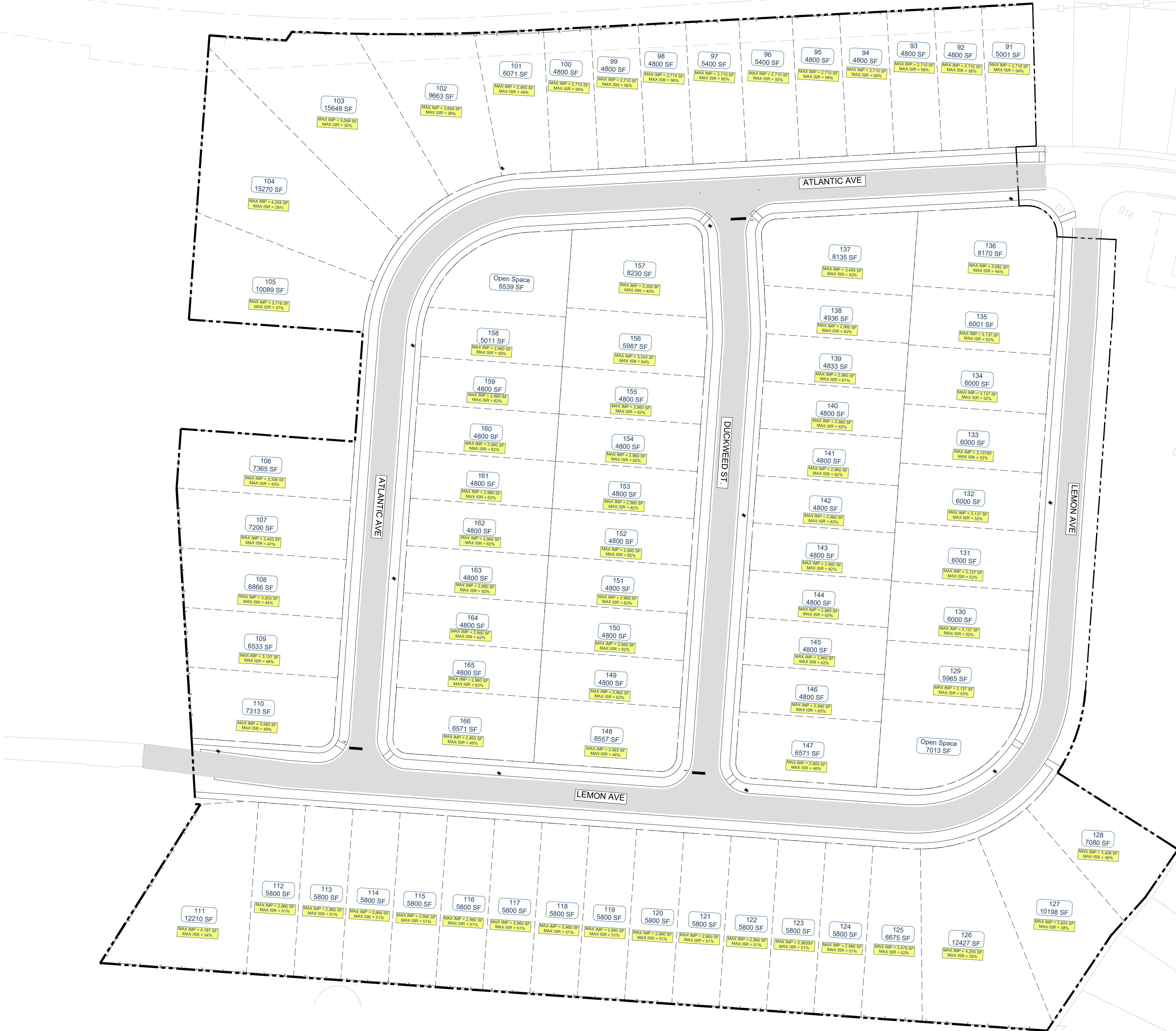
142	4,800	40	2,960	1,840	62%
143	4,800	40	2,960	1,840	62%
144	4,800	40	2,960	1,840	62%
145	4,800	40	2,960	1,840	62%
146	4,800	40	2,960	1,840	62%
147	6,570	40	2,993	3,577	46%
148	6,556	40	2,993	3,563	46%
149	4,800	40	2,960	1,840	62%
150	4,800	40	2,960	1,840	62%
151	4,800	40	2,960	1,840	62%
152	4,800	40	2,960	1,840	62%
153	4,800	40	2,960	1,840	62%
154	4,800	40	2,960	1,840	62%
155	4,800	40	2,960	1,840	62%
156	5,986	50	3,243	2,743	54%
157	8,229	50	3,309	4,920	40%
158	5,011	40	2,960	2,051	59%
159	4,800	40	2,960	1,840	62%
160	4,800	40	2,960	1,840	62%
161	4,800	40	2,960	1,840	62%
162	4,800	40	2,960	1,840	62%
163	4,800	40	2,960	1,840	62%
164	4,800	40	2,960	1,840	62%
165	4,800	40	2,960	1,840	62%
166	6,570	40	2,993	3,577	46%
TOTALS	473,159		236,580	236,579	
50% MAX ISR ALLOWABLE PER LOT BY ORD. 2019-001			236,580	Note: The adjustment of Lot Maximum ISR has been executed to ensure that the cumulative maximum ISR remains within compliance across the entirety of the site, as opposed to being assessed on a per-lot basis	

MIRROR LAKE - PHASE 2

FRUITLAND PARK, FLORIDA 34731

LOT IMPERVIOUS AREA PLAN

LOT ISR SUMMARY					
LOT No.	AREA (SF)	Lot Width (Ft)	TOTAL IMP (SF)	TOTAL OPEN SPACE (SF)	LOT ISR
91	5,000	40	2,710	2,290	54%
92	4,800	40	2,710	2,090	56%
93	4,800	40	2,710	2,090	56%
94	4,800	40	2,710	2,090	56%
95	4,800	40	2,710	2,090	56%
96	5,400	40	2,710	2,690	50%
97	5,400	40	2,710	2,690	50%
98	4,800	40	2,710	2,090	56%
99	4,800	40	2,710	2,090	56%
100	4,800	40	2,710	2,090	56%
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P:\Grassdale\Fruitland Park\Design\Exhibits\ISR Variance\ISR Plan_Variance_1.16.24.dwg



PROJECT NO. 21-0029.000
PLAN SCALE: 1" = 50'
DATE: 1/16/2024



KPMFranklin.com

The Villages[®] DAILY SUN

Published Daily
Lady Lake, Florida
State of Florida
County Of Lake

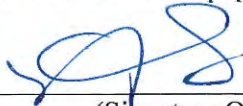
Before the undersigned authority personally appeared **Amber Sevison**, who on oath says that she is Legal Ad Coordinator of the DAILY SUN, a daily newspaper published at Lady Lake in Lake County, Florida with circulation in Lake, Sumter and Marion Counties; that the attached copy of advertisement, being a Legal # **1162407** in the matter of

NOTICE OF PUBLIC HEARING

was published in said newspaper in the issues of

December 8, 2023

Affiant further says that the said Daily Sun is a newspaper published at Lady Lake in said Lake County, Florida, and that the said newspaper has heretofore been continuously published in said Lake County, Florida each week and has been entered as second-class mail matter at the post office in Lady Lake, in said Lake County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisements; and affiant further says that he has neither paid nor promised any person, firm, or Corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for Publication in the said newspaper.

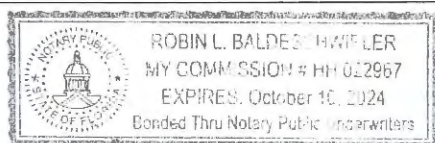


(Signature Of Affiant)

Sworn to and subscribed before me this 8
day of December, 2023.


Robin L. Baldeschwieler, Notary

Personally Known X or
Production Identification _____
Type of Identification Produced _____



NOTICE OF PUBLIC HEARING

ORDINANCE 2023-021

AN ORDINANCE OF THE CITY OF FRUITLAND PARK, FLORIDA, AMENDING THE MASTER DEVELOPMENT AGREEMENT CONDITIONS OF THE MIRROR LAKE VILLAGE PLANNED UNIT DEVELOPMENT (PUD) TO PROVIDE FOR A MAXIMUM IMPERVIOUS SURFACE RATIO; PROVIDING FOR CONFLICTS, SEVERABILITY, AND SCRIVENER'S ERRORS; AND SETTING AN EFFECTIVE DATE.

The proposed Ordinance will be considered at the following public meetings:

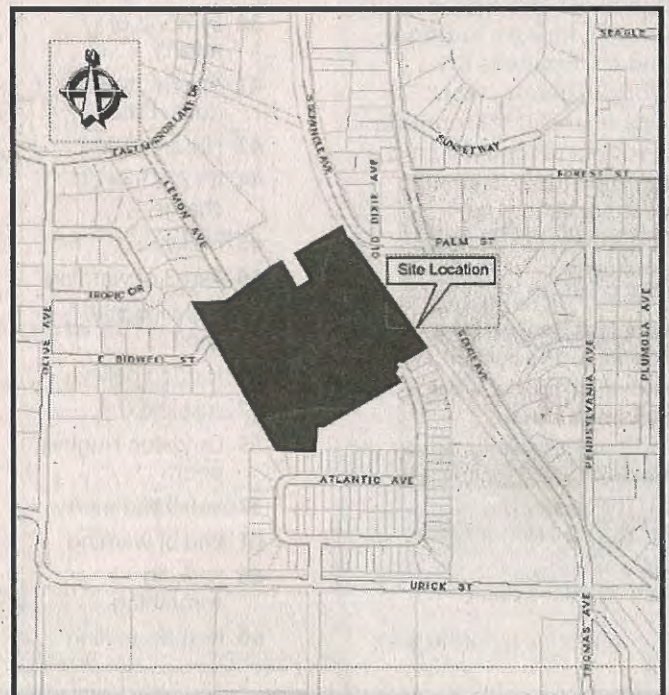
Planning & Zoning Board Thursday, December 21, 2023 @ 6:00 p.m.

City Commission 1st Reading Thursday, January 11, 2024 @ 6:00 p.m.

City Commission 2nd Reading Thursday, January 25, 2024 @ 6:00 p.m.

The public meetings will be held in the Commission Chambers located at City Hall, 506 West Berckman Street, Fruitland Park FL 34731. These meetings are open to the public and hearings may be continued as determined by the commission from time to time to a time/date certain. The proposed Ordinance and metes and bounds legal description of property may be inspected by the public during normal working hours at City Hall. For further information call 352-360-6727. Interested parties may appear at the meetings and will be heard with respect to the proposed Ordinance.

A person who decides to appeal any decision made by any board, agency or council with respect to any matter considered at such meeting or hearing, will need a record of the proceedings. For such purposes, any such person may need to ensure that a verbatim record of the proceedings is made, which includes the testimony and evidence upon which the appeal is based (Florida Statutes, 286.0105). Persons with disabilities needing assistance to participate in any of these proceedings should contact Esther Coulson, City Clerk at (352) 360-6790 at least 48 hours before the date of the scheduled hearing.



10/30/23

Att: Sharon Williams
Administrative Manager
City of Fruitland Park
506 W. Berckman Street
Fruitland Park, FL 34731

RE: Variance Withdrawal / MDA Amendment Application

Dear Mrs. Williams,

Please accept this letter as a formal withdrawal of the previously submitted variance application for Mirror Lake Village. In accordance with staff guidance, we intend to replace the variance application with an amendment to the Mirror Lake Village Master Development Agreement (MDA). This amendment aims to modify the 50% maximum lot Impervious Surface Ratio (ISR) in a manner consistent with the original variance application's intent.

This modification will involve permitting specific lots to exceed the 50% maximum ISR while simultaneously imposing restrictions on others to maintain a lesser percentage. The goal is to ensure that the total impervious area across the entire Phase II development does not exceed what would be permitted if every lot were constructed to the maximum 50% ISR.

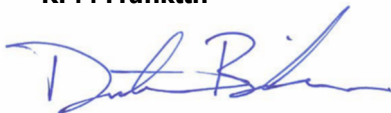
Per the latest MDA modification by ordinance 2019-001, the language "Maximum Impervious Surface Ratio (ISR) - Fifty Percent (50%)" is requested to be replaced with the following: ***"Maximum Fifty Percent (50%) Impervious Surface Ratio (ISR) shall be implemented on a cumulative site basis within the Phase II development, allowing specific lots to exceed the 50% ISR while simultaneously placing restrictions on others to maintain a lesser percentage. This shall be in compliance with the attached Exhibit A, which will serve as the master ISR key for all subject lots located within the Mirror Lake Phase II development."***

It is firmly believed that this MDA Amendment, if granted, will help us strike a balance between property development and environmental conservation, ultimately contributing to the sustainability and harmony of the Mirror Lake community. We have attached the subject "Exhibit A" that outlines our approach and provides a visual representation and calculation of the cumulative ISR concept. We are committed to providing any additional information or documentation that may be required to support the request effectively.

We appreciate your time and consideration of our amendment request and are eager to work collaboratively to ensure that the Mirror Lake Phase 2 development aligns with the city's regulations and vision for responsible growth.

Thank you for your attention to this matter, and we look forward to your response.

Sincerely,
KPM Franklin



Dustin Brinkman, P.E.
Project Manager
Ph: 407-994-4456
E: dbrinkman@kpmfranklin.com



Attachments:

PD Amendment Application

Proposed Impervious Area Summary

Lot Impervious Area Plan



VIA EMAIL echurch@fruitlandpark.org

October 16, 2023

Emily Church
Office Assistant
City of Fruitland Park
506 W. Berckman St.
Fruitland Park, FL 34731

**RE: Mirror Lake Phase 2 Variance, Review #1
(Halff AVO 043866.119)**

Dear Ms. Church:

Per your email request dated October 5, 2023, I have reviewed the documents which were included in the drop box for the above referenced project. Based on my review, my comments are below:

1. Engineering does not object to such a variance, as the overall impervious area of the development would be in keeping with the originally approved stormwater calculations. However, COFP building department will need to keep the submitted ISR summary plan, and enforce percentages listed on said plan.

Should you have any questions, please feel free to contact our office at 352-343-8481.

Sincerely,
HALFF

A handwritten signature in blue ink, appearing to be "BT", written over a light blue horizontal line.

Brett Tobias, P.E.
Team Leader
btobias@Halff.com

BJT:am

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 5a

ITEM TITLE: CITY MANAGER’S REPORT

MEETING DATE: Thursday, January 25, 2024

DATE SUBMITTED: Tuesday, January 16, 2024

SUBMITTED BY: City Manager

BRIEF NARRATIVE: City Manager’s Report

- i. Economic Development Status Update
- ii. Commercial Developments Permits Issued Status Update
- iii. City Manager Recruiting Firm Status Update
- iv. Holiday Tree Discussion
- v. TD Bank Discussion

FUNDS BUDGETED: None

ATTACHMENTS:

RECOMMENDATION:

ACTION: None

CITY OF FRUITLAND PARK

AGENDA ITEM SUMMARY SHEET

Item Number: 5b

ITEM TITLE: CITY ATTORNEY REPORT
MEETING DATE: Thursday, January 25, 2024
DATE SUBMITTED: Thursday, January 16, 2024
SUBMITTED BY: City Attorney
BRIEF NARRATIVE: City Attorney Report

U.S. Bank National Association v. Robert Moore and City of Fruitland Park, Lake County Case No. 2022-CA-00845 (Judge Baxley): A Final Judgment of Foreclosure was entered March 24, 2023 in the amount of \$52,811.09. The sale was held May 23, 2023 at 11 am. A Certificate of Title was issued to JLH Properties, LLC on June 5, 2023. The winning bid was \$80,100. Since the property sold for more than the judgment amount, the surplus proceeds will be held pending further Order of the Court. As of July 10, 2023 (863 Days) the City's fines and costs total \$43,209.16. Excess funds of \$27,469.32 is being held in the Court's Registry. A hearing was held on September 8, 2023. The Court awarded the City the excess proceeds, however, the amount was \$11,000 less than expected. On September 25, 2023, the City filed a Motion for Reconsideration and Motion for Rehearing on Plaintiff's Motion to Disburse Surplus Funds because the attorney representing the City was not notified of the hearing and therefore did not attend. Also on September 25, 2023 the Plaintiff filed a Motion for Relief from Judgment and also filed a Response to the City's Motion for Rehearing/Motion for Reconsideration. The dispute remains over the \$11,000 difference in excess proceeds. A hearing is scheduled for December 15, 2023. An Order on the City's Motion was entered January 9, 2024. The Court ruled against the City in its Motion to Reconsideration and Motion for Rehearing finding the request for relief is premature and inappropriate. Attorney Roper on behalf of the City is filing a Motion to Disburse Surplus Funds in favor of the City for \$16,223.19 which is the amount of the surplus funds left in the Court's registry.

Wayne Goodridge and Tammy Goodridge v. City of Fruitland Park, Lake County Case No. 2022-CA-1628: The City was served with a lawsuit on September 8, 2022. A copy has been provided to the Commission. Plaintiffs file a two-count Verified Complaint. Count I – Inverse Condemnation and Count II – Trespass. Plaintiffs allege the City's construction of the library has caused storm water to flood across Rose Avenue onto their property located at 100 Rose Ave., Fruitland Park and have converted their property into a storm water retention system. Public Risk Management (PRM) retained attorney Donovan A. Roper and Mark K. McCulloch of Roper & Roper, P.A. to defend the City. An answer and affirmative defenses were filed on behalf of the City. On October 27, 2022 Plaintiff filed a reply to the City's affirmative defenses. A Civil Case Management Order Requiring Disclosures was entered by Judge Takac. The Order requires a non-jury trial to occur no later than 18 months from filing the original Complaint, if not sooner resolved. The trial must be held by March 2, 2024. On January 10, 2024 I spoke with attorney Roper. He is in the process of scheduling mediation with opposing counsel. Once scheduled a closed session meeting with the Commission will also be scheduled.

Code of Ordinances Codification: On October 29, 2023 I responded to comments relating to the proposed Table of Contents. CivicPlus anticipates producing the draft code proofs in January or February of 2024. On January 16, 2024 I received confirmation we are still on track to receive draft code proofs by the end of February, 2024.

0295 Builder, LLC v. City of Fruitland Park, et al, Lake County Case No. 2023-CA-2919: The City was served with the lawsuit October 20, 2023. Insurance has assigned Don Roper, Esq. to defend the City. This is a one count complaint seeking to quiet title to property the Plaintiff purchased at a tax deed sale. The property is located at 1308 Depot Lane, Leesburg, FL. The City of Fruitland Park has a code enforcement Order of Enforcement against property owned by Penelope Dixon at 204 College Ave., Fruitland Park. Ms. Dixon was the owner of the property that is the subject of the quiet title action, but lost the property for non-payment of real estate taxes. The Plaintiff acquired the property at a tax deed sale. The City's Order of Enforcement by the provisions in Ch. 162, Florida Statutes, attached to all property owned by Ms. Dixon at the time the Order of Enforcement was recorded. The Plaintiff seeks to clear title to the property thereby removing the City's Order of Enforcement. On November 6, 2023, attorney Roper filed the City's Answer to Plaintiff's Complaint. On November 20, 2023 a Case Management Order was entered. A non-jury trial must be held no later than October 16, 2024 (12 months from filing of the original complaint). On January 12, 2024 the Court entered an Order on Joint Stipulation for Dismissal as to the City of Fruitland Park.

FUNDS BUDGETED: None

ATTACHMENTS:

RECOMMENDATION:

ACTION: None

CITY OF FRUITLAND PARK
AGENDA ITEM SUMMARY SHEET
Item Number: 7

ITEM TITLE: Public Comments

MEETING DATE: Thursday, January 25, 2024

DATE SUBMITTED: Tuesday, January 16, 2024

SUBMITTED BY: City Clerk

BRIEF NARRATIVE: **Item Description:** This section is reserved for members of the public to bring up matters of concern or opportunities for praise. Action may not be taken by the city commission at this meeting; however, questions may be answered by staff or issues may be referred for appropriate staff action.

Note: Pursuant to F.S. 286.0114 and the City of Fruitland Park's Public Participation Policy adopted by Resolution 2013-023, members of the public shall be given a reasonable opportunity to be heard on propositions before the city commission. Accordingly, comments, questions, and concerns regarding items listed on this agenda shall be received at the time the City Commission addresses such items during this meeting. Pursuant to Resolution 2013-023, public comments are limited to three minutes.

FUNDS BUDGETED: None

ATTACHMENTS:

RECOMMENDATION: None

ACTION: None